

# WEST VIRGINIA

West Virginia is notable for the recent creation of a universal-eligibility education savings account called the Hope Scholarship. Every student in the state is eligible. After opponents filed a lawsuit, the state Supreme Court upheld the program in fall 2022. While technically the program can now commence operations, it will take time before some regulatory details become clear. The per-pupil amount is modest in comparison to nearby states with scholarship programs.

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## Market Overview:

The passage of the West Virginia Hope Scholarship was one of the most significant school choice expansions in the nation in 2020-21. Not surprisingly, there was an immediate threat of a legal challenge.

Litigation challenging the Hope Scholarship was formally filed in January 2022. The initial trial court enjoined implementation of the program pending the outcome of that challenge, but in October 2022 the West Virginia Supreme Court not only lifted the injunction but reversed the lower court's decision and upheld the Hope Scholarship program. As a result, the program can now be fully implemented and made available to families in the 2022-23 academic year. There will be a more thorough ruling issued in the coming months, but the program appears safe from further challenge.

The Hope Scholarship program is a well-crafted policy overall. It stands out for its universal eligibility provision; however, the per-pupil scholarship amount falls short of the amounts available in neighboring Drexel target states such as Tennessee and Ohio.

### Here are the major opportunities of the program:

#### Eligibility:

- The Hope Scholarship is a universal eligibility ESA program. All students statewide are eligible, and there is no cap or income limit.
- Students must attend public school the entire previous school year OR for 45 days of the current school year before being eligible to apply and switch to a private school. (Fewer than 5% of students—just 12,530—attended private schools in 2019-20.)

**Funding:**

- Scholarships are set statutorily to be equal to the average amount of state education aid provided to students. Currently, that is approximately \$4,600 per year.
- Students can carry over remaining funds from year to year.

**Administration and Regulation:**

- The program will be governed by an appointed regulatory board that is separate from the K-12 governance structure in the state to ensure independent management and family voice in decision making.
- The regulatory framework is permissive and protects school independence.

**There are some challenges as well:****Eligibility:**

- Schools will have to help parents navigate the public-to-private switch requirement.

**Funding:**

- While funded at 100% of state aid, the scholarships are funded at less than 40% of the total average per-pupil allocation for public schools in West Virginia.

**Regulation/Administration:**

- Schools must administer a nationally normed assessment to children who receive the scholarship.
- Implementation is in the very early stages so there is quite a bit still to learn about how this program will work for new schools.