

# H. B. 3159

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(BY DELEGATE(S) M. POLING, STOWERS, YOUNG,  
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[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; limitations.**

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11 and are expressly repealed for any plan modification or plan  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

19 article for requesting exceptions to a statute. If the approved  
20 innovation zone plan of a school or schools is withdrawn by the  
21 state board, or the innovation zone designation of a school or  
22 schools is revoked by the state board, the exception granted to  
23 that school or those schools is expressly repealed.

24 (b) The following exceptions are granted:

25 (1) Piedmont Elementary School, Kanawha County, is  
26 excepted from subsection (3), section fourteen, article four,  
27 chapter eighteen-a of this code for the purpose of allowing  
28 specialist teachers to take their planning period before and after  
29 school totaling one hour, three days per week, and from section  
30 eighteen-a, article five of this chapter for the purpose of permit-  
31 ting a number of students in music and physical education  
32 classes in excess of the class size limits to provide the time and  
33 structure for teams to meet in professional learning communities,  
34 which purposes are as more specifically described in the school's  
35 innovation zone plan approved by the state board on January 13,  
36 2010;

37 (2) Putnam County High Schools Consortium comprised of  
38 Buffalo High School, Hurricane High School, Poca High School,

39 Winfield High School and Putnam Career and Technical Center,  
40 Putnam County, is excepted from section forty-five, article five  
41 of this chapter only to the extent necessary for the purpose of  
42 establishing a structured transition program for freshman only  
43 one day prior to the beginning of the regular instructional term,  
44 and for the purpose of permitting the creation of not more than  
45 three hours each month during the school term of structured,  
46 regularly scheduled time for all teachers to work in professional  
47 learning communities, which purposes are as more specifically  
48 described in the schools' innovation zone plan approved by the  
49 state board on January 13, 2010;

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

56 (4) Cabell County Secondary School Consortium comprised  
57 of Cabell County Career Technical Center, Cabell Midland High  
58 School and Huntington High School, Cabell County, is excepted

59 from sections one and one-a, article eight of this chapter for the  
60 purpose of raising the compulsory school attendance age to  
61 eighteen years old, and from section two-b, article three, chapter  
62 eighteen-a of this code for the purpose of providing a customized  
63 high quality beginning teacher induction program developed at  
64 the county level, which purposes are as more specifically  
65 described in the schools' innovation zone plan approved by the  
66 state board on January 13, 2010; ~~and~~

67 (5) Clay County Schools is excepted from section fifteen,  
68 article five of this chapter for the purpose of allowing persons  
69 over the age of twenty-one years to enroll without charge of fees  
70 in the Clay County Schools "iREAD" program and upon,  
71 successful completion, be awarded a Clay County High School  
72 Diploma, which purposes are more specifically described in the  
73 Clay County School's innovation zone plan approved by the  
74 state board on January 12, 2011. The grant of this exception does  
75 not abrogate the authority of the state board to determine the  
76 minimum standards for granting diplomas pursuant to section  
77 six, article two of this chapter and does not permit persons over  
78 the age of twenty-one who re-enter the public schools to be

79 included in net enrollment for the purposes of funding pursuant  
80 to article nine-a of this chapter, except as otherwise provided by  
81 law.

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

91 (7) Nicholas County Schools is excepted from sections four,  
92 eight and eleven, article eight of this chapter only to the extent  
93 necessary to permit up to two unexcused absences per semester  
94 on regular instructional days to be erased from a student's  
95 attendance record and not used toward the initiation of the  
96 attendance enforcement actions as set-forth in those sections, if  
97 the student successfully completes the county's Saturday  
98 instruction program operated as part of the county's county-wide

99 Attendance Recovery dropout prevention initiative as more  
100 specifically described in the Nicholas County School's Local  
101 Solutions Dropout Prevention and Recovery Innovation Zone  
102 plan 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.

