

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 5321

By Delegates Statler and Toney

[Originating February 24, 2026 in the Committee on
Education.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §18-20-13, relating to guaranteeing timely educational evaluations and
3 continuity of services for children entering foster care.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

**§18-20-13. Guaranteeing timely educational evaluations and continuity of services for
children entering foster care or transition homes.**

1 For purposes of providing Individualized Education Program ("IEP") or 504 services, the
2 initial evaluation period for children entering foster care or transition homes shall be limited to a
3 maximum of 30 days. Further, upon the transfer of a student who is in the foster care system or
4 transition home, the school from which the student transferred from shall provide the school for
5 which the student transferred to with a copy of any current IEP or 504 PLAN for the student
6 immediately upon transfer. The school shall then hold an IEP meeting or Student Assistance Team
7 ("SAT") within five days of receiving the IEP or 504 PLAN.

NOTE: The purpose of this bill is to guarantee timely educational evaluations and continuity of services for children entering foster care or transition homes.

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