



# The Hope Scholarship Education Service Provider Handbook

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# West Virginia Hope Scholarship Education Service Provider Handbook

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## Overview

The Hope Scholarship Program (the Program) is an education savings account program that allows families to utilize the state portion of their child's education funding to pursue the learning experience that works best for their K-12 grade student. Approved education service providers (providers) are those entities and individuals that the Hope Scholarship Board (Board) pre-approves to sell educational services that are "qualifying expenses" through the Hope Scholarship online portal.

The Hope Scholarship Program is governed by the Board and the West Virginia State Treasurer's Office (WVSTO) performs substantial administrative functions for the Program. SID3CAR CO. DBA Student First Technologies ("Student First Technologies") is the Program Manager retained by the Board, offering Hope Scholarship account functionality through the online Hope Scholarship portal. The Program allows Hope Scholarship students to pay for qualifying expenses with Hope Scholarship funds via electronic transaction (e.g., ACH) through the online portal with providers. Approved education service providers can include a range of businesses and other entities, such as nonpublic schools, universities offering dual credit post-secondary options to high school students, sole proprietors offering educational services to Hope Scholarship students (such as tutoring or lessons), and microschoools. Purchases with Hope Scholarship funds may only be made with pre-approved education service providers using the online portal, except in limited circumstances when reimbursements of Hope Scholarship funds for personal expenditures are specifically authorized by the [Board's Reimbursement Policy](#). Providers may only receive payments from Hope Scholarship accounts if the service being offered is a qualifying expense, according to State law. For more information on the types of services that are qualifying expenses, please review the [Qualifying Expenses](#) section below.

The information in this Handbook will help you navigate the process to become an approved education service provider in the Hope Scholarship Program and comply with all program requirements. In no circumstances should the information in this Handbook be interpreted to contradict the Hope Scholarship Act, the Hope Scholarship Board rules, or any other requirements adopted by the Board. All persons wishing to become an education service provider in the Hope Scholarship Program should carefully read and review the [laws, rules, and requirements](#) governing the Program, all linked on the [Hope Scholarship Board website](#), before entering into the [Education Service Provider Agreement](#) with the Board.

The information in this Handbook will be updated as determined necessary by the Hope Scholarship team. Please regularly check [the Hope Scholarship website](#) for updates to Program rules, policies, and materials.

### Becoming an Approved Education Service Provider

Only approved Hope Scholarship education service providers may receive payments with Hope Scholarship funds through the online portal. The steps you will need to take to become an approved education service provider depend on whether you are a participating school or a non-school service provider. Step-by-step instructions on how to become an approved education service provider through the online portal for both categories of provider are available in the School Portal Guide and the Provider Portal Guide. All education service providers must agree to the Education Service Provider Agreement with the Board, found in [Appendix B](#) to this Handbook, before receiving payment with Hope Scholarship funds.

When signing up to become a provider in the online portal, it is important to carefully read all instructions and ensure that all information provided to the Board is accurate. When selecting a primary contact person and email address for a provider profile in the online portal, providers should keep in mind that all Hope Scholarship communications, including legally required Board notices, will be sent to the primary contact's email address listed in the online portal. **It is a provider's responsibility to maintain and regularly monitor the primary contact's email account for important communications from the Hope Scholarship team.** A provider should immediately update the provider's contact information in the online portal if the provider's primary contact or designated email address changes at any time.

**Education service providers must always remember that parents of Hope Scholarship students and the students themselves may not share in their students' Hope Scholarship funds.** Parents and immediate family members cannot tutor their own children or immediate family members and receive Hope Scholarship funds as compensation. You should not become an approved education service provider with the expectation of providing educational services to your own child and receiving their Hope Scholarship funds as compensation; this practice is strictly prohibited. More information on this restriction is provided under [Restrictions on Tuition and Fee Practices](#) below.

### Providing Services to Students

Individuals and entities applying to be approved education service providers are typically approved to participate in the program, so long as the provider offers services that are qualifying education expenses in the Hope Scholarship Program. Once a provider begins providing services to students, the provider's invoicing and payment process will be based on whether the provider is a participating school or a non-school service provider. For a detailed explanation of the payment process for the two different categories of provider, please see the School Portal Guide and the Provider Portal Guide. All Hope Scholarship account payments to approved education service providers take place electronically in the online platform and Hope Scholarship funds can never be transmitted or refunded directly by a provider to a parent.

