

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5412

FISCAL
NOTE

By Delegates Hanshaw (Mr. Speaker) and
Hornbuckle

(By request of the Executive)

[Introduced February 10, 2026; referred to the
Committee on Education then Finance]

1 A BILL to amend and reenact §11-8-26, §18-2E-12 and §18-9A-10 of the Code of West Virginia,
2 1931, as amended; and to amend the code by adding a new section, designated §18A-3-
3 13, relating to establishing the Future-Ready Education Act that seeks to facilitate the
4 modernization of educational programs and technologies that can prepare students for
5 future workforce needs; authorizing multi-year contracts by local fiscal bodies to procure
6 educational materials with a technology licensing service component where it would result
7 in material fiscal savings; requiring maintaining documentation regarding the fiscal savings
8 from authorized multi-year contract; extending the Mountain State Digital Project to grades
9 9-12 and extending the program to include educational support and tutoring curriculum
10 including in reading, mathematics, science, career-technical education; authorizing the
11 Department of Education to retain \$7,100,000 from the foundational allowance for school
12 year 2026-2027 to develop and provide to each Kindergarten through Grade 5 public
13 school teacher that provides literacy instruction the high quality professional training in the
14 science of reading; providing that beginning in 2026-2027 school year, each Kindergarten
15 through Grade 5 public school teacher providing literacy instruction and intensive training
16 in the science of reading; allowing public charter school educators to voluntarily participate
17 in the training.

Be it enacted by the Legislature of West Virginia:

CHAPTER 11. TAXATION.

ARTICLE	8.	LEVIES.
§11-8-26.	Unlawful expenditures by local fiscal body.	

1 (a) Except as provided in §11-8-14b, §11-8-25a, and §11-8-26a of this code, a local fiscal
2 body shall not expend money or incur obligations:

3 (1) In an unauthorized manner;

4 (2) For an unauthorized purpose;

5 (3) In excess of the amount allocated to the fund in the levy order; or

6 (4) In excess of the funds available for current expenses.

7 (b) As it pertains to subdivision (a)(4) of this section, local fiscal bodies shall not obligate
8 funds beyond a period of one year except that local fiscal bodies shall have the authority to enter
9 into multi-year contracts with a term extending up to five years only if:

10 (1) The contract is for the procurement of educational materials with a technology licensing
11 service component;

12 (2) The contract includes a cancellation clause allowing the local fiscal body to terminate
13 the contract at any time upon 30 days' notice to the vendor; and

14 (3) Local fiscal bodies must justify entering into multi-year contracts by maintaining
15 documentation of material fiscal savings to the body.

16 ~~(b)~~ (c) Notwithstanding the foregoing and any other provision of law to the contrary, a local
17 fiscal body or its duly authorized officials may not be penalized for a casual deficit which does not
18 exceed its approved levy estimate by more than three percent: *Provided*, That such casual deficit
19 is satisfied in the levy estimate for the succeeding fiscal year: *Provided, however*, That in
20 calculating a deficit for purposes of this section, account shall not be taken of any amount for which
21 the local fiscal body may be liable for the unfunded actuarial accrued liability of the West Virginia
22 Retiree Health Benefit Trust Fund or any amount allocated to the local fiscal body as an employer
23 annual required contribution that exceeds the minimum annual employer payment component of
24 the contribution, all as provided under §5-16D-1 et seq., ~~article sixteen-d, chapter five~~ of this code.

CHAPTER 18. EDUCATION.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.
§18-2E-12. Mountain State Digital Literacy Project.

1 (a) Beginning for the school year 2020-2021, the state board shall implement a pilot
2 project, hereby designated the Mountain State Digital Literacy Project. The state board shall

3 determine the number of schools eligible to participate in the pilot project and may adjust that
4 number on a yearly basis. The state board shall select the schools to participate in the project, but
5 selected schools shall possess varying geographic and demographic characteristics and serve
6 students in grades K-8 K-12.

7 (b) Subject to legislative appropriation for this purpose, schools participating in the project
8 shall be provided with instructional, educational support, and tutoring resources for students and
9 teachers that feature an extensive curriculum related to digital literacy, online assessment
10 preparation, reading, mathematics, science, career-technical education, and internet safety.
11 Administrators and teachers at the participating schools shall be provided access to online digital
12 literacy related professional development and support.

13 (c) The project shall be designed and implemented to compliment and build upon the
14 digital literacy standards and assessments established pursuant to §18-2-12, §18-2E-5(c)(16),
15 and §18-2E-5(d)(5) of this code.

16 (d) The state board may contract with a third-party to facilitate the project. Any such third-
17 party shall satisfy the following qualifications:

18 (1) Possesses demonstrable experience facilitating similar digital literacy initiatives with
19 public school systems;

20 (2) Provides extensive digital literacy content over the internet that may be adapted to age
21 or grade specific users and assessment tools, and integrates with widely used platforms; and

22 (3) Provides digital literacy-related professional development and support resources for
23 administrators and teachers.

