

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 589

By Senators Rucker and Roberts

[Introduced February 08, 2023; referred
to the Committee on School Choice; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18-8-1 and §18-8-12 of the Code of West Virginia, 1931, as
 2 amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2,
 3 §18-31-3, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, and §18-31-11
 4 of said code; and to amend said code by adding thereto a new section, designated §18-31-
 5 2a, all relating generally to nonpublic kindergarten, elementary, and secondary school
 6 education; permitting Hope Scholarship individualized instructional students, microschool
 7 students, and learning pod students to participate in public interscholastic athletic events
 8 and other extracurricular activities of public secondary schools; providing that
 9 microschoools and learning pods have the authority to issue secondary school diplomas;
 10 providing that the annual Hope Scholarship Program appropriation calculation will be
 11 based on the estimated number of participating students instead of the number of
 12 participating students in the prior year; permitting the State Treasurer to appear by
 13 designee at Hope Scholarship Board meetings; clarifying that all records and personally
 14 identifying information of a Hope Scholarship student, applicant, or parent is confidential
 15 and not subject to disclosure pursuant to the West Virginia Freedom of Information Act;
 16 establishing qualifying expenses under the Hope Scholarship Act; requiring the board to
 17 maintain and publish a list of all education service providers; authorizing the board to
 18 contract with independent auditors to complete Hope Scholarship Program audits;
 19 authorizing the board to promulgate legislative rules for the auditing of educational service
 20 providers; and requiring education service providers conducting background screenings of
 21 employees and other persons in contact with students and to certify screening results to
 22 the board.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-1. Compulsory school attendance; exemptions.

1 (a) Exemption from the requirements of compulsory public school attendance established

2 in §18-8-1a of this code shall be made on behalf of any child for the causes or conditions set forth
3 in this section. Each cause or condition set forth in this section is subject to confirmation by the
4 attendance authority of the county. A child who is exempt from compulsory school attendance
5 under this section is not subject to prosecution under §18-8-2 of this code, nor is such a child a
6 status offender as defined by §49-1-202 of this code.

7 (b) A child is exempt from the compulsory school attendance requirement set forth in §18-
8 8-1a of this code if the requirements of this subsection, relating to instruction in a private,
9 parochial, or other approved school, are met. The instruction shall be in a school approved by the
10 county board and for a time equal to the instructional term set forth in §18-5-45 of this code. In all
11 private, parochial, or other schools approved pursuant to this subsection, it is the duty of the
12 principal or other person in control, upon the request of the county superintendent, to furnish to the
13 county board such information and records as may be required with respect to attendance,
14 instruction, and progress of students enrolled.

15 (c) A child is exempt from the compulsory school attendance requirement set forth in §18-
16 8-1a of this code if the requirements of either subdivision (1) or subdivision (2) of this subsection,
17 both relating to home instruction, are met.

18 (1) The instruction shall be in the home of the child or children or at some other place
19 approved by the county board and for a time equal to the instructional term set forth in §18-5-45 of
20 this code. If the request for home instruction is denied by the county board, good and reasonable
21 justification for the denial shall be furnished in writing to the applicant by the county board. The
22 instruction shall be conducted by a person or persons who, in the judgment of the county
23 superintendent and county board, are qualified to give instruction in subjects required to be taught
24 in public elementary schools in the state. The person or persons providing the instruction, upon
25 request of the county superintendent, shall furnish to the county board information and records as
26 may be required periodically with respect to attendance, instruction, and progress of students
27 receiving the instruction. The state board shall develop guidelines for the home schooling of

28 special education students including alternative assessment measures to assure that satisfactory
29 academic progress is achieved.

30 (2) The child meets the requirements set forth in this subdivision: Provided, That the county
31 superintendent may, after a showing of probable cause, seek from the circuit court of the county an
32 order denying home instruction of the child. The order may be granted upon a showing of clear and
33 convincing evidence that the child will suffer neglect in his or her education or that there are other
34 compelling reasons to deny home instruction.

35 (A) Upon commencing home instruction under this section the parent of a child receiving
36 home instruction shall present to the county superintendent or county board a notice of intent to
37 provide home instruction that includes the name, address, and age of any child of compulsory
38 school age to be instructed and assurance that the child shall receive instruction in reading,
39 language, mathematics, science, and social studies, and that the child shall be assessed annually
40 in accordance with this subdivision. The person providing home instruction shall notify the county
41 superintendent upon termination of home instruction for a child who is of compulsory attendance
42 age. Upon establishing residence in a new county, the person providing home instruction shall
43 notify the previous county superintendent and submit a new notice of intent to the superintendent
44 of the new county of residence: Provided, That if a child is enrolled in a public school, notice of
45 intent to provide home instruction shall be given on or before the date home instruction is to begin.

46 (B) The person or persons providing home instruction shall submit satisfactory evidence of
47 a high school diploma or equivalent, or a post-secondary degree or certificate from a regionally
48 accredited institution, or from an institution of higher education that has been authorized to confer
49 a post-secondary degree or certificate in West Virginia by the West Virginia Council for Community
50 and Technical College Education or by the West Virginia Higher Education Policy Commission.

