

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5249**

By Delegates Hornbuckle, Lewis, and Hansen

[Introduced February 05, 2026; referred to the

Committee on Education then Finance]

1 A BILL to amend and reenact §18-31-2 of the Code of West Virginia, 1931, as amended, relating to  
2 limiting the use of state funding under the Hope Scholarship Program for out-of-state  
3 private schools and providers.

*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 located in West Virginia  
13 that receives payments from Hope Scholarship accounts to provide educational goods and  
14 services to Hope Scholarship students;

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

16 (A) Is a resident of this state; and

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

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to prevent the use of state funds to pay costs for attending out-of-state private schools or receiving other services from an out-of-state provider.

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