

NOTICE OF INTENT

Louisiana Tuition Trust Authority Office of Student Financial Assistance

2024 Legislation – ABLÉ Program

(LAC 28:VI.507, 509, and 517)

The Louisiana Tuition Trust Authority announces its intention to amend its ABLÉ Program rules (LSA-R.S. 17:3091 *et seq.*).

This rulemaking implements Act 96 of the 2024 Regular Session of the Louisiana Legislature. This rulemaking also includes amendments implementing the Secure 2.0 Act of 2022 that were in progress at the time of this rulemaking. (ST24211NI)

Title 28 EDUCATION

Part VI. Student Financial Assistance — Higher Education Savings

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.

Eligible Individual—an individual is an eligible individual for a given tax year if one of the following is met:

a. (i). through December 31, 2025, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 26; or

b. (ii). a disability certification with respect to such individual is filed with the secretary for such taxable year.

b.(i). beginning January 1, 2026, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 46; or

(ii). a disability certification with respect to such individual is filed with the secretary for such taxable year.

Refund Recipient—the person designated in the ABLÉ account program owner's agreement or by operation of law to receive refunds from the account. The designated refund recipient can only be the account owner, his heirs, or his estate. If no refund recipient is designated, the refund shall be made to the Disability Services Fund established by R.S.28.826(B)(2)(d).

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:1877, 1887 (October 2018), LR 47:42 (January 2021).

§509. Establishment of an ABLÉ Account

A. – G.4.c. ...

d. Only the account owner, his heirs, or his estate may be designated to receive refunds from the ABLÉ account. In the event of the death of the account owner when the account owner is designated to receive the refund or when no successor beneficiary is named, the refund shall be made to ~~the account owner's estate~~ the Disability Services Fund established by R.S.28.826(B)(2)(d).

§517. Termination, Refund, and Rollovers of an Education Savings Account

A.– B.2. ...

C. Designation of a Refund Recipient. The refund recipient can only be the account owner, his heirs, or his estate, and the administrator ~~shall~~may designate the refund recipient when completing the owner's agreement. If no refund recipient is designated, the refund shall be made to the Disability Services Fund established by R.S.28.826(B)(2)(d).

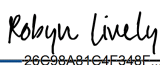
Family Impact Statement: The proposed rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

Poverty Impact Statement: The proposed rulemaking will have no impact on poverty as described in LSA-R.S. 49:973.

Small Business Analysis: The proposed rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 *et seq.*

Provider Impact Statement: The proposed rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Interested persons may submit written comments on the proposed changes (SG24211NI) until 4:30 p.m., October 10, 2023, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P. O. Box 91202, Baton Rouge, LA 70821-9202.

DocuSigned by:

26699A81C4F348F...

Robyn Rhea Lively
Senior Attorney