51 (C) Annually, the person or persons providing home instruction shall obtain an academic
52 assessment of the child for the previous school year in one of the following ways:

53 (i) The child receiving home instruction takes a nationally normed standardized

54 achievement test published or normed not more than 10 years from the date of administration and
55 administered under the conditions as set forth by the published instructions of the selected test
56 and by a person qualified in accordance with the test's published guidelines in the subjects of
57 reading, language, mathematics, science, and social studies. The child is considered to have
58 made acceptable progress when the mean of the child's test results in the required subject areas
59 for any single year is within or above the fourth stanine or, if below the fourth stanine, shows
60 improvement from the previous year's results;

61 (ii) The child participates in the testing program currently in use in the state's public
62 schools. The test shall be administered to the child at a public school in the county of residence.
63 Determination of acceptable progress shall be based on current guidelines of the state testing
64 program;

65 (iii) A portfolio of samples of the child's work is reviewed by a certified teacher who
66 determines whether the child's academic progress for the year is in accordance with the child's
67 abilities. The teacher shall provide a written narrative about the child's progress in the areas of
68 reading, language, mathematics, science, and social studies and shall note any areas which, in
69 the professional opinion of the reviewer, show need for improvement or remediation. If the
70 narrative indicates that the child's academic progress for the year is in accordance with the child's
71 abilities, the child is considered to have made acceptable progress; or

72 (iv) The child completes an alternative academic assessment of proficiency that is mutually
73 agreed upon by the parent or legal guardian and the county superintendent.

74 (D) A parent or legal guardian shall maintain copies of each student's Academic
75 Assessment for three years. When the annual assessment fails to show acceptable progress, the
76 person or persons providing home instruction shall initiate a remedial program to foster acceptable
77 progress. The county board upon request shall notify the parents or legal guardian of the child, in
78 writing, of the services available to assist in the assessment of the child's eligibility for special
79 education services. Identification of a disability does not preclude the continuation of home

80 schooling. In the event that the child does not achieve acceptable progress for a second
81 consecutive year, the person or persons providing instruction shall submit to the county
82 superintendent additional evidence that appropriate instruction is being provided.

83 (E) The parent or legal guardian shall submit to the county superintendent the results of the
84 academic assessment of the child at grade levels three, five, eight, and 11, as applicable, by June
85 30 of the year in which the assessment was administered.

86 (3) This subdivision applies to both home instruction exemptions set forth in subdivisions
87 (1) and (2) of this subsection. The county superintendent or a designee shall offer such
88 assistance, including textbooks, other teaching materials and available resources, all subject to
89 availability, as may assist the person or persons providing home instruction. Any child receiving
90 home instruction may upon approval of the county board exercise the option to attend any class
91 offered by the county board as the person or persons providing home instruction may consider
92 appropriate subject to normal registration and attendance requirements.

93 (d) A child is exempt from the compulsory school attendance requirement set forth in §18-
94 8-1a of this code if the requirements of this subsection, relating to physical or mental incapacity,
95 are met. Physical or mental incapacity consists of incapacity for school attendance and the
96 performance of school work. In all cases of prolonged absence from school due to incapacity of
97 the child to attend, the written statement of a licensed physician or authorized school nurse is
98 required. Incapacity shall be narrowly defined and in any case the provisions of this article may not
99 allow for the exclusion of the mentally, physically, emotionally, or behaviorally handicapped child
100 otherwise entitled to a free appropriate education.

101 (e) A child is exempt from the compulsory school attendance requirement set forth in §18-
102 8-1a of this code if conditions rendering school attendance impossible or hazardous to the life,
103 health, or safety of the child exist.

104 (f) A child is exempt from the compulsory school attendance requirement set forth in §18-8-
105 1a of this code upon regular graduation from a standard senior high school or alternate secondary

106 program completion as determined by the state board.

107 (g) A child is exempt from the compulsory school attendance requirement set forth in §18-
108 8-1a of this code if the child is granted a work permit pursuant to the subsection. After due
109 investigation the county superintendent may grant work permits to youths under the termination
110 age designated in §18-8-1a of this code, subject to state and federal labor laws and regulations. A
111 work permit may not be granted on behalf of any youth who has not completed the eighth grade of
112 school.

113 (h) A child is exempt from the compulsory school attendance requirement set forth in §18-
114 8-1a of this code if a serious illness or death in the immediate family of the child has occurred. It is
115 expected that the county attendance director will ascertain the facts in all cases of such absences
116 about which information is inadequate and report the facts to the county superintendent.

117 (i) A child is exempt from the compulsory school attendance requirement set forth in §18-8-
118 1a of this code if the requirements of this subsection, relating to destitution in the home, are met.
119 Exemption based on a condition of extreme destitution in the home may be granted only upon the
120 written recommendation of the county attendance director to the county superintendent following
121 careful investigation of the case. A copy of the report confirming the condition and school
122 exemption shall be placed with the county director of public assistance. This enactment
123 contemplates every reasonable effort that may properly be taken on the part of both school and
124 public assistance authorities for the relief of home conditions officially recognized as being so
125 destitute as to deprive children of the privilege of school attendance. Exemption for this cause is
126 not allowed when the destitution is relieved through public or private means.

