

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,

21 language, mathematics, science, and social studies;
22 (B) To use the Hope Scholarship funds exclusively for qualifying expenses incurred in
23 providing the student an elementary or secondary education as provided for in §18-31-7 of this
24 code;

25 (C) To comply with the rules and requirements of the Hope Scholarship Program;
26 (D) To afford the Hope Scholarship student opportunities for educational enrichment such
27 as organized athletics, art, music, or literature; and

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

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

34 (e) All records accepted or maintained by the board containing personally identifying
35 information of a Hope Scholarship student, applicant, or parent are confidential and not a public
36 record subject to release pursuant to the West Virginia Freedom of Information Act, as codified in
37 §29B-1-1 *et seq.* of this code.

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

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

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

45 (A) For any family at or below the 450% of the federal poverty level: full award;
46 (B) For any family at or below 500% of the federal poverty level: 85% of full award;

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

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

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

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

51 (2) Each parent making an application for a Hope Scholarship shall submit their most

52 recent tax documents or information as required by the board to determine the eligibility of the

53 child or children for a Hope Scholarship for the upcoming school term year. The Board shall

54 establish protocols and directives to assure that all tax information is used solely to determine

55 eligibility and shall preserve confidentiality for all personal tax and income information.

56 (3) The board shall promulgate the necessary rules and policies to assist to comply with

57 the provisions of this subsection.

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

1 (a) Notwithstanding any changes in eligibility, effective January 1, 2025, a Hope

2 Scholarship student may continue participation in the program from school year to school year

3 without reapplying for the program until one of the conditions set forth in §18-31-6(f) occurs:

4 *Provided, That the board shall verify with the Department of Education the following information by*

5 July 1 of every year:

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

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

8 (3) For a Hope Scholarship student who chooses to attend a participating school, annual

9 confirmation of his or her continued attendance at a nonpublic school that complies with all

10 requirements that other nonpublic school students must comply with; and

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

12 (A) (i) He or she has annually taken a nationally normed standardized achievement test of

13 academic achievement in the subject areas of reading, language, and mathematics, and when

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

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

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

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

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

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

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

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

27 (2) The parent must execute the parent agreement with the Board described in §18-31-
28 5(d)(3) of this code ahead of each school year; and

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

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

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

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

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

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

44 (f) The board, in consultation with the Department of Education, ~~may shall~~ adopt rules and
45 policies for Hope Scholarship students who want to continue to receive services provided by a
46 public school or district, including individual classes and extracurricular programs, in combination
47 with an individualized instructional program. The board, in consultation with the Department of
48 Education, in consultation with county boards of education, shall establish a fee schedule for each
49 event or activity that a Hope Scholarship recipient is eligible to participate in to assure that the
50 county board of education is reimbursed for costs for providing that service or activity to the Hope
51 Scholarship participant. If the Department of Education determines that a cost disparity between
52 counties is significant, then a fee schedule may be promulgated by county or region to assure
53 assessment of any collected fee is fair and equitable. Any fee must be paid by the Hope
54 Scholarship participant for participation in any event or activity administered by county public
55 county school system. The Department of Education may provide guidelines and establish
56 procedures to have the fees deducted from the Hope Scholarship Award at the time of the award.

57 Collection of these fees shall ensure that any public school or school district providing such
58 services receives the appropriate pro rata share of a student's Hope Scholarship funds based on
59 the percentage of total instruction provided to the student by the public school or school district.

60 County boards and charter school governing boards shall charge tuition to Hope Scholarship
61 students who enroll for services in a public school within the county or in a public charter school.
62 Hope Scholarship students who enroll for services part-time in public school shall not be included
63 in net enrollment for state aid funding purposes under §18-9A-2 of this code. Nothing in this
64 subsection prohibits a Hope Scholarship student from using the funds deposited in his or her
65 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.