

H. B. 3159

(By Delegates M. Poling, Stowers, Young, Perry, Williams,
Barill, Pethtel, Lawrence, Pasdon, Ambler and Cooper)

[Originating in the Committee on Education.]

(March 26, 2013)

A BILL to amend and reenact §18-5B-10 of the code of West Virginia, 1931, as amended, relating to excepting Monroe County Schools from compulsory attendance age law for purpose of increasing age to eighteen; and excepting Nicholas County Schools from requirement to commence compulsory attendance actions after certain maximum absences for purpose of limited absence excusal for Saturday program completion.

Be it enacted by the Legislature of West Virginia:

That §18-5B-10 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

§18-5B-10. Exceptions to statutes granted to innovation zones;

1 **limitations.**

2 (a) The Legislature hereby grants an exception to the
3 statute or statutes indicated for the following schools pursuant
4 to and for the purposes enumerated in their innovation zone plans
5 approved by the state board at its meeting on the date specified.
6 The grant of an exception to a statute means that the school or
7 schools granted the exception may implement the actions as
8 specifically described in their approved innovation zone plan
9 notwithstanding the provisions of this code from which they are
10 specifically excepted. These exceptions are limited to the
11 purposes as specifically described in the plan approved on the
12 date indicated and are expressly repealed for any plan
13 modification or plan implementation which changes those purposes.
14 However, nothing in this section prohibits a school or schools
15 with an approved innovation zone plan from requesting plan
16 modifications, subject to approval of the state board, and if the
17 modifications change the purposes for which an exception to a
18 statute was granted, the state board shall request an exception
19 to achieve the new purposes in the manner provided in section
20 five of this article for requesting exceptions to a statute. If
21 the approved innovation zone plan of a school or schools is
22 withdrawn by the state board, or the innovation zone designation
23 of a school or schools is revoked by the state board, the
24 exception granted to that school or those schools is expressly

1 repealed.

2 (b) The following exceptions are granted:

3 (1) Piedmont Elementary School, Kanawha County, is excepted
4 from subsection (3), section fourteen, article four, chapter
5 eighteen-a of this code for the purpose of allowing specialist
6 teachers to take their planning period before and after school
7 totaling one hour, three days per week, and from section
8 eighteen-a, article five of this chapter for the purpose of
9 permitting a number of students in music and physical education
10 classes in excess of the class size limits to provide the time
11 and structure for teams to meet in professional learning
12 communities, which purposes are as more specifically described in
13 the school's innovation zone plan approved by the state board on
14 January 13, 2010;

15 (2) Putnam County High Schools Consortium comprised of
16 Buffalo High School, Hurricane High School, Poca High School,
17 Winfield High School and Putnam Career and Technical Center,
18 Putnam County, is excepted from section forty-five, article five
19 of this chapter only to the extent necessary for the purpose of
20 establishing a structured transition program for freshman only
21 one day prior to the beginning of the regular instructional term,
22 and for the purpose of permitting the creation of not more than
23 three hours each month during the school term of structured,
24 regularly scheduled time for all teachers to work in professional

1 learning communities, which purposes are as more specifically
2 described in the schools' innovation zone plan approved by the
3 state board on January 13, 2010;

4 (3) Nellis Elementary School, Boone County, is excepted from
5 subsection (a), section two, article five-a of this chapter, for
6 the purpose of expanding the membership of its local school
7 improvement council, which purpose is as more specifically
8 described in the school's innovation zone plan approved by the
9 state board on January 13, 2010;

10 (4) Cabell County Secondary School Consortium comprised of
11 Cabell County Career Technical Center, Cabell Midland High School
12 and Huntington High School, Cabell County, is excepted from
13 sections one and one-a, article eight of this chapter for the
14 purpose of raising the compulsory school attendance age to
15 eighteen years old, and from section two-b, article three,
16 chapter eighteen-a of this code for the purpose of providing a
17 customized high quality beginning teacher induction program
18 developed at the county level, which purposes are as more
19 specifically described in the schools' innovation zone plan
20 approved by the state board on January 13, 2010; ~~and~~

21 (5) Clay County Schools is excepted from section fifteen,
22 article five of this chapter for the purpose of allowing persons
23 over the age of twenty-one years to enroll without charge of fees
24 in the Clay County Schools "iREAD" program and upon, successful

1 completion, be awarded a Clay County High School Diploma, which
2 purposes are more specifically described in the Clay County
3 School's innovation zone plan approved by the state board on
4 January 12, 2011. The grant of this exception does not abrogate
5 the authority of the state board to determine the minimum
6 standards for granting diplomas pursuant to section six, article
7 two of this chapter and does not permit persons over the age of
8 twenty-one who re-enter the public schools to be included in net
9 enrollment for the purposes of funding pursuant to article nine-a
10 of this chapter, except as otherwise provided by law;

11 (6) Monroe County Schools is excepted from subdivision (3),
12 subsection (a), section one-a, article eight of this chapter for
13 the purpose of allowing the school district to increase the
14 compulsory school attendance age from seventeen years of age to
15 eighteen years of age as part of its county-wide dropout
16 prevention initiative as more specifically described in the
17 Monroe County School's Local Solutions Dropout Prevention and
18 Recovery Innovation Zone plan approved by the state board on
19 November 14, 2012; and

20 (7) Nicholas County Schools is excepted from sections four,
21 eight and eleven, article eight of this chapter only to the
22 extent necessary to permit up to two unexcused absences per
23 semester on regular instructional days to be erased from a
24 student's attendance record and not used toward the initiation of

1 the attendance enforcement actions as set-forth in those
2 sections, if the student successfully completes the county's
3 Saturday instruction program operated as part of the county's
4 county-wide Attendance Recovery dropout prevention initiative as
5 more specifically described in the Nicholas County School's Local
6 Solutions Dropout Prevention and Recovery Innovation Zone plan
7 approved by the state board on October 3, 2012.

Note: The purpose of this bill is to grant exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems to implement their respective Local Solution Dropout Prevention and Recovery Innovation Zone grant plans.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.