

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5362

By Delegates Hornbuckle, Fluharty, Williams,

Hamilton, Pushkin, Garcia, and Lewis

[Introduced February 09, 2026; referred to the

Committee on Education then Finance]

1 A BILL to amend §18-31-2a, §18-31-5, §18-31-7, and §18-31-8 of the Code of West Virginia, 1931,
 2 as amended, all relating to Hope Scholarships awards; placing a limitation on eligibility
 3 based on the income of the recipient family of the Hope Scholarship student; requiring
 4 utilization of testing and exam preparations provided by local public school; limiting use of
 5 Hope scholarships for school tuition to instate schools; and providing rulemaking directives
 6 and guidelines to the Board of Education requiring reimbursement of counties for services
 7 or activities the public school system provides to Hope Scholarship recipients.

Be it enacted by the Legislature of West Virginia:

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-2a. Educational privileges and programs available to Hope Scholarship students.

1 (a) Notwithstanding any provision of this code to the contrary, a Hope Scholarship student
 2 that pursues an individualized instructional program is exempt from the requirements of
 3 compulsory school attendance pursuant to §18-8-1(m) of this code and shall be subject to the
 4 requirements of this article unless otherwise stated: *Provided*, That upon reimbursement to the
 5 county board of education for the costs of an individualized instructional program, a Hope
 6 Scholarship student that pursues an individualized instructional program shall have the same
 7 privileges and access to programs that this code makes available to students exempt from
 8 compulsory school attendance pursuant to §18-8-1(c) of this code including, but not limited to:

9 (1) The ability to receive a diploma from the student's secondary educational program
 10 administrator according to the requirements of §18-8-12 of this code;

11 (2) The ability to receive the PROMISE scholarship according to the requirements of §18C-
 12 7-1 *et seq.* of this code;

13 (3) The ability to receive a work permit without prior review by a school administrator
 14 pursuant to §21-6-3 of this code; and

15 (4) The ability to participate in an ACE program according to the requirements in §18-2E-11
 16 of this code.

17 (b) Notwithstanding any provision of this code to the contrary, a Hope Scholarship student
 18 that attends a participating school shall have the same privileges and access to programs
 19 available to students exempt from compulsory school attendance pursuant to §18-8-1 of this code
 20 by virtue of attendance of a nonpublic school including, but not limited to:

21 (1) The ability to receive a diploma from the student's school administrator according to the
 22 requirements of §18-8-12 of this code;

23 (2) The ability to receive the PROMISE scholarship according to the requirements of §18C-
 24 7-1 *et. seq.* of this code; and

25 (3) The ability to participate in an ACE program according to the requirements in §18-2E-11
 26 of this code.

27 (c) Nothing in this section may be construed as subjecting homeschool students or
 28 nonpublic school students not participating in the Hope Scholarship Program to the requirements
 29 of this article.

§18-31-5. Award of Hope Scholarships.

1 (a) The Hope Scholarship Program is established to provide the option for a parent to
 2 better meet the individual elementary and secondary education needs of his or her eligible child.
 3 The program shall be operational no later than July 1, 2022.

4 (b) The board shall create a standard application form that a parent can submit to establish
 5 his or her student's eligibility for the award of Hope Scholarship funds, to be placed in a personal
 6 education savings account to be used for qualifying education expenses on behalf of the eligible
 7 recipient as provided for in §18-31-7 of this code. Information about scholarship funds and the
 8 application process shall be made available on the board's website.

9 (c) The board shall process, accept, and make available Hope Scholarship applications
 10 and awards at any time during the calendar year. The board may update the application as
 11 needed. The board shall issue an award letter to eligible recipients within 45 days of receipt of a
 12 completed application and all required documentation.

13 (d) The board shall approve an application for a Hope Scholarship if all of the following
14 circumstances are met:

15 (1) A parent submits an application for a Hope Scholarship in accordance with the
16 legislative rules promulgated by the board;

17 (2) A student on whose behalf the parent is applying is an eligible recipient, as provided in
18 §18-31-2(5) of this code;

19 (3) The parent signs an agreement with the board, promising to do all of the following:

20 (A) To provide an education for the eligible recipient in at least the subjects of reading,
21 language, mathematics, science, and social studies;

22 (B) To use the Hope Scholarship funds exclusively for qualifying expenses incurred in
23 providing the student an elementary or secondary education as provided for in §18-31-7 of this
24 code;

25 (C) To comply with the rules and requirements of the Hope Scholarship Program;

26 (D) To afford the Hope Scholarship student opportunities for educational enrichment such
27 as organized athletics, art, music, or literature; and

28 (E) To notify the Hope Scholarship Board immediately and cease use of Hope Scholarship
29 funds upon the student's reenrollment in a public school or when the student graduates from or
30 otherwise successfully completes a secondary school program;

31 (4) The board confirms with the West Virginia Department of Education that the student
32 satisfies §18-31-2(5) of this code: *Provided*, That if the department does not reply within 30 days,
33 this criteria is considered satisfied.