24 (e) On or before January 1, ~~2020~~ 2027, the state board shall submit to the Governor and
25 the Legislative Oversight Committee on Education Accountability a report that provides
26 information on the development, structure, and fiscal estimate of the Mountain State Digital
27 Literacy Project.

28 (f) On or before January 1, ~~2025~~ 2028, the state board shall submit to the Governor and the
 29 Legislative Oversight Committee on Education Accountability an evaluation of the pilot project's
 30 impact on the performance and progress of students at the participating schools. The evaluation
 31 shall include a recommendation for pilot project continuation, expansion or termination and, if
 32 recommended for continuation or expansion, any recommendations for program modifications
 33 and utilization of the successful participating schools as demonstration sites to facilitate program
 34 expansion.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-10. Foundation allowance to improve instructional programs, instructional technology, and teacher and leader induction and professional growth.

1 (a) The total allowance to improve instructional programs and instructional technology is
 2 the sum of the following:

3 (1) For instructional improvement, in accordance with county and school electronic
 4 strategic improvement plans required by §18-2E-5 of this code, an amount equal to 10 percent of
 5 the increase in the local share amount for the next school year shall be added to the amount of the
 6 appropriation for this purpose for the immediately preceding school year. The sum of these
 7 amounts shall be allocated to the counties as follows:

- 8 (A) One hundred fifty thousand dollars shall be allocated to each county; and
- 9 (B) Allocation to the counties of the remainder of these funds shall be made proportional to
 10 the average of each county's average daily attendance for the preceding year and the county's
 11 second month net enrollment.

12 Moneys allocated by this subdivision shall be used to improve instructional programs
 13 according to the county and school strategic improvement plans required by §18-2E-5 of this code
 14 and approved by the state board.

15 Up to 50 percent of this allocation for the improvement of instructional programs may be

16 used to employ professional educators and service personnel in the county. Prior to the use of any
17 funds from this subdivision for personnel costs, the county board must receive authorization from
18 the state superintendent. The state superintendent shall require the county board to demonstrate:
19 (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3) sharing of
20 services with adjoining counties in the use of the total local district board budget; and (4)
21 employment of technology integration specialists to meet the needs for implementation of the
22 West Virginia Strategic Technology Learning Plan. County boards shall make application for the
23 use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1, the
24 state superintendent shall review all applications and notify applying county boards of the approval
25 or disapproval of the use of funds for personnel during the fiscal year appropriate. The state
26 superintendent shall require the county board to demonstrate the need for an allocation for
27 personnel based upon the county's inability to meet the requirements of state law or state board
28 policy.

29 The funds available for personnel under this subdivision may not be used to increase the
30 total number of professional noninstructional personnel in the central office beyond four.

31 The plan shall be made available for distribution to the public at the office of each affected
32 county board; plus

33 (2) For the purposes of improving instructional technology, an amount equal to 20 percent
34 of the increase in the local share amount for the next school year shall be added to the amount of
35 the appropriation for this purpose for the immediately preceding school year. The sum of these
36 amounts shall be allocated to the counties as follows:

37 (A) Thirty thousand dollars shall be allocated to each county; and

38 (B) Allocation to the counties of the remainder of these funds shall be made proportional to
39 the average of each county's average daily attendance for the preceding year and the county's
40 second month net enrollment.

41 Moneys allocated by this subdivision shall be used to improve instructional technology

42 programs according to the county board's strategic technology learning plan.

43 This allocation for the improvement of instructional technology programs may also be used
44 for the employment of technology system specialists essential for the technology systems of the
45 schools of the county to be fully functional and readily available when needed by classroom
46 teachers. The amount of this allocation used for the employment of technology system specialists
47 shall be included and justified in the county board's strategic technology learning plan; plus

48 (3) One percent of the state average per pupil state aid multiplied by the number of
49 students enrolled in dual credit, advanced placement, and international baccalaureate courses, as
50 defined by the state board, distributed to the counties proportionate to enrollment in these courses
51 in each county; plus

52 (4) For the purpose of supporting county-level implementation of the comprehensive
53 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this
54 code, an amount equal to 20 percent of the increase in the local share amount for the next school
55 year shall be added to the amount of the appropriation for this purpose for the immediately
56 preceding school year. The sum of these amounts shall be allocated to the counties in a manner
57 established by the state board which considers the following factors:

58 (A) The number of full-time-equivalent teachers employed by the county with zero years of
59 experience;

60 (B) The number of full-time-equivalent teachers employed by the county who are less than
61 fully certified for the teaching position in which they are employed;

62 (C) The total number of full-time-equivalent teachers employed by the county with one year
63 of experience, with two years of experience, and with three years of experience;

64 (D) The number of full-time-equivalent principals, assistant principals, and vocational
65 administrators employed by the county who are in their first or second year of employment as a
66 principal, assistant principal, or vocational administrator;

67 (E) The number of full-time-equivalent principals, assistant principals, and vocational

68 administrators employed by the county who are in their first year in an assignment at a school with
69 a programmatic level in which they have not previously served as a principal, assistant principal, or
70 vocational administrator; and

71 (F) Needs identified in the strategic plans for continuous improvement of schools and
72 school systems including those identified through the performance evaluations of professional
73 personnel.