### Qualifying Expenses

Providers may only receive payments of Hope Scholarship funds in exchange for providing services to Hope Scholarship students if those services constitute qualifying expenses. The Hope Scholarship team will reject service offerings a provider attempts to enter into the online portal if the offerings do not appear to fall within the definition of qualifying expenses in the Hope Scholarship Act and Program rules. At the time this Handbook was last updated, the following expenses were qualifying expenses:

- Ongoing services provided by a public school district, including a public charter school, under W. Va. Code §18-31-8(f), including without limitation, individual classes and extracurricular activities and programs;
- Private or parochial school tuition and fees at a participating school;
- Tutoring services provided by an individual or a tutoring facility, **provided that such tutoring services may not be provided by a member of the Hope Scholarship student's immediate family;**
- Fees for nationally standardized assessments, advanced placement examinations, any examinations related to college or university admission, and tuition and/or fees for preparatory courses for the aforementioned exams;
- Tuition and fees for programs of study or the curriculum of courses that lead to an industry-recognized credential that satisfies a workforce need;
- Tuition and fees for nonpublic online learning programs;
- Tuition and fees for alternative education programs;
- Fees for after-school or summer education programs;
- Educational services and therapies, including, but not limited to, occupational, behavioral, physical, speech-language, and audiology therapies;
- Tuition and fees for programs of study, curriculum, or supplemental materials in reading, language, mathematics, science, social studies, or the arts;
- Fees for transportation paid to an approved fee-for-service transportation provider for the student to travel to and from an education service provider;
- Tuition, fees, and materials for enrollment in dual credit or college level courses;
- The cost of school uniforms required by a participating school;
- Basic educational supplies, including but not limited to, paper, writing utensils, scissors, etc.;
- Tuition and fees for programs of study, curriculum, or supplies needed for supplemental or elective educational courses;
- Technology equipment needed for an educational program, including but not limited to computers, printer and required software;
- Any assistive technology or other equipment/supplies necessary to accommodate a student with a disability;
- Vocational supplies or equipment required for a K-12 course of study;
- Tuition and fees at a microschool;
- Certified teacher annual reviews of a student's academic work;

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- Payments to out-of-state public schools for tuition and fees;
- Fees for general or special event admission to museums, art centers, science centers, agricultural centers, and zoos for educational purposes;
- Portable DVD and CD players for educational purposes;
- Student lunch fees charged by a participating school for lunches consumed on school premises during the school day;
- Fees for Armed Services Vocational Aptitude Battery (ASVAB) preparatory courses; and
- Any other qualifying expenses as approved by the Hope Scholarship Board.

**Qualifying expenses can only be incurred for grade levels K-12 educational services. Pre-K and/or junior kindergarten educational expenses are not qualifying expenses.**

Account holders are not prohibited from making payments to a provider using personal funds for the costs of educational goods and services not covered by the funds in their student's Hope Scholarship account. However, the private agreement between the provider and parent will govern all transactions between a provider and parent taking place outside of the Hope Scholarship Program.

### **Private Agreements Between Account Holders/Students and Providers**

Although the Hope Scholarship Act and Program rules regulate the manner in which Hope Scholarship transactions can occur and place requirements on providers and account holders as a condition of participating in the Program, there are many aspects of the provider's relationship with a student and Account Holder that fall outside of the Program's scope. With regard to these aspects of the provider's relationship with Account Holders and students, providers are encouraged to have reasonable agreements and policies in place to protect the provider's operations and property just as the provider would with non-Hope Scholarship parents and students. The Board cannot assist providers with enforcing the private agreements with Account Holders and students or with regulating any manner of the provider's relationship with these parties that falls outside of the jurisdiction of the Hope Scholarship Act or Program rules. For example, a provider is encouraged to have a private agreement in place governing general tuition and fee obligations, attendance requirements, code of conduct, and parent or student responsibilities relating to provider property (*i.e.* borrowed textbooks that must be returned at the end of the year).

### **Requirements for All Approved Education Service Providers**

Once an individual or entity becomes an approved education service provider in the Hope Scholarship Program, there are certain Program requirements that all providers must follow to maintain an approved provider status and avoid a Board audit. All of these requirements are in place to ensure that Hope Scholarship funds are used for their intended purpose, of supporting diverse K-12 educational opportunities for Hope Scholarship students, and to prevent avenues

for misuse of Hope Scholarship funds by providers or parents. Serious violations of the Hope Scholarship Act or program requirements for providers can lead to law enforcement action by the State.

### Restrictions on Tuition and Fee Practices

**It is important for providers to always keep in mind that Hope Scholarship funds may not be refunded, rebated, or shared with an Account Holder or student in any manner.** Parents may not utilize Hope Scholarship funds to pay themselves for providing educational services to their children. Any refund or rebate for goods or services purchased with Hope Scholarship funds must be credited directly to a student's Hope Scholarship account on the online portal, to prevent unlawful parental sharing in Hope Scholarship funds.

