

Future Options for the Washington Advanced College Tuition Payment Program: Impacts of the College Affordability Program

Committee on Advanced Tuition Payment and College Savings
(GET Committee)

Report to the Legislature

November 2016

EXECUTIVE SUMMARY

During the 2015 session, the Legislature enacted the College Affordability Program, which lowered in-state tuition for two academic years and capped future tuition growth. The legislation directed the Committee on Advanced Tuition Payment and College Savings (GET Committee) to review and report to the legislative fiscal and higher education committees on four items by December 1, 2016:

- 1) The impact of decreasing tuition rates on the funded status and future unit price of the Washington Advanced College Tuition Payment program (GET program).
- 2) The feasibility and different options of establishing a college savings program as described in RCW 28B.95.150.
- 3) A list of potential alternatives and impacts for changing the advanced college tuition payment distribution policy from tuition and fees to a cost of attendance metric.
- 4) A list of potential alternatives and impacts for whether the state penalty for withdrawal should be changed.

In response to these items, the GET Committee offers the following findings to the Legislature:

- 1) Decreasing tuition rates have significantly improved the funded status of the GET program. As of June 30, 2016, the program was 136 percent funded. If the current statutory tuition growth model holds, the committee will likely set lower future unit prices than the \$163/\$172 unit prices in effect since May 1, 2011.
- 2) The committee is still exploring the feasibility of establishing a 529 college savings program at the time of this report, and is currently engaged in a formal procurement process to seek vendor proposals for program management services. Specifically, the committee is seeking vendor support for investment management, records administration and customer service, while retaining program marketing functions in-house. If the process proceeds on schedule and as planned, the committee intends to launch a new 529 savings plan by summer 2017.
- 3) The committee does not recommend cost of attendance as a basis for the GET payout. This metric contains expenses outside of the scope of what 529 plans are designed to cover, and could expose participants to unintended federal tax consequences. Alternative payout structures, such as weighted-average tuition models, are viable but need further exploration.
- 4) The committee determined that GET could bear temporary policy changes affecting the program's penalty for withdrawal and remain financially solvent. The committee authorized a temporary refund window, allowing participants to refund their GET accounts at the \$117.82 payout value, or their original contributions (whichever is greater) without state penalties. This refund window opened September 2, 2015, and will remain open until September 1, 2017, or until 60 days after a 529 savings plan opens (whichever is later).

The committee will provide updates as work progresses on developing a 529 college savings plan and preparing for GET's 2017 reopening.

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I. INTRODUCTION

During the 2015 session, the Legislature enacted 2ESSB 5954, which established the College Affordability Program (CAP), lowered in-state tuition for two consecutive academic years, and capped future annual tuition growth rates. Section 11 of 2ESSB 5954 directed the Committee on Advanced Tuition Payment and College Savings (GET Committee) to review and report to the legislative fiscal and higher education committees on the following items by December 1, 2016:

- 1) The impact of decreasing tuition rates on the funded status and future unit price of the Washington Advanced College Tuition Payment program (GET program).
- 2) The feasibility and different options of establishing a college savings program as described in RCW 28B.95.150.
- 3) A list of potential alternatives and impacts for changing the advanced college tuition payment distribution policy from tuition and fees to a cost of attendance metric.
- 4) A list of potential alternatives and impacts for whether the state penalty for withdrawal should be changed.

This report responds to each of these items and indicates which items are still in progress.

II. BACKGROUND

Washington's sole state-sponsored 529 college savings option, the GET program, has been helping Washington families save for future college expenses since 1998. The GET Committee provides program oversight, and the Washington Student Achievement Council (WSAC) administers day-to-day operations, in accordance with RCW 28B.95. Participants have opened more than 160,000 GET accounts since GET's inception, and the program has distributed more than \$924 million for 46,600 accounts to help students pay for college. Over 78 percent of the dollars paid directly to higher education institutions stay within Washington at public or private universities, colleges, and technical schools. In recent years, GET became one of the largest and fastest growing prepaid tuition programs in the country.

As a prepaid tuition program, GET has a participant payout structure tied to in-state tuition, rather than market-based investment returns. Historically, 100 GET units have equaled one year of resident undergraduate tuition and state-mandated fees at the state's highest-priced public university. The CAP significantly impacted future payout assumptions, as well as GET participant earning potential, as this legislation marked the first time since the program's inception that in-state tuition was reduced. Acknowledging this impact, the Legislature, in Section 7 of the bill, directed the GET Committee to maintain the \$117.82 per unit payout value for the 2015-16 and 2016-17 academic years. For academic years after 2016-17, the GET Committee is to: "make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on the effective date of this section is not

decreased or diluted as a result of the initial application of any changes in tuition.” In response, in September 2015, the committee voted to maintain the \$117.82 unit payout value until the time when one year of resident, undergraduate tuition and state-mandated fees at the state’s highest priced public university surpasses \$11,782.

The committee also voted to delay new program enrollments and new unit purchases, effective July 1, 2015, for a period not to exceed two years. The Committee implemented this unit purchase delay to allow time to fully assess the CAP’s impact on the program going forward, and to make any necessary program policy revisions to ensure GET remains a good value for current and future participants. Additional committee decisions in response to the CAP are covered in the proceeding sections. At the time of this report, the GET program remains temporarily closed to new enrollments and new unit sales until July 1, 2017.

III. STATUS UPDATE

A. Impact of Decreasing Tuition Rates

GET’s funded status is highly sensitive to changing assumptions regarding future tuition rates. Current and projected tuition and state-mandated fees are also central components for developing the GET unit purchase price. Accordingly, the following two CAP provisions have the most direct impact on the program’s funded status and future unit price assumptions:

- The 15 percent reduction in tuition operating fees at the state’s research institutions, phased in over the 2015-16 and 2016-17 academic years.
- The new tuition growth model based on the average annual growth in median hourly wage over the last fourteen years, as determined by the federal Bureau of Labor Statistics (beginning in the 2017-2018 academic year).

The GET Committee adopts a unit purchase price annually, based on a price-setting analysis conducted by the Office of the State Actuary (OSA). The OSA is contracted to provide assistance to the GET Committee and the Legislature by providing actuarial services and consultation concerning the GET program. The office’s three primary services for GET include:

- Preparing an annual actuarial valuation of the GET program for the GET Committee.
- Preparing unit price-setting analyses for the GET Committee.
- Consulting, pricing, and communicating the effects of potential changes to the GET program for the GET Committee or the Legislature.

Due to their expertise in unit pricing and fund valuation, the OSA conducted the primary analysis on the impact of decreasing tuition rates and provided a letter summarizing these impacts. This report provides a copy of the OSA’s complete letter on the following three pages, rather than in the appendices, to ensure the information is reviewed in its full context.



Office of the State Actuary

"Supporting financial security for generations."

October 6, 2016

Ms. Betty Lochner
Director
Guaranteed Education Tuition
P.O. Box 43430
Olympia, Washington 98504-3430

RE: ACTUARIAL ANALYSIS FOR STUDY ON IMPACTS OF COLLEGE AFFORDABILITY PROGRAM

Dear Betty:

As you requested, we prepared actuarial analysis in response to the following question raised in the study on the impacts of the 2015 College Affordability Program (CAP):

What's the impact of decreasing tuition rates on the funded status and future unit price of the Washington Advance College Tuition Payment Program (or GET Program)?

Please feel free to include this analysis, in its entirety, in your response to the study. The inclusion of the full analysis will help manage the use of our work product.

Impact of Decreasing Tuition Rates

Instead of responding based on a purely hypothetical decreasing tuition environment, we have assumed the specific tuition decreases enacted under the CAP for purposes of this analysis. Our analysis would change if we assumed a different future tuition growth environment.

Funded Status Impacts

Generally speaking, decreasing tuition growth rates improve GET's funded status. We provide additional context and details below.

