

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 909

**FISCAL
NOTE**

By Senators Smith (Mr. President) and Woelfel

(By Request of the Executive)

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

Be it enacted by the Legislature of West Virginia:

CHAPTER 11. TAXATION.

ARTICLE	8.	LEVIES.
§11-8-26.	Unlawful expenditures by local fiscal body.	

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;

(3) In excess of the amount allocated to the fund in the levy order; or

(4) In excess of the funds available for current expenses.

(b) As it pertains to subdivision (a)(4) of this section, local fiscal bodies shall not obligate funds beyond a period of one year except that local fiscal bodies shall have the authority to enter into multi-year contracts with a term extending up to five years only if:

(1) The contract is for the procurement of educational materials with a technology licensing service component;

(2) The contract includes a cancellation clause allowing the local fiscal body to terminate the contract at any time upon 30 days' notice to the vendor; and

(3) Local fiscal bodies must justify entering into multi-year contracts by maintaining documentation of material fiscal savings to the body.

~~(b)~~ (c) Notwithstanding the foregoing and any other provision of law to the contrary, a local fiscal body or its duly authorized officials may not be penalized for a casual deficit which does not exceed its approved levy estimate by more than three percent: *Provided*, That such casual deficit is satisfied in the levy estimate for the succeeding fiscal year: *Provided, however*, That in calculating a deficit for purposes of this section, account shall not be taken of any amount for which the local fiscal body may be liable for the unfunded actuarial accrued liability of the West Virginia Retiree Health Benefit Trust Fund or any amount allocated to the local fiscal body as an employer annual required contribution that exceeds the minimum annual employer payment component of 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.

(a) Beginning for the school year 2020-2021, the state board shall implement a pilot project, hereby designated the Mountain State Digital Literacy Project. The state board shall

determine the number of schools eligible to participate in the pilot project and may adjust that number on a yearly basis. The state board shall select the schools to participate in the project, but selected schools shall possess varying geographic and demographic characteristics and serve students in grades K-8 K-12.

(b) Subject to legislative appropriation for this purpose, schools participating in the project shall be provided with instructional, educational support, and tutoring resources for students and teachers that feature an extensive curriculum related to digital literacy, online assessment preparation, reading, mathematics, science, career-technical education, and internet safety. Administrators and teachers at the participating schools shall be provided access to online digital literacy related professional development and support.

(c) The project shall be designed and implemented to compliment and build upon the digital literacy standards and assessments established pursuant to §18-2-12, §18-2E-5(c)(16), and §18-2E-5(d)(5) of this code.

(d) The state board may contract with a third-party to facilitate the project. Any such third-party shall satisfy the following qualifications:

(1) Possesses demonstrable experience facilitating similar digital literacy initiatives with public school systems;

(2) Provides extensive digital literacy content over the internet that may be adapted to age or grade specific users and assessment tools, and integrates with widely used platforms; and

(3) Provides digital literacy-related professional development and support resources for administrators and teachers.

(e) On or before January 1, ~~2020~~ 2027, the state board shall submit to the Governor and the Legislative Oversight Committee on Education Accountability a report that provides information on the development, structure, and fiscal estimate of the Mountain State Digital Literacy Project.

(f) On or before January 1, ~~2025~~ 2028, the state board shall submit to the Governor and the Legislative Oversight Committee on Education Accountability an evaluation of the pilot project's impact on the performance and progress of students at the participating schools. The evaluation shall include a recommendation for pilot project continuation, expansion or termination and, if recommended for continuation or expansion, any recommendations for program modifications and utilization of the successful participating schools as demonstration sites to facilitate program 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.

(a) The total allowance to improve instructional programs and instructional technology is the sum of the following:

(1) For instructional improvement, in accordance with county and school electronic strategic improvement plans required by §18-2E-5 of this code, an amount equal to 10 percent of the increase in the local share amount for the next school year shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties as follows:

(A) One hundred fifty thousand dollars shall be allocated to each county; and

(B) Allocation to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment.

Moneys allocated by this subdivision shall be used to improve instructional programs according to the county and school strategic improvement plans required by §18-2E-5 of this code and approved by the state board.

