

DECLARATION OF EMERGENCY

Tuition Trust Authority Office of Student Financial Assistance

START Saving Program (LAC 28:VI.107, 507, 707, 709, 715)

The Louisiana Tuition Trust Authority (LATTA) is exercising the emergency provisions of the Administrative Procedure Act (R.S. 49:962) to amend rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091 et seq.), the Louisiana Achieving a Better Life Experience (ABLE) Program (R.S. 17:3081 et seq.), and the START K-12 Program (R.S. 17:3100.1 et seq.).

This rulemaking aligns the START Saving and START K-12 Program rules with Internal Revenue Code Section 529 and the ABLE Program rules with Internal Revenue Code Section 529A, as amended by the One Big Beautiful Bill Act of 2025.

This Emergency Rule is necessary to align the programs with Federal law and to permit account owners to access the funds in their accounts to the full extent allowable under federal law. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. LATTA has determined that these emergency rules are necessary in order to prevent financial peril to the welfare of the affected students.

This Declaration of Emergency was approved by LATTA on December 10, 2025, and is effective on December 17, 2025. This Emergency Rule shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (ST26225E)

Title 28 EDUCATION

Part VI. Student Financial Assistance—Higher Education Savings

Chapter 1. General Provisions

§107. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

Qualified Higher Education Expenses—

a. tuition, fees, books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution; and

b. room and board; and

c. expenses for special needs services in the case of a special needs beneficiary, which are incurred in connection with such enrollment or attendance; and

d. for the calendar years 2009 and 2010 only, expenses paid or incurred for the purchase of any computer technology or equipment or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is enrolled at an eligible educational institution, but shall not include expenses for computer software designed for sports, games, or hobbies unless the software is predominately educational in nature;

e. for calendar year 2015 and thereafter, expenses for the purchase of computer or peripheral equipment, computer software, or Internet access and related services, if such equipment, software, or services are to be used primarily by the beneficiary during any of the years the beneficiary is enrolled at an eligible educational institution, but shall not include expenses for computer software designed for sports, games, or hobbies unless the software is predominately educational in nature.

f. for calendar year 2019 and thereafter, expenses for fees, books, supplies, and equipment required for the participation of the designated beneficiary in an apprenticeship program which is registered and certified with the United State Secretary of Labor under section 1 of the National Apprenticeship Act.

g. for calendar year 2019 and thereafter, a maximum of \$10,000 per individual for the payment of principal and/or interest on a qualified education loan of the designated beneficiary or a sibling of the designated beneficiary.

h. beginning with disbursements made on or after July 5, 2025, qualified postsecondary credentialing expenses.

Qualified Postsecondary Credentialing Expenses—

a. tuition, fees, books, supplies, equipment, and any other expense that would be covered as a qualified higher education expense for enrollment or attendance of a beneficiary in a recognized postsecondary credential program;

b. fees for testing if the testing is required to obtain or maintain a recognized postsecondary credential; and

c. fees for continuing education if such education is required to maintain a postsecondary credential.

Rate of Expenditure—the rate (see §309.B) per educational term at which the EEs may be disbursed from an ESA to pay for the beneficiary's qualified higher education expenses at an eligible educational institution. For each disbursement requested by an account owner, EEs and the earnings thereon will be disbursed from the account in the same ratio that they bear to the current value of the account.

Recognized Postsecondary Credential—

a. any recognized postsecondary credential that is industry recognized and is

i. any postsecondary employment credential issued by a program that is accredited by the Institute for Credentialing Excellence, the National Commission on Certifying Agencies, or the American National Standards Institute, or

ii. any postsecondary employment credential that is included in the Credentialing Opportunities On-Line (COOL) directory of credentialing program (or successor directory) maintained by the Department of Defense or by any branch of the Armed Forces, or

iii. any postsecondary employment credential identified by the Secretary of the U.S. Department of the Treasury, after consultation with the Department of Labor, as being industry recognized;

b. any certificate of completion of an apprenticeship that is registered and certified with the Secretary of Labor under the National Apprenticeship Act;

c. any occupational or professional license issued or recognized by a State or the Federal Government (and any certification that satisfies a condition for obtaining such a license), and

d. any recognized postsecondary credential as defined in Section 3(52) of the Workforce Innovation and Opportunity Act provided through a program that is included on a state list prepared under Section 122(d) of the Workforce Innovation and Opportunity Act.