127 (j) A child is exempt from the compulsory school attendance requirement set forth in §18-8-
128 1a of this code if the requirements of this subsection, relating to church ordinances and
129 observances of regular church ordinances, are met. The county board may approve exemption for
130 religious instruction upon written request of the person having legal or actual charge of a child or
131 children. This exemption is subject to the rules prescribed by the county superintendent and

132 approved by the county board.

133 (k) A child is exempt from the compulsory school attendance requirement set forth in §18-
134 8-1a of this code if the requirements of this subsection, relating to alternative private, parochial,
135 church, or religious school instruction, are met. Exemption shall be made for any child attending
136 any private school, parochial school, church school, school operated by a religious order, or other
137 nonpublic school which elects to comply with the provisions of §18-28-1 *et seq.* of this code.

138 (l) Completion of the eighth grade does not exempt any child under the termination age
139 designated in §18-8-1a of this code from the compulsory attendance provision of this article.

140 (m) A child is exempt from the compulsory school attendance requirements set forth in
141 §18-8-1a of this code if the child is an eligible recipient participating in the Hope Scholarship
142 Program, as provided for in §18-31-1 *et seq.* of this code and provides a notice of intent to
143 participate in the Hope Scholarship Program to the county superintendent. Any student exempt
144 pursuant to this subsection shall follow all applicable requirements imposed by §18-31-8 of this
145 code and is considered a Hope Scholarship student. Any student who receives the Hope
146 Scholarship shall meet the requirements of this subdivision in addition to any requirements
147 imposed by §18-31-1 *et seq.* of this code, regardless of whether the student chooses to participate
148 or enroll in a nonpublic school, a microschool, a learning pod, or an individualized instructional
149 program pursuant to the Hope Scholarship Act. The county superintendent shall enter the
150 following into the West Virginia Education Information System (WVEIS):

151 (1) The filing of the notice of intent pursuant to this subsection;

152 (2) In the case of a Hope Scholarship recipient who chooses an individualized instructional
153 program, annually, the child's test results or determination that a student is making academic
154 progress commensurate with his or her age and ability, as applicable, pursuant to §18-31-8(a)(4)
155 of this code; and

156 (3) In the case of an eligible recipient enrolling in a participating school, annually, the filing
157 of a notice of enrollment pursuant to §18-31-11(a)(6) of this code.

158 (n) A child is exempt from the compulsory school attendance requirement set forth in §18-
159 8-1a of this code if the child participates in a learning pod or microschool pursuant to this
160 subsection.

161 (1) For the purposes of this subsection:

162 (A) "Learning pod" means a voluntary association of parents choosing to group their
163 children together to participate in their elementary or secondary academic studies as an
164 alternative to enrolling in a public school, private school, homeschool, or microschool, including
165 participation in an activity or service provided to the children in exchange for payment; and

166 (B) "Microschool" means a school initiated by one or more teachers or an entity created to
167 operate a school that charges tuition for the students who enroll and is an alternative to enrolling in
168 a public school, private school, homeschool, or learning pod.

169 (2) Upon beginning participation in a learning pod or microschool pursuant to this
170 subsection, the parent or legal guardian of the child participating shall present to the county
171 superintendent or county board a notice of intent to participate in a learning pod or microschool
172 that includes the name, address, and age of any child of compulsory school age participating and
173 assurance that the child shall receive instruction in reading, language, mathematics, science, and
174 social studies, and that the child shall be assessed annually in accordance with this subsection.
175 The person providing instruction shall notify the county superintendent upon termination of
176 participation in a learning pod or microschool for a child who is of compulsory attendance age.
177 Upon establishing residence in a new county, the person providing instruction shall notify the
178 previous county superintendent and submit a new notice of intent to the superintendent of the new
179 county of residence: *Provided*, That if a child is enrolled in a public school, notice of intent to
180 participate in a learning pod or microschool shall be given on or before the date participation is to
181 begin.

182 (3) The person or persons providing instruction shall submit satisfactory evidence of a high
183 school diploma or equivalent, or a post-secondary degree or certificate from a regionally

184 accredited institution, or from an institution of higher education that has been authorized to confer
185 a post-secondary degree or certificate in West Virginia by the West Virginia Council for Community
186 and Technical College Education or by the West Virginia Higher Education Policy Commission.