**Additionally, providers may only receive Hope Scholarship funds as payment for services actually rendered to a Hope Scholarship student.** If a student pays for educational services from a provider in advance and the student does not ultimately receive those services, the provider cannot keep the Hope Scholarship funds paid for those services. Providers must refund any amount of Hope Scholarship funds received for services that are not provided to the student. The following are several examples of how this requirement applies:

- *Example 1:* A parent uses Hope Scholarship funds to pay for an enrollment fee to reserve their student's spot at a private school, but the student does not end up attending the school. The school would be required to refund the enrollment fee to the student's Hope Scholarship account.
- *Example 2:* A microschool charges a one-time fee for a semester of participation but then closes the microschool after one month of the semester. The microschool would be required to refund a prorated amount of the semester fee to Hope Scholarships students who paid for a semester of services, when only one month of services were available to the students.
- *Example 3:* A student enrolls in a nonpublic school and attends for only 80 of the 180 days before withdrawing to become an Individualized Instructional Plan (IIP) student. The nonpublic school may need to refund a portion of the student's tuition and fees back to the student's Hope Scholarship account depending on the amount of Hope funds received to date and the school's daily tuition and fee rate.

When a provider has received payment with Hope Scholarship funds for services that are not ultimately rendered to a student, a refund to the student's Hope Scholarship account will be required. For information on how to issue refunds to Hope Scholarship accounts, please see [Refunds](#) below.

**Another important restriction for all providers to understand is that providers may not charge Hope Scholarship students tuition or fees above the regular tuition or fees the provider charges to non-Hope Scholarship students.** A common example of a practice that violates this restriction is assessment of an "administrative fee" against Hope Scholarship

students. Providers are also prohibited from taking any action that will *in effect* require Hope Scholarship students to pay higher overall tuition or fees than students not participating in the Hope Scholarship program. For example, a provider cannot get around the restriction against charging higher tuition to Hope Scholarship students by offering a “scholarship” to all non-Hope Scholarship students that can be applied against tuition, but not offering that scholarship to similarly situated Hope Scholarship students. Even if base tuition rates are the same for Hope Scholarship and non-Hope Scholarships students, such a “scholarship” would create the effect of higher tuition rates for Hope Scholarship students and violate Program requirements. Additionally, providers cannot limit the amount of Hope Scholarship funds that a student may use toward the provider’s tuition or fees.

### Control Employees

To help prevent parental sharing in Hope Scholarship funds, when parents of Hope Scholarship students work or volunteer for their student’s school or other education service provider in a position with potential access to the provider’s financial accounts, the parent and provider must fill out and submit a Control Employee Form, contained in [Appendix C](#) to this Handbook. The form collects information the Board can use to determine whether an employer has adequate internal controls in place to prevent unlawful parental sharing in a student’s Hope Scholarship funds. A parent is a “control employee” in the following circumstances:

- The parent owns a fifteen percent (15%) or greater equity, capital, or profits interest in the provider;
- The parent collects a salary from the provider that is equal to or greater than fifteen percent (15%) of the provider’s gross income;
- The parent is an officer or director of the provider, or has the ability to withdraw funds from the provider’s bank accounts into which Hope Scholarship funds are deposited; or
- The parent is an employee of the provider, receives monetary compensation from the provider, and is an immediate family member of fifty percent (50%) or more of the students receiving goods or services from the provider.

If a provider is aware that one of its employees or volunteers is a control employee, they should notify the Hope Scholarship team immediately for instructions on how to submit a completed Control Employee Form. Refusal to submit a Control Employee Form may lead to suspension of a provider’s approved status, a freeze on Hope Scholarship accounts for which the control employee is Account Holder, and/or a Board audit.

### Third Party Administrators and Volunteers

The Hope Scholarship team discourages providers from permitting anyone who is not an individual provider or an employee of the provider from accessing the provider’s online portal account. However, some providers do utilize independent contractors or volunteers to assist with administrative functions, including administration of Hope Scholarship invoicing. While



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there is nothing in the Hope Scholarship Act preventing these private agreements, there are certain things a provider should keep in mind before permitting a Third Party to access the online portal on their behalf.

First, a provider is solely responsible for actions of any Third Party accessing the online portal by virtue of the provider's authorization or credentials. The [Education Service Provider Agreement](#) that every provider must sign with the Board requires a provider to indemnify and hold the Board harmless for actions of Third Parties permitted to access the online portal on the provider's behalf. Any misconduct or negligence of the Third Party is considered to be misconduct or negligence of the provider.

Additionally, a Third Party that the provider authorizes to access the online portal will have the ability to make changes to the provider's profile, submit invoices for payments on behalf of the provider, and perform any other function that the provider can perform through the online portal.

