

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5637

FISCAL
NOTE

By Delegate Toney

[Introduced February 17, 2026; referred to the
Committee on Education then Finance]

1 A BILL to amend and reenact §18-9A-22 of the Code of West Virginia, 1931, as amended, relating
2 to adding weighed funding for students with unique learning needs.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-22. Supplemental funding for the provision of programs required for Limited English Proficient (LEP) students with unique learning needs.

1 ~~Any funds appropriated by the Legislature to the Department of Education for distribution~~
2 ~~to the county boards of education to supplement programs required for Limited English Proficient~~
3 ~~students as defined by state board policy in accordance with federal law shall be used to~~
4 ~~supplement a program when the cost of the program exceeds the capacity of a county board to~~
5 ~~provide the program with funds available. Any appropriation made pursuant to this section shall be~~
6 ~~distributed to the county boards in a manner that takes into account the varying proficiency levels~~
7 ~~of the students and the capacity of the county board to deliver the needed programs. In order to~~
8 ~~receive the funding, a county board must apply to the state superintendent. The state board shall~~
9 ~~promulgate a rule in accordance with the provisions of article three b, chapter twenty-nine a of this~~
10 ~~code that sets forth the manner in which county boards apply for the funding and to implement the~~
11 ~~other provisions of this section.~~

12 Students with unique learning needs which encompass students with disabilities and
13 students learning English as a second language will be counted as an additional 50% in
14 determining student enrollment.

NOTE: The purpose of this bill is to add weighted funding back into the formula for students with unique learning needs.

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