187 (4) Annually, the person or persons providing instruction shall obtain an academic
188 assessment of the child for the previous school year in one of the following ways:

189 (A) The child participating in a learning pod or microschool takes a nationally normed
190 standardized achievement test published or normed not more than 10 years from the date of
191 administration and administered under the conditions as set forth by the published instructions of
192 the selected test and by a person qualified in accordance with the test's published guidelines in the
193 subjects of reading, language, mathematics, science, and social studies. The child is considered
194 to have made acceptable progress when the mean of the child's test results in the required subject
195 areas for any single year is within or above the fourth stanine or, if below the fourth stanine, shows
196 improvement from the previous year's results;

197 (B) The child participates in the testing program currently in use in the state's public
198 schools. The test shall be administered to the child at a public school in the county of residence.
199 Determination of acceptable progress shall be based on current guidelines of the state testing
200 program;

201 (C) A portfolio of samples of the child's work is reviewed by a certified teacher who
202 determines whether the child's academic progress for the year is in accordance with the child's
203 abilities. The teacher shall provide a written narrative about the child's progress in the areas of
204 reading, language, mathematics, science, and social studies and shall note any areas which, in
205 the professional opinion of the reviewer, show need for improvement or remediation. If the
206 narrative indicates that the child's academic progress for the year is in accordance with the child's
207 abilities, the child is considered to have made acceptable progress; or

208 (D) The child completes an alternative academic assessment of proficiency that is mutually
209 agreed upon by the parent or legal guardian and the county superintendent.

210 (5) A parent or legal guardian shall maintain copies of each student's Academic
211 Assessment for three years. When the annual assessment fails to show acceptable progress, the
212 person or persons providing instruction shall initiate a remedial program to foster acceptable
213 progress. The county board upon request shall notify the parents or legal guardian of the child, in
214 writing, of the services available to assist in the assessment of the child's eligibility for special
215 education services. Identification of a disability does not preclude the continuation of participation
216 in a learning pod or microschool. In the event that the child does not achieve acceptable progress
217 for a second consecutive year, the person or persons providing instruction shall submit to the
218 county superintendent additional evidence that appropriate instruction is being provided.

219 (6) The parent, legal guardian, learning pod, or microschool shall submit to the county
220 superintendent the results of the academic assessment of the child with the same frequency
221 prescribed in §18-8-1(c)(2)(E) of this code: *Provided*, That instead of the academic assessment
222 results being submitted individually, the learning pod or microschool may submit the school
223 composite results.

224 (7) The county superintendent or a designee shall offer such assistance, including
225 textbooks, other teaching materials and available resources, all subject to availability, as may
226 assist the person or persons providing instruction. Any child participating in a learning pod or
227 microschool may upon approval of the county board exercise the option to attend any class offered
228 by the county board as the person or persons providing instruction may consider appropriate
229 subject to normal registration and attendance requirements.

230 (8) No learning pod or microschool which meets the requirements of this subsection is
231 subject to any other provision of law relating to education: *Provided*, That any learning pod or
232 microschool which has a student requiring special education instruction must comply with the
233 provisions of §18-20-11 of this code, including, but not limited to, placement of video cameras for
234 the protection of that exceptional student.

235 (9) Making learning pods and microschools subject to the home instruction provisions and

236 requirements does not make learning pods and microschools the same as homeschooling.

§18-8-12. Issuance of a diploma or other appropriate credential by public, private, ~~or home school, microschool, or learning pod~~ administrator.

1 A person who administers a program of secondary education at a public school, private
 2 school, ~~or home school~~, microschool, learning pod, or individualized instructional program
 3 pursuant to the Hope Scholarship Act that meets the requirements of this chapter may issue a
 4 diploma or other appropriate credential to a person who has completed the program of secondary
 5 education. Such diploma or credential is legally sufficient to demonstrate that the person meets
 6 the definition of having a high school diploma or its equivalent. No state agency or institution of
 7 higher learning in this state may reject or otherwise treat a person differently solely on the grounds
 8 of the source of such a diploma or credential. Nothing in this section prevents an institution, once a
 9 student has been fully admitted, from administering placement tests or other assessments to
 10 determine the appropriate placement of students into college-level course sequences or to assess
 11 the content thereof for the purposes of determining whether a person meets other requirements for
 12 a specific program.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-25. Funding for Hope Scholarship Program.

1 ~~(a)~~ Notwithstanding any other provision of this article to the contrary, for fiscal year 2023
 2 and each fiscal year thereafter, in addition to all other amounts required by this article, the
 3 Department of Education shall include in its budget request, and the Governor shall include in
 4 each budget bill submitted to the Legislature, an appropriation to the Department of Education for
 5 the greater of an amount not less than two percent of net public school enrollment adjusted for
 6 state aid purposes or the total number of ~~eligible Hope Scholarship applications received by the~~
 7 ~~Hope Scholarship Board, if available~~ of estimated Hope Scholarship applications for the fiscal
 8 year, multiplied by the prior year's statewide average net state aid allotted per pupil. The Hope
 9 Scholarship Board shall certify the estimated number of Hope Scholarship applications for the

10 fiscal year to the Department of Education by December 10 of each year. The amount
 11 appropriated shall be transferred by the Department of Education to the Hope Scholarship Board
 12 to be used solely to meet the Hope Scholarship Program obligations set forth in §18-31-1 *et seq.* of
 13 this code except as otherwise provided in this section. The Governor shall also provide in each
 14 budget for the reappropriation for expenditure during the ensuing fiscal year the unused
 15 accumulated balance in the Hope Scholarship Fund. ~~to the Department of Education that was not~~
 16 ~~transferred to the Hope Scholarship Board due to an accumulated balance from prior years as~~
 17 ~~provided under subsection (b) of this section.~~

18 ~~(b) Each fiscal year, the amount required to be requested and included in the budget bill for~~
 19 ~~appropriation under subsection (a) of this section shall be reduced by the sum of:~~

20 ~~(1) Any unused accumulated amounts transferred to the Hope Scholarship Board for these~~
 21 ~~purposes from previous years; and~~

22 ~~(2) Any unused appropriations made to the Department of Education for these purposes~~
 23 ~~that were not transferred to the Hope Scholarship Board due to an accumulated balance from prior~~
 24 ~~years~~

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 is eligible to receive the Hope Scholarship
14 pursuant to §18-31-2a of this code.

