

H. B. 2685

(By Delegates Campbell, Perry, Ellington, Ashley, Moore,
Rowan, Hamrick, Perdue, Kelly, Rohrbach and Pasdon)

[Introduced February 10, 2015; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, to be designated §18-30-14, relating to eligible uses of prepaid tuition plans generally; providing for use of prepaid tuition plans for students who require accommodations in instruction, testing procedures or learning environments; allowing funds to be used at an out-of-state educational institution in certain cases; and providing that state-administered prepaid tuition plans may be used for a student with a alternative graduation requirements or an alternative diploma.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-30-14, to read as follows:

§18-30-14. Eligible uses of account distributions for students with special needs.

Where a savings plan contract or prepaid tuition plan is established under this article for the benefit of a student with cognitive or other disabilities which require accommodations in instruction, testing procedures or learning environments, the contract or plan shall allow distributions from the

1 account for qualified higher education expenses at any eligible educational institution in West
2 Virginia. Distributions may also be allowed for qualified higher education expenses for a particular
3 program at an eligible educational institution outside of this state if no comparable program is
4 available at an eligible educational institution in this state. Distributions from a contract or plan
5 account may not be denied or disqualified on the basis that the plan beneficiary has received an
6 alternative diploma or has met alternative graduation requirements preceding application for
7 admission to the eligible educational institution.

NOTE: The purpose of this bill is to ensure that students with alternative diplomas or alternative graduation requirements may receive the benefits of a 529 plan for prepaid college tuition.

§18-30-14 is new; therefore, it has been completely underscored.