

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 600

**FISCAL
NOTE**

By Senators Garcia and Woelfel

[Introduced January 27, 2026; referred
to the Select Committee on School Choice; and then
to the Committee on Finance]

1 A BILL to amend and reenact §18-31-2, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-11
2 of the Code of West Virginia, 1931, as amended, relating to the Hope Scholarship
3 Program; providing that an eligible recipient of a Hope Scholarship must be a child of a
4 parent or parents with a federal adjusted gross income of less than \$100,000; providing
5 that any funds remaining in a Hope Scholarship account at the end of a fiscal year are to be
6 transferred to the county school system in which the student resides; and requiring that
7 Hope Scholarship students be provided an education in the state of West Virginia and that
8 Hope Scholarship funds be spent on education services and education service providers
9 located in the state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-2.

Definitions.

1 The following words have the meanings ascribed to them unless the context clearly
2 indicates a different meaning:

3 (1) "Account" or "scholarship" means a Hope Scholarship account, awarded pursuant to
4 this article, to which funds are allocated by the board to the parent or parents of an eligible Hope
5 Scholarship student in order to pay qualifying elementary and secondary education expenses to
6 educate the student pursuant to the requirements and conditions of this article;

7 (2) "Board" means the Hope Scholarship Board created pursuant to §18-31-3 of this code;

8 (3) "Curriculum" means a complete course of study for a particular elementary or
9 secondary education content area or grade level including, but not limited to, textbooks;
10 workbooks; student and teacher curriculum kits; activity, learning, or study guides; or any
11 supplemental materials required by the curriculum;

12 (4) "Education service provider" means a person or organization physically located in this
13 state that receives payments from Hope Scholarship accounts to provide educational goods and
14 services to Hope Scholarship students in this state;

(5) "Eligible recipient" means a child who:

(A) Is a resident of this state; ~~and~~

(B) Is the child of a parent or parents whose combined federal adjusted gross income is less than \$100,000 for the taxable year in which the parent or parents apply to participate in the Hope Scholarship program; and

~~(B)~~(C) Is enrolled full-time and attending a public elementary or secondary school program in this state for at least 45 calendar days during an instructional term at the time of application and until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a public elementary or secondary school program in this state for the entire instructional term the previous year, or is eligible at the time of application to enroll in a kindergarten program in this state pursuant to §18-8-1a of this code, except that if on July 1, 2024, the participation rate of the combined number of students in the Hope Scholarship Program and students eligible who have applied to participate in the Hope Scholarship program during the previous school year is less than five percent of net public school enrollment adjusted for state aid purposes for the previous school year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program or public elementary or secondary school program in this state at the time of application;

(6) "Hope scholarship funds" means the moneys deposited in a Hope Scholarship student's account in accordance with the requirements of this article:

(7) "Hope scholarship student" means a student who receives a scholarship pursuant to this article;

(8) "Individualized Instructional Program (IIP)" means a customized educational experience that takes place either at home or another location. Hope Scholarship students participating in an IIP are not enrolled in a participating school and shall be governed by the requirements of this article, unless otherwise stated, and not any other compulsory school attendance exemption requirements;

(9) "Parent" means a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible recipient or Hope Scholarship student;

(10) "Participating school" means any private school physically located in this state that provides education to elementary and/or secondary students and has notified the board of its intention to participate in the program and comply with the program's requirements;

(11) "Resident school district" means the county school district in which the student resides; and

(12) "Treasurer" means the West Virginia State Treasurer.

§18-31-5. Award of Hope Scholarships.

(a) The Hope Scholarship Program is established to provide the option for a parent to better meet the individual elementary and secondary education needs of his or her eligible child. The program shall be operational no later than July 1, 2022.

(b) The board shall create a standard application form that a parent can submit to establish his or her student's eligibility for the award of Hope Scholarship funds, to be placed in a personal education savings account to be used for qualifying education expenses on behalf of the eligible recipient as provided for in §18-31-7 of this code. Information about scholarship funds and the application process shall be made available on the board's website.

(c) The board shall process, accept, and make available Hope Scholarship applications and awards at any time during the calendar year. The board may update the application as needed. The board shall issue an award letter to eligible recipients within 45 days of receipt of a completed application and all required documentation.