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

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

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

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

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

34 (9) "Participating school" means any private school that provides education to elementary
35 and/or secondary students and has notified the board of its intention to participate in the program

36 and comply with the program's requirements;

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

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

§18-31-2a. Eligibility requirements.

1 In order to be eligible to receive the Hope Scholarship, a child shall:

2 (1) Be a resident of this state; and

3 (2) Be enrolled full-time and attending a public elementary or secondary school program in
4 this state for at least 45 calendar days during an instructional term at the time of application and
5 until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a
6 public elementary or secondary school program in this state for the entire instructional term the
7 previous year, or be eligible at the time of application to enroll in a kindergarten program in this
8 state pursuant to §18-8-1a of this code, including advanced entrance or placement pursuant to
9 §18-8-1(a)(d) of this code, except that if on July 1, 2024, the participation rate of the combined
10 number of students in the Hope Scholarship Program and students eligible who have applied to
11 participate in the Hope Scholarship program during the previous school year is less than five
12 percent of net public school enrollment adjusted for state aid purposes for the previous school
13 year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph
14 if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program
15 or public elementary or secondary school program in this state at the time of application: *Provided,*
16 That any student who enrolls as advanced entrance or placement is not eligible to receive Hope
17 Scholarship funding during the fiscal year until reaching the age they would have been eligible if
18 not for early enrollment.

**§18-31-3. West Virginia Hope Scholarship board; members; terms; compensation;
proceedings generally.**

1 (a) The West Virginia Hope Scholarship Program shall be administered by the West

2 Virginia Hope Scholarship Board.

3 (b) The board shall consist of nine members and include the following:

4 (1) The State Treasurer or his or her designee;

5 (2) The State Auditor, or his or her designee;

6 (3) The State Attorney General, or his or her designee, as an ex officio nonvoting member;

7 (4) The State Superintendent of Schools, or his or her designee, as an ex officio nonvoting
8 member;

9 (5) The Chancellor of Higher Education, or his or her designee, as an ex officio nonvoting
10 member;

11 (6) The Director of the Herbert Henderson Office of Minority Affairs, or his or her designee,
12 as an ex officio nonvoting member; and

13 (7) Three members appointed by the Governor with the advice and consent of the Senate
14 who are parents of Hope Scholarship students, or for the initial appointments of board members
15 following the effective date of this article, parents who intend to apply for the Hope Scholarship on
16 behalf of eligible recipients, to be appointed as follows:

17 (A) Only state residents are eligible for appointment to the board;

18 (B) The members shall reside in geographically diverse areas of the state;

19 (C) Members shall be initially appointed to staggered terms as follows:

20 (i) One member appointed by the Governor to a one-year term;

21 (ii) One member appointed by the Governor to a two-year term; and

22 (iii) One member each appointed by the Governor to a three-year term.

23 After the initial staggering of terms, appointed board members shall serve for three-year
24 terms and are eligible for reappointment at the expiration of their terms; and

25 (D) If there is a vacancy among appointed members, the vacancy shall be filled by
26 appointment to the unexpired term of a person meeting the requirements of this section by the
27 Governor with the advice and consent of the Senate. Members of the board shall serve until the

28 later of the expiration of the term for which the member was appointed or the appointment of his or
29 her successor.

30 (c) Members of the board shall serve without compensation. The board may reimburse
31 members for all reasonable and necessary expenses, including travel expenses, actually incurred
32 by board members in the conduct of their official duties. Any expense reimbursements shall be
33 made from the West Virginia Hope Scholarship Program Expense Fund at the same rate paid to
34 state employees.

35 (d) The Treasurer is the chairman and presiding officer of the board. The Treasurer may
36 provide office space and staff to the board upon request of the board.

37 (e) The State Superintendent of Schools may provide staff to the board, upon request of
38 the board.

39 (f) A majority of the members of the board constitutes a quorum for the transaction of the
40 business of the board.

41 (g) Members of the board are subject to the ethical standards and financial disclosure
42 requirements of the West Virginia Governmental Ethics Act in Chapter 6B of this code.

§18-31-5. Award of Hope Scholarships.

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

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

9 (c) The board shall make such applications available no later than March 1, 2022 and shall
10 begin accepting applications immediately thereafter. The board shall ensure that an application

11 window of at least 45 days is open at least quarterly. The board may update the application as
12 needed. The board shall issue an award letter to eligible recipients within 45 days of receipt of a
13 completed application and all required documentation.