The funded status represents a comparison of the program's assets, at a single point in time, with the present value of future program obligations measured at the same point in time. To measure the funded status, we make assumptions about future tuition growth rates. How those assumptions compare to actual experience and how quickly we update those assumptions will determine how much and how quickly the program's funded status will change. For example, if we did not change our assumptions in response to an emerging



lower tuition growth environment, the program's funded status would not change at all initially. However, under this hypothetical scenario, over time the program would pay out lower tuition payments than expected and the program's funded status would slowly improve. If presented with this environment in reality, we would make some adjustment to assumptions upfront resulting in an immediate improvement in the funded status and then any subsequent difference between those assumptions and actual future tuition growth rates could further increase the funded status (if actual tuition growth is lower than expected) or decrease the funded status (if actual tuition growth is higher than expected).

For the *June 30, 2015, Actuarial Valuation Report*, we lowered our tuition growth assumptions in response to the CAP. The lower assumptions resulted in an increase in the funded status, measured at June 30, 2015, of 41 percentage points.

Actual future tuition growth as a result of the CAP may vary from our assumptions. As noted in our *2015 Actuarial Valuation Report*, if we assumed a long-term tuition growth rate 1 percent higher/lower, the program's funded status, measured at June 30, 2015, would change from 140 percent to 132/148 percent.

For the *June 30, 2016, Actuarial Valuation Report*, our tuition growth assumptions were unchanged from the prior year's report. The funded status, measured at June 30, 2016, was 136 percent with a reserve of \$615 million.

Please see our *2015 and 2016 GET Actuarial Valuation Reports* for additional considerations and supporting details.

Unit Price Impacts

Generally speaking, and similar to the discussion above, decreasing tuition growth rates lower future GET unit prices. However, as discussed below, there are many additional factors outside future tuition growth rates that ultimately will determine future unit prices. For those reasons, we are unable to quantify, at this time, the specific impacts of the lower expected tuition rates from the CAP on future GET unit prices.

Since the last time the GET Committee set a new unit price, the program experienced tuition reductions, the GET Committee established a new minimum payout value for unredeemed units, the program refunded past amortization payments (an amount that ranged from about \$18 to \$21 per unredeemed unit), and the GET Committee provided a temporary window for special refund rules.

The removal of the amortization component from the unit price will lower future unit prices. We expect recent and planned tuition reductions from the CAP will lower future unit prices below prices paid by recent purchaser cohorts (after reflecting the refunding and removal of the amortization component from past unit prices paid).

In addition to these changes, when the GET Program reopens, the GET Committee will likely consider the following items in order to set a future unit price:



- ❖ What reserve in the unit price is required to manage the risk of providing the program's guarantee to new units sold?
- ❖ Should the program continue the minimum payout value to protect future purchasers from any future tuition reductions?
- ❖ Are any other program changes required under this new environment?
- ❖ Will there be an initial balance between risk (risk to the state from offering the guarantee) and affordability (the affordability of the unit to a future purchaser) to sell new units?
- ❖ What contingency plans are required to address any imbalance between risk and affordability that may occur in the future?

The forthcoming responses to these questions and actions, in combination with forthcoming actuarial analysis, will inform the GET Committee's adoption of a new unit price. Ultimately, that unit price will reflect the specific impacts of the tuition reductions from the CAP on the future GET unit price.

We appreciated the opportunity to provide this analysis and assist you in your response to the Legislature's study mandate. Please let us know if you have any questions or need further assistance.

Other Considerations

For other readers of this analysis, please note we prepared this analysis to respond to the specific question noted above. This analysis should not be used for other purposes. We also advise readers of this analysis to seek professional guidance as to its content and interpretation, and not rely upon this communication without such guidance. Please read the analysis shown in this letter as a whole. Distribution of, or reliance on, only parts of this analysis could result in its misuse and may mislead others.

The undersigned, with actuarial credentials, meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein. While this letter is intended to be complete, I am available to offer extra advice and explanations as needed.

Sincerely,

Matthew M. Smith, FCA, EA, MAAA
State Actuary

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Key Finding

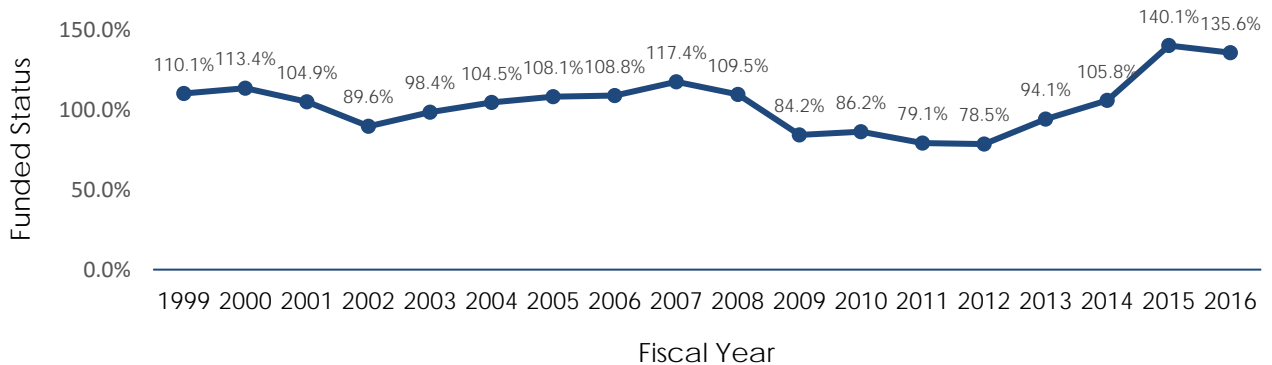
Decreasing tuition generally improves GET’s funded status and lowers future GET unit purchase prices (see the preceding letter for limitations and assumptions on this finding).

Additional Notes on Funded Status and Unit Pricing

History of the GET Funded Status

As stated above, GET’s funded status is sensitive to short term changes in assumptions. Figure 1 below shows the history of the GET funded status, which has oscillated from a low of 78.5 percent to a high of 140.1 percent. Historical precedence does not define future expectations, though it is important to review and understand the impact of this sensitivity.

Figure 1: GET Funded Status



Unit Pricing – Amortization Component

The GET Committee sets the GET unit purchase price based on an actuarial formula that includes the current cost of tuition, estimated future tuition, inflation, investment returns, administrative costs, and a reserve to assist in periods of fluctuating returns or higher-than-average tuition. Between May 1, 2011, and July 1, 2015, the pricing model included an amortization component that added \$18 to \$21 to the unit purchase price (see Figure 2 below). This amortization amount offset lower than expected investment returns due to the impacts of the 2008 recession, coupled with higher than expected tuition growth in the academic years leading up to 2011. Recent years of flat tuition growth, better than expected investment returns, and the passage of the CAP improved the program’s financial health more quickly than expected. In response, on August 18, 2015, the GET Committee voted to refund the amortization fees paid by all participants who had unredeemed units purchased at prices of \$163 or greater. In total, GET returned \$59 million in amortization fees for over 43,000 accounts. The amortization amounts charged, the initial unit price, and adjusted unit price are provided in Figure 2 below.

Figure 2: Amortization Amount per Unit

Dates Units Purchased	Amortization Amount	Initial Unit Price	Adjusted Unit Price
05/01/11 to 06/30/12	\$18.70	\$163	\$144.30
07/01/12 to 07/02/13	\$19.73	\$172	\$152.27
07/03/13 to 06/30/15	\$20.82	\$172	\$151.18

B. Feasibility of a 529 College Savings Program

Washington is one of two states that does not offer a 529 college savings plan, though there was an attempt to open a plan over a decade ago. In the 2001 session, the Legislature passed HB2126, granting the GET Committee the authority to establish a 529 college savings program. The section of the bill providing this authority was codified under RCW 28B.95.150. In 2002, the committee issued a Request for Proposals (RFP) that sought a program manager for a 529 college savings program and selected an “apparent successful bidder.” In early 2003, during the contract negotiation process, the vendor withdrew their proposal, citing issues with securing a cost-effective record-keeper and uncertain 529 market conditions. The committee voted to accept the vendor’s withdrawal and delay pursuing a college savings plan until the market stabilized.

