

529 SAVINGS PLANS & K-12 TUITION

WHAT IS A 529 SAVINGS PLAN?

Congress created 529 savings plans to incentivize families to save for higher education expenses. The plans are sponsored by states, state agencies, or educational institutions and are authorized by Section 529 of the Internal Revenue Code. Essentially, a 529 plan allows a parent* to put money into an investment account for his or her child's college expenses with after-tax dollars. The funds grow tax-deferred, and as long as the funds are used for *qualified expenses*, the withdrawals are tax- and penalty-free. If the funds are used for *non-qualified distributions*, taxes and penalties are assessed on the earnings portion of the distribution.

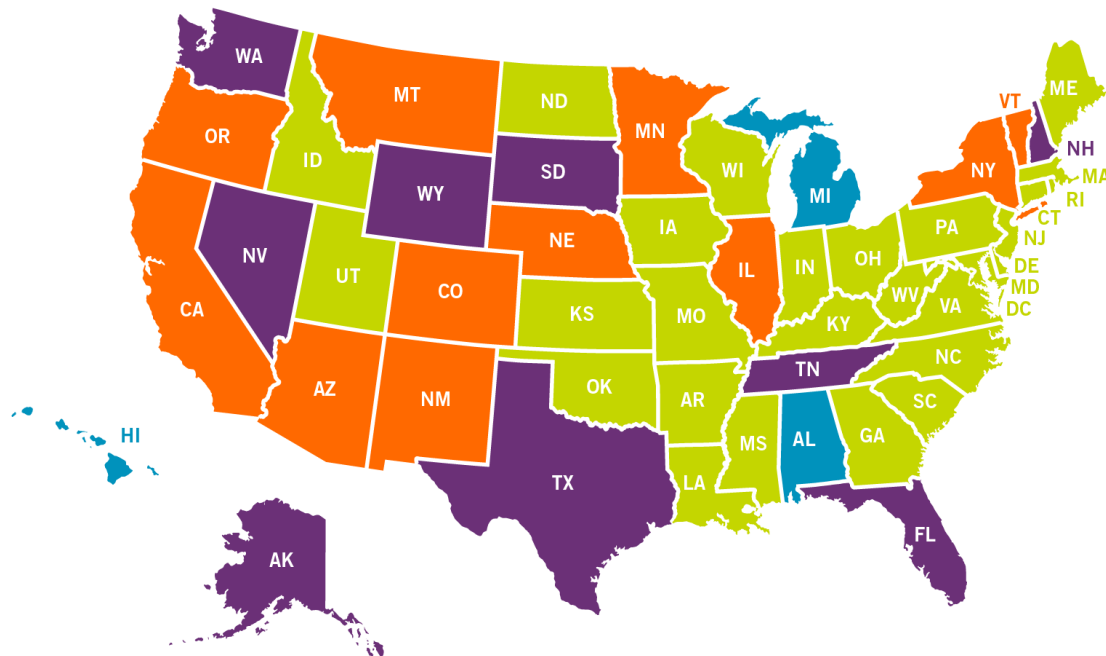
Since 529 plans are state-sponsored plans, they differ state-by-state. For example, some states offer an income tax deduction or tax credit for contributions to 529s. Generally, account holders can choose to invest in any state's 529 plan, not just the plan offered by the state in which they reside. It is important, however, to note that the state tax treatment of 529 funds is determined by the state where the taxpayer files state income tax.

HOW HAVE 529 SAVINGS PLANS CHANGED?

The [Tax Cuts and Jobs Act](#) was signed into law in 2017, and it expanded the use of 529 savings plans to include up to \$10,000 per year per beneficiary for K-12 tuition. If 529 funds were used for K-12 tuition prior to this change in policy, the federal government considered the withdrawal a non-qualified distribution. This means account holders would pay federal income taxes on the growth of the funds plus a withdrawal penalty, as well as possible state tax implications.

Since the federal government now considers K-12 tuition a qualified expense, the funds in a 529 will continue to grow on a tax-deferred basis, and if the funds are used for K-12 tuition, they will be free of federal income tax and will not incur a withdrawal penalty. State taxes, however, are another matter. State policies determine if funds from a 529 savings plan can be used for K-12 tuition free of state taxes and penalties.

WHICH STATES ALLOW RESIDENTS TO USE 529S FOR K-12 TUITION?



■ K-12 Tuition Allowed (27 + DC)
■ No State Income Tax (9)

■ Policy Change Needed (11)
■ Not Yet Determined (3)

K-12 Tuition Allowed

Arkansas
 Delaware
 Georgia
 Idaho
 Indiana
 Iowa
 Kansas
 Kentucky
 Louisiana
 Maine
 Maryland
 Massachusetts
 Mississippi
 Missouri
 New Jersey
 North Carolina
 North Dakota
 Ohio
 Oklahoma
 Pennsylvania
 Rhode Island
 South Carolina
 Utah
 Virginia
 Washington, D.C.
 West Virginia
 Wisconsin

No State Income Tax

Alaska
 Florida
 Nevada
 New Hampshire
 South Dakota
 Tennessee
 Texas
 Washington
 Wyoming

Policy Change Needed

Arizona
 California
 Colorado
 Illinois
 Minnesota
 Montana
 Nebraska
 New Mexico
 New York
 Oregon
 Vermont

Not Yet Determined

Alabama
 Hawaii
 Michigan

As of February 2019, residents in 36 states and D.C. can use 529 savings plans for K-12 tuition free of state taxes.

In **27 states plus Washington, D.C.**, K-12 tuition is considered a qualified expense. In these states, legislative changes are not needed or the state has already conformed its code to the new federal code. In these states, families can use 529s for K-12 tuition free of state taxes.

There are **nine states** without an individual income tax. Since 529 savings plans are designed to create income tax savings, there are no state tax implications in these states.

In **11 states**, policy changes are needed before 529 savings plans can be used for K-12 tuition free of state taxes.

Three states have yet to determine what effect the federal changes will have in their respective states. In these states, a change in policy may be needed before 529s can be used for K-12 tuition free of state taxes.

WHAT SHOULD PARENTS DO IF THEY WANT TO USE A 529 SAVINGS PLAN FOR K-12 TUITION?

Parents should talk with tax professionals in their respective states to learn whether they can use 529 savings plans for K-12 tuition tax-free at the state level. Parents should proceed with caution when using their 529 plans for K-12 tuition, and they should consult with local experts who can provide state-specific advice.

Questions parents might want to ask –

- What are the specific benefits and limitations of a 529 plan in my state?
- Should I wait until my state clarifies its 529 rules before using 529 savings for K-12 tuition?
- What impact does 529 have on college or K-12 financial aid?
- What is the interplay between 529 contributions and gift tax limits?

* Parents of beneficiaries are typically the ones who contribute to a beneficiary's 529 account, but an account holder can actually be anyone, including grandparents. Per [IRS guidance](#), anyone can set up a 529 and name anyone as a beneficiary – a relative, a friend, even themselves.