

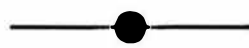
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2013 APR 23 AM 9:06

SECRETARY OF STATE

HB 3159

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2013



ENROLLED

House Bill No. 3159

(By Delegate(s) M. Poling, Stowers, Young, Perry, Williams, Barill,
Pethel, Lawrence, Pasdon, Ambler and Cooper)



Passed April 10, 2013

In effect from passage.

FILED

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SECRETARY OF STATE

E N R O L L E D

H. B. 3159

(BY DELEGATE(S) M. POLING, STOWERS, YOUNG,
PERRY, WILLIAMS, BARILL, PETHTEL, LAWRENCE,
PASDON, AMBLER AND COOPER)

[Passed April 10, 2013; in effect from passage.]

AN ACT 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11 and are expressly repealed for any plan modification or plan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;

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.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Danny Wells
Chairman, House Committee

[Signature]
Chairman, Senate Committee

Originating in the House.

In effect from passage.

Bruce M. Say
Clerk of the House of Delegates

Joseph M. Miranda
Clerk of the Senate

[Signature]
Speaker of the House of Delegates,

[Signature]
President of the Senate

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SECRETARY OF STATE
FILED

The within *is approved* this the *22nd*
day of *April*, 2013.

Earl Ray
Governor

PRESENTED TO THE GOVERNOR

APR 22 2013

Time 2:10 pm