When it passed the CAP in 2015, the Legislature provided the committee a new opportunity to explore the feasibility and different options of establishing a 529 college savings plan.

The Current 529 Plan Landscape

There are currently 61 direct-sold (sold directly to participants, rather than through brokers/broker-dealers) and 31 advisor-sold 529 college savings plans in the U.S., for a total of 92 open plans.¹ Nationally, the 529 industry continues to grow. According to the College Savings Plans Network (CSPN), as of June 30, 2016:²

- Total investment by U.S. families in 529 plans reached a record \$266.2 billion.
- Approximately 12.5 million 529 plan accounts have been opened nationwide.
- The average 529 plan account has a balance of more than \$20,190.

Looking ahead, a recent report from Strategic Insight projects that the college savings plan industry will double between now and 2019.³ To assess the 529 market potential in Washington, GET completed a market analysis in December 2015.⁴ This analysis included a survey of over 1,000 GET participants and looked at national trends and case studies of other college savings plans. GET found evidence of a significant demand for a 529 college savings plan option in Washington, though a savings plan’s success would be contingent upon its overall investment offerings and performance, fee structures, and benefits to state residents.

Assessment of Possible 529 College Savings Plan Approaches

Throughout FY16, the GET Committee, in consultation with the Washington State Investment Board (WSIB) and a national 529 plan expert, extensively explored the feasibility of developing a Washington-based 529 college savings program.

¹ Jamie Canup Memo to Betty Lochner, RE: 529 College Savings Plan, December 1, 2015. See [Appendix A](#).

² College Savings Plans Network. (2016). 529 Report: An exclusive mid-year review of 529 plan activity. Lexington, KY.

³ Strategic Insight. (2015). 529 Distribution Study, 2015. Boston, MA.

⁴ The full Washington State 529 Savings Plan Market Analysis can be found in [Appendix B](#).

The committee found that other states employ a wide range of 529 college savings plan management approaches, from completely “in-house” plans, where the state manages all program aspects, to fully “turn-key” approaches where third parties provide all services. According to IRS regulations, there is no prescribed approach or formula that a state must follow if it decides to offer a 529 college savings plan, though a state must retain administrative oversight. The committee determined that of the possible approaches, there were five key options to consider: ⁵

- Leverage the GET program’s existing self-operated infrastructure to establish a 529 college savings plan that is entirely state-run, with WSAC as the program manager, and the WSIB as the investment manager.
- Self-operate all program management aspects, including records administration, marketing, customer service and other administrative functions, and contract with a non-state entity to provide investment management services.
- Contract with a third-party records administrator and non-state investment manager while retaining other program management functions.
- Contract with a third-party(ies) to either (a) entirely outsource a 529 savings plan or (b) outsource all program aspects except for in-state marketing efforts.
- Partner with another state’s 529 college savings plan to either: (a) entirely outsource the 529 savings plan, or (b) outsource everything but in-state marketing, which would remain in-house.

The committee’s analysis of these options began with exploring this key question: “Which plan type provides the greatest benefit for our state?” To supplement this overarching question, the committee established four criteria:

- Which approach is the **most affordable** for both the state and for plan participants?
 - Criteria include a fee structure that is competitive with other 529 plans already on the market, as well as low startup and on-going maintenance costs.
- Which approach would provide the **highest quality** service, support, and options for participants?
 - Criteria include having a range of attractive investment options that provides sufficient choices for participants, with returns that meet or exceed the industry average. The top-rated plans typically feature user-friendly, age-based options that automatically adjust asset allocations as the beneficiary ages and nears college. They also feature several static options that allow participants to build a customized portfolio.

⁵ Note that each of these options would consider both direct-sold and advisor-sold options.

- Which approach would be the ***most efficient*** to establish, operate and sustain?
 - Criteria include ensuring that the selected model interfaces with the existing GET program and provides a seamless experience for program staff and participants of both GET and a college savings plan.
- What are the ***advantages*** of this plan for Washington residents?
 - Criteria include providing incentives for in-state residents to choose their home state’s plan over other options. State income tax deductions on contributions are a common offering for in-state residents, but are not currently feasible for Washington. Other incentives the state could pursue include a matching program where the state or a private partner matches participant contributions up to a certain amount, or a “seed account” program where the State or a private partner opens an account containing a small amount of “seed” money for each child born in the state.

In early FY16, the GET Committee voted to prioritize exploring an “in-house” approach to a 529 college savings plan with WSAC as the program manager and WSIB as the investment manager, while performing due diligence on the other approaches. Over the remainder of FY16, the committee and WSAC conducted extensive analysis on the various program and investment management options. They also provided information to legislators working on enabling legislation for a 529 college savings plan. During the 2016 session, the Legislature passed E2SSB 6601. This bill created the Washington College Savings Program, established the appropriate account in the custody of the state treasurer, and provided parameters for the GET Committee in developing a 529 college savings plan.

New Legislative Direction

E2SSB 6601 provided several key parameters for a new 529 college savings plan, including:

- Fees charged to account owners may not exceed one-half of one percent for any investment option on an annual basis (beginning January 1, 2018).
- The GET Committee shall promote, advertise and publicize the new plan and develop educational materials to highlight how the new plan and GET are different, and how they can complement each other.
- The GET Committee is directed to create an expedited direct rollover process between eligible Washington state-sponsored 529 accounts, and to out of state 529 accounts.
- Five policy goals are established in statute for which the GET Committee must develop objectives and performance measures and report to the Legislature biennially on: Process, People, Parent, Performance and Price.
- Non-Washington residents may participate in a 529 college savings plan offered by WSAC, if it is established.
- The GET Committee is permitted to consider an advisor-sold option.

Additionally, the Legislature provided two mechanisms to fund startup costs for a college savings plan:

- A \$25,000 state general fund appropriation (HB2376, Sec. 609(2)).
- Spending from a new Treasury account to cover startup costs with any account deficit repaid within five years pursuant to a plan/schedule to discharge any projected deficit established by the GET Committee by December 31, 2017.

Early discussions before and after E2SSB 6601 passed indicated that WSIB may have been well-positioned to act as investment manager for a new 529 college savings plan. The WSIB has significant scale in the retirement market. There was a potential opportunity to keep fees low for 529 plan participants by leveraging the investment options that WSIB manages for the Deferred Compensation Program (DCP). Through their extensive due diligence efforts, WSIB discovered that the 529 industry has been built on mutual funds (which are accessible to any institutional investor) and that WSIB's existing DCP vehicles were not translatable to the 529 college savings industry. Ultimately, WSIB determined that it would not add significant value as the investment manager for a savings plan, and that the GET Committee could save participants a layer of fees by contracting directly with a private investment manager.⁶

Next Steps

Based on this new information, and the provisions in E2SSB 6601, the GET Committee determined that a fully in-house plan was not feasible. Through the end of FY16 and the beginning of FY17, the committee discussed the remaining 529 college savings program management options. In April 2016, the committee authorized WSAC to begin a formal procurement process to seek vendor proposals for, at a minimum, investment management services. Additionally, WSAC was to consider seeking proposals for records administration; marketing; customer service; and/or other administrative functions.

WSAC formed an internal advisory group to lead the procurement process, and consulted with key partners, including the Department of Enterprise Services (DES), SIB, and WaTech. Following discussions with state procurement experts at DES, WSAC first issued an informal Request for Information (RFI) to the 529 vendor community. This helped narrow the scope of work for developing an official Request for Proposals (RFP).

The RFI found that there was significant interest among the 529 vendor community in providing services to a Washington-based 529 college savings plan, within the requirements of E2SSB 6601. Responses to the RFI indicated that potential vendors would be most likely to respond to a resulting RFP if they could provide a comprehensive proposal for investment management, records administration, and customer service. Many

⁶ Washington State Investment Board. (2016, April 20). Evaluating Investment Solutions for the GET College Savings Plan [Presentation to the GET Committee]. Olympia, WA. Full presentation available in [Appendix C](#).

vendors have existing integrated systems or partnerships operating at a scale sufficient to keep program, and hence, participant costs down. Respondents were mixed regarding program marketing; multiple respondents felt the state may be better suited to self-administer these services. Vendors also cautioned that the annual fee limitation set forth in E2SSB 6601 would likely make an advisor-sold plan cost prohibitive, and suggested that the committee focus first on opening a direct-sold plan only.

