

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 5412**

(By request of the Executive)

[Introduced in the Committee on Education on  
February 19, 2026 and the to the Committee on  
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, all relating to facilitating the modernization of educational programs and technologies  
4 that can prepare students for future workforce needs; authorizing multi-year contracts by  
5 local fiscal bodies to procure educational materials with a technology licensing service  
6 component where it would result in material fiscal savings; requiring maintaining  
7 documentation regarding the fiscal savings from authorized multi-year contract; extending  
8 the Mountain State Digital Project to grades 9-12 and extending the program to include  
9 educational support and tutoring curriculum including in reading, mathematics, science,  
10 career-technical education; authorizing the Department of Education to retain \$7,100,000  
11 from the foundational allowance for school year 2026-2027 to develop and provide to  
12 kindergarten through fifth grade classroom teachers with training in the science of reading;  
13 providing that beginning in 2026-2027 school year, each kindergarten through fifth grade  
14 classroom teacher providing literacy instruction and intensive training in the science of  
15 reading; establishing training parameters and time frames; and allowing public charter  
16 school educators to voluntarily participate in the training.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 11. TAXATION.**

<b>ARTICLE</b>	<b>8.</b>	<b>LEVIES.</b>
<b>§11-8-26.</b>	<b>Unlawful expenditures by local fiscal body.</b>	

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 demonstratable 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 (b) Beginning with the 2026-2027 school year, the Department of Education shall also  
105 retain an amount not to exceed \$7,100,000 to be allocated under subsection (a) of this section to  
106 develop and provide kindergarten through fifth grade classroom teachers with training in the  
107 science of reading as provided in §18A-3-13 of this code.

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

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

115 (2) Utilize up to 50 percent of the allocation for improving instructional technology in any  
116 school year for school facility and equipment repair, maintenance, and improvement or  
117 replacement and other current expense priorities and for emergency purposes. The amount of this  
118 allocation used for any of these purposes shall be included and justified in the county board's  
119 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 fifth  
2 grade classroom 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) The instruction set forth in subsection (a) of this section shall be implemented as  
7 follows:

8           (1) Currently employed classroom teachers shall enroll in the approved professional  
9 learning no later than the 2027-2028 school year.

10           (2) Newly employed classroom teachers shall enroll in their first year of employment.

11           (3) Classroom teachers who have successfully completed the approved training shall  
12 receive a certificate of completion of science of reading free of charge.

13           (c) The Department of Education may provide accommodations for those counties whose  
14 classroom teachers are in the process of obtaining this endorsement.

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