

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 778

By Senators Rucker, Fuller, Grady, and Hart

[Introduced February 5, 2026; referred

to the Committee on Education]

1 A BILL to amend and reenact §18-20-1 of the Code of West Virginia, 1931, as amended, relating to
2 removing a significant barrier for families and ensuring that students receive timely
3 educational support by allowing nurse practitioners and physicians assistants, as well as
4 physicians, to certify eligibility for homebound services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-1. Establishment of special programs and teaching services for students with exceptionalities.

1 (a) In accordance with the following provisions, local educational agencies (LEAs),
2 including all county boards of education, schools and facilities under the supervision of the State
3 board, and public charter schools acting as their own local educational agency (LEA) throughout
4 the state shall establish and maintain special education services for all exceptional school-age
5 students between five and twenty-one years of age, including, but not limited to, services provided
6 in general education classrooms, co-teaching classrooms, special education resource classes,
7 self-contained classes, homebound services, and other placements determined appropriate to
8 meet the unique needs of students with disabilities as determined by Individualized Education
9 Program (IEP) teams. Special education programs must be provided to students until the end of
10 the school year in which they reach the age of 21 years or until the student earns a regular high
11 school diploma, whichever occurs first. Provisions shall be made for educating exceptional
12 students (including students with disabilities and students identified as gifted or exceptionally
13 gifted who differ from their non-disabled peers to the extent that they need specially designed
14 instruction in order to access the curriculum and receive a free appropriate public education. The
15 term "gifted" means exceptional intellectual abilities and potential for achievement that requires
16 specially designed instruction and/or services beyond those normally provided in the general
17 classroom instruction. The term "exceptional gifted" means those students in grades nine through
18 twelve meeting the criteria for gifted with at least one of the additional criteria as identified in State

19 Board Policy 2419. Exceptional gifted students shall be referred for identification pursuant to state
20 board policy. Each local education agency (LEA) is mandated to provide gifted education to its
21 students according to guidelines promulgated by the state board and consistent with the
22 provisions of this chapter. In addition, county boards of education may establish and maintain
23 other educational services for exceptional students as the State Superintendent of Schools may
24 approve.

25 (b) Each local educational agency (LEA) shall establish and maintain special educational
26 programs which include services outside the school environment for students who are
27 homebound due to injury or who for any other reason as certified by a licensed physician, nurse
28 practitioner, or certified physician's assistant, are homebound for a period that has lasted or will
29 last more than three weeks. The state board shall adopt rules to advance and accomplish this
30 program and to assure that all exceptional students in the state, including students in mental
31 health facilities, residential institutions, foster care, correctional facilities, and private schools, will
32 receive an education in accordance with the mandates of state and federal laws.

33 (c) Each local educational agency (LEA) shall adopt a policy that allows a student with
34 disabilities, whose individualized education program provides for an alternate diploma to
35 participate in the graduation ceremony with their same-grade classmates if requested in writing by
36 their parent or legal guardian, or the student who is subject to this request if the student is of the
37 age of majority. The local educational agency (LEA) shall also permit the student to continue
38 receiving special education services after the graduation ceremony until the end of the school year
39 in which the student reaches the age of 21 years. The local educational agency (LEA) may not
40 terminate, deny, or declare the student ineligible for post-graduation ceremony special education
41 services due to their participation in the graduation ceremony.

NOTE: The purpose of this bill is to remove a significant barrier for families by ensuring that students receive timely educational support through allowing nurse practitioners and physicians assistants, as well as physicians, to certify eligibility for homebound services.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.