

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 567

By Senator Rucker

[Introduced January 21, 2026; referred
to the Select Committee on School Choice]

1 A BILL to amend and reenact §18-31-7 and §18-31-8 of the Code of West Virginia, 1931, as
2 amended, relating to the Hope Scholarship Program; prohibiting a county board or charter
3 school governing board from charging any fees to a Hope Scholarship student for any
4 extracurricular program-related services; and modifying the academic achievement
5 requirement for Hope Scholarship students choosing an individualized instructional
6 program and choosing to be assessed through a review of the student's academic work.

Be it enacted by the Legislature of West Virginia:

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-7. Qualifying expenses for Hope Scholarship accounts.

1 (a) Parents of a Hope Scholarship student shall agree to use the funds deposited in their
2 student's Hope Scholarship account only for the following qualifying expenses to educate the
3 student:

4 (1) Ongoing services provided by a public school district pursuant to §18-31-8(f) of this
5 code, including ~~without limitation individual classes; and extracurricular activities and programs:~~
6 ~~Provided, That notwithstanding the provisions of §18-5G-3 of this code, a public charter school~~
7 ~~may invoice a Hope Scholarship student's account for said services~~

8 (2) Tuition and fees at a participating school;

9 (3) Tutoring services provided by an individual or a tutoring facility: *Provided*, That such
10 tutoring services are not provided by a member of the Hope Scholarship student's immediate
11 family;

12 (4) Fees for nationally standardized assessments, advanced placement examinations, any
13 examinations related to college or university admission, and tuition and/or fees for preparatory
14 courses for the aforementioned exams;

15 (5) Tuition and fees for programs of study or the curriculum of courses that lead to an
16 industry-recognized credential that satisfies a workforce need;

17 (6) Tuition and fees for nonpublic online learning programs including, but not limited to,

18 online curriculum courses and tutorial programs;

19 (7) Tuition and fees for alternative education programs;

20 (8) Fees for after-school or summer education programs;

21 (9) Educational services and therapies including, but not limited to, occupational,
22 behavioral, physical, speech-language, and audiology therapies;

23 (10) Curriculum as defined in §18-31-2 of this code;

24 (11) Instruments or equipment required as part of a music education course or curriculum;

25 (12) Fees for transportation paid to a fee-for-service transportation provider for the student
26 to travel to and from an education service provider; and

27 (13) Any other qualifying expenses as approved by the board established pursuant to §18-
28 31-3 of this code: *Provided*, That the board may adopt rules and procedures for Hope Scholarship
29 students who want to continue to receive services provided by a public school or district.

30 (b) Hope Scholarship funds may only be used for educational purposes in accordance with
31 subsection (a) of this section. Nothing in this section requires that a Hope Scholarship student be
32 enrolled, full- or part-time, in either a private school or nonpublic online school.

33 (c) Hope Scholarship funds may not be refunded, rebated, or shared with a parent or
34 student in any manner: *Provided*, That the Hope Scholarship Board shall promulgate legislative
35 rules to ensure that an education service provider with 15 or more students can provide
36 compensation to employees of the provider in the provider's regular course of business,
37 notwithstanding the fact that an employee's child receives services from the education service
38 provider.

39 (d) The board may adopt procedures for establishing a reimbursement process for any
40 qualifying expenses not available for purchase by a Hope Scholarship parent through the existing
41 online Hope Scholarship Program portal. Any refund or rebate for goods or services purchased
42 with Hope Scholarship funds shall be credited directly to a student's Hope Scholarship account.

43 (e) Nothing in this section prohibits the parents of a Hope Scholarship student from making

44 payments for the costs of educational goods and services not covered by the funds in their
45 student's Hope Scholarship account. However, personal deposits into a Hope Scholarship
46 account are not permitted.