Key Finding

On April 20, 2016, WSIB advised the GET Committee to hire an outside investment manager, instead of seeking investment management services from WSIB. The committee authorized WSAC to issue an RFP seeking vendor support for investment management, records administration and customer service; WSAC intends to retain marketing functions.

On October 4, 2016, WSAC issued an RFP seeking program management services for a new Washington-based, direct-sold 529 college savings plan. The RFP asked bidders to propose comprehensive and creative approaches to investment management, records administration, and customer service for the new plan. The committee and WSAC intend to retain marketing functions in-house, but are allowing bidders to offer alternative solutions, so long as they meet the stated program objectives. Any alternate proposals will be considered only if primary proposals are not satisfactory. At the time of this report, the RFP is still open, and there are several steps left in the procurement process. Based on the current schedule of activities (see Figure 3 below), the committee intends to launch a new 529 college savings plan by summer 2017.

Figure 3: Tentative Procurement Schedule for a College Savings Plan

Activity	Date
Issue Request for Proposals (RFP)	October 4, 2016
Question and answer period	October 24, 2016
Proposals due	November 30, 2016
Evaluate proposals	December 1-31, 2016
Conduct oral interviews with finalists, if required	January 11, 2017
Announce "Apparent Successful Bidder"	January 25, 2017
Negotiate contract	January 25 - March 22, 2017
Contract Effective Date/Begin implementation	March 23, 2017
Washington 529 College Savings Plan opens	Summer 2017

The 529 college savings plan industry is still growing and there is evidence that there remains substantial opportunity in the market for a new entrant, such as the plan that the state is considering. Until the RFP and contract negotiation processes are complete, however, the committee is still determining feasibility and different options of establishing a plan that meets the specifications outlined in E2SSB 6601 and within the available funding sources. The GET Committee will provide an update on the progress of establishing a 529 college savings plan once these processes are complete.

C. Alternatives and Impacts of a Cost of Attendance Metric

The cost of attendance metric referenced in 2ESSB 5954 was not clearly defined by the legislation. At the advice of a national 529 and legal expert, the GET Committee interpreted this metric to represent the published cost of attendance used by institutions of higher education to determine financial aid eligibility for students. Using this definition, cost of attendance is the amount needed to cover one year's expenses at an institution of higher education and typically includes: tuition and fees, books and supplies, room and board, transportation, loan fees, and certain personal costs. These items are typically calculated for a full time student pursuing undergraduate education.

Cost of Attendance Assessment

No state prepaid tuition programs currently employ a cost of attendance payout model. The primary concern with using cost of attendance as a benchmark for the GET unit payout value is that this metric includes expenses that are not covered by Section 529 of the IRS Code as "qualified higher education expenses." Designing a program to index to a benchmark that includes costs outside of the IRS-approved expenses could expose GET participants to unintended federal tax consequences. Additionally, the stated cost of attendance is different for each higher education institution, so the program would need to tailor the GET unit payout value to each separate institution or would need a mechanism to standardize payments.

Key Finding

The GET Committee does not recommend cost of attendance as a basis for the GET payout. This metric contains expenses outside the scope of what 529 plans are designed to cover, and could expose participants to unintended tax consequences.

A more detailed assessment of the cost of attendance metric can be found in [Appendix D](#).

Other Alternative Payout Models

Due to concerns associated with a cost of attendance metric, the committee reviewed and considered several other alternative payout structures employed by other state prepaid tuition programs. These alternative models are summarized, generally, in Figure 4 below. Variations exist for most of these models. Readers of this report are encouraged to read [Appendix E](#) for more detailed descriptions, variations and considerations for these models.

Figure 4: Alternative Payout Models

Model	Description	Potential Impact
Weighted-Average Tuition	Used by several states, this model is based on a weighted-average of tuition and mandatory fees at all of the in-state public institutions. Many variations of this model exist that vary between states. Some plans pay out the actual tuition and fees for in-state institutions and apply the weighted-average formula when a beneficiary attends an out-of-state or private institution. Others only pay-out the weighted-average tuition and mandatory fees of all public eligible educational institutions in that state.	Risk to the state is minimized compared to GET's current structure, as the highest in-state tuition level is not guaranteed. In some cases, participants may need another source of funds to fully-fund in-state tuition costs, if attending a higher-priced school. Differential tuition environments can create complications.
Credit Hour Model	Based on the mean weighted credit hour value at public institutions (either four-year or two-year/community college) in that state. In this model, pricing is dependent on whether the actual cost of the credit hours purchased is covered at any in-state public eligible educational institution or whether only a weighted-average credit cost at all in-state public institutions is covered by the program.	Can allow for a lower entry point for participants and match expenses to actual credit hours taken. The state matches the payout to individual credit hours, rather than entire academic years, semesters, or quarters.
Guaranteed Return	A model used by Pennsylvania that is based on average tuition increases in the school category and credit hour load selected. Participants anticipate that the increase in value over time (based on tuition increases) will be greater than the amount that they would have earned if they had invested in the market or in a 529 savings plans. Non-qualified withdrawals get a minimum payout equal to the greater of the "net earnings rate" of the program fund, or the participant's initial contributions	Pennsylvania's program is not backed by the full faith and credit of the state. Such a model could shift some of the risk from the state to participants.
Risk Transfer	A model used by the Texas Tuition Promise Fund that transfers the payout risk from the prepaid program to the state higher education system. Participants can purchase tuition units at current tuition levels and when their beneficiaries are ready to enroll at a Texas public university or college, those institutions must accept those tuition units as payment for tuition. Market fluctuations in tuition do not affect the value of the tuition units purchased.	Risk is transferred to the state's higher education institutions and would require legislation similar to Texas's legislation that requires the Washington state public higher education institutions to accept the value of tuition units at matriculation for full payment of tuition obligations.

Further Considerations

At the time of this report, there are 19 open prepaid tuition plans nationwide. Several other plans that states have once offered are permanently closed or are not accepting new enrollments. Generally, each of these open and closed plans has a structure that is unique to their state.

Other than the risk transfer model found in the Texas program, the other models presented would require little or no change to RCW 28B.95 that governs the GET program. In addition, putting aside a model that pays out actual tuition and mandatory fees (as previously existed when the GET program was open), a prepaid program that is based on either (1) weighted-average tuition and mandatory fees (for the type of institution selected) either on a semester or credit hour basis; or (2) average tuition increases in the past ten years (or other measuring period) at the state's public eligible educational institutions (for the type of institution selected) may be models worth exploring.

Additionally, decisions would need to be made to determine if the program would (a) cover only tuition or tuition and mandatory fees; and (b) pay out the same benefits to beneficiaries who enroll in private or out-of-state public institutions rather than in-state public eligible educational institutions. Care must also be taken to define exactly what tuition and mandatory fees are covered by the state's prepaid program. Each of these models described above would need to be reviewed by the OSA to determine if a pricing model could be determined and sustained for the long-term.

If drastic changes are made to the current GET program, such changes would likely apply only to new participants. If the terms and conditions of the plan and the financial risk balance between the state and plan participants significantly shift, this may necessitate freezing the current GET fund to new contributions and establishing a new and separate fund. The GET Committee, in consultation with WSAC's legal counsel and the OSA are still assessing such alternative structures. The consideration and potential adoption of any alternative structures would be a key component of the next price-setting exercise. The committee will provide an update on this subject once the next price-setting exercise is complete.

