

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 4855**

**FISCAL  
NOTE**

By Delegate Dillon

[Introduced January 28, 2026; referred to the

Committee on Education then Finance]

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, §18-36-3, §18-36-4, §18-36-5, §18-36-6, §18-36-7, and  
3 §18-36-8, relating to the elimination of the West Virginia Department of Education and  
4 providing direct funding for education; providing for the abolition of the department;  
5 reducing the role of the State Superintendent; creating a fund within the State Treasurer;  
6 modifying the county apportionment; providing for teacher classroom benefits; and  
7 providing for severability and an effective date.

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

**ARTICLE 36. ELIMINATION OF WEST VIRGINIA DEPARTMENT OF EDUCATION;**

**DIRECT FUNDING FOR EDUCATION.**

**§18-36-1. Legislative findings and purpose.**

1 The Legislature finds that the Constitution vests general supervision of free schools in the  
2 State Board of Education and that the Legislature may prescribe duties by law. The purpose of this  
3 Act is to streamline state education administration, return certain functions to local control,  
4 centralize fund custody with the State Treasurer, and increase transparency.

**§18-36-2. Abolition of the Department of Education.**

1 (a) Effective July 1 of the fiscal year following enactment, the West Virginia Department of  
2 Education and all statutory offices, divisions, and programs within it are abolished.

3 (b) All functions, records, assets, and liabilities of the abolished Department shall be  
4 transferred as provided in this Act or as otherwise directed by law.

**§18-36-3. Office of the State Superintendent of Schools.**

1 (a) The Office of the State Superintendent of Schools is resized to the constitutional role of  
2 supervising compliance with state and federal law, reporting to the State Board of Education and  
3 the Legislature, and making recommendations; the Superintendent shall perform only such  
4 additional duties as the Legislature prescribes.

5        (b) Superintendent salary shall not exceed the salary of a member of the Board of Public  
6        Works.

7        (c) All rulemaking, program administration, and grant management functions formerly  
8        exercised by the Department are transferred to the State Treasurer, county boards, or other  
9        entities as provided in this Act.

**§18-36-4.        School        Fund        at        the        State        Treasurer.**

1        (a) There is established in the State Treasury the School Fund to be administered by the  
2        State Treasurer as custodian of state and federal education funds; all state and federal education  
3        appropriations and receipts shall be deposited into the School Fund unless otherwise required by  
4        federal law or specific statute.

5        (b) The State Treasurer shall administer and distribute funds to counties in accordance  
6        with Section 6 and shall maintain accounting and transparency standards.

**§18-36-5.        County        apportionment        formula.**

1        (a) All funds in the School Fund shall be distributed to county boards of education  
2        annually. Distribution shall be apportioned using a formula weighting two-thirds (2/3) by county  
3        population and one-third (1/3) by inhabitable land mass. Land excluded from calculation where  
4        human habitation is legally prohibited shall not be counted.

5        (b) Funds are unrestricted and unencumbered except where state or federal law expressly  
6        imposes restrictions.

**§18-36-6.        Teacher        classroom        expense        accounts.**

1        The Legislature shall appropriate a per-teacher classroom expense account amount to be  
2        distributed to each certificated classroom teacher; the amount shall be set annually by the  
3        Legislature and disbursed from county school accounts.

**§18-36-7.        Purchase-card        use        and        transparency.**

1        (a) County boards of education and their employees shall use purchase cards as the  
2        standard procurement method for routine purchases and expenses.

3        (b) All purchase-card transactions shall be published in a searchable public format by the  
4        State Treasurer and county boards, including vendor, date, amount, and purpose.

**§18-36-8. Severability and effective date.**

1        If any provision is held invalid, the remainder remains effective. This Act takes effect July 1  
2        following enactment, except where otherwise provided.

NOTE: The purpose of this bill is to eliminate the West Virginia Department of Education and provide direct funding for education.

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