34 (e) All records accepted or maintained by the board containing personally identifying
35 information of a Hope Scholarship student, applicant, or parent are confidential and not a public
36 record subject to release pursuant to the West Virginia Freedom of Information Act, as codified in
37 §29B-1-1 *et seq.* of this code.

38 (f) Family income-based adjustments to Hope Scholarship awards-

39 (1) To preserve the financial soundness of the Hope Scholarship program, an income
40 eligibility qualification is established to ensure sufficient funding is available for all county public
41 schools. The Board shall award Hope Scholarships based on income-based eligibility for students
42 as follows:

43 (A) For any family making \$75,000 or less receives full award;

44 (B) For any family making \$75,000 to \$100,000 receives 75% of full award;

45 (C) For any family making \$100,000 to \$125,000 receives 50% of full award;

46 (D) For any family making \$125,000 to \$150,000 receives 25% of full award; and

47 (F) For any family making more than \$150,000 is ineligible for an award.

48 (2) Each parent making an application for a Hope Scholarship shall submit the family's
49 most recent tax documents or information as required by the board to determine the eligibility of
50 the child or children for a Hope Scholarship for the upcoming school term year. The Board shall
51 establish protocols and directives to ensure that all tax information is used solely to determine
52 eligibility and shall preserve confidentiality of all personal tax and income information.

§18-31-7. Qualifying expenses for Hope Scholarship accounts.

1 (a) Parents of a Hope Scholarship student shall agree to use the funds deposited in their
2 student's Hope Scholarship account only for the following qualifying expenses to educate the
3 student:

4 (1) Ongoing services provided by a public school district pursuant to §18-31-8(f) of this
5 code, including without limitation, individual classes and extracurricular activities and programs:
6 *Provided*, That notwithstanding the provisions of §18-5G-3 of this code, a public charter school
7 may invoice a Hope Scholarship student's account for said services;

8 (2) Tuition and fees at a participating in-state school;

9 (3) Tutoring services provided by an individual or a tutoring facility: *Provided*, That such
10 tutoring services are not provided by a member of the Hope Scholarship student's immediate
11 family;

12 (4) Fees for nationally standardized assessments, advanced placement examinations, any
13 examinations related to college or university admission, and tuition and/or fees for preparatory
14 courses for the aforementioned exams if unavailable in the county public school system.

15 (5) Tuition and fees for programs of study or the curriculum of courses that lead to an
16 industry-recognized credential that satisfies a workforce need;

17 (6) Tuition and fees for nonpublic online learning programs including, but not limited to,
18 online curriculum courses and tutorial programs;

19 (7) Tuition and fees for alternative education programs;

20 (8) Fees for after-school or summer education programs;

21 (9) Educational services and therapies including, but not limited to, occupational,
22 behavioral, physical, speech-language, and audiology therapies;

23 (10) Curriculum as defined in §18-31-2 of this code;

24 (11) Instruments or equipment required as part of a music education course or curriculum;

25 (12) Fees for transportation paid to a fee-for-service transportation provider for the student
26 to travel to and from an education service provider; and

27 (13) Any other qualifying expenses as approved by the board established pursuant to §18-
28 31-3 of this code: *Provided*, That the board may adopt rules and procedures for Hope Scholarship
29 students who want to continue to receive services provided by a public school or district.

30 (b) Hope Scholarship funds may only be used for educational purposes in accordance with
31 subsection (a) of this section. Nothing in this section requires that a Hope Scholarship student be
32 enrolled, full- or part-time, in either a private school or nonpublic online school.

33 (c) Hope Scholarship funds may not be refunded, rebated, or shared with a parent or
34 student in any manner: *Provided*, That the Hope Scholarship Board shall promulgate legislative
35 rules to ensure that an education service provider with 15 or more students can provide
36 compensation to employees of the provider in the provider's regular course of business,
37 notwithstanding the fact that an employee's child receives services from the education service

38 provider.

39 (d) The board may adopt procedures for establishing a reimbursement process for any
40 qualifying expenses not available for purchase by a Hope Scholarship parent through the existing
41 online Hope Scholarship Program portal. Any refund or rebate for goods or services purchased
42 with Hope Scholarship funds shall be credited directly to a student's Hope Scholarship account.

43 (e) Nothing in this section prohibits the parents of a Hope Scholarship student from making
44 payments for the costs of educational goods and services not covered by the funds in their
45 student's Hope Scholarship account. However, personal deposits into a Hope Scholarship
46 account are not permitted.

§18-31-8. Annual continuation of Hope Scholarship accounts; participation in public school system.

