

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4914

By Delegates Anders, White, Kimble, T. Howell,

Mazzocchi, Kump, and Dillon

[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 §18-9K-1, §18-9K-2, §18-9K-3, §18-9K-4, §18-9K-5, §18-9K-6, §18-9K-7, and
3 §18-9K-8, relating to the creation of the West Virginia Education Freedom and Parental
4 Empowerment Act; providing for a purpose; creating definitions; establishing the act and
5 the use of ESAs; describing the role of the State Treasurer; providing for dissolution of the
6 State Board of Education's powers; creating the Parental Bill of Rights in Education;
7 providing for severability; and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 9K. WEST VIRGINIA EDUCATION FREEDOM AND PARENTAL
EMPOWERMENT ACT.**

§18-9K-1. Purpose.

1 The purpose of this article is to ensure that if the federal government, under the leadership
2 of the President, returns education funding to the State of West Virginia in the form of block grants,
3 those funds shall be deposited into education savings accounts (ESAs) that follow each child.
4 These accounts shall empower parents with full and complete school choice, regardless of
5 income, zip code, or educational background, and shall remove all central control over education
6 from unaccountable bureaucracies.

§18-9K-2.

Definitions.

1 As used in this article:

2 "Block grant" means any federal funds for education returned to the State of West Virginia
3 without federal spending restrictions.

4 "Education savings account (ESA)" means a state-authorized account funded with public
5 dollars, controlled by the parent or legal guardian of an eligible student, and used exclusively for
6 qualified educational expenses.

7 "Qualified educational expenses" include:

8 Tuition and fees at private, parochial, home, or charter schools;
9 Online courses and curriculum;
10 Textbooks and learning materials;
11 Tutoring and testing services;
12 Special education services;
13 Transportation;
14 College savings contributions;
15 Other education-related expenses approved by the Treasurer.
16 "Eligible student" means any child who resides in West Virginia and is eligible to enroll in K-
17 12 education.

§18-9K-3. Establishment and Use of ESAs.

1 (a) Upon receipt of federal education block grant funds, the State of West Virginia shall:
2 (1) Allocate such funds on an equal per-student basis into individual education savings
3 accounts; and
4 (2) Ensure those funds are controlled directly by the parents or guardians of eligible
5 students.
6 (b) All funds shall be used only for qualified education expenses as defined in this article.

§18-9K-4. Role of the State Treasurer.

1 (a) The State Treasurer shall administer the ESA program and oversee the secure
2 distribution and tracking of all funds.
3 (b) The Treasurer shall:
4 (1) Establish a secure online portal for parents to access and manage ESA funds;
5 (2) Approve vendors and educational providers;
6 (3) Conduct random audits to prevent fraud and misuse;
7 (4) Report annually to the Legislature on program outcomes and spending.

§18-9K-5. Dissolution of the State Board of Education's Powers.

1 (a) Upon enactment of this bill and receipt of federal block grant education funding, the
2 West Virginia State Board of Education shall be stripped of all regulatory, policymaking, oversight,
3 or operational powers relating to K-12 education.

4 (b) The only function of the State Board of Education shall be:

5 (1) To act as a pass-through mechanism for the transfer of federal block grant education
6 funds into the ESA program administered by the State Treasurer.

7 (c) All previous statutory authorities, rulemaking powers, or oversight functions of the State
8 Board of Education shall be null and void.

9 (d) Any employees, contracts, or operations associated with regulatory functions under the
10 State Board shall be dissolved, reassigned, or defunded by July 1 of the following fiscal year.

§18-9K-6. Parental Bill of Rights in Education.

1 (a) Parents and legal guardians shall retain full authority to direct their child's education
2 without interference from the State Board of Education or any governmental agency.

3 (b) No government entity may discriminate against a student or parent based on their
4 choice of educational provider.

§18-9K-7. Severability.

1 If any provision of this article is found invalid by a court of law, the remaining provisions
2 shall remain in effect.

§18-9K-8. Effective Date.

1 This act shall take effect immediately upon passage and shall be implemented fully upon
2 the State's receipt of any federal education block grant.

NOTE: The purpose of this bill is to create the West Virginia Education Freedom and Parental Empowerment Act.

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