Ultimately, a Provider should carefully consider whether to entrust a Third Party with access to the provider's online portal account, as it is the provider who is ultimately responsible for complying with Program requirements, accurate invoicing practices, and safeguarding Hope Scholarship Program participant information against unauthorized use or disclosure by anyone permitted to access the provider's online portal account.

### Background Checks

The Hope Scholarship Act requires all providers to submit any employee or other person who will have contact with Hope Scholarship students receiving services from the provider to a criminal background check. The provider must certify to the Board that the background check does not indicate conviction of a felony involving violence to the person and that the employee or other person is not on a federal or state sex offender registry. To meet this requirement, the Education Service Provider agreement that all providers must sign before accepting Hope Scholarship funds contains this certification.

### Provider Incorporation of Public School Services into Programming

The Hope Scholarship Board has encountered situations where a participating school or other provider wishes to incorporate an online course or other service offered by a public school district into its curriculum or other services. Many public school districts make certain courses or extracurricular activities available to nonpublic school students, including private school students, home school students, and Hope Scholarship students. For example, a nonpublic school that cannot find a teacher in a certain subject may wish to have students participate in an online public school course in that subject during the private school day.

For private school or homeschool students that are not participating in the Hope Scholarship Program, public school courses and extracurricular activities are available for free and the public school system receives state aid funding for providing the educational services to the students. However, state law requires Hope Scholarship students to pay for courses and other services offered by public schools because the available state aid funding for Hope Scholarship students

is instead already placed into the student's Hope Scholarship account.

In situations where a provider wishes to incorporate public school courses or services into the provider's services, it is important that the provider understands that the public school system will charge the Hope Scholarship student tuition and fees for the public school course so the provider cannot also charge the student tuition and fees for the same course. Providers can take certain steps to avoid charging Hope Scholarship students for services rendered by a public school district, rather than by the provider. The provider may reduce the cost of the provider's services charged to the Hope Scholarship student proportionate to the cost of the service or activity being rendered by the public school rather than the provider, and the Hope Scholarship student may pay the public school district directly for the cost of the public school service or activity using Hope Scholarship funds (all public school districts in West Virginia are participating education service providers for the Hope Scholarship Program).

It is also permissible for a provider to enter into an agreement with the public school district for the provider to compensate the public school district directly for the services being provided to the provider's Hope Scholarship students in lieu of the public school district charging the Hope Scholarship student. In this situation, the provider's students would not have to individually pay the public school district for the services and the cost of the services could be incorporated into the provider's tuition. However, a public school district has no legal obligation to agree to such an arrangement with a provider. Because these agreements can be complicated, any provider wishing to pursue an agreement with a public school district as described above should first reach out directly to Hope Scholarship Board staff for additional guidance.

### Requirements for Participating Schools

The Hope Scholarship Act uses the term "participating school" to describe a private school that enrolls Hope Scholarship students in exchange for tuition and complies with all Board requirements to be an approved provider. At this time, microschools and learning pods are not participating schools, and students of microschools and learning pods are considered to be Individualized Instructional Program (IIP) students under Program rules. Certain Hope Scholarship Program requirements apply only to participating schools and not to other types of education service providers. These special requirements for participating schools are outlined below.

Prior to the start of each school year, participating schools must submit a complete copy of their maximum published tuition and fee schedule to the Board through the online platform. This requirement allows the Board to monitor tuition rates being charged Hope Scholarship students to ensure that participants are not charged above the rate charged to non-Hope Scholarship students. As described above, it is unlawful for participating schools to charge higher tuition or fees to Hope Scholarship students than what is charged to non-Hope Scholarship students, based upon participation in the Hope Scholarship program. Any changes to the tuition and fee schedule that occur during the school year must be provided to the Board with advance notice. For instructions on how to submit a maximum published tuition and fee schedule through the online platform, see the School Provider Guide.

By June 8 of each year, a participating school must provide attendance confirmation for each Hope Scholarship student who attended the school during the past school year to the West Virginia Department of Education and the student's local county superintendent based on their county of residence. The attendance confirmation should include the student's name, date of birth, WVEIS ID# (if available), and grade level. It should also note any student who was not enrolled for the full school year. **Submitting the attendance confirmation for a student is extremely important, as failure of a school to submit this information can jeopardize a student's ability to continue his or her participation in the Hope Scholarship Program.** If, at any time, a Hope Scholarship student stops attending a participating school, the school must withdraw the student from the school through the online portal using the steps described in the School Portal Guide.

Participating schools must also notify the Board of any participating students who graduated from a secondary (i.e. high school) program offered by the school no later than June 15 following the end of the school year.