(d) The board shall approve an application for a Hope Scholarship if all of the following circumstances are met:

(1) A parent submits an application for a Hope Scholarship in accordance with the legislative rules promulgated by the board;

(2) A student on whose behalf the parent is applying is an eligible recipient, as provided in

§18-31-2(5) of this code;

(3) The parent signs an agreement with the board, promising to do all of the following:

(A) To provide an education in this state for the eligible recipient in at least the subjects of reading, language, mathematics, science, and social studies;

(B) To use the Hope Scholarship funds exclusively for qualifying expenses incurred in providing the student an elementary or secondary education in this state as provided for in §18-31-7 of this code;

(C) To comply with the rules and requirements of the Hope Scholarship Program;

(D) To afford the Hope Scholarship student opportunities for educational enrichment such as organized athletics, art, music, or literature; and

(E) To notify the Hope Scholarship Board immediately and cease use of Hope Scholarship funds upon the student's reenrollment in a public school or when the student graduates from or otherwise successfully completes a secondary school program;

(4) The board confirms with the West Virginia Department of Education that the student satisfies §18-31-2(5)(C) of this code: *Provided*, That if the department does not reply within 30 days, this criteria is considered satisfied.

(e) All records accepted or maintained by the board containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not a public record subject to release pursuant to the West Virginia Freedom of Information Act, as codified in §29B-1-1 *et seq.* of this code.

§18-31-6. Funding of Hope Scholarships; program and expense funds.

(a) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Fund. The fund shall be administered by the Treasurer and shall consist of funds transferred by the Department of Education in accordance with §18-9A-25 of this code. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Fund shall be credited to the fund. Any balance, including

6 accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not
7 revert to the General Revenue Fund but shall remain in the fund and be expended as provided by
8 this section.

9 (b) The amount of Hope Scholarship funds made available to an eligible recipient on a
10 yearly basis shall be equal to 100 percent of the prior year's statewide average net state aid share
11 allotted per pupil based on net enrollment adjusted for state aid purposes, subject to the provisions
12 of subsection (c) of this section: *Provided*, That the amount of the funding to an eligible recipient
13 who is awarded a Hope Scholarship account for less than a full fiscal year shall be prorated based
14 on the portion of the fiscal year the eligible recipient is awarded the Hope Scholarship account. On
15 or prior to the submission of the Department of Education's budget request each year, the board
16 shall notify the Department of Education of the estimated number of Hope Scholarship
17 applications for the fiscal year for purposes of facilitating the necessary transfer of moneys
18 pursuant to §18-9A-25 of this code.

19 (c) Expenditures from the Hope Scholarship Fund shall be limited to the purposes set forth
20 in this article: *Provided*, That an amount not to exceed five percent of the fund shall be transferred
21 annually to the West Virginia Hope Scholarship Program Expense Fund established in subsection
22 (h) of this section to cover the annual administrative costs of the Hope Scholarship Program. If the
23 number of Hope Scholarship accounts increases significantly after any fiscal year, the Treasurer
24 may request an appropriation by the Legislature to the West Virginia Hope Scholarship Program
25 Expense Fund in an amount equal to the administrative costs associated with the increase in Hope
26 Scholarship accounts.

27 (d) The first deposit of Hope Scholarship funds into an eligible recipient account shall be
28 subject to the execution of the parental agreement required by §18-31-5 of this code. Upon
29 execution of the required parental agreement, and subject to the provisions of §18-31-9(e) of this
30 code, one half of the total annually required deposit shall be made no later than August 15 of every
31 year into an eligible recipient's Hope Scholarship account, and one half of the total annually

required deposit shall be made no later than January 15 of every year. Any funds remaining in a student's Hope Scholarship account at the end of the fiscal year ~~may be carried over to the next fiscal year upon successful renewal of the account~~ shall be transferred to the student's resident school district.

(e) Funds deposited in a student's Hope Scholarship account, other than those funds expended on transportation services pursuant to §18-31-7(11) of this code, do not constitute taxable income to the parent or the Hope Scholarship student.

(f) The board shall continue to make deposits into an eligible recipient's Hope Scholarship account in accordance with the provisions of this section unless any of the following conditions have occurred:

(1) A parent of an eligible recipient fails to renew a Hope Scholarship account or withdraws from the Hope Scholarship Program;

(2) The board determines that a student is no longer eligible for a Hope Scholarship, including because the board determines that the student's parent or parents have exceeded the maximum income threshold provided for in §18-31-2(5) of this code;

(3) The board suspends or revokes participation in the Hope Scholarship Program for failure to comply with the requirements of this article;

(4) The Hope Scholarship student successfully completes a secondary education program or does not commence kindergarten-level education in the year that eligibility is based on the student's kindergartener status; or

(5) The Hope Scholarship student reaches 21 years of age.

(g) If any of the conditions in subsection (f) of this section occur, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent fails to adequately address the condition or conditions upon which closure is based or does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

(h)(1) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Expense Fund. The account shall consist of moneys received pursuant to this section; moneys, if any, transferred from special revenue funds administered by the Treasurer; or any governmental or private grants and any state general fund appropriations, if any, for the Hope Scholarship Program. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Program Expense Fund shall be credited to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(2) All expenses incurred by the Treasurer or the board in developing and administering the Hope Scholarship Program shall be payable from the West Virginia Hope Scholarship Expense Fund.

