

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4189

**FISCAL
NOTE**

By Delegate Hornbuckle

[Introduced January 14, 2026; referred to the
Committee on Education then Finance]

1 A BILL to amend §18-31-5 and §18-31-8 of the Code of West Virginia, 1931, as amended, relating
2 to Hope Scholarship awards; placing a limitation on eligibility based on the income of the
3 recipient family; and requiring reimbursement of counties for services or activities the
4 county provides to Hope Scholarship recipients.

Be it enacted by the Legislature of West Virginia:

§18-31-5. Award of Hope Scholarships.

1 (a) The Hope Scholarship Program is established to provide the option for a parent to
2 better meet the individual elementary and secondary education needs of his or her eligible child.
3 The program shall be operational no later than July 1, 2022.

4 (b) The board shall create a standard application form that a parent can submit to establish
5 his or her student's eligibility for the award of Hope Scholarship funds, to be placed in a personal
6 education savings account to be used for qualifying education expenses on behalf of the eligible
7 recipient as provided for in §18-31-7 of this code. Information about scholarship funds and the
8 application process shall be made available on the board's website.

9 (c) The board shall process, accept, and make available Hope Scholarship applications
10 and awards at any time during the calendar year. The board may update the application as
11 needed. The board shall issue an award letter to eligible recipients within 45 days of receipt of a
12 completed application and all required documentation.

13 (d) The board shall approve an application for a Hope Scholarship if all of the following
14 circumstances are met:

15 (1) A parent submits an application for a Hope Scholarship in accordance with the
16 legislative rules promulgated by the board;

17 (2) A student on whose behalf the parent is applying is an eligible recipient, as provided in
18 §18-31-2(5) of this code;

19 (3) The parent signs an agreement with the board, promising to do all of the following:

20 (A) To provide an education for the eligible recipient in at least the subjects of reading,

language, mathematics, science, and social studies;

(B) To use the Hope Scholarship funds exclusively for qualifying expenses incurred in providing the student an elementary or secondary education as provided for in §18-31-7 of this code;

(C) To comply with the rules and requirements of the Hope Scholarship Program;

(D) To afford the Hope Scholarship student opportunities for educational enrichment such as organized athletics, art, music, or literature; and

(E) To notify the Hope Scholarship Board immediately and cease use of Hope Scholarship funds upon the student's reenrollment in a public school or when the student graduates from or otherwise successfully completes a secondary school program;

(4) The board confirms with the West Virginia Department of Education that the student satisfies §18-31-2(5) of this code: *Provided*, That if the department does not reply within 30 days, this criteria is considered satisfied.

(e) All records accepted or maintained by the board containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not a public record subject to release pursuant to the West Virginia Freedom of Information Act, as codified in §29B-1-1 *et seq.* of this code.

(f) Family income-based adjustments to Hope Scholarship awards —

(1) To preserve the financial soundness of the Hope Scholarship program, an income eligibility qualification is established to assure sufficient funding is available for all students. The Board shall implement Hope Scholarship income-based eligibility for students as follows:

Each year the Board shall review and publish for the upcoming school year a schedule for eligible student awards based on the calculation of the family income for the prior year's earning of the family to be calculated as follows:

(A) For any family at or below the 450% of the federal poverty level: full award;

(B) For any family at or below 500% of the federal poverty level: 85% of full award;

(C) For any family at or below 600% of the federal poverty level: 50% of full award;

(D) For any family at or below 650% of the federal poverty level: 37% of the full award.

(E) For any family at or below 700% the federal poverty level: 25% of the full award;

(F) For any family at or below 750% of the federal poverty level: 10% of the full award.

(2) Each parent making an application for a Hope Scholarship shall submit their most recent tax documents or information as required by the board to determine the eligibility of the child or children for a Hope Scholarship for the upcoming school term year. The Board shall establish protocols and directives to assure that all tax information is used solely to determine eligibility and shall preserve confidentiality for all personal tax and income information.

(3) The board shall promulgate the necessary rules and policies to assist to comply with the provisions of this subsection.

§18-31-8. Annual continuation of Hope Scholarship accounts; participation in public school system.