**§18-31-8. Annual continuation of Hope Scholarship accounts; participation in public
school system.**

1 (a) Notwithstanding any changes in eligibility, effective January 1, 2025, a Hope
2 Scholarship student may continue participation in the program from school year to school year
3 without reapplying for the program until one of the conditions set forth in §18-31-6(f) occurs:
4 *Provided*, That the board shall verify with the Department of Education the following information by
5 July 1 of every year:

6 (1) A list of all active Hope Scholarship accounts;

7 (2) The resident school district of each Hope Scholarship student;

8 (3) For a Hope Scholarship student who chooses to attend a participating school, annual
9 confirmation of his or her continued attendance at a nonpublic school that complies with all
10 requirements that other nonpublic school students must comply with; and

11 (4) For a Hope Scholarship student who chooses an individualized instructional program:

12 (A) (i) He or she has annually taken a nationally normed standardized achievement test of
13 academic achievement in the subject areas of reading, language, and mathematics, and when
14 available for the student's grade-level, science and social studies;

15 (ii) The mean of the child's overall test results in the subject areas tested for any single year
16 is within or above the fourth stanine or, if below the fourth stanine, show improvement from the
17 previous year's results; and

18 (iii) The mean of the child's overall test results are reported to the county superintendent; or

19 (B) (i) A certified teacher conducts a review of the student's academic work annually;

20 (ii) The certified teacher determines that the student is making academic progress
21 commensurate with his or her age and ability or shows improvement from the previous year's

22 assessment; and

23 (iii) The certified teacher's determination is reported to the county superintendent.

24 (b) As a condition of continued participation in the Hope Scholarship Program from one
25 school year to the next, a parent must annually meet the following requirements, according to the
26 deadlines and procedures established by the Board:

27 (1) The parent must submit proof of the student's continued West Virginia residency;

28 (2) The parent must execute the parent agreement with the Board described in §18-31-
29 5(d)(3) of this code ahead of each school year; and

30 (3) The parent must report to the county superintendent of the student's county of
31 residence that the student has complied with all attendance and academic requirements in
32 accordance with subsection (a) of this section for the most recent school year.

33 (c) Each county superintendent shall submit the test results and determinations reported to
34 him or her pursuant to subsection (a) of this section to the board and the Department of Education
35 each year on or before June 15.

36 (d) If a parent fails to meet the annual conditions for continued participation in the Hope
37 Scholarship Program described in subsection (b) of this section, the board shall notify the parent
38 that the eligible recipient's account will be closed in 45 calendar days. If a parent declines
39 continued participation in the program or does not respond within 30 calendar days of receipt of
40 notice, the board shall close the account and any remaining moneys shall be returned to the state.

41 (e) If an eligible recipient decides to return to the Hope Scholarship Program after failing to
42 meet the conditions for continued participation described in subsection (b) of this section, they
43 must reapply.

44 (f) The board, in consultation with the Department of Education, may adopt rules and
45 policies for Hope Scholarship students who want to continue to receive services provided by a
46 public school or district, including individual classes and extracurricular programs, in combination
47 with an individualized instructional program. The board, in consultation with the Department of

Education, shall ensure that any public school or school district providing ~~such~~ services other than extracurricular program related services receives the appropriate pro rata share of a student's Hope Scholarship funds based on the percentage of total instruction provided to the student by the public school or school district. County boards and charter school governing boards shall charge tuition to Hope Scholarship students who enroll for services in a public school within the county or in a public charter school: Provided, That no fees may be charged for any extracurricular program related services. Hope Scholarship students who enroll for services part-time in public school shall not be included in net enrollment for state aid funding purposes under §18-9A-2 of this code. Nothing in this subsection prohibits a Hope Scholarship student from using the funds deposited in his or her account on both services provided by a public school or district and other qualifying expenses as provided for in §18-31-7 of this code.

(g) The board, in consultation with the Department of Education, may adopt rules and policies to provide the least disruptive process for Hope Scholarship students who desire to stop receiving Hope Scholarship payments and return full-time to a public school.

NOTE: The purpose of this bill is to prohibit a county board or charter school governing board from charging any fees to a Hope Scholarship student for any extracurricular program related services; and modify the academic achievement requirement for Hope Scholarship students choosing an individualized instructional program and choosing to be assessed through a review of the student's academic work.

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