

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 4670**

By Delegates Crouse, Stephens, T. Howell, Bell, and

Drennan

[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, §18-36-2, and §18-36-3, all relating to establishing the West Virginia  
3 Educational Freedom Pilot Act of 2026; providing for a short title; setting forth legislative  
4 findings; and providing for the enactment of the program.

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

**ARTICLE 36. WEST VIRGINIA EDUCATIONAL FREEDOM PILOT ACT OF 2026.**

**§18-36-1. Short title.**

1 This article may be known and cited as the "West Virginia Educational Freedom Pilot Act of  
2 2026."

**§18-36-2. Legislative findings.**

1 The Legislature finds the following:

2 (1) West Virginia taxpayers have increased state and local kindergarten through twelfth  
3 grade funding over 32% since 2021, while enrollment has fallen 5.6% from this time. Total per-  
4 pupil spending has increased, while outcomes remain near the bottom nationally.

5 (2) The current method for determining how money is distributed to counties in this state,  
6 often cited as the "School Aid Formula" or "School Aid Funding Formula," is rigid, centrally  
7 controlled, and fails to reflect on the diverse needs of the 55 very different counties.

8 (3) Further, West Virginia's School Aid Formula is one of the most complex and confusing  
9 in the entire country.

10 (4) Allowing for flexibility among the counties is necessary to update an outdated and  
11 difficult to navigate School Aid Formula.

12 (5) Permitting school systems, county boards, and parents to make their own decisions will  
13 greatly benefit the quality of education in this state and result in a better outcome for everyone.

**§18-36-3. Establishment of pilot program.**

1 (a) Any county in this state may participate in the West Virginia Educational Freedom Pilot  
2 Act of 2026, hereinafter referred to as "the pilot program."

3        (b) Any county who chooses to participate in the pilot program shall be eligible for a block  
4        grant in the amount of what that county would have received in the school aid funding formula.

5        (c) Any county who participates in the pilot program is not subject to the provisions of §18-  
6        1-1 et seq. and §18A-1-1 et seq., including but not limited to staffing ratios, service personnel  
7        quotas, and central salary schedules.

8        (1) This exemption does not apply to any provisions within §18-1-1 et seq. and §18A-1-1 et  
9        seq. that are required by federal law.

10        (2) A county who participates in the pilot program may review the applicable provisions to  
11        determine what provisions it would like to follow.

12        (d) Any county who participates in the pilot program shall maintain full authority over their  
13        own salaries, benefits, class sizes, and calendars.

14        (e) A county whose students participates in the pilot program shall not be required to take  
15        the SAT or ACT tests, but may choose to take them.

16        (f) A county may establish testing geared towards trade school admission or the testing the  
17        county determines is most suitable for its students.

18        (g) A county who participates in the pilot program may establish their own graduation  
19        requirements.

20        (h) On or before July 1, 2028, a report shall be made to the Legislative Oversight  
21        Commission on Education Accountability ("LOCEA") regarding the pilot program.

22        (i) A county who has been taken over by the State Board of Education within the last two  
23        years, or a county who is financially distressed, as defined in §18-9D-4d of this code, shall not be  
24        eligible for the pilot program.

NOTE: The purpose of this bill is to provide for more special education personnel. The bill establishes the West Virginia Educational Freedom Pilot Act of 2026. The bill provides for a short title. The bill sets forth legislative findings. The bill provides for the enactment of the program. Finally, the bill provides for a reporting mechanism.

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

and underscoring indicates new language that would be added.