D. Alternatives and Impacts for State Penalties on Withdrawals

College savings programs meeting the criteria of section 529 of the IRS Code are intended to be used only for “qualified higher education expenses,” including tuition and fees, room and board, books and supplies. When used for such expenses, all account earnings (growth) can be distributed on a federal-tax-free basis. When a participant makes a distribution and does not use the funds to cover qualified expenses, the IRS imposes a 10 percent penalty on the earnings portion of the distribution, and taxes the earnings as ordinary income.

Permanent Program Refund Policies

To ensure GET funds are used to cover qualified expenses, the GET program also charges participants a program refund penalty for “non-qualified” distributions/refunds. Additionally, the program charges an account cancellation fee to cover the cost of processing the refund and charges an account maintenance fee to compensate the program for services rendered while the participant’s account was open. These penalties and fees are summarized in Figure 5 below. Participants must also hold their funds for up to two-years before they may make a distribution or refund their account.

Figure 5: GET Program Non-Qualified Distribution (Refund) Fees

Penalty/Fee	Amount
Program Refund Penalty For all refunds except in the event of death, disability, scholarship, attendance at a U.S. service academy, or graduation/completion of higher education program.	10 percent of earnings or \$100, whichever is greater
Account Cancellation Fee	\$10
Account Maintenance Fee	\$1.70 per month

Temporary Refund Policy Changes

After the Legislature enacted the CAP, the GET Committee heard from a number of GET participants who expressed concern about the future values of their accounts, based on the tuition policy changes. Participants who purchased new tuition units since May 1, 2011, at unit prices of \$163 and \$172 for older children were especially concerned about their ability to recover their full investment principal. After careful consideration of available options and the potential impacts on the program, the GET Committee unanimously voted to waive all program refund penalties and fees, as well as the two-year hold requirement for all account owners for a temporary period of time.⁷ Additionally, participants who paid more for their units than the \$117.82/unit payout value could receive their contributions back (including monthly finance charges for Custom Monthly Plan participants) to ensure they did not lose any principal. This special refund window was initially made effective September 2, 2015 through December 15, 2016. Criteria for this decision included:

⁷ GET has been clear in communications to customers that federal taxes and penalties may still apply to any account earnings if refunds are not deposited into another qualified 529 plan within 60 days.

- The committee determined that this decision was the right thing to do for participants. While participants did sign a contract acknowledging the limitations of the GET guarantee and available refund options when enrolling in the program, marked changes in future tuition growth policy fundamentally changed the underlying growth assumptions in ways that the committee and GET participants did not foresee.
- Allowing non-penalty refunds provided participants who were reconsidering the value they were getting out of the program a mechanism to rollover their GET funds into another 529 plan and continue their college savings efforts.
- This option mitigated legal risk. While the committee believed that the GET Master Agreement (the contract between the program and GET participants) provided sufficient legal protection, a decision to not waive refund fees could still have presented a risk of future legal disputes. Such legal disputes could have proven costly even if the state prevailed.
- The healthy funded status of the program allowed for this non-penalty refund window without presenting undue financial risk that the program would not meet its future financial obligations to participants. At the time of the decision, the program account was 140 percent funded, as measured by the OSA at June 30, 2015. The committee projected that if all customers who paid \$163 or \$172 for their units and were within eight years of using their benefits (those the committee deemed to be most likely to refund their accounts) took advantage of this refund window, the program would pay out approximately \$200 million. The impact of this policy decision could decrease the program's funded status by as much as five percent.

Key Finding

The committee determined the GET fund could bear temporary policy changes affecting the program's penalty for withdrawal and remain financially solvent. The committee authorized a temporary refund window, allowing participants to refund their GET accounts without state penalties.

Participant Response and Associated Impacts

While the committee was confident that GET would remain a valuable college savings resource for years to come, it was clear that some participants wished to seek other options for their college savings. The committee chose to hold these participants harmless.

As of September 30, 2016, GET participants have requested \$355 million in refunds or rollovers for 18,300 accounts. This represents approximately 14 percent of the 130,200 accounts that were active as of June 30, 2015. As anticipated, preliminary figures show that majority (64 percent) of participants who have taken non-penalty refunds were those who purchased some or all of their units within the last five years (at prices of \$163 and/or \$172 per unit). In total, participants have requested refunds on approximately 24 percent

of all accounts containing at least one unit purchased at unit prices of \$163 or greater. These preliminary figures are summarized in Figure 6 below:

Figure 6: GET Non-Penalty Refunds since September 2, 2015⁸

Refund Metric	Amount (as of 9.30.16)
Dollar value of all refunds	\$355 Million
Number of accounts refunded	18,300
Proportion of all accounts refunded that were active as of June 30, 2015	14%
Number of accounts with at least one \$163/\$172 unit that were refunded	11,800
Proportion of accounts with at least one \$163/\$172 unit that were refunded	24%

Anecdotally, the program has found that many participants are choosing to wait on deciding whether to request a refund or leave their GET accounts as-is. Participants choosing to wait are wanting to learn more about the new unit purchase price, the on-going assumed rate of return (based on future tuition growth and/or any potential program adjustments), and what additional in-state college savings options (i.e. a 529 college savings plan) may come available in the near future. Through several meetings in the summer and fall of 2016, the GET committee discussed extending this window until the proposed 529 college savings program opens, to provide peace of mind for undecided customers. Ultimately, the committee voted to extend the non-penalty refund window to allow current customers to continue receiving the \$117.82 payout value or their contributions (whichever is greater) until September 1, 2017, or until 60 days after a 529 savings plan opens (whichever is later). By reducing customers' sense of urgency around making a refund decision and by overlapping the refund window with the savings plan opening date, the committee hopes to retain as many participant dollars in the state as possible. Once the refund window closes, the committee will provide an update on refund statistics and resulting impacts to the program.

⁸ Note that these are preliminary figures, and do not account for adjustments due to other account actions taken by participants, such as downgrades, conversions and transfers.

IV. CONCLUSION

Based upon the findings in this report, the GET Committee offers the following observations to the Legislature:

- 1) Generally speaking, decreasing tuition rates have significantly improved the funded status of the GET program, based on measurements provided by the OSA. As of June 30, 2016, the program was 136 percent funded. If the current statutory future tuition growth model holds, future unit prices will likely start out lower than the amortization-adjusted unit prices since May 2011.
- 2) The 529 industry is still growing and there is evidence that there is sufficient state resident demand for a Washington-based 529 college savings program. The GET Committee is still exploring the feasibility and different options for establishing a 529 college savings program at the time of this report, and is currently engaged in a formal procurement process for vendor services. At the committee's direction, WSAC issued an RFP seeking vendor support for investment management, records administration and customer service; the committee intends to retain marketing functions in-house. If the RFP process generates quality proposals, and contract negotiations go as planned, the committee intends to launch a new 529 savings plan by summer 2017.
- 3) The committee does not recommend cost of attendance as a basis for the GET payout. This metric contains expenses outside of the scope of what 529 plans are designed to cover. Designing a payout based on a benchmark that includes costs outside of the IRS-approved "qualified higher education expenses," could expose GET participants to unintended tax consequences. Alternative payout structures, such as weighted-average tuition models, are viable but need further exploration.
- 4) The committee determined that GET could bear temporary policy changes affecting the program's penalty for withdrawal and remain financially solvent. The committee authorized a temporary refund window, allowing participants to refund their GET accounts at the \$117.82 payout value, or their original contributions (whichever is greater) without state penalties. This refund window opened September 2, 2015, and will remain open until September 1, 2017, or until 60 days after a 529 savings plan opens (whichever is later).

As described above, the items covered in this report will require continued research and analysis. The GET Committee will provide updates as work progresses on developing and opening a 529 college savings plan and preparing for GET's 2017 reopening to new enrollments and unit purchases.

APPENDIX A

HIRSCHLER FLEISCHER

ATTORNEYS AT LAW

MEMORANDUM

TO: Betty Lochner

FROM: James W. C. Canup

DATE: December 1, 2015

RE: 529 College Savings Plan

You have requested a memorandum that analyzes the investment components and the fee structure found in direct-sold, college savings plans (as opposed to prepaid plans) that are qualified under Section 529 of the Code of 1986, as amended (Code).