74 Notwithstanding any provision of this subsection to the contrary, no county may receive an
75 allocation for the purposes of this subdivision which is less than the county's total 2016-2017
76 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department of
77 Education. Moneys allocated by this subdivision shall be used for implementation of the
78 comprehensive systems for teacher and leader induction and professional growth pursuant to
79 §18A-3C-3 of this code. Notwithstanding any provision of this subsection to the contrary, for each
80 of the five school years beginning with the school year 2020 – 2021 and ending after the school
81 year 2024 – 2025, from funds to be allocated under this subdivision, \$100,000 shall be retained by
82 the Department of Education to assist county boards with the design and implementation of a
83 teacher leader framework to accomplish the teacher induction and professional growth aspects of
84 their comprehensive systems of support for teacher and leader induction and professional growth
85 pursuant to §18A-3C-3 of this code. The Department of Education may also retain an additional
86 amount of funds to be allocated under this subdivision beginning with the school year 2024 – 2025,
87 not exceeding \$15 million to accommodate the participation by county school systems in regional
88 professional learning cadres or teacher leadership networks established or supported by the
89 Department of Education, to expand regional professional learning cadres or teacher leadership
90 networks designed to support the full implementation of the Third Grade Success Act provided in
91 §18-2E-10 of this code, to implement the Department of Education's academic initiatives, and to
92 assist teachers who are less than fully certified for the teaching position in which they are
93 employed as further provided in §18A-3C-3 of this code. Up to \$1 million of the \$15 million shall be

94 distributed to county boards for the purpose of expanding the school districts' ability to contract
95 with organizations that facilitate the school districts' participation in regional professional learning
96 cadres or teacher leadership networks designed to support math and science improvement or to
97 support teachers who are less than fully certified for the teaching position in which they are
98 employed as further provided in §18A-3C-3 of this code. The \$1 million shall be distributed to the
99 county boards under a grant program to be established by the state board by rule pursuant to
100 §29A-3B-1 *et seq.* of this code. The rule shall include at least the following:

- 101 (A) A requirement and procedures for county boards to submit applications for a grant;
- 102 (B) Criteria on which awards of the grants will be based on; and
- 103 (C) A requirement for an external evaluation for any program funded by a grant.

104 The Department of Education may also retain an additional amount of funds to be allocated
105 under this subdivision beginning with the school year 2026-2027, not exceeding \$7,100,000 to
106 develop and provide to each Kindergarten through Grade 5 public school teacher that provides
107 literacy instruction the high quality professional training in the science of reading as provided in
108 §18A-3-13 of this code.

109 (b) Notwithstanding the restrictions on the use of funds pursuant to subdivisions (1) and
110 (2), subsection (a) of this section, a county board may:

111 (1) Utilize up to 25 percent of the allocation for the improvement of instructional programs
112 in any school year for school facility and equipment repair, maintenance, and improvement or
113 replacement and other current expense priorities and for emergency purposes. The amount of this
114 allocation used for any of these purposes shall be included and justified in the county and school
115 strategic improvement plans or amendments thereto; and

116 (2) Utilize up to 50 percent of the allocation for improving instructional technology in any
117 school year for school facility and equipment repair, maintenance, and improvement or
118 replacement and other current expense priorities and for emergency purposes. The amount of this
119 allocation used for any of these purposes shall be included and justified in the county board's

120 strategic technology learning plan or amendments thereto.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

§18A-3-13. Endorsement in the Science of Reading for Elementary School Teachers.

1 (a) Beginning not later than the 2026-2027 school year, each Kindergarten through Grade
2 5 public school teacher providing literacy instruction shall be trained using high quality
3 professional learning that incorporates ongoing, intensive training in the science of reading that
4 includes classroom application activities and live sessions spanning multiple school years as
5 approved and provided through the West Virginia Department of Education.

6 (b) Currently employed educators in Kindergarten through Grade 5 providing literacy
7 instruction in West Virginia shall enroll in the approved professional learning no later than the
8 2027-2028 school year.

9 (c) Newly employed teachers providing literacy instruction in Kindergarten through Grade
10 5 shall enroll in their first year of employment.

11 (d) Educators who have successfully completed the approved training shall submit an
12 application for the science of reading endorsement free of charge.

13 (e) The State Board of Education may provide accommodations for those counties whose
14 educators are in the process of obtaining this endorsement.

15 (f) Public charter school teachers may choose to participate in the requirements set forth in
16 this section.

NOTE: The purpose of this bill is to establish the Future-Ready Education Act, to enable local boards of education to enter into long-term contracts for textbooks resulting in fiscal savings, to expand the Mountain State Digital Literacy Program, to requires educators to be trained in the science of reading, and to provide funding for the science of reading training.

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