

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5644

By Delegates Funkhouser, Ridenour, Martin, Butler,

Phillips, Dean, White, and T. Howell

[Introduced; referred

to the Committee on]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §18-36-1; and to amend the code by adding a new article, designated §18B-
 3 23-1, relating to establishing provisions regarding student immigration status and
 4 nationality in West Virginia public educational institutions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 36. STUDENT IMMIGRATION STATUS AND NATIONALITY IN WEST VIRGINIA PUBLIC EDUCATIONAL INSTITUTIONS.

§18-36-1. Student immigration status and nationality in West Virginia public educational institutions.

1 (a) As used in this article:

2 (1) "Accredited institution of higher education" means any public or private university,
 3 college, or community college in West Virginia accredited by the Higher Education Policy
 4 Commission on colleges and universities or any public career technical school operated by the
 5 state of West Virginia or any political subdivision of the state.

6 (2) "Elementary and secondary schools" means schools that serve kindergarten through
 7 grade 12, inclusive, or any combination of such grades.

8 (3) "Immigration status" means a person's legal status in the United States as governed by
 9 the immigration and nationality act. It includes the following groups:

10 (A) Individuals with citizenship who are born within the territorial limits of the United States
 11 or who have successfully completed the naturalization process after living as permanent residents
 12 for a specified period;

13 (B) Permanent residents, including lawful permanent residents who are granted
 14 authorization to live and work in the United States indefinitely and conditional permanent residents
 15 who gained status through marriage or certain investor programs, which status is contingent on

16 fulfilling specific conditions;

17 (C) Non-immigrants who are authorized to enter the United States only temporarily for
18 specific purposes;

19 (D) Illegal Aliens who are living in the United States without proper authorization, including
20 individuals who entered the country without inspection or who overstayed a visa, lacking the legal
21 documentation required for authorized residence or employment; and

22 (E) Refugees who are individuals with a form of protection that is granted to individuals
23 who meet the definition of refugee and who are of special humanitarian concern to the United
24 States and asylees who are individuals with a form of protection granted to individuals who meet
25 the definition of refugee, are living in the United States, and are seeking admission at a port of
26 entry.

27 (4) "Public school district" or "school district" or "district" means any public school district
28 organized under the laws of this state, including specially chartered school districts.

29 (b) West Virginia public educational institutions, including elementary and secondary
30 schools and accredited institutions of higher education, shall record the immigration status and
31 nationality of all enrolled students.

32 (c) West Virginia public school districts and accredited institutions of higher education shall
33 publish aggregated demographic student data, of enrolled students, including immigration status
34 and nationality each year and report such information to the superintendent of public instruction
35 who shall publish it on the state department of education's website.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 36. STUDENT IMMIGRATION STATUS AND NATIONALITY IN WEST
VIRGINIA PUBLIC EDUCATIONAL INSTITUTIONS.

§18B-23-1. Student immigration status and nationality in West Virginia public educational
institutions.

1 (a) As used in this article:

2 (1) "Accredited institution of higher education" means any public or private university,
3 college, or community college in West Virginia accredited by the Higher Education Policy
4 Commission on colleges and universities or any public career technical school operated by the
5 state of West Virginia or any political subdivision of the state.

6 (2) "Elementary and secondary schools" means schools that serve kindergarten through
7 grade 12, inclusive, or any combination of such grades.

8 (3) "Immigration status" means a person's legal status in the United States as governed by
9 the immigration and nationality act. It includes the following groups:

10 (A) Individuals with citizenship who are born within the territorial limits of the United States
11 or who have successfully completed the naturalization process after living as permanent residents
12 for a specified period;

13 (B) Permanent residents, including lawful permanent residents who are granted
14 authorization to live and work in the United States indefinitely and conditional permanent residents
15 who gained status through marriage or certain investor programs, which status is contingent on
16 fulfilling specific conditions;

17 (C) Non-immigrants who are authorized to enter the United States only temporarily for
18 specific purposes;

19 (D) Illegal Aliens who are living in the United States without proper authorization, including
20 individuals who entered the country without inspection or who overstayed a visa, lacking the legal
21 documentation required for authorized residence or employment; and

22 (E) Refugees who are individuals with a form of protection that is granted to individuals
23 who meet the definition of refugee and who are of special humanitarian concern to the United
24 States and asylees who are individuals with a form of protection granted to individuals who meet
25 the definition of refugee, are living in the United States, and are seeking admission at a port of
26 entry.

27 (4) "Public school district" or "school district" or "district" means any public school district
28 organized under the laws of this state, including specially chartered school districts.

29 (b) West Virginia public educational institutions, including elementary and secondary
30 schools and accredited institutions of higher education, shall record the immigration status and
31 nationality of all enrolled students.

32 (c) West Virginia public school districts and accredited institutions of higher education shall
33 publish aggregated demographic student data, of enrolled students, including immigration status
34 and nationality each year and report such information to the superintendent of public instruction
35 who shall publish it on the state department of education's website.

NOTE: The purpose of this bill is to establish provisions regarding student immigration status and nationality in West Virginia public educational institutions.

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