Overview

There are currently 101 open 529 Plans in the U.S. There are 19 prepaid plans (including both traditional prepaid plans and unit or guaranteed savings plans), nine of which are open for enrollment during some portion of the year (typically, prepaid plans have a limited enrollment period so as to determine a pricing model for that year's enrollment), and the ten remaining prepaid plans are either suspended or closed. In addition, there are 61 direct-sold, college savings plans and there are 31 advisor-sold, college savings plans. This memorandum is focused on direct-sold, college savings plans (i.e., those plans sold directly to an investor by State or governmental entity and without having to go through a registered broker-dealer or broker to invest in the program).

Investments

Typically, direct-sold, college savings plans offer a menu of investment options, often referred to as portfolios (Portfolios). An offering in a Portfolio is often referred to as a unit ("Unit"). An investor/account owner invests in Units, not the underlying investments that comprise a Unit. The direct-sold, college savings plan invests on an aggregate basis in the underlying investments that comprise the Units.

Sales of Units in a Portfolio are considered to be municipal fund securities under the Securities Laws¹ and the rules of the Municipal Securities Rulemaking Board (MSRB) and the rules of the Financial Industry Regulatory Authority (FINRA)². So long as Units are offered directly by a State (or an instrumentality or an agency of a State) by employees in the course of their duties as employees of the State (or an instrumentality or an agency of a State), the Units do not have to be registered with any federal agency and are not subject to the Securities Laws of the U.S., except for the anti-fraud provisions of the Securities and Exchange Act of 1934, and those employees are not required to be registered or licensed pursuant to the Securities Laws. If a State engages a program manager or other third-party to help sell Units in a Portfolio, that third-party will be subject to the various requirements imposed under the Securities Laws and the rules of the MSRB and FINRA.

Age-Based Portfolios

Investments offered by direct-sold, college savings plans consist of a variety of types of Portfolios. Every direct-sold, college savings plan offers at least one (1) age-based Portfolio. Generally, an age-based Portfolio is a Portfolio that invests predominantly in equities in the early years and transitions over time to more conservative investments such as bonds and money-market or cash investments as the beneficiary nears or reaches enrollment at an institution of higher education. The transitions over time are typically referred to as age bands, usually in three-year increments (sometimes in two or four-year increments, or combinations of two, three and four-year increments).

Some direct-sold, college savings plans offer three age-based Portfolios (typically, a conservative, moderate and aggressive age-based Portfolio), and a few offer four or more age-based Portfolios. Utah's direct-sold, college savings plan offers the nation's only "customized" age-based Portfolio. Under that plan an investor can make a one-time selection when opening the account among a menu of underlying investments to tailor the investments of the age-based Portfolio for each of the age bands. The decision of how conservative or aggressive those investments are for each age band is made by the investor/account owner and where those investments ultimately transition to at or near enrollment in an institution of higher education is also determined by the investor/account owner (as opposed to the investor selecting from the pre-formed age-based Portfolios offered by the direct-sold, college savings plan).

These age-based Portfolios are sometimes referred to as "set it and forget it" Portfolios (they are also seen as akin to target date fund investments offered by retirement plans). Age-based Portfolios are popular with account owners who invest in direct-sold, college

¹ The applicable Securities Laws include, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Gramm-Leach-Bliley Act, and the Dodd-Frank Wall Street Reform Act. A discussion of these various Acts is beyond the scope of this memorandum.

² A discussion of the rules imposed by the MSRB and FINRA is beyond the scope of this memorandum.

savings plans. More money invested in direct-sold, college savings plans is invested in age-based Portfolios than any other type of Portfolio.

Static Portfolios

In addition to age-based Portfolios, every direct-sold, college savings plan also offers additional Portfolios. Some direct-sold, college savings plans offer as many as 20 or more Portfolios; the range of Portfolios offered is from a low of four to a high of 32 Portfolios. These Portfolios are often referred to as Static Portfolios because unlike the age-based Portfolios these underlying investments in the Static Portfolios do not change over time as the beneficiary of the 529 account nears or reaches enrollment age at an institution of higher education.

There are many different types of Static Portfolios offered by the various direct-sold, college savings plans. Some of these Static Portfolios consist of a so-called balance fund that include underlying investments in equities, bonds, and a money-market or savings account. The allocations within these balanced Static Portfolios is usually between 55 to 70% in equities and 30 to 45% in bonds and/or money-market or savings account.

Another form of Static Portfolio is a Portfolio where the underlying investments mimic or replicate a recognized index, such as the S&P 500 or the Russell 2000. Some Static Portfolios have underlying investments in a mix of U.S. large-cap, mid-cap and small-cap equities. Other Static Portfolios have underlying investments in U.S. equities, developed and emerging markets. Still other Static Portfolios only invest in one type of investment such as bonds, U.S. Treasuries, or a savings account that is subject to FDIC insurance. Utah's direct-sold, college savings plan offers the nation's only "customized" Static Portfolio. Under that plan an investor can make a one-time selection when opening the account among a menu of underlying investments to tailor the investments of the Static Portfolio. The decision of how conservative or aggressive those investments are and the allocations among the investments selected is made by the investor/account owner.

Investment Line Up Recommendation

At a minimum, the State-run, direct-sold, college savings plan must offer at least one age-based Portfolio and at least two Static Portfolios – one that is a form of a balanced fund and one that provides a conservative investment such as bonds, money market and/or savings account. Additional Static Portfolios can be added to the program over time as the Committee and its investment advisors deem appropriate.

The Washington State Investment Board (WSIB) has indicated that it has the capability to offer these types of Portfolios from the outset of any Washington direct-sold, college savings plan that is offered. More importantly, the WSIB has also indicated that it can offer both a customized age-based Portfolio and a customized Static Portfolio. A direct-sold, college savings plan offered by the State of Washington would then be the second 529 Plan in the country to offer such customized Portfolios.

Fees

There are several fees that an account owner of a Portfolio incurs by virtue of their investment. These include program manager fees, record-keeper fees, State fees, fees for the underlying investments (often referred to as the expense ratio), and other program or administrative fees (such as account opening fee, annual account maintenance fee, mailing fees, and transaction based fees). The trend in the past decades has been for these fees to be lowered as total assets under management in a 529 Plan have increased.

A State-run, direct-sold, college savings plan that does not outsource any functions to third parties would not charge a program manager fee, record-keeper fee and State fee, but instead would only charge one fee. To the extent any record-keeping function is outsourced, a separate record-keeper's fee would then apply, whether stated separately or included as part of the program manager's or State's fee.

Program Manager Fees/State Fees

Of the 61 direct-sold, college savings plans, seven do not charge a program manager fee or a State fee. Four of these seven plans are stand-alone bank or CD product 529 Plans and do not offer any other Portfolios; in addition, within the remaining direct-sold, college savings plans that have a Static Portfolio whose underlying investment is a bank or CD product many of those plans also do not charge a program manager fee with respect to that Portfolio. Some of the banks that provide the underlying bank or CD product for those Static Portfolios or the stand-alone, bank or CD product 529 Plans pay a fee directly to the State rather than having the plan charge a program manager fee to the investor.

The only three traditional direct-sold, college savings plans that do not charge a program manager fee are Louisiana, South Carolina and South Dakota. All three programs limit their enrollment to account owners or beneficiaries who are State residents. South Carolina also has an advisor-sold, college savings plans on which it receives 10 basis points (0.10%). As of June 2015, the SC advisor-sold plan had approximately \$1.6 billion in assets under management, resulting in an annual State fee of \$1.6 million to the State Treasurer's Office of South Carolina to help pay for all of its 529 Plans. The SC direct-sold plan had approximately \$800 million in assets under management as of June 2015 in approximately 39,000 accounts.

The Louisiana 529 Plan is subsidized by the State of Louisiana. The amount of the subsidy is not disclosed. Assets under management as of June 2015 for the Louisiana 529 Plan was approximately \$630 million in assets under management in over 52,000 accounts. The LA 529 Plan does not have a private program manager but is instead a State run, direct-sold, college savings plan.