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

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

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

(2) Tuition and fees at a participating school physically located in this state;

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

(4) Fees for nationally standardized assessments, advanced placement examinations, any 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

qualifying expenses not available for purchase by a Hope Scholarship parent through the existing online Hope Scholarship Program portal. Any refund or rebate for goods or services purchased with Hope Scholarship funds shall be credited directly to a student's Hope Scholarship account.

(e) Nothing in this section prohibits the parents of a Hope Scholarship student from making payments for the costs of educational goods and services not covered by the funds in their student's Hope Scholarship account. However, personal deposits into a Hope Scholarship account are not permitted.

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

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

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

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

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

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

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

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

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

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

26 (1) ~~The parent must~~ Submit proof of the student's continued West Virginia residency;

27 (2) Submit proof of income for purposes of establishing compliance with the maximum
28 income threshold provided for in §18-31-2(5) of this code;

29 ~~(2)(3) The parent must~~ Execute the parent agreement with the Board described in §18-31-
30 5(d)(3) of this code ahead of each school year; and

31 ~~(3)(4) The parent must~~ Report to the county superintendent of the student's county of
32 residence that the student has complied with all attendance and academic requirements in
33 accordance with subsection (a) of this section for the most recent school year.

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

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

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

44 must reapply.

45 (f) The board, in consultation with the Department of Education, may adopt rules and
46 policies for Hope Scholarship students who want to continue to receive services provided by a
47 public school or district, including individual classes and extracurricular programs, in combination
48 with an individualized instructional program. The board, in consultation with the Department of
49 Education, shall ensure that any public school or school district providing such services receives
50 the appropriate pro rata share of a student's Hope Scholarship funds based on the percentage of
51 total instruction provided to the student by the public school or school district. County boards and
52 charter school governing boards shall charge tuition to Hope Scholarship students who enroll for
53 services in a public school within the county or in a public charter school. Hope Scholarship
54 students who enroll for services part-time in public school shall not be included in net enrollment
55 for state aid funding purposes under §18-9A-2 of this code. Nothing in this subsection prohibits a
56 Hope Scholarship student from using the funds deposited in his or her account on both services
57 provided by a public school or district and other qualifying expenses as provided for in §18-31-7 of
58 this code.

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

§18-31-11. Requirements for and rights of education service providers.

1 (a) To be eligible to accept payments from a Hope Scholarship account, an education
2 service provider shall:

3 (1) Be physically located and provide Hope Scholarship students with educational services
4 in this state;

5 ~~(4)~~(2) Submit notice to the board that they wish to participate in the Hope Scholarship
6 Program;

7 ~~(2)~~(3) Provide participating parents with a receipt for all qualifying educational expenses

8 for the Hope Scholarship student;

9 ~~(3)~~(4) Agree not to refund, rebate, or share Hope Scholarship funds with parents or
10 students in any manner, except that funds may be remitted or refunded to a Hope Scholarship
11 account in accordance with §18-31-7(c) of this code;

12 ~~(4)~~(5) Certify that it will not discriminate on any basis prohibited by 42 U.S.C. 1981;

13 ~~(5)~~(6) Submit any employee or other person who will have contact with Hope Scholarship
14 students receiving services from the provider to a criminal background check and certify that said
15 background check does not indicate conviction of a felony involving violence to the person and
16 that the employee or other person is not on a federal or state sex offender registry; and

17 ~~(6)~~(7) In the case of a participating school, provide notice of each Hope Scholarship
18 student's enrollment annually to the county superintendent of any student for which a student's
19 tuition is being paid through the Hope Scholarship Program.

20 (b) This article does not limit the independence or autonomy of an education service
21 provider or make the actions of an education service provider the actions of the state government.

22 (c) Education service providers shall be given maximum freedom to provide for the
23 educational needs of Hope Scholarship students without governmental control.

24 (d) A participating school or education service provider is not required to alter its creed,
25 practices, admission policy, hiring policy or curriculum in order to accept eligible recipients whose
26 parents pay tuition or fees from a Hope Scholarship account pursuant to this article: *Provided*,
27 That an education service provider is prohibited from requiring a student or family to pay tuition,
28 costs, or fees above or in addition to the provider's regular tuition or fee schedule based in whole
29 or in part upon a student or family member's participation in the Hope Scholarship Program.

30 (e) This article does not expand the regulatory authority of the state, its officers, or any
31 school district to impose any additional regulation of education service providers beyond those
32 necessary to enforce the requirements of the program.

NOTE: The purpose of this bill is to modify the West Virginia Hope Scholarship Program to limit eligibility for the program to students from families making less than \$100,000 annually; to require that any unused funds left in a student's Hope Scholarship account at the end of each fiscal year be transferred to the county school district in which the student resides; and to prohibit the use of Hope Scholarship funds for out-of-state education 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.