

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 778

BY SENATORS RUCKER, FULLER, GRADY, AND HART

[Introduced February 5, 2026; referred
to the Committee on Education]

1 A BILL to amend and reenact §18-20-1 of the Code of West Virginia, 1931, as amended, relating
2 to removing a significant barrier for families and ensuring that students receive timely
3 educational support by allowing nurse practitioners and physicians assistants, as well as
4 physicians, to certify eligibility for homebound services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-1. Establishment of special programs and teaching services for students with exceptionalities.

1 (a) In accordance with the following provisions, local educational agencies, including all
2 county boards of education, schools, and facilities under the supervision of the state board, and
3 public charter schools acting as their own local educational agency throughout the state shall
4 establish and maintain special education services for all exceptional school-age students between
5 five and 21 years of age, including, but not limited to, services provided in general education
6 classrooms, co-teaching classrooms, special education resource classes, self-contained classes,
7 homebound services, and other placements determined appropriate to meet the unique needs of
8 students with disabilities as determined by Individualized Education Program teams. Special
9 education programs must be provided to students until the end of the school year in which they
10 reach the age of 21 years or until the student earns a regular high school diploma, whichever
11 occurs first. Provisions shall be made for educating exceptional students including students with
12 disabilities and students identified as gifted or exceptionally gifted who differ from their non-
13 disabled peers to the extent that they need specially designed instruction in order to access the
14 curriculum and receive a free appropriate public education. The term "gifted" means exceptional
15 intellectual abilities and potential for achievement that requires specially designed instruction
16 and/or services beyond those normally provided in the general classroom instruction. The term
17 "exceptional gifted" means those students in grades nine through 12 meeting the criteria for gifted
18 with at least one of the additional criteria as identified in State Board Policy 2419. Exceptional

19 gifted students shall be referred for identification pursuant to state board policy. Each local
20 education agency is mandated to provide gifted education to its students according to guidelines
21 promulgated by the state board and consistent with the provisions of this chapter. In addition,
22 county boards of education may establish and maintain other educational services for exceptional
23 students as the State Superintendent of Schools may approve.

24 (b) Each local educational agency shall establish and maintain special educational
25 programs which include services outside the school environment for students who are
26 homebound due to injury or who for any other reason as certified by a licensed physician, nurse
27 practitioner, or certified physician assistant, are homebound for a period that has lasted or will
28 last more than three weeks. The state board shall adopt rules to advance and accomplish this
29 program and to assure that all exceptional students in the state, including students in mental
30 health facilities, residential institutions, foster care, correctional facilities, and private schools, will
31 receive an education in accordance with the mandates of state and federal laws.

32 (c) Each local educational agency shall adopt a policy that allows a student with
33 disabilities, whose individualized education program provides for an alternate diploma to
34 participate in the graduation ceremony with their same-grade classmates if requested in writing
35 by their parent or legal guardian, or the student who is subject to this request if the student is of
36 the age of majority. The local educational agency shall also permit the student to continue
37 receiving special education services after the graduation ceremony until the end of the school
38 year in which the student reaches the age of 21 years. The local educational agency may not
39 terminate, deny, or declare the student ineligible for post-graduation ceremony special education
40 services due to their participation in the graduation ceremony.