(a) Notwithstanding any changes in eligibility, effective January 1, 2025, a Hope Scholarship student may continue participation in the program from school year to school year without reapplying for the program until one of the conditions set forth in §18-31-6(f) occurs: *Provided*, That the board shall verify with the Department of Education the following information by July 1 of every year:

(1) A list of all active Hope Scholarship accounts;

(2) The resident school district of each Hope Scholarship student;

(3) For a Hope Scholarship student who chooses to attend a participating school, annual confirmation of his or her continued attendance at a nonpublic school that complies with all requirements that other nonpublic school students must comply with; and

(4) For a Hope Scholarship student who chooses an individualized instructional program:

(A) (i) He or she has annually taken a nationally normed standardized achievement test of academic achievement in the subject areas of reading, language, and mathematics, and when

available for the student's grade-level, science and social studies;

(ii) The mean of the child's overall test results in the subject areas tested for any single year is within or above the fourth stanine or, if below the fourth stanine, show improvement from the previous year's results; and

(iii) The mean of the child's overall test results are reported to the county superintendent; or

(B) (i) A certified teacher conducts a review of the student's academic work annually;

(ii) The certified teacher determines that the student is making academic progress commensurate with his or her age and ability; and

(iii) The certified teacher's determination is reported to the county superintendent.

(b) As a condition of continued participation in the Hope Scholarship Program from one school year to the next, a parent must annually meet the following requirements, according to the deadlines and procedures established by the Board:

(1) The parent must submit proof of the student's continued West Virginia residency;

(2) The parent must execute the parent agreement with the Board described in §18-31-5(d)(3) of this code ahead of each school year; ~~and~~

(3) The parent must report to the county superintendent of the student's county of residence that the student has complied with all attendance and academic requirements in accordance with subsection (a) of this section for the most recent school year; and

(4) Income or tax information as required by the Board pursuant to §18-31-8(f) of this code.

(c) Each county superintendent shall submit the test results and determinations reported to him or her pursuant to subsection (a) of this section to the board and the Department of Education each year on or before June 15.

(d) If a parent fails to meet the annual conditions for continued participation in the Hope Scholarship Program described in subsection (b) of this section, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent declines continued participation in the program or does not respond within 30 calendar days of receipt of

notice, the board shall close the account and any remaining moneys shall be returned to the state.

(e) If an eligible recipient decides to return to the Hope Scholarship Program after failing to meet the conditions for continued participation described in subsection (b) of this section, they must reapply.

(f) ~~The board, in consultation with the Department of Education, may~~ shall adopt rules and policies for Hope Scholarship students who want to continue to receive services provided by a public school or district, including individual classes and extracurricular programs, in combination with an individualized instructional program. ~~The board, in consultation with the Department of Education, in consultation with county boards of education, shall establish a fee schedule for each event or activity that a Hope Scholarship recipient is eligible to participate in to assure that the county board of education is reimbursed for costs for providing that service or activity to the Hope Scholarship participant. If the Department of Education determines that a cost disparity between counties is significant, then a fee schedule may be promulgated by county or region to assure assessment of any collected fee is fair and equitable. Any fee must be paid by the Hope Scholarship participant for participation in any event or activity administered by county public county school system. The Department of Education may provide guidelines and establish procedures to have the fees deducted from the Hope Scholarship Award at the time of the award. Collection of these fees shall ensure that any public school or school district providing such services receives the appropriate pro rata share of a student's Hope Scholarship funds based on the percentage of total instruction provided to the student by the public school or school district. County boards and charter school governing boards shall charge tuition to Hope Scholarship students who enroll for services in a public school within the county or in a public charter school. Hope Scholarship students who enroll for services part-time in public school shall not be included in net enrollment for state aid funding purposes under §18-9A-2 of this code. Nothing in this subsection prohibits a Hope Scholarship student from using the funds deposited in his or her account on both services provided by a public school or district and other qualifying expenses as~~

66 provided for in §18-31-7 of this code.

67 (g) The board, in consultation with the Department of Education, may adopt rules and
68 policies to provide the least disruptive process for Hope Scholarship students who desire to stop
69 receiving Hope Scholarship payments and return full-time to a public school.

NOTE: The purpose of this bill is to help preserve Hope Scholarship funding resources by placing family income eligibility limitations for Hope scholarships, and providing the county schools be reimbursed for services provided to Hope scholarship recipients.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.