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

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

18 (2) A student on whose behalf the parent is applying is an eligible recipient, as provided for
19 in §18-31-2(5) of this code;

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

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

23 (B) To use the Hope Scholarship funds exclusively for qualifying expenses as provided for
24 in §18-31-7 of this code;

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

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

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

31 (e) ~~An application for a Hope Scholarship is~~ All records accepted or maintained by the
32 Board containing personally identifying information of a Hope Scholarship student, applicant, or
33 parent are confidential and not a public record subject to release pursuant to the West Virginia
34 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.

1 (a) There is hereby created in the State Treasury a special revenue fund designated and

2 known as the West Virginia Hope Scholarship Program Fund. The fund shall be administered by
3 the Treasurer and shall consist of funds transferred by the Department of Education in accordance
4 with §18-9A-25 of this code. All interest and other returns derived from the deposit and investment
5 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 total number of eligible Hope Scholarship
17 applications received by the board, 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
32 required deposit shall be made no later than January 15 of every year. Any funds remaining in a
33 Hope Scholarship account at the end of the fiscal year may be carried over to the next fiscal year
34 upon successful renewal of the account.

35 (e) Funds deposited in a student's Hope Scholarship account, other than those funds
36 expended on transportation services pursuant to §18-31-7(11) (12) of this code, do not constitute
37 taxable income to the parent or the Hope Scholarship student.

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

41 (1) A parent of an eligible recipient ~~fails to renew a Hope Scholarship account or withdraws~~
42 from the Hope Scholarship Program or the Hope Scholarship account is not renewed for any
43 reason set forth in this subsection or the information required by §18-31-8 of this code is not
44 verified;

45 (2) The board determines that a student is no longer eligible for a Hope Scholarship;

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

48 (4) The Hope Scholarship student successfully completes a secondary education
49 program; or

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

51 (g) If any of the conditions in subsection (f) of this section occur, the board shall notify the
52 parent that the eligible recipient's account will be closed in 45 calendar days. If a parent fails to
53 adequately address the condition or conditions upon which closure is based or does not respond

54 within 30 calendar days of receipt of notice, the board shall close the account and any remaining
55 moneys shall be returned to the state.

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

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

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

7 (3) Tuition and fees at a microschool or learning pod: *Provided*, That none of the funds
8 deposited into a student's Hope Scholarship account are paid to a member of the student's
9 immediate family;

10 ~~(3)~~ (4) Tutoring services provided by an individual or a tutoring facility: *Provided*, That such
11 tutoring services are not provided by a member of the Hope Scholarship student's immediate

12 family;

13 ~~(4)~~ (5) Fees for nationally standardized assessments, advanced placement examinations,
14 any examinations related to college or university admission, and tuition and/or fees for preparatory
15 courses for the aforementioned exams;

16 ~~(5)~~ (6) Tuition and fees for programs of study or the curriculum of courses that lead to an
17 industry-recognized credential that satisfies a workforce need;

18 ~~(6)~~ (7) Tuition and fees for nonpublic online learning programs;

19 ~~(7)~~ (8) Tuition and fees for alternative education programs;

20 ~~(8)~~ (9) Fees for after-school or summer education programs;

21 ~~(9)~~ (10) Educational services and therapies, including, but not limited to, occupational,
22 behavioral, physical, speech-language, and audiology therapies;

23 ~~(10)~~ (11) Curriculum as defined in §18-31-2 of this code;

24 ~~(11)~~ (12) Fees for transportation paid to a fee-for-service transportation provider for the
25 student to travel to and from an education service provider; and

26 (13) Any other educational supplies as considered appropriate by the board such as
27 books, educational games, and other enhancements to curriculum;

28 (14) Any other basic educational supplies, including, but not limited to, paper, writing
29 utensils, scissors, etc; and

30 ~~(12)~~ (15) Any other qualified expenses as approved by the board established pursuant to
31 §18-31-3 of this code.

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

35 (c) Hope Scholarship funds may not be refunded, rebated, or shared with a parent or
36 student in any manner except that reimbursement for qualified educational supplies specified in
37 §18-31-7(a)(13) of this code may be reimbursed. Any refund or rebate for goods or services

38 purchased with Hope Scholarship funds shall be credited directly to a student's Hope Scholarship
39 account.

