WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5329

By Delegates Hornbuckle, Fluharty, Griffith, Hansen, Garcia, Hamilton, Lewis, Pushkin, Rowe, Young, and Williams

[Introduced January 29, 2024; 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   limiting the use of state funding under the Hope Scholarship Program for out-of-state

3   private schools and providers.

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 located in West Virginia

11   that receives payments from Hope Scholarship accounts to provide educational goods and

12   services to Hope Scholarship students;

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

14   (A) (1) Is a resident of this state; and

15   (B) (2) Is enrolled full-time and attending a public elementary or secondary school program

16   in this state for at least 45 calendar days during an instructional term at the time of application and

17   until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a

18   public elementary or secondary school program in this state for the entire instructional term the

19   previous year, or is eligible at the time of application to enroll in a kindergarten program in this state

20   pursuant to §18-8-1a of this code, except that if on July 1, 2024, the participation rate of the

21   combined number of students in the Hope Scholarship Program and students eligible who have

22   applied to participate in the Hope Scholarship program during the previous school year is less than

23   five percent of net public school enrollment adjusted for state aid purposes for the previous school

24   year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph

25   if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program

26   or public elementary or secondary school program in this state at the time of application;

27   (6) "Hope scholarship funds" means the moneys deposited in a Hope Scholarship

28   student's account in accordance with the requirements of this article.

29   (7) "Hope scholarship student" means a student who receives a scholarship pursuant to

30   this article;

31   (8) "Parent" means a biological parent, legal guardian, custodian, or other person with

32   legal authority to act on behalf of an eligible recipient or Hope Scholarship student;

33   (9) "Participating school" means any private school located in West Virginia that provides

34   education to elementary and/or secondary students and has notified the board of its intention to

35   participate in the program and comply with the program's requirements;

36   (10) "Resident school district" means the county school district in which the student

37   resides; and

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

NOTE: The purpose of this bill is to prevent the use of state funds to pay costs for attending
out-of-state private schools or receiving other services from an out-of-state provider.

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