

Contents

Acknowledgments	xiii
About the Authors	xv
Preface	xvii

PART I WHY PLANNING PAYS **1**

Chapter 1

Education Goals: Constructing a Plan	3
A. Goals of Education Planning	4
B. Planning Based on Income Categories	7
1. Low-Income Families	7
2. Middle-Income Families	8
3. High-Income Families	9
C. Conclusion	9

Chapter 2

The Benefits and Costs of a Good Education	11
A. The Benefits of a Good Education	11
1. The Benefits of K–12 Education	11
2. The Benefits of a Community College and Other Training Programs	14
3. The Benefits of College and Graduate Schools	14
4. Some Reservations	16
B. The Costs of a Good Education	17
1. The Costs of Private and Parochial K–12 Education	17
2. The Costs of Home-Schooling	19
3. The Costs of Community College and Other Training Programs	19
4. The Costs of College and Graduate School	20
C. Conclusion	22

Chapter 3

It Is Never Too Late to Save	25
A. The Importance of Savings	26
B. Calculating the Needed Savings	26

C. It Is Never Too Late to Save	28
D. Conclusion	29

Chapter 4

The Best Ways to Save 31

A. The 529 Plan	31
1. Prepaid Plans and Savings Plans Offer Similar Advantages	32
2. The Advantages of the Savings Plans over the Prepaid Plans	33
3. The Advantages of the Prepaid Plans over the Savings Plan	34
B. When the Client's Goal Includes K-12 Education	35
C. When the Client Is Eligible for Financial Aid	36
1. Savings Bonds	37
2. Insurance	37
3. Retirement Assets	37
4. 529s and Coverdells	38
D. When the Client Has Ample Retirement Assets	38
1. Traditional IRAs	38
2. Roth IRAs	42
E. When the Client Has Property Other Than Cash and Wants to Finance Non-Qualified Education Expenses or Benefit Nonfamily Individuals	48
1. Real Estate and Investment Assets	48
2. Business Property	50
F. Conclusion	54

Chapter 5

When Savings Are Not Enough 57

A. Pay-as-You-Go Techniques	57
1. Tax Benefits	58
2. Financial Aid	67
B. The Impact of Financial Aid and Tax Benefits on the Costs of College	72
C. Benefits after Graduation When the Student Has Debt	75
1. Student Loan Interest Deduction	75
2. Student Loan Forgiveness	77
3. Section 529 Payment of Loans	78
D. Conclusion	80

PART II SECTION 529 SAVINGS PLANS 81

Chapter 6

History of Section 529 Savings Plans 85

A. The Small Business Job Protection Act of 1996	88
B. The Taxpayer Relief Act of 1997	90
C. The Economic Growth and Tax Relief Reconciliation Act of 2001	91
D. The Pension Protection Act of 2006	92
E. The Small Business and Work Opportunity Act of 2007	93
F. The Section 529 Regulations of 2008	93

G. The American Recovery and Reinvestment Act of 2009	93
H. The Stephen Beck Jr., Achieving a Better Life Experience (ABLE) Act of 2014	94
I. The Tax Cuts and Jobs Act of 2017	94
J. The Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019	95
K. The Revolutionizing of 529 Plans	96
L. Conclusion	97

Chapter 7

Federal Rules and Regulations for Section 529 Savings Plans 99

A. The “Creation of the State” Requirement	99
B. “Contribution (Participation)” Restrictions	100
1. Contributor/Donor	101
2. Account Owner	101
3. Designated Beneficiary	104
4. Cash Requirement	106
5. Limitation on Noneducation Purposes	107
6. Limitation on “Excess Contributions”	108
7. Separate Accounting Requirement	109
C. The “No Investment Discretion” Directive	110
D. The “Not Pledged as Collateral” Rule	111
E. Used for “Qualified Higher Education Expenses”	111
F. Used by “Eligible Student”	115
G. Used at “Eligible Education Institution”	116
H. Qualified Payment Method	117
I. Conclusion	117