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

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

1 (a) ~~A parent must renew an eligible recipient's Hope Scholarship on an annual basis.~~
2 ~~Notwithstanding any changes in eligibility, a Hope Scholarship student who has previously~~
3 ~~qualified for a Hope Scholarship account remains eligible to apply for renewal~~ Annual renewal of
4 an eligible recipient's Hope Scholarship shall be automatic until one of the conditions set forth in
5 §18-31-6(f) occurs: *Provided*, That the board shall verify with the Department of Education the
6 following information by July 1 of every year:

- 7 (1) A list of all active Hope Scholarship Accounts;
- 8 (2) The resident school district of each Hope Scholarship student;
- 9 (3) For a Hope Scholarship student who chooses to attend a participating school, annual
10 confirmation of his or her continued attendance at a nonpublic school that complies with all
11 requirements that other nonpublic school students must comply with; and
- 12 (4) For a Hope Scholarship student who chooses an individualized instructional program:
- 13 (A) (i) He or she has annually taken a nationally normed standardized achievement test of
14 academic achievement;
- 15 (ii) The mean of the child's test results in the subject areas of reading, language,
16 mathematics, science and social studies for any single year is within or above the fourth stanine or,
17 if below the fourth stanine, show improvement from the previous year's results; and
- 18 (iii) The child's 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) Each county superintendent shall submit the test results and determinations reported to
24 him or her pursuant to subsection (a) of this section to the Department of Education each year on
25 or before June 15.

26 (c) ~~If a parent fails to renew~~ an eligible recipient's Hope Scholarship is not renewed for any
27 reason set forth in §18-31-6(f) of this code or the information in subsection (a) of this section
28 cannot be verified, the board shall notify the parent that the eligible recipient's account will be
29 closed in 45 calendar days. If a parent ~~chooses not to renew or~~ does not respond within 30
30 calendar days of receipt of notice, the board shall close the account and any remaining moneys
31 shall be returned to the state.

32 (d) If an eligible recipient decides to return to the Hope Scholarship Program after ~~failing to~~
33 ~~renew~~ his or her Hope Scholarship is not renewed, they must reapply.

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

37 (f) The board, in consultation with the Department of Education, may adopt rules and
38 policies for Hope Scholarship students who want to continue to receive services provided by a
39 public school or district, including individual classes and extracurricular programs, in combination
40 with an individualized instructional program. The board, in consultation with the Department of
41 Education, shall ensure that any public school or school district providing such services receives
42 the appropriate pro rata share of a student's Hope Scholarship funds based on the percentage of
43 total instruction provided to the student by the public school or school district. County boards shall
44 charge tuition to Hope Scholarship students who enroll for services in a public school within the
45 county. Hope Scholarship students who enroll for services part-time in public school shall not be

46 included in net enrollment for state aid funding purposes under §18-9A-2 of this code. Nothing in
47 this subsection prohibits a Hope Scholarship student from using the funds deposited in his or her
48 account on both services provided by a public school or district and other qualifying expenses as
49 provided for in §18-31-7 of this code.

§18-31-9. Administration of Hope Scholarship accounts.

1 (a) In addition to the duties, obligations, and authority stated in this section and in other
2 parts of this article, the board has the following duties, obligations, and authority with respect to the
3 administration of Hope Scholarship accounts:

4 (1) To maintain an updated list of participating schools and other education service
5 providers and shall ensure that the list is publicly available through various sources, including the
6 Internet;

7 (2) To provide parents with a written explanation of the allowable uses of Hope Scholarship
8 funds, the responsibilities of parents, the duties of the board and the role of any private financial
9 management firms or other private organizations that the board may contract with to administer
10 the Hope Scholarship Program or any aspect of the program; and

11 (3) To ensure that parents of students with a disability receive notice that participation in
12 the Hope Scholarship Program is a parental placement under 20 U.S.C. § 1412 of the Individuals
13 with Disabilities Education Act (IDEA) along with an explanation of the rights that parentally placed
14 students possess under (IDEA) and any applicable state laws and regulations.

15 (b) The board may contract with private organizations to administer the Hope Scholarship
16 Program. This includes, but is not limited to, private financial management firms to manage Hope
17 Scholarship accounts.

18 (c) The board may contract with independent auditors or the state auditor to complete the
19 audits authorized in §18-31-10 of this code.

20 ~~(e)~~ (d) The board shall implement, or contract with a private organization to implement,
21 after undergoing the Purchasing Division's competitive bid process, a commercially viable, cost

22 effective, and parent-friendly system for payment for services from Hope Scholarship accounts to
23 participating schools or education service providers, including, but not limited to, the use of debit
24 cards or other electronic or online fund transfers: *Provided*, That a Hope Scholarship account may
25 not be reduced for debit card or electronic payment fees.

26 ~~(d)~~ (e) The board shall also seek to implement a commercially viable, cost-effective, and
27 parent-friendly system for publicly rating, reviewing, and sharing information about participating
28 schools and education service providers, ideally as part of the same system that facilitates the
29 electronic or online funds transfers so as to create a one-stop-shop for parents and Hope
30 Scholarship students.

31 ~~(e)~~ (f) If an education service provider requires partial payment of tuition or fees prior to the
32 start of the academic year to reserve space for a Hope Scholarship student admitted to the
33 education service provider, such partial payment may be paid prior to the start of the school year in
34 which the Hope Scholarship is awarded, and deducted in an equitable manner from subsequent
35 Hope Scholarship deposits to ensure adequate funds remain available throughout the school
36 year; but if a Hope Scholarship student decides not to use the education service provider, the
37 partial reservation payment must be returned to the board by such education service provider and
38 credited to the student's Hope Scholarship account.