Recognized Postsecondary Credential Program—any program to obtain a recognized postsecondary credential if it meets one of the following criteria:

a. such program is included on a state list prepared under Section 122(d) of the Workforce Innovation and Opportunity Act;

b. such program is listed in the public directory of the Web Enabled Approval Management System (WEAMS) of the Veterans Benefits Administration, or successor directory;

c. an examination (developed or administered by an organization widely recognized as providing reputable credentials in the occupation) is required to obtain or maintain such credential and such organization recognizes such program as providing training or education which prepares individuals to take such examination; or

d. such program is identified by the Secretary of the U.S. Department of Treasury, after consultation with the Secretary of Labor, as being a reputable program for obtaining a recognized postsecondary credential.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 33:443 (March 2007), LR 34:1885 (September 2008), LR 35:1491 (August 2009), LR 38:3162 (December 2012), LR 42:1071 (July 2016), LR 44:1877 (October 2018), LR 46:1222 (September 2020), LR 52:

Chapter 5. Achieving a Better Life Experience (ABLE)

§507. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

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Annual Contribution Limit—the amount over which an account owner may not make further deposits in a calendar year, currently the annual gift tax exclusion calculated in accordance with Internal Revenue Code Section 2503. If the account owner is employed, deposits may exceed annual contribution limit, if neither the account owner nor the account owner's employer contributes to a defined contribution plan or an eligible, deferred compensation plan within the calendar year. Additional deposits may not exceed the account owner's total compensation for the applicable tax year or the federal poverty level amount for a one-person household, as defined in the previous calendar year, whichever is less.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:639 (April 2017), amended LR 44:1888 (October 2018), LR 47:575 (May 2021), LR 49:1552 (September 2023), LR 50:490 (April 2024), LR 52:

§511. Deposits to ABLE Accounts

A. Application Fee and Initial Deposit Amount

1. No application fee will be charged to those applying for an ABLE account on behalf of an eligible individual.

2. Financial and investment institutions may be authorized by the LATTA to offer assistance in establishing an ABLE account. (See fees in §509.G.4.).

3. An initial deposit is not required to open an ABLE account; however, a deposit of at least \$10 must be made within 180 days from the date on the letter of notification of approval of the account.

4. A lump sum deposit may not exceed the annual contribution limit unless such deposit is the result of a rollover from another ABLE Program.

5. An account owner who is employed may exceed the maximum annual contribution limit if neither the Account Owner nor the Account Owner's employer contributes to a defined contribution plan or an eligible, deferred compensation plan within the calendar year. Such additional deposits may not exceed the Account Owner's total compensation for the applicable tax year or the federal poverty level amount for a one-person household, as defined in the previous calendar year to the applicable tax year, whichever is less.

B. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:641 (April 2017), amended LR 47:576 (May 2021), LR 52:

Chapter 7. START K12

§707. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

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Qualified Education Expenses—

a. expenses for tuition in connection with enrollment or attendance at an elementary or secondary school in grades kindergarten through twelve.

b. Beginning on July 5, 2025, all of the following:

i. tuition;

ii. curriculum and curricular materials;

iii. books or other instructional materials;

iv. online educational materials;

v. tuition for tutoring or educational classes outside of the home, including at a tutoring facility, but only if the tutor or instructor is not related to the student and the tutor or instructor:

(a) is licensed as a teacher in any state;

(b) has taught at an eligible educational institution; or

(c) is a subject matter expert in the relevant subject;

vi. fees for nationally standardized, norm-referenced achievement tests, an advanced placement examination, or any examination related to college or university admission;

vii. fees for dual enrollment in an institution of higher education;

viii. educational therapies for students with disabilities provided by a licensed or accredited practitioner or provider, including occupational, behavioral, physical, and speech-language therapies.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1879 (October 2018), LR 52:

§709. START K12 Program Accounts

A. - D.1....

2. Payment of Qualified Education Expenses—

a. that no more than \$10,000 may be withdrawn from a START K12 account annually and that this amount is not guaranteed to pay all qualified education expenses.

b. that beginning with tax years which begin after December 31, 2025, no more than \$20,000 may be withdrawn from a START K12 account annually and that this amount is not guaranteed to pay all qualified education expenses.

D.3. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1880 (October 2018), LR 52:

§715. Disbursement of Account Funds for Payment of Qualified Education Expenses of a Beneficiary

A. - A.4. ...

B.1. Disbursements from all accounts with the same beneficiary shall not exceed \$10,000 in one calendar year.

2. Beginning with disbursements made on or after January 1, 2026, disbursements from all accounts with the same beneficiary shall not exceed \$20,000.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1883 (October 2018), amended LR 45:1177 (September 2019), LR 52:

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