It is not clear whether the South Dakota 529 Plan is subsidized by the State of South Dakota or if the State receives a payment directly from its Program Manager, Allianz Global Investors, which also manages the State's advisor-sold, college savings plan. As of June

2015, the combined SD 529 Plans had approximately \$1.2 billion in assets under management in approximately 38,000 accounts but these numbers are not broken out between the direct-sold and advisor-sold plans.

The Commonwealth of Virginia has a direct-sold, college savings plan that is run by the Virginia College Savings Plans, an agency of the State. The direct-sold, college savings plan charges 15 basis points (0.15%) for its program manager fee. As of June 2015, this program had over \$3 billion in assets under management in approximately 200,000 accounts resulting in fee income of approximately \$4.5 million. In addition, Virginia has the largest 529 Plan in the country, an advisor-sold, college savings plan with approximately \$50 billion in assets under management as of June 2015, in over 2.1 million accounts. The Virginia College Savings Plans collects a State fee of 10 basis points (0.10%) on the advisor sold plan resulting in an annual State fee of approximately \$50 million.

The State of Utah runs a direct-sold, college savings plan that is run by the Utah Educational Savings Plan. The Utah plan had approximately \$8.4 billion in assets under management as of June 2015 in approximately 280,000 accounts. The Utah Plan charges a State program manager fee that ranges from 11 to 20 basis points (0.11% to 0.20%) depending on the Portfolio selected (Utah residents who invest in the State's Public Treasurers' Investment Fund Portfolio do not pay any fee). The average State program manager fee is approximately 18 basis points (0.18%) resulting in annual fee income of approximately \$15 million.

The State of Florida has one of the largest prepaid programs in the nation (with approximately \$10.6 billion) and also has a direct-sold, college savings plan – the Florida College Investment Plan. That program had approximately \$420 million in assets under management in over 45,000 accounts as of June 2015. Florida runs its own program and charges a program management fee of between 39 and 75 basis points (0.39 – 0.75%) that includes the underlying investment expenses. It is not clear what the amount of the total fees paid to the Florida programs equals.

The State of North Carolina is another program that is run by a State agency, the NC College Foundation. The program charges a program manager fee of 25 basis points (0.25%) on assets under management of approximately \$1.7 billion as of June 2015 in approximately 130,000 accounts resulting in annual fees of approximately \$4.25 million.

Tennessee just recently re-opened its direct-sold, college savings plan after an unsuccessful attempt to “merge” its prior plan with the State of Georgia. The new Tennessee direct-sold, college savings plans had assets under management of approximately \$33 million in approximately 7,200 accounts. The TNStars program is operated through the State Treasurer's office (as is its closed prepaid program). The program management fee is currently capped at 35 basis points (0.35%) and includes the underlying investment fees of its Portfolios. The State of Tennessee provides a subsidy to the program that is believed to be approximately \$1.5 million.

The great majority of States do not run their own programs but instead have engaged a third-party program manager to run their direct-sold, college savings plans. These States collect a separately stated fee that ranges from 0 basis points to up to 45 basis points (0.00 – 0.45%) depending on the Portfolio. Some of the States that do not charge any State fee either receive a subsidy from the program managers (Kansas receives at least \$1 million adjusted upwards for inflation across its three programs). Other direct-sold programs count on fee income generated by the State’s companion advisor-sold program to support the direct-sold program.

Underlying Expense Ratio

The underlying expense ratios are based on the types of investments that make up a Portfolio. Those fees generally run from 0 basis points to as high as 166 basis points (0.00% - 1.66%). The Portfolios that have underlying expense ratios of 0 basis points (0.00%) are invested in bank or CD products.

Total Expense Ratio

For many investors the total expense ratio (that is the total of the underlying fees and all State and program manager fees) is the number that matters. The 61 direct-sold, college savings plans have total expense ratios that run from a low of 11 basis points (I have excluded the 0 basis point attributable to bank or CD products) to a high of 214 basis points (2.14%) depending on the Portfolio selected by the account owner/investor. The great majority of direct-sold, college savings plans strive to stay within 20 to 45 basis points (0.20% - 0.45%) in total expense ratios. However, many such programs have total expense ratios that exceed this range. In fact, according to the study by Strategic Insight, the average total expense ratios in the second quarter of 2015 was 73 basis points (0.73%).

Other Program Fees

Other annual program or administrative fees are not included in calculating the total expense ratio. Therefore, they must also be considered when looking at the “all in” costs of an investment in a 529 Plan. While enrollment or application fees were previously more common, only one direct-sold, college savings plan (DC) charges an application fee – in amount equal to \$25 to non-resident of the District of Columbia.

Account maintenance fees are more common with 22 direct-sold, college savings plans charging annual fees that range from \$10 to \$30, which often is waived (i) for non-residents, (ii) on accounts above a minimum threshold (from \$10,000 to \$25,000), (iii) on accounts with recurring contributions through an automatic payment plan, or (iv) for those account owners who elect to receive all communications via email rather than regular mail. However, most 529 Plans do charge for certain transaction-based fees, such as fees for wiring funds, returned check fees, over-night delivery fees, and other similar fees.

Most competitive direct-sold, college savings plans do not have either enrollment or annual account maintenance fees. Many of these plans have been very successful at moving their account owners to electronic delivery of disclosure materials and quarterly and annual account statements, which substantially reduces costs for the 529 Plans. However, account owners must elect electronic delivery of these communications and cannot be defaulted into electronic delivery of any disclosure materials.

Disclosure

Every direct-sold, college savings plan must have an offering document that describes the Portfolios offered and the risks associated with those Portfolios,

- discloses the fees that an investor will incur by investing in a Portfolios,
- provides the performance of the various Portfolios over time,
- describes the rules of the 529 Plan and the process for opening, maintaining, and making withdrawals from an account with the 529 Plan,
- provides a summary of the tax considerations in investing a 529 Plan, and
- discloses the administration and other relevant information of the 529 Plan.

The offering document must be compliant with the Disclosure Principles adopted by the College Savings Plans Network.

In addition, it is an industry best practice that marketing material should strive to be compliant with the rules promulgated by the MSRB and enforced by FINRA (although, marketing materials issued directly made by a State or agency or instrumentality of a State is not subject to the MSRB and FINRA rules, only the anti-fraud provisions of the Securities Laws.

Targeted Marketing

A State-run, direct-sold, college savings plan offers the opportunity for robust, targeted marketing of the State's college savings plan to all portions of the State or to targeted under-served communities. Typically, a State-run program puts more marketing dollars and emphasis on reaching all segments of the State's population. Having marketing dollars and marketing talent spent in-State by in-State based personnel who both understand 529 Plans and their State's needs is usually seen as an advantage that State-run programs have over those programs run by out-of-state third party program managers who tend to focus on more national campaigns and also on individuals with higher income in limited pockets within a State.

Other Considerations

Like the GET program, a State-run, direct-sold, college savings plan will need to have a call center, a web site with IT support, and record-keeping capabilities to serve its account owners/investors and beneficiaries. The Banner record-keeping program currently used

by GET has the ability to provide record-keeping for both a prepaid and a direct-sold, college savings plan.

All of these functions are currently provided in-house by GET and to some extent will need to be continued by GET even if the Committee decides not to re-open GET or not to create a new prepaid 529 Plan. Leveraging the GET platform to provide these functions to a State-run, direct-sold, college savings plan in addition to GET may prove to be cost effective. In addition, the Committee can also look to see what third-party record keepers would charge to provide these functions.

Incentives to Consider

One of the questions raised by Committee members has been what incentives could a direct-sold, college savings plan run by the State of Washington offer to investors to make it more attractive to its residents. First and foremost, the two most important features to offer are (1) the investment line up found in the Portfolios and (2) the fees charged. Since the State of Washington does not have an individual State income tax a tax deduction or credit is not possible.