Chapter 8

Federal Income Tax Planning with Section 529 Savings Plans 119

A. Contributions and Earnings	120
B. Qualified Distributions or Withdrawals	122
C. Nonqualified Distributions or Withdrawals	123
1. Shifting the Tax Burden and the “Kiddie Tax”	125
2. Taxation of Distribution to Account Owner If Third Party Donations	126
3. Multiple Accounts	127
D. Additional Tax (or Penalty) on Nonqualified Distributions	127
E. Rollovers: Changing the Plan or Beneficiary	129
1. Changing the Plan	129
2. Changing the Beneficiary	129
3. Adverse Consequences from Rollover	130
F. Recent Changes Impacting Education Planning with 529s	131
1. Tuition and Fees Deduction	131
2. Losses in the Account	132
3. Education That Is an Ordinary and Necessary Business Expense	133
4. Home Equity Loan Interest	133
5. Dependency	133
G. Coordination with Other Education Benefits	136
H. Conclusion	137

Chapter 9

Estate Planning with Section 529 Savings Plans **139**

A. Gift Tax	139
1. The Deemed Completed Gift	141
2. Gift upon Change in Account Ownership	141
3. No Gift When Contributor and Beneficiary Are the Same	143
4. A Present Interest for a Future Distribution	143
5. The Five-Year Election	143
6. Excess over Annual Exemption or Five-Year Amount	145
7. Split Gifts	146
8. Gift by Beneficiary (or Account Owner)	146
9. Gift When Owner Is Beneficiary	148
B. Generation-Skipping Tax (GST)	148
C. Estate Tax	150
1. Death of Account Owner	151
2. Death of Beneficiary	153
D. Planning for Incapacity of the Owner	155
E. Planning with Trusts	155
F. Conclusion	157

Chapter 10

State Tax Planning with Section 529 Savings Plans **159**

A. State Tax Deductions or Credits	160
B. Accumulations	164
C. Withdrawals or Distributions	165
D. Tracking Basis When State Law Allows a Deduction	170
E. Rollovers	170
F. Gift and Inheritance Tax Issues	171
G. Conclusion	172

Chapter 11

Disability Planning with Section 529 Savings Plans **173**

A. History and Directives	174
B. Establishing an ABLE Account	175
1. When the Beneficiary Is Unable to Establish the Account	176
2. Control Issues	177
3. The One-Account Rule	177
C. Contribution Restrictions	178
1. The State Contribution Limits	178
2. The Federal Contribution Limits	179
D. Distributions for Qualified Disability Expenses	179
E. Coordination with Federal and State Benefit Programs	180
F. Tax Advantages	181
1. Federal Income Tax Advantages	181
2. Federal Gift and GST Advantages	182
3. Federal Estate Tax Advantages	183
4. State Tax Advantages	183

G. Rollovers	183
H. Planning Options	184
1. Receptacle for Certain Funds	184
2. Better Than a Special Needs Trust	185
I. Conclusion	186

Chapter 12

Nontax Aspects of Section 529 Savings Plans 187

A. Control	187
1. The Owner's Control	187
2. The Beneficiary's Control	188
B. Perpetuity	189
C. Asset Protection	190
1. State Law and Plan Protection	190
2. Federal Law	192
3. Medicaid	192
D. Financial Aid	193
E. Easy to Set Up	194
F. Good Investment	194
G. Conclusion	194

Chapter 13

Investment Planning with Section 529 Savings Plans 195

A. Investment Performance and Options	195
1. Age-Based	196
2. Equity or Growth Portfolios	197
3. Secure Income	197
4. Index Funds	197
5. Other Investments	197
6. Broker/Advisor Sold	197
7. Rollovers	199
B. Some of the Best 529 Plans	199
C. Fund Scandals and Market Uncertainties	200
D. Conclusion	200

Chapter 14

Choosing the Right Section 529 Savings Plan 201

A. Residency Restrictions	202
B. State Tax Considerations	203
C. Investment Fees	205
1. The Initial Enrollment or Application Fee	205
2. Annual Account Maintenance Fees	205
3. The Annual Management or Mutual Fund Fee	205
4. The Broker Fee	206
5. Other Fees	206
D. Account Ownership and Beneficiary Limitations	207
E. Contribution and Withdrawal Restrictions	207
1. Minimum Initial Contributions	207

2. Funding Limits/Maximum Contributions	208
3. Withdrawal Restrictions	208
4. Other Factors	208
F. Participation in Retail Rebate Programs	209
1. Upromise Inc.	209
2. Other Rebate Programs	209
G. Customer Services	210
H. Rankings of the Plans	210
1. Morningstar	211
2. Savings for College	211
3. Kiplinger	211
I. Conclusion	212

