

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.

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

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

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

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

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

§18-36-5. County apportionment formula.

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

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

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

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

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

1 (a) County boards of education and their employees shall use purchase cards as the
2 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.

If any provision is held invalid, the remainder remains effective. This Act takes effect July 1 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.