### Public Schools

The Hope Scholarship Act permits a West Virginia public school system to be an education service provider in the Hope Scholarship Program, so that Hope Scholarship students may use Hope Scholarship funds to purchase services and activities that a public school offers to nonpublic school students. A West Virginia county board of education offering services to Hope Scholarship students is automatically considered to be an authorized education service provider; however, the county board of education must sign the [Education Service Provider Agreement](#) for the public school system in the county to begin receiving Hope Scholarship funds through the online portal. A public charter school is also permitted to be an education service provider by following all instructions for signing up to be an approved education service provider set forth in [Becoming an Approved Education Service Provider](#) above.

### Refunds

It is very important for a provider to understand when and how refunds must be made to a student's Hope Scholarship account. Refunds are generally required to be submitted **within 30 days** after the event giving rise to the requirement for a refund. A refund to a Hope Scholarship account is required whenever one of the following situations occurs:

- A Hope Scholarship student uses funds to make a partial payment of tuition or fees to an educational service provider to reserve the student's enrollment in a program and the student does not participate in the program. In this situation, the provider must contact Board staff for instructions on how to credit the payment back to the Hope Scholarship student's account **within 30 days** after receiving notice that the student will not participate in the program or after the educational program has commenced, whichever occurs earlier.

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- A Hope Scholarship student uses funds to pay for a provider's educational services, and the provider does not, in fact, render those services to the student for any reason. In this situation, the provider must contact Board staff for instructions on how to credit the payment back to the Hope Scholarship student's account **within 30 days** after the provider should reasonably know the provider will not actually be providing the services to the student. If only a portion of the services a student paid for are rendered to a student, the Provider must refund a prorated amount of funds proportionate to only those serviced rendered.
- A provider has overcharged a student for goods or services paid for with Hope Scholarship funds or a provider has charged student for goods or services and learns that the goods or services are not a qualifying expense or were not properly invoiced within the online system according to Program rules. In this situation, the provider must contact Board staff for instructions on how to credit said payment back to the Hope Scholarship student's account **within 30 days** after the provider should reasonably know of the overcharge or incorrect charge.
- A Hope Scholarship student withdraws from a nonpublic school prior to the end of the school year. The nonpublic school may need to refund a portion of the student's tuition and fees back to the student's Hope Scholarship account depending on the amount of Hope funds received to date and the school's daily tuition and fee rate. The school is only entitled to keep Hope Scholarship funds equal to the number of instructional days attended multiplied by the school's calculated daily tuition and fee rate (calculated by dividing the annual tuition and fees being charged to the student by the number of instructional days in the school year).

Any time a provider is required to submit a refund to a Hope Scholarship account, the provider should immediately notify the Hope Scholarship team by email of the need to submit the refund and the circumstances giving rise to the requirement for a refund. The Hope Scholarship team will then provide a refund reporting template and instructions to the provider on how to submit the refund check to the Program Manager by mail, for deposit back into the appropriate Hope Scholarship account. **It is important to always remember that Hope Scholarship funds may not be refunded, rebated, or shared with directly with an Account Holder or Student in any manner. All refunds of Hope Scholarship funds must be made directly to the Hope Scholarship account with the assistance of the Hope Scholarship team.**

All providers are responsible for keeping thorough and accurate records of all Hope Scholarship transactions, so that a provider is prepared to recognize the need for a refund to a Hope Scholarship student and make an accurate refund calculation based on the provider's own records. Failure to submit refunds to Hope Scholarship accounts in a timely and accurate manner may lead to a provider audit by the Board.

### Contact Information

If you have any questions regarding your online portal account or the functionality of the system, please contact [help@hopescholarshipwv.com](mailto:help@hopescholarshipwv.com) or call the Hope Engagement Center at 681-999-HOPE. The Hope Engagement Center is open Monday through Friday from 8:00 a.m. – 5:00 p.m. ET.

If you have general questions about the Hope Scholarship Program or have finance related issues with your provider account, please visit our [website](#) and FAQ at [www.hopescholarshipwv.com](http://www.hopescholarshipwv.com).

**Fraud Reporting:** If you are aware of any person who has committed fraud or attempted to commit fraud involving Hope Scholarship funds, you can file a report on the Hope Scholarship website: [Report Fraud \(hopescholarshipwv.com\)](#).

### Appendix A. – Definitions

**Academic year:** The period of time occurring between the first day of July and ending on the 30<sup>th</sup> of June, during which a student must meet the educational requirements equivalent to an instructional term under W. Va. Code §18-8-1.

**ACH or Automated Clearing House:** A national Electronic Funds Transfer network which enables participating financial institutions to distribute electronic credit and debit entries to financial institution accounts and to settle the entries.