Part III Prepaid Tuition Plans 215

Chapter 15

The State Prepaid Plan 217

A. Prepaid Plans—History and Current Status	218
B. Types of State Prepaid Tuition Plans	219
1. Residency or Ownership Restrictions	225
2. Limited Enrollment Periods	225
3. Transferability Issues	225
4. Return on Investment and Low Risk	225
5. Security and Solvency Issues	226
6. Financial Aid	226
7. Control, Perpetuity, and Other Nontax Considerations	227
C. The Best State Prepaid Plans	228
1. Florida State's Prepaid Plan	228
2. Washington State's Prepaid Plan	230
D. Which Is Better? State Prepaid Plans or the Institutional Prepaid Plan?	233
E. Conclusion	234

Chapter 16

The Prepaid Institutional Plan 235

A. Features of the Institutional Plans	235
1. Residency and Transferability	241
2. Tax Considerations	242
3. Return on Investment and Costs	242
4. Other Nontax Considerations	242
B. Conclusion	243

Part IV Coordinating Section 529 Plans with Other Education Planning Techniques 245

Chapter 17

Coordinating Section 529 Plans with Other Savings Techniques	247
A. The Cash Contribution Restriction	248
1. The Custodianship Account	248
2. The Trust	250
3. The Limited Partnership or Limited Liability Corporation	251
B. Qualified Family Member	252
C. Different Qualifying Expenses	253
D. Coordination of Savings Techniques	255
1. Maximizing Qualifying Expenses	255
2. Avoiding Double Counting	257
E. Conversions into Section 529 Savings Plans	259
1. Custodianship Accounts	259
2. Coverdell Accounts	260
3. Savings Bonds	261
F. Conclusion	262

Chapter 18

Coordinating Section 529 Plans with Tax Benefits	263
A. General Coordination Rules	263
1. Different Definitions of Qualified Expenditures	264
2. No Double Counting of Qualified Expenses	266
3. Double Counting Is Sometimes Allowed	269
4. Different Qualifying Taxpayers	269
5. Eligible Educational Institution	271
6. Per Student vs. Per Return	272
7. Amount of Benefit Varies	272
B. Choosing the Best Tax Benefit	273
1. No Double Benefits for the Pay-as-You-Go Benefits	273
2. Which Taxpayer Is Better? Parent or Student?	274
3. When Taxpayer Is Eligible for Pay-as-You-Go and Savings Benefits	274
4. When Exclusions or Deductions Are Added into the Mix	275
5. Student Loan Interest	276
C. Conclusion	277

Chapter 19

Coordinating Section 529 Plans with Financial Aid	279
A. Methodology: In General	279
1. Determine Who Will Apply for Aid	281
2. Fill Out an Application for Student Aid (FAFSA or PROFILE)	282

B. The Federal Methodology Formula	284
1. STEP ONE: Calculate Discretionary Income of Parent and Student	286
2. STEP TWO: Calculate Assets and Liabilities of Parent and Student	291
3. STEP THREE: Assessment	292
C. The Institutional Methodology Formula	294
D. The Potential Impact of Various Forms of Savings on Financial Aid	299
1. 529 Savings Plans	299
2. Section 529 Prepaid Tuition Plan	302
3. The Coverdell ESA	303
4. Other Savings Techniques	304
5. Family Home, Farm, or Business	305
6. Family Limited Partnership (FLP) or Limited Liability Corporation (LLC)	306
7. Gifts	306
8. Insurance	307
9. Retirement Assets	309
10. Savings Bonds	309
11. Trusts	310
E. Conclusion	313
Conclusion	315
Appendices	319
A. <i>Acronyms and Abbreviations</i>	321
B. <i>Chart of Helpful Websites</i>	323
C. <i>Summary of State-by-State 529 Plans</i>	325
D. <i>Qualified Tuition Programs [26 U.S.C.S. § 529]</i>	333
E. <i>Proposed Regulations to Section 529</i>	341
F. <i>Advance Notice of Proposed Regulation: NOTICE 2018-58</i>	361
G. <i>IRS Notice 2001-81 (Section 529 Programs)</i>	367
Glossary	373
<i>Acts</i>	373
<i>Terms</i>	374
Index	399