1 (a) Notwithstanding any changes in eligibility, effective January 1, 2025, a Hope
2 Scholarship student may continue participation in the program from school year to school year
3 without reapplying for the program until one of the conditions set forth in §18-31-6(f) occurs:
4 *Provided*, That the board shall verify with the Department of Education the following information by
5 July 1 of every year:

- 6 (1) A list of all active Hope Scholarship accounts;
- 7 (2) The resident school district of each Hope Scholarship student;
- 8 (3) For a Hope Scholarship student who chooses to attend a participating school, annual
9 confirmation of his or her continued attendance at a nonpublic school that complies with all
10 requirements that other nonpublic school students must comply with; and

11 (4) For a Hope Scholarship student who chooses an individualized instructional program:
12 (A) (i) He or she has annually taken a nationally normed standardized achievement test of
13 academic achievement in the subject areas of reading, language, and mathematics, and when
14 available for the student's grade-level, science and social studies;

15 (ii) The mean of the child's overall test results in the subject areas tested for any single year

16 is within or above the fourth stanine or, if below the fourth stanine, show improvement from the
17 previous year's results; and

18 (iii) The mean of the child's overall test results are reported to the county superintendent; or

19 (B) (i) A certified teacher conducts a review of the student's academic work annually;

20 (ii) The certified teacher determines that the student is making academic progress
21 commensurate with his or her age and ability; and

22 (iii) The certified teacher's determination is reported to the county superintendent.

23 (b) As a condition of continued participation in the Hope Scholarship Program from one
24 school year to the next, a parent must annually meet the following requirements, according to the
25 deadlines and procedures established by the Board:

26 (1) The parent must submit proof of the student's continued West Virginia residency;

27 (2) The parent must execute the parent agreement with the Board described in §18-31-
28 5(d)(3) of this code ahead of each school year; and

29 (3) The parent must report to the county superintendent of the student's county of
30 residence that the student has complied with all attendance and academic requirements in
31 accordance with subsection (a) of this section for the most recent school year, and

32 (4) Income or tax information as required by the Board pursuant to §18-31-8(f) of this code.

33 (c) Each county superintendent shall submit the test results and determinations reported to
34 him or her pursuant to subsection (a) of this section to the board and the Department of Education
35 each year on or before June 15.

36 (d) If a parent fails to meet the annual conditions for continued participation in the Hope
37 Scholarship Program described in subsection (b) of this section, the board shall notify the parent
38 that the eligible recipient's account will be closed in 45 calendar days. If a parent declines
39 continued participation in the program or does not respond within 30 calendar days of receipt of
40 notice, the board shall close the account and any remaining moneys shall be returned to the state.

41 (e) If an eligible recipient decides to return to the Hope Scholarship Program after failing to

42 meet the conditions for continued participation described in subsection (b) of this section, they
43 must reapply.

44 (f) ~~The board, in consultation with the Department of Education, may~~ shall adopt rules and
45 policies for Hope Scholarship students who want to continue to receive services provided by a
46 public school or district, including individual classes, and extracurricular programs, in combination
47 with an individualized instructional program. ~~The board in consultation with the Department of~~
48 Education, in consultation with the board and county boards of education, shall establish a fee
49 schedule for each event or activity that a Hope Scholarship recipient is eligible to participate in to
50 assure that the county board of education is reimbursed for the proportionate percentage of Hope
51 funds used providing that service or activity to the Hope Scholarship participant. If the Department
52 of Education determines that the cost disparity between counties is significant, then a fee schedule
53 may be promulgated by county or region to ensure assessment of any collected fee is fair and
54 equitable. Any fee must be paid by the Hope Scholarship participant for participation in any event
55 or activity administered by county public county school system. The Department of Education shall
56 provide guidelines and establish procedures to have the fees deducted from the Hope Scholarship
57 Award at the time of the award or upon subsequent enrollment in a public school provided activity
58 or service. Collection of these fees shall ensure that any public school or school district providing
59 such services receives the appropriate pro rata share of a student's Hope Scholarship funds
60 based on the percentage of total instruction provided to the student by the public school or school
61 district. County boards and charter school governing boards shall charge tuition to Hope
62 Scholarship students who enroll for services in a public school within the county or in a public
63 charter school. Hope Scholarship students who enroll for services part-time in public school shall
64 not be included in net enrollment for state aid funding purposes under §18-9A-2 of this code.
65 Nothing in this subsection prohibits a Hope Scholarship student from using the funds deposited in
66 his or her account on both services provided by a public school or district and other qualifying
67 expenses as provided for in §18-31-7 of this code.

68 (g) The board, in consultation with the Department of Education, may adopt rules and
69 policies to provide the least disruptive process for Hope Scholarship students who desire to stop
70 receiving Hope Scholarship payments and return full-time to a public school.

NOTE: The purpose of this bill is to help to preserve funding for public schools and insure fairness in the use of Hope Scholarship funds; allowing Hope tuition reimbursements only to instate schools; establishing a family income eligibility schedule for Hope scholarships; requiring Hope recipients reimburse public schools the costs of providing individualized instruction programs; requiring Hope participants to utilize college exam and testing preparation course available in public school schools; requiring the state Board of Education to provide rules for implementation of cost and payment reimbursements for public school costs for services provided to Hope recipients; and to provide directives to assure county schools are reimbursed for services provided to Hope scholarship recipients.

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