

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2997**

By Delegates C. Pritt, Kimble, Kump, Brooks and

Ridenour

[Introduced January 24, 2023; Referred to the

Committee on Education then Finance]

1 A BILL to amend and reenact §18-31-2 of the Code of West Virginia, 1931, as amended, relating to  
2 ensuring that the HOPE Scholarship is eligible to all children in West Virginia, not just those  
3 enrolled in public school for 45 days.

*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 education expenses to educate the student pursuant  
6 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 content area or grade  
9 level, including any supplemental materials required by the curriculum;

10 (4) "Education service provider" means a person or organization that receives payments  
11 from Hope Scholarship accounts to provide educational goods and services to Hope Scholarship  
12 students;

13 (5) "Eligible recipient" means a child ~~who: (A) is~~ who is a resident of this state; and

14 ~~(B) is enrolled full-time and attending a public elementary or secondary school program in~~  
15 ~~this state for at least 45 calendar days during an instructional term at the time of application and~~  
16 ~~until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a~~  
17 ~~public elementary or secondary school program in this state for the entire instructional term the~~  
18 ~~previous year, or is eligible at the time of application to enroll in a kindergarten program in this state~~  
19 ~~pursuant to §18-8-1a of this code, except that if on July 1, 2024, the participation rate of the~~  
20 ~~combined number of students in the Hope Scholarship Program and students eligible who have~~

21 ~~applied to participate in the Hope Scholarship program during the previous school year is less than~~  
22 ~~five percent of net public school enrollment adjusted for state aid purposes for the previous school~~  
23 ~~year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph~~  
24 ~~if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program~~  
25 ~~or public elementary or secondary school program in this state at the time of application~~

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

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

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

32 (9) "Participating school" means any private school that provides education to elementary  
33 and/or secondary students and has notified the board of its intention to participate in the program  
34 and comply with the program's requirements;

35 (10) "Resident school district" means the county school district in which the student  
36 resides; and

37 (11) "Treasurer" means the West Virginia State Treasurer.

NOTE: The purpose of this bill is to permit the HOPE Scholarship to apply to all children, not just those enrolled in public school for 45 days.

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