39 ~~(f)~~ (g) The board may accept gifts and grants from any source to cover administrative
40 costs, to inform the public about the Hope Scholarship Program, or to provide additional funding
41 for Hope Scholarship Accounts.

42 ~~(g)~~ (h) The board may propose legislative rules for legislative approval pursuant to
43 §29A-3-1 *et seq.* of this code, including emergency rules, if necessary, to meet timelines set forth
44 in this article, that are not inconsistent with this article and that are necessary for the administration
45 of this article, including:

46 (1) Establishing or contracting for the establishment of a fraud reporting system;

47 (2) Policies that require a surety bond for education service providers receiving more than

48 \$100,000 in Hope Scholarship funds;

49 (3) Procedures for refunding payments from education service providers back to Hope
50 Scholarship accounts; and

51 (4) Procedures for entering into reciprocal agreements with other state education savings
52 account agencies or entities, whether public or private, to recognize and allow education service
53 providers approved in other states to receive payments from Hope Scholarship accounts under
54 this article.

55 ~~(h)~~ (i) The rules or policies adopted by the board should avoid excessive bureaucracy and
56 overly prescriptive mandates and instead shall focus on encouraging participation in the program
57 and encouraging education service providers to provide parents and Hope Scholarship students
58 with a broad array of educational options.

§18-31-10. Auditing of Hope Scholarship Program; suspension of accounts and providers.

1 (a) The board may propose legislative rules for legislative approval pursuant to §29A-3-1 *et*
2 *seq.* of this code for the auditing of individual Hope Scholarship accounts and shall conduct or
3 contract for the random auditing of individual Hope Scholarship accounts as needed to ensure
4 compliance with the requirements of this article and rules promulgated pursuant to this article.

5 (b) As part of the auditing process, the board may remove a parent or eligible recipient from
6 the Hope Scholarship program and close a Hope Scholarship account for failure to comply with the
7 terms of the parental agreement required by §18-31-5 of this code, failure to comply with the
8 applicable laws, failure of the student to remain eligible, or intentional and fraudulent misuse of
9 Hope Scholarship funds: *Provided*, That the board shall create procedures to ensure that a fair
10 process exists to determine the removal of a parent or eligible recipient from the Hope Scholarship
11 program and a parent or Hope Scholarship student may appeal the decision to make the student
12 ineligible for funds to the board.

13 ~~(c) The board may conduct or contract for the audit of education service providers~~
14 ~~accepting payments from Hope Scholarship accounts. if it determines that the education service~~

15 provider has:

16 ~~(1) Intentionally and substantially misrepresented information or failed to refund any~~
 17 ~~overpayments in a timely manner; or~~

18 ~~(2) Routinely failed to provide students with promised educational goods or services~~

19 (c) The board may propose legislative rules for legislative approval pursuant to §29A-3-1 et
 20 seq. of this code for the auditing of education service providers and shall conduct or contract for
 21 the random auditing of individual providers as needed to ensure compliance with the requirements
 22 of this article and rules promulgated pursuant to this article: *Provided*, That the audit is limited to
 23 financial transactions with the Hope Scholarship recipient.

24 (d) If the board determines that an education service provider has intentionally and
 25 substantially misused Hope Scholarship funds, the board may bar the education service provider
 26 from continuing to receive payments. The board shall create procedures to ensure that a fair
 27 process exists to determine whether an education service provider may be barred from receiving
 28 payment from Hope Scholarship accounts and an education service provider may appeal a
 29 decision to bar it from receiving payments to the board. If the board bars an education service
 30 provider from receiving payments from Hope Scholarship accounts, it shall notify parents and
 31 students of its decision as quickly as possible.

32 (e) If the board obtains evidence of potential fraudulent use of Hope Scholarship funds, it
 33 may refer suspected cases to the State Auditor for purposes of investigation, collection, and
 34 potential criminal investigation.

§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) Submit notice to the board that they wish to participate in the Hope Scholarship
 4 Program;

5 (2) Provide participating parents with a receipt for all qualifying educational expenses for

6 the Hope Scholarship student;

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

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

11 (5) ~~Agree to~~ Submit any employee or other person who will have contact with Hope
12 Scholarship student receiving services from the provider to a criminal background check and may
13 disqualify the service provider based upon the results of the criminal background check.

14 (6) In the case of a participating school, provide notice of enrollment annually to the county
15 superintendent of any student for which a student's tuition is being paid through the Hope
16 Scholarship Program.

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

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

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

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

NOTE: The purpose of this bill relates generally to nonpublic kindergarten, elementary, and

secondary school education; permitting Hope Scholarship individualized instructional students, microschool students, and learning pod students to participate in public interscholastic athletic events and other extracurricular activities of public secondary schools; providing that microschoools and learning pods have the authority to issue secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; establishing qualifying expenses under the Hope Scholarship Act; requiring the board to maintain and publish a list of all education service providers; authorizing the board to contract with independent auditors to complete Hope Scholarship Program audits; authorizing the board to promulgate legislative rules for the auditing of educational service providers; and requiring education service providers conducting background screenings of employees and other persons in contact with students and to certify screening results to the board.

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