Up to 50 percent of this allocation for the improvement of instructional programs may be

used to employ professional educators and service personnel in the county. Prior to the use of any funds from this subdivision for personnel costs, the county board must receive authorization from the state superintendent. The state superintendent shall require the county board to demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3) sharing of services with adjoining counties in the use of the total local district board budget; and (4) employment of technology integration specialists to meet the needs for implementation of the West Virginia Strategic Technology Learning Plan. County boards shall make application for the use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1, the state superintendent shall review all applications and notify applying county boards of the approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The state superintendent shall require the county board to demonstrate the need for an allocation for personnel based upon the county's inability to meet the requirements of state law or state board policy.

The funds available for personnel under this subdivision may not be used to increase the total number of professional noninstructional personnel in the central office beyond four.

The plan shall be made available for distribution to the public at the office of each affected county board; plus

(2) For the purposes of improving instructional technology, an amount equal to 20 percent of the increase in the local share amount for the next school year shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties as follows:

(A) Thirty thousand dollars shall be allocated to each county; and

(B) Allocation to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment.

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

administrators employed by the county who are in their first year in an assignment at a school with a programmatic level in which they have not previously served as a principal, assistant principal, or vocational administrator; and

(F) Needs identified in the strategic plans for continuous improvement of schools and school systems including those identified through the performance evaluations of professional personnel.

Notwithstanding any provision of this subsection to the contrary, no county may receive an allocation for the purposes of this subdivision which is less than the county's total 2016-2017 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department of Education. Moneys allocated by this subdivision shall be used for implementation of the comprehensive systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this code. Notwithstanding any provision of this subsection to the contrary, for each of the five school years beginning with the school year 2020 – 2021 and ending after the school year 2024 – 2025, from funds to be allocated under this subdivision, \$100,000 shall be retained by the Department of Education to assist county boards with the design and implementation of a teacher leader framework to accomplish the teacher induction and professional growth aspects of their comprehensive systems of support for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this code. The Department of Education may also retain an additional amount of funds to be allocated under this subdivision beginning with the school year 2024 – 2025, not exceeding \$15 million to accommodate the participation by county school systems in regional professional learning cadres or teacher leadership networks established or supported by the Department of Education, to expand regional professional learning cadres or teacher leadership networks designed to support the full implementation of the Third Grade Success Act provided in §18-2E-10 of this code, to implement the Department of Education's academic initiatives, and to assist teachers who are less than fully certified for the teaching position in which they are employed as further provided in §18A-3C-3 of this code. Up to \$1 million of the \$15 million shall be

distributed to county boards for the purpose of expanding the school districts' ability to contract with organizations that facilitate the school districts' participation in regional professional learning cadres or teacher leadership networks designed to support math and science improvement or to support teachers who are less than fully certified for the teaching position in which they are employed as further provided in §18A-3C-3 of this code. The \$1 million shall be distributed to the county boards under a grant program to be established by the state board by rule pursuant to §29A-3B-1 *et seq.* of this code. The rule shall include at least the following:

(A) A requirement and procedures for county boards to submit applications for a grant;

(B) Criteria on which awards of the grants will be based on; and

(C) A requirement for an external evaluation for any program funded by a grant.

The Department of Education may also retain an additional amount of funds to be allocated under this subdivision beginning with the school year 2026-2027, not exceeding \$7,100,000 to develop and provide to each Kindergarten through Grade 5 public school teacher that provides literacy instruction the high quality professional training in the science of reading as provided in §18A-3-13 of this code.

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

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

(2) Utilize up to 50 percent of the allocation for improving instructional technology in any school year for school facility and equipment repair, maintenance, and improvement or replacement and other current expense priorities and for emergency purposes. The amount of this allocation used for any of these purposes shall be included and justified in the county board's

120 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 Grade
2 5 public school 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) Currently employed educators in Kindergarten through Grade 5 providing literacy
7 instruction in West Virginia shall enroll in the approved professional learning no later than the
8 2027-2028 school year.

9 (c) Newly employed teachers providing literacy instruction in Kindergarten through Grade
10 5 shall enroll in their first year of employment.

11 (d) Educators who have successfully completed the approved training shall submit an
12 application for the science of reading endorsement free of charge.

13 (e) The State Board of Education may provide accommodations for those counties whose
14 educators are in the process of obtaining this endorsement.

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

NOTE: The purpose of this bill is to establish the Future-Ready Education Act, to enable local boards of education to enter into long-term contracts for textbooks resulting in fiscal savings, to expand the Mountain State Digital Literacy Program, to requires educators to be trained in the science of reading, and to provide funding for the science of reading training.

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