State Creditor Protections

Many States offer creditor protection to their residents who invest in their State's 529 Plan. These provisions typically provide that amounts invested in the State's 529 Plan are protected under State law from the reach of creditors. Typically, the amounts contributed must have been invested in the State's 529 Plan for a minimum period of time that varies from State to State. This protection is in addition to the federal bankruptcy protection afforded to all 529 Plan account owners who declare bankruptcy.

Financial Aid Exclusion

Some States provide that for State financial aid purposes, investors/account owners of the State's 529 Plan will not have those accounts included among their assets when making a determination with regard to State financial aid treatment. Currently, 23 States provide that the resident's 529 Plan account will not be considered when awarding State financial aid treatment. This encourages individuals to open and fund 529 Plan accounts without fear that their eligibility for State financial aid will be jeopardized. Anecdotally, 529 Plans have found that (other than individuals' procrastination) one of the impediments to opening accounts is the fear that the family and beneficiary will be precluded from obtaining financial aid to help pay for higher education if they open a 529 Plan.

At the federal level, the Department of Higher Education has been moving to remove this fear as an impediment. Currently, 529 Plan accounts owned by either parents or a beneficiary are included as a parental asset for FASFA purposes but only up to a maximum 5.6% for purposes of calculating the expected family contribution (EFC). Further distributions from a 529 Plan in any calendar year are from these accounts are not included

as income to the beneficiary, which otherwise could have resulted in a maximum inclusion of up to 50% for purposes of calculating the beneficiary's EFC. The Department of Higher Education is currently considering increasing the types of assets that are excluded on the FASFA and among those potentially excludable assets are 529 Plan accounts.

Matching Fund Programs

Another incentive to consider is the possibility of matching funds when residents invest in the State's direct-sold, college savings plan. Many States offer small incentives at different times during the year to encourage residents to open and fund accounts in the State's direct-sold, college savings plans. These incentives usually take the form of matches to contributions made to an account. The matches are usually capped each year and may only be available for limited periods.

Some States have more formal matching programs that are targeted to specific segments of the State's population. For example, some States provide for a matching contribution to an account for every newborn when an account is opened for that child. Some other States provide for a matching contribution to an account for a beneficiary where the family's income is within certain percentages of the poverty line; for example, 200% of the State's federal poverty line for a family of four. Matching funds could be provided to 529 accounts opened for children who are eligible for free or reduced school lunches or to accounts opened for children who would be first-generation college attendees. Whatever metrics the State chooses to use, a matching program could be used to encourage residents to open and fund accounts either on a State wide basis or on a targeted basis.

Scholarships

A number of States have teamed up with foundations and other charitable entities to provide scholarships for some or all of their residents through the State's 529 Plan. Maine provides a scholarship through its 529 Plan for every child born in the State of Maine by virtue of a partnership with the Harold Alfond College Challenge and Alfond Scholarship Fund. Other States have created scholarship programs that are directed to disadvantaged populations based on income, race, residence in certain areas of a State, or other targeted criteria. Some States, such as Louisiana, use their 529 Plans as a mechanism for awarding scholarships to residents who meet certain criteria.

Rewards Program

Twenty-five direct-sold, college savings plans have an affiliation with a rewards program that allows account owners to earn credit to be applied to their 529 Plan account. These programs typically are either with major credit card companies or with the Upromise rewards service.

Conclusions

With the suspension of the GET program, the State of Washington and the State of Wyoming are the only two States that do not currently offer a 529 Plan. A State sponsored, direct-sold, college savings plan that (1) leverages the infrastructure and platform provided by the GET program, (2) provides attractive investments options in its Portfolios including the possibility of offering customized Portfolios, and (3) has an “all in” fee structure that is under 45 basis points (0.45%) could be a very attractive and competitive 529 Plan for the residents of the State of Washington. In addition, the ability to market the program throughout the State and to target populations that may otherwise not have access to vehicles to finance their higher education not only serves those residents but also serves the interest of all the residents of the State by helping to educate the population, raise the quality of life for all Washington residents, and keep and attract employers to the State.

Washington State 529 Savings Plan: *Market Analysis*



*Presented to:
GET Committee
December 3, 2015*

Overview

In the October 7, 2015 GET Committee meeting, Committee members expressed interest in learning more about the market potential if Washington State were to offer a 529 College Savings Plan. This analysis provides a high-level snapshot of key insights to help evaluate such market potential. The report starts with a review of relevant data from two recent GET customer surveys, follows with an overview of demographic profiles of GET's customer and Washington State citizens, national college savings attitudes and the 529 plan environment in other states, and concludes with a discussion of findings.

In reviewing this report, it is also important to keep in mind that in addition to meeting market demand, it is important to continue providing Washington families with college savings options. Time and time again, studies find that higher levels of education are associated with higher levels of income security, better job prospects, and a stronger economy. An often cited study from Washington University in St. Louis finds that children who know there is a college savings account in their name are seven times more likely to succeed in school and go on to college.¹ This illustrates the point that 529 plans are more than just simple savings tools. They also allow families to show ongoing support for their children's future success and reinforce the importance of education.

Insights from Recent GET Surveys

In the past 18 months, GET has conducted two customer surveys in order to develop a sense of what account owners value when it comes to their college savings. Each survey included questions specifically related to how GET customers are currently saving or plan on saving for their children's college education in addition to their GET account.

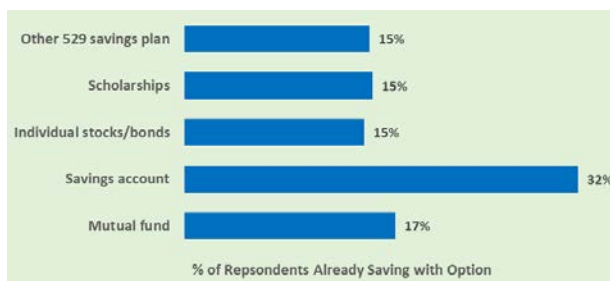
The first survey was conducted March-April 2014, and received over 7300 responses.

Three of the questions asked provide helpful insight for this analysis:

- ***"In addition to GET, what other ways are you planning to fund your child's college expenses?" (Please select an answer for each "savings method" listed below.)***

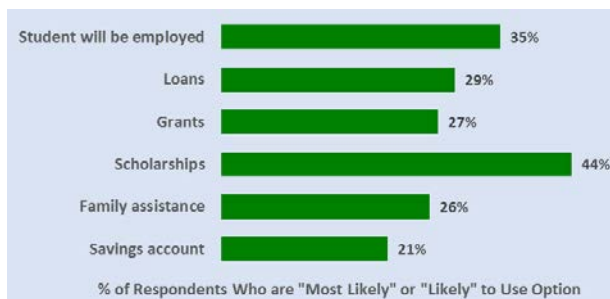
- The ***most popular savings options already being used*** by respondents were:

- 1.) Savings Account (32%)
- 2.) Mutual Funds (17%)
- 3.) Scholarships (15%)
- 4.) Other 529 Savings Plans (15%)
- 5.) Individual Stocks & Bonds (15%)



The savings mechanisms that respondents ***were most likely or likely*** to use were:

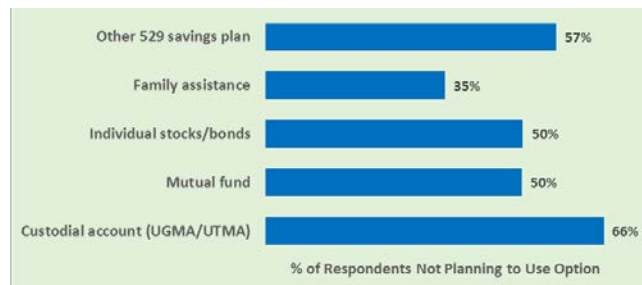
- 1.) Scholarships (44%)
- 2.) Student will be Employed (35%)
- 3.) Loans (29%)
- 4.) Grants (27%)
- 5.) Family Assistance (26%)
- 6.) Savings Account (21%)



¹ Source: Center for Social Development, Washington University in St. Louis (2010).
<http://csd.wustl.edu/Publications/Documents/WP10-01.pdf>

