

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 327**

By Senators Woelfel, Caputo, and Plymale

[Introduced January 12, 2024; referred to  
the Committee on Finance]

1 A BILL to amend and reenact §18-31-2 and §18-31-7 of the Code of West Virginia, 1931, as  
2 amended, all relating to providing funding for the Hope Scholarship Program and the  
3 parameters thereof; and providing definitions.

*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:

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

15 (B) Is enrolled full-time and attending a public elementary or secondary school program in  
16 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 West Virginia based private school 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.

39 (12) "West Virginia based" means an entity registered to do business in West Virginia and  
40 with its principal office located in West Virginia.

**§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 West Virginia based school;

7 (3) Tutoring services provided by a West Virginia based individual or a tutoring facility:

8 *Provided*, That such tutoring services are not provided by a member of the Hope Scholarship  
9 student's immediate family;

10 (4) Fees for nationally standardized assessments, advanced placement examinations, any  
11 examinations related to college or university admission, and tuition and/or fees for preparatory  
12 courses for the aforementioned exams;

13 (5) Tuition and fees for West Virginia based programs of study or the curriculum of courses  
14 that lead to an industry-recognized credential that satisfies a workforce need;

15 (6) Tuition and fees for West Virginia based nonpublic online learning programs;

16 (7) Tuition and fees for West Virginia based alternative education programs;

17 (8) Fees for West Virginia based after-school or summer education programs;

18 (9) West Virginia based educational services and therapies, including, but not limited to,  
19 occupational, behavioral, physical, speech-language, and audiology therapies;

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

21 (11) Fees for transportation paid to a fee-for-service transportation provider for the student  
22 to travel to and from an education service provider; and

23 (12) Any other qualified expenses as approved by the board established pursuant to §18-  
24 31-3 of this code.

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

28 (c) Hope Scholarship funds may not be refunded, rebated, or shared with a parent or  
29 student in any manner. Any refund or rebate for goods or services purchased with Hope  
30 Scholarship funds shall be credited directly to a student's Hope Scholarship account.

31 (d) Nothing in this section prohibits the parents of a Hope Scholarship student from making

32 payments for the costs of educational goods and services not covered by the funds in their  
33 student's Hope Scholarship account. However, personal deposits into a Hope Scholarship  
34 account are not permitted.

NOTE: The purpose of this bill is to establish parameters for providing funding for the Hope Scholarship Program; and providing definitions.

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