**Account or Hope Scholarship account:** The account established for an individual Hope Scholarship student in the online portal, into which the Board deposits the Hope Scholarship funds allocated to the student for qualifying educational expenses.

**Account Holder:** The parent, guardian, or other person legally authorized to make educational decisions for a student and designated to manage the Hope Scholarship student's account according to Program requirements.

**Board:** The Hope Scholarship Board created pursuant to W. Va. Code §18-31-3.

**Curriculum:** A complete course of study for a particular content area or K – 12 grade level, including any supplemental materials required by the curriculum.

**Education service provider or provider:** A person or organization approved to receive payments from Hope Scholarship accounts to provide educational services to Hope Scholarship students.

**Hope Scholarship funds or funds:** The moneys deposited in a Hope Scholarship student's account in accordance with Program requirements.

**Hope Scholarship online portal:** The online system and interface administered by the Treasurer through which Account Holders, vendors, and service providers may complete transactions using Hope Scholarship Funds.

**Hope Scholarship student or student:** A student who has successfully applied for the Program and has been approved for participation in the Hope Scholarship Program.

**Hope Scholarship team:** The Hope Scholarship Board staff members employed by the West Virginia State Treasurer's Office who may be reached by emailing hopescholarshipwv@wvsto.gov or by calling (304) 340-5058.

**Hope Scholarship website:** The website created and maintained by the Board to provide

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Program information, documents, and forms available to the public. The website address is [Hope Scholarship \(hopescholarshippwv.com\)](http://Hopescholarshippwv.com).

**Immediate family member:** With regard to a Hope Scholarship student, any of the following:

- The father or mother of the student, or an ancestor of either;
- The grandfather or grandmother of the student, or an ancestor of either;
- A brother, sister, stepbrother, or stepsister of the student;
- A first cousin of the student;
- A stepfather or stepmother of the student;
- A brother or sister of the father or mother of the student;
- A son or daughter of a brother or sister of the student;
- A father-in-law, mother-in-law, brother-in-law, or sister-in-law of the student;
- The spouse of the student;
- The spouse of any person described in the bullet points above;
- A person related to the student as described in the bullet points above through a lawful adoption.

**Individualized Instructional Program (IIP):** A customized educational experience that takes place either at home or another location, including a microschool. Hope Scholarship students with an IIP are not enrolled in a participating school.

**Instructional term:** A period of continuous enrollment in the West Virginia public school system for the full academic year. The instructional term refers to the regular 180 instructional days of the public-school calendar in accordance with W. Va. Code §18-5-45.

**Local county:** The county and school district in which the Student resides. This term is used to refer to the local county superintendent or local county board of education of the student's residential county and school district.

**Microschool:** A school initiated by one or more teachers or an entity created to operate a school that charges tuition for the students who enroll and is an alternative to enrolling in a public school, private school, homeschool, or learning pod in accordance with W. VA. Code § 18-8-1(n)(1)(B).

**Non-school service provider:** Any education service provider that is not a participating school.

**Participating school:** Any private or nonpublic school that provides education to elementary and/or secondary students and has notified the Board of its intention to participate in the Program and comply with the Program's requirements.

**Program:** The Hope Scholarship Program.

**Public school district or public school:** A K-12 county school, public charter school, virtual public charter school, or any other publicly supported elementary or secondary school in the state of West Virginia.

**Third Party:** A contract employee, contract service provider, or other individual or entity that the Provider authorizes to access the online portal on the provider's behalf for any reason, including but not limited to performing any administrative service for the provider with or without monetary compensation.

**Transaction:** A single purchase, payment, or transfer.



[Appendix B. – Hope Scholarship Education Service Provider Agreement](#)

## HOPE SCHOLARSHIP EDUCATION SERVICE PROVIDER AGREEMENT

This contractual agreement must be executed electronically using the Hope Scholarship online portal in order to become an approved education provider in the Hope Scholarship Program and prior to receiving Hope Scholarship Funds as payment from Hope Scholarship students for education services.

