

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 5453**

By Delegates Ellington, Statler , Toney, Hornby, Willis,  
Shamblin, Bell, Pritt, Campbell, Dean, and Hanshaw  
(Mr. Speaker)

[Originating on February 17, 2026 in the Committee  
on Education; referred  
to Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §18-9A-27, relating to establishing a revised method of school aid funding;  
3 clarifying the base fund and establishing a supplemental fund; setting forth categories  
4 within the supplemental fund; providing for reporting; providing for conditional funding; and  
5 providing for oversight.

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

**ARTICLE            9A.            PUBLIC            SCHOOL            SUPPORT.**

**§18-9A-27. Revised method of school aid funding; base fund; creation and implementation  
of supplemental school aid fund; additional supplemental funding; reporting;  
oversight.**

1 (a) Base funding. – Effective for the school year 2027-2028, all counties in this state shall  
2 be funded by a block grant in the amount of \$6,500 per enrolled student. For purposes of the base  
3 funding amount, counties that have less than 1,200 enrolled pupils per county shall be funded at  
4 the minimum level of 1,200 pupils in that county.

5 (b) Supplemental funding for special needs students. – Effective for the school year 2027-  
6 2028, all counties in this state shall receive additional funding through a fund hereby created and  
7 known as the "Supplemental School Aid Fund." This fund shall be appropriated by the Legislature,  
8 based upon the number of Tier II and Tier III special needs students the county has. The funding  
9 shall be based on a per pupil allotment of \$3,250 per Tier II and \$6,500 per Tier III special needs  
10 students. The primary purpose for this supplemental fund shall be for the benefit of Tier II and Tier  
11 III special needs students, but may additionally be utilized as otherwise set forth in subsection (c).

12 (c) Additional supplemental funding. – Effective for the school year 2027-2028, all counties  
13 in this state may request funding for special cases through the Supplemental School Aid Fund  
14 created in subsection (b), which may include but are not limited to the following extraordinary  
15 expenses related to:

16 (1) Transportation;

17 (2) Vocational and technical education centers;

18 (3) Alternative learning centers; and

19 (4) Pilot programs.

20 (d) Discretion. – The funds available through subsection (c) may be distributed as funds  
21 are available and through the discretion of the State Department of Education.

22 (e) Classification. – Counties shall provide a written request to the State Department of  
23 Education to explain what additional funding they require based upon the items listed in  
24 subsection (c) of this section. The State Department of Education may distribute the money based  
25 upon the needs demonstrated per county for the classifications set forth in subsection (c).

26 (f) Reporting. – The distribution of funds provided in this section shall be reviewed by the  
27 Legislative Oversight Commission on Education Accountability ("LOCEA") at least yearly. The  
28 State Department of Education shall prepare this report.

29 (g) Conditional funding. – For the counties that are currently receiving more money than  
30 the base funding amount set forth in subsection (a) of this section, such counties shall receive  
31 conditional funding to be made whole for a period of three years, to allow for those counties to  
32 adjust to the new base funding amount provided for in subsection (a). This money shall be utilized  
33 from the supplemental fund set forth in subsection (b).

34 (h) Oversight. - The money provided and distributed through this section shall be utilized at  
35 the discretion of the county; however, the Legislature shall maintain oversight in the event of  
36 maladministration by a county and reserves the right to restrict funds to counties that engage in  
37 maladministration.

38 (1) For purposes of this section, "maladministration" means the occurrence of one or more  
39 of the following actions or failures to act, as documented by financial records, audit findings, or  
40 statutory noncompliance, within the preceding 12 months:

41 (A) Failure to maintain reserve balances at or above levels required by statute or State  
42 Board of Education rule for two consecutive reporting periods without submission of a corrective

43 action plan.

44 (B) Failure to submit required financial reports, audits, or WVEIS data by statutory

45 deadlines or with material inaccuracies including, but not limited to, approval of expenditures that

46 exceed gross revenue for more than one fiscal year.

NOTE: The purpose of this bill is to establish a revised method of school aid funding.

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