

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4855

**FISCAL
NOTE**

By Delegates Dillon and T. Howell

[Introduced January 28, 2026; referred to the
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §18-36-1, §18-36-2, §18-36-3, §18-36-4, §18-36-5, §18-36-6, §18-36-7, and
3 §18-36-8, relating to the elimination of the West Virginia Department of Education and
4 providing direct funding for education; providing for the abolition of the department;
5 reducing the role of the State Superintendent; creating a fund within the State Treasurer;
6 modifying the county apportionment; providing for teacher classroom benefits; and
7 providing for severability and an effective date.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 36. ELIMINATION OF WEST VIRGINIA DEPARTMENT OF EDUCATION;
DIRECT FUNDING FOR EDUCATION.**

§18-36-1. Legislative findings and purpose.

1 The Legislature finds that the Constitution vests general supervision of free schools in the
2 State Board of Education and that the Legislature may prescribe duties by law. The purpose of this
3 Act is to streamline state education administration, return certain functions to local control,
4 centralize fund custody with the State Treasurer, and increase transparency.

§18-36-2. Abolition of the Department of Education.

1 (a) Effective July 1 of the fiscal year following enactment, the West Virginia Department of
2 Education and all statutory offices, divisions, and programs within it are abolished.

3 (b) All functions, records, assets, and liabilities of the abolished Department shall be
4 transferred as provided in this Act or as otherwise directed by law.

§18-36-3. Office of the State Superintendent of Schools.

1 (a) The Office of the State Superintendent of Schools is resized to the constitutional role of
2 supervising compliance with state and federal law, reporting to the State Board of Education and
3 the Legislature, and making recommendations; the Superintendent shall perform only such
4 additional duties as the Legislature prescribes.

(b) Superintendent salary shall not exceed the salary of a member of the Board of Public Works.

(c) All rulemaking, program administration, and grant management functions formerly exercised by the Department are transferred to the State Treasurer, county boards, or other entities as provided in this Act.

§18-36-4. School Fund at the State Treasurer.

(a) There is established in the State Treasury the School Fund to be administered by the State Treasurer as custodian of state and federal education funds; all state and federal education appropriations and receipts shall be deposited into the School Fund unless otherwise required by federal law or specific statute.

(b) The State Treasurer shall administer and distribute funds to counties in accordance with Section 6 and shall maintain accounting and transparency standards.

§18-36-5. County apportionment formula.

(a) All funds in the School Fund shall be distributed to county boards of education annually. Distribution shall be apportioned using a formula weighting two-thirds (2/3) by county population and one-third (1/3) by inhabitable land mass. Land excluded from calculation where human habitation is legally prohibited shall not be counted.

(b) Funds are unrestricted and unencumbered except where state or federal law expressly imposes restrictions.

§18-36-6. Teacher classroom expense accounts.

The Legislature shall appropriate a per-teacher classroom expense account amount to be distributed to each certificated classroom teacher; the amount shall be set annually by the Legislature and disbursed from county school accounts.

§18-36-7. Purchase-card use and transparency.

(a) County boards of education and their employees shall use purchase cards as the standard procurement method for routine purchases and expenses.

- 3 (b) All purchase-card transactions shall be published in a searchable public format by the
4 State Treasurer and county boards, including vendor, date, amount, and purpose.

§18-36-8. Severability and effective date.

- 1 If any provision is held invalid, the remainder remains effective. This Act takes effect July 1
2 following enactment, except where otherwise provided.

NOTE: The purpose of this bill is to eliminate the West Virginia Department of Education and provide direct funding for education.

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