### DEFINITIONS OF TERMS USED IN AGREEMENT

**Act** means the Hope Scholarship Act, contained in *W. Va. Code* §§ 18-31-1 *et seq.* **Agreement** means the agreement between Education Service Provider and the Board contained herein, required by *W. Va. Code* § 18-31-11 and *W. Va. Code of State Rules* § 112-18-11.3. **Board** means the Hope Scholarship Board, established in *W. Va. Code* § 18-31-3. **County** means the county school district in which a Hope Scholarship student resides. **Hope Scholarship Portal** means the Hope Scholarship Program's portal, or any other portal utilized by the Board, as "portal" is defined in *W. Va. Code of State Rules* § 112-18-2. **Participating school** means an approved educational service provider that is a participating school, as that term is defined in *W. Va. Code* § 18-31-2. **Program** means the Hope Scholarship Program. **Program Manager** means the entity the Board selects and contracts with to administer the Hope Scholarship portal or other substantial program functions on behalf of the Board. **Provider** means the person or entity entering into this Agreement with the Board in order to become an approved education service provider, as defined in *W. Va. Code* § 18-31-2, in the Hope Scholarship Program. **Rules** means the Hope Scholarship Board's legislative rules, *W. Va. Code of State Rules* §§ 112-18-1 *et seq.*; the Hope Scholarship Board's procedural rules, *W. Va. Code of State Rules* §§ 112-19-1 *et seq.*, and any Program policies and requirements adopted by the Board. **Student** means a Hope Scholarship student. **Student information** means information pertaining to a Hope Scholarship student or Program applicant submitted to the Board, the County, or the West Virginia Department of Education for the purposes of the student's participation in the Program. **Third Party** means a contract employee, contract service provider, or other individual or entity that the Provider authorizes to access the Hope Scholarship Program's portal on the Provider's behalf for any reason, including but not limited to performing any administrative service for Provider with or without monetary compensation. **WVSTO** means the West Virginia State Treasurer's Office under the supervision of the West Virginia State Treasurer, acting as Chairman to the Board and entering into this agreement pursuant to *W. Va. Code of State Rules* § 112-19-9.2.

### TERMS AND CONDITIONS

The Education Service Provider hereby understands and agrees to the following requirements, terms, and conditions:

#### A. *General Provisions:*

- Provider will abide by all requirements and restrictions set forth in this Agreement, as well as those set forth in the Act and the Rules.
- Failure to enter into this Agreement will result in the denial of Provider's request to become an approved education service provider in the Program and ineligible to receive Hope Scholarship funds or to participate in the Program.
- Provider will not refund, rebate, nor share Hope Scholarship funds with parents or students in any manner, as prohibited in *W. Va. Code* § 18-31-7 and *W. Va. Code of State Rules* § 112-18-11 and § 112-18-13.

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- Provider will not invoice a student for tutoring services rendered to the student by a member of the student's immediate family, as that term is defined in *W. Va. Code of State Rules* § 112-18-2.
- Provider has required and will continue to require every employee who will have contact with Hope Scholarship students to submit to a criminal background screening, as required by *W. Va. Code* § 18-31-11.
- Provider hereby certifies that, according to the background screenings required by *W. Va. Code* § 18-31-11, no employee of the provider who will have contact with Hope Scholarship students has been convicted of a felony involving violence to the person or has been listed on a federal or state sex offender registry.
- Provider will not employ any individual who, according to the background screenings required by *W. Va. Code* § 18-31-11, has been convicted of a felony involving violence to the person or has been listed on a federal or state sex offender registry in a position that will allow said individual to have contact with Hope Scholarship students.
- Provider will not engage in unlawful discrimination according to applicable state or federal law in providing educational services to Hope Scholarship students, as provided in *W. Va. Code of State Rules* § 112-18-11.
- Upon request of the Hope Scholarship Board, Provider will submit to the Board an accounting of all tuition or fees charged to each student and an itemized accounting of all the school's transactions with the student involving Hope Scholarship funds.
- Provider will not require any student to pay tuition or fees above the regular tuition or fees charged to students not participating in the Hope Scholarship Program based upon a student or a student's family member's participation in the Hope Scholarship program. Additionally, Provider will not take any action that will have the effect of requiring Hope Scholarship students to pay higher overall tuition or fees than students not participating in the Hope Scholarship program.
- Provider will not limit the amount of Hope Scholarship funds that a student may apply towards tuition and fees.
- Provider will not retain Hope Scholarship funds used by a student to pay a deposit or tuition in advance of services if the student does not ultimately utilize Provider's services. Provider is entitled to only the portion of the Hope Scholarship funds paid to cover any required tuition and fees for the educational services actually rendered to the student.
- The Board and the WVSTO will direct all communications, including communications required by the Act or the Rules, to the Provider by means of electronic mail (email) using the email address of the primary contact for the Provider listed in the Hope Scholarship portal, and all emails successfully delivered to said email address are deemed received by Provider. It is Provider's responsibility to maintain and regularly monitor Provider's email address listed in Hope Scholarship portal for communications from the Board, and Provider will immediately update Provider's email address in the Hope Scholarship portal if Provider's email address changes at any time.
- If the Board receives credible information indicating that Provider has violated requirements of the Act or the Rules, or that Provider has engaged in criminal activity involving Hope Scholarship

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Funds, the Board will temporarily freeze or direct a hold on Provider's approved provider status and ability to receive Hope Scholarship funds pending an audit or inquiry into the expenditures or conduct at issue.

