

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5124

By Delegate Young

[Introduced February 03, 2026; referred to the
Committee on Education]

1 A BILL to amend and reenact §18-31-2 and §18-31-11 of the Code of West Virginia, 1931, as
2 amended, relating to the eligibility of nonpublic schools and education service providers to
3 participate in the Hope Scholarship Program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-2.

Definitions.

1 The following words have the meanings ascribed to them unless the context clearly
2 indicates a different meaning:

3 (1) "Account" or "scholarship" means a Hope Scholarship account, awarded pursuant to
4 this article, to which funds are allocated by the board to the parent or parents of an eligible Hope
5 Scholarship student in order to pay qualifying elementary and secondary education expenses to
6 educate the student pursuant to the requirements and conditions of this article;

7 (2) "Board" means the Hope Scholarship Board created pursuant to §18-31-3 of this code;

8 (3) "Curriculum" means a complete course of study for a particular elementary or
9 secondary education content area or grade level including, but not limited to, textbooks;
10 workbooks; student and teacher curriculum kits; activity, learning, or study guides; or any
11 supplemental materials required by the curriculum;

12 (4) "Education service provider" means a person or organization that receives payments
13 from Hope Scholarship accounts to provide educational goods and services to Hope Scholarship
14 students;

15 (5) "Eligible recipient" means a child who:

16 (A) Is a resident of this state;

17 (B) Whose household adjusted gross income is under \$100,000 annually and

18 (C) Is enrolled full-time and attending a public elementary or secondary school program in
19 this state for at least 45 calendar days during an instructional term at the time of application and
20 until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a

21 public elementary or secondary school program in this state for the entire instructional term the
22 previous year, or is eligible at the time of application to enroll in a kindergarten program in this state
23 pursuant to §18-8-1a of this code, except that if on July 1, 2024, the participation rate of the
24 combined number of students in the Hope Scholarship Program and students eligible who have
25 applied to participate in the Hope Scholarship program during the previous school year is less than
26 five percent of net public school enrollment adjusted for state aid purposes for the previous school
27 year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph
28 if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program
29 or public elementary or secondary school program in this state at the time of application;

30 (6) "Hope scholarship funds" means the moneys deposited in a Hope Scholarship
31 student's account in accordance with the requirements of this article:

32 (7) "Hope scholarship student" means a student who receives a scholarship pursuant to
33 this article;

34 (8) "Individualized Instructional Program (IIP)" means a customized educational
35 experience that takes place either at home or another location. Hope Scholarship students
36 participating in an IIP are not enrolled in a participating school and shall be governed by the
37 requirements of this article, unless otherwise stated, and not any other compulsory school
38 attendance exemption requirements;

39 (9) "Parent" means a biological parent, legal guardian, custodian, or other person with
40 legal authority to act on behalf of an eligible recipient or Hope Scholarship student;

41 (10) "Participating school" means any private accredited non-public school established
42 and located in West Virginia that provides education to elementary and/or secondary students and
43 has notified the board of its intention to participate in the program and comply with the program's
44 requirements;

45 (11) "Resident school district" means the county school district in which the student
46 resides; and

47 (12) "Treasurer" means the West Virginia State Treasurer.

§18-31-11. Requirements for and rights of education service providers and participating schools.

1 (a) To be eligible to accept payments from a Hope Scholarship account, an education
2 service provider shall:

3 (1) Submit notice to the board that they wish to participate in the Hope Scholarship
4 Program;

5 (2) Provide participating parents with a receipt for all qualifying educational expenses for
6 the Hope Scholarship student;

7 (3) Agree not to refund, rebate, or share Hope Scholarship funds with parents or students
8 in any manner, except that funds may be remitted or refunded to a Hope Scholarship account in
9 accordance with §18-31-7(c) of this code;

10 (4) Certify that it will not discriminate on any basis prohibited by 42 U.S.C. 1981;

11 (5) Submit any employee or other person who will have contact with Hope Scholarship
12 students receiving services from the provider to a criminal background check and certify that said
13 background check does not indicate conviction of a felony involving violence to the person and
14 that the employee or other person is not on a federal or state sex offender registry; and

15 (6) In the case of a participating school, shall

16 (i) provide notice of each Hope Scholarship student's enrollment annually to the county
17 superintendent of any student for which a student's tuition is being paid through the Hope
18 Scholarship Program;

19 (ii) Submit annual proof of continued accreditation to the Hope Scholarship Board;

20 (iii) Submit annually any information related to tuition, school policies, enrollment, and any
21 other requested data to the Hope Scholarship Board.

22 (b) This article does not limit the independence or autonomy of an education service
23 provider or make the actions of an education service provider the actions of the state government.

24 (c) Education service providers shall be given maximum freedom to provide for the
25 educational needs of Hope Scholarship students without governmental control.

26 (d) A participating school or education service provider is not required to alter its creed,
27 practices, admission policy, hiring policy or curriculum in order to accept eligible recipients whose
28 parents pay tuition or fees from a Hope Scholarship account pursuant to this article: *Provided,*
29 That an education service provider is prohibited from requiring a student or family to pay tuition,
30 costs, or fees above or in addition to the provider's regular tuition or fee schedule based in whole
31 or in part upon a student or family member's participation in the Hope Scholarship Program.

32 (e) This article does not expand the regulatory authority of the state, its officers, or any
33 school district to impose any additional regulation of education service providers beyond those
34 necessary to enforce the requirements of the program.

NOTE: The purpose of this bill generally relates to the eligibility of nonpublic schools and education service providers to participate in the Hope Scholarship Program.

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