- Provider will submit to any audit initiated by the Board related to Hope Scholarship Funds, as required in *W. Va. Code* §18-31-10.
- Provider will provide the Board with access to all records necessary to verify the expenditure of Hope Scholarship funds on qualifying expenditures or to complete any investigation of suspected violations of the Act or the Rules.
- The Board may terminate Provider's approved education service provider status and declare Provider temporarily or permanently ineligible to receive Hope Scholarship funds or to participate in the Program, if the Board determines that Provider has intentionally violated this Agreement, the Act, or the Rules, or that Provider has engaged in criminal activity involving Hope Scholarship Funds.
- If the Board terminates Provider's approved education service provider status, temporarily or permanently, the Board will provide written notice of said termination to Provider and to any Hope Scholarship student who has made payments of Hope Scholarship funds to Provider during the school year. The notice will provide the reason for termination of Provider's approved education service provider status and notify recipients of the process to appeal a final decision of the Board.
- Provider may appeal any final decision of the Board by filing an appeal according to the procedure set forth in *W. Va. Code of State Rules* § 112-19-11.

### *B. Provisions Applicable to Participating Schools Only:*

- Provider will annually notify the superintendent of the county in which a Hope Scholarship student resides of that student's enrollment in the Program during the most recent school year by no later than June 8, in accordance with *W. Va. Code* § 18-31-11, and Provider will provide copies of said enrollment notification to the West Virginia Department of Education by the same date.
- Provider will submit notice to the Hope Scholarship Board if a Hope Scholarship student withdraws from the participating school or fails to meet the school's minimum attendance requirements.
- Provider will submit a complete copy of the participating school's tuition and fee schedule to the Hope Scholarship Board and provide the Hope Scholarship Board with advance notice of any changes to the tuition or fee schedule that occur during the school year.
- Provider will annually notify the Hope Scholarship Board of any students participating in the Hope Scholarship Program who graduate from a secondary program offered by the participating school by no later than June 15 following the student's graduation.

### *C. Provisions Applicable if Provider Authorizes Third-Party Hope Scholarship Portal Access:*

- A Third-Party authorized by Provider to access the Hope Scholarship portal will have the ability to make changes to Provider's profile, submit invoices for payments on behalf of Provider, and perform any other function that the Provider can perform through the Hope Scholarship portal. For participating schools, this means the Third-Party will have full access to the Hope Scholarship portal

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system to search for students, send enrollment requests for parents, and set tuition and fee schedules.

- Provider is solely responsible for actions of any Third-Party accessing the Hope Scholarship portal by virtue of Provider's authorization or credentials.
- A Third-Party is an agent of Provider when the Third-Party is providing services to Provider related to the Hope Scholarship Program, and therefore is bound to all requirements and restrictions of the Act and the Rules, including but not limited to, the restrictions regarding control employees and their sources of monetary compensation.
- Provider is responsible and shall indemnify and hold the Board and hold the WVSTO harmless, to the extent permitted by applicable state law, for any violation of the Act or the Rules by a Third Party or caused by a Third Party's access to the Hope Scholarship portal by virtue of Provider's authorization or credentials.
- Any action by a Third Party that is contrary to the terms of this Agreement is a breach of this Agreement by the Provider itself.
- Provider is responsible and shall indemnify and hold the Board and WVSTO harmless, to the extent permitted by applicable state law, for any breach of this Agreement caused by the Third Party's ability to access the Hope Scholarship portal by virtue of Provider's authorization or credentials.
- Provider is responsible for and shall indemnify and hold the Board and the WVSTO harmless, to the extent permitted by applicable state law, for damages caused by any violation of federal or state law by a Third Party or caused by the Third Party's ability to access the Hope Scholarship portal by virtue of Provider's authorization or credentials.
- Provider is responsible for and shall indemnify and hold the Board and the WVSTO harmless, to the extent permitted by applicable state law, for damages caused by any willful, reckless, or negligent conduct by a Third Party that is related to the Third Party's ability to access the Hope Scholarship portal by virtue of Provider's authorization or credentials.
- Provider will only permit a Third Party to access information in the Hope Scholarship portal that is directly related to and required for the services the Third Party is authorized to perform for the Provider.
- Provider is responsible for safeguarding and protecting Hope Scholarship Program participant information against unauthorized disclosure and against a Third Party's unauthorized use of participant information for private gain.
- Provider is responsible for and shall indemnify and hold the Board and the WVSTO harmless, to the extent permitted by applicable state law, for any unauthorized disclosure of Hope Scholarship participant information caused by a Third Party's ability to access the Hope Scholarship portal by virtue of Provider's authorization or credentials.

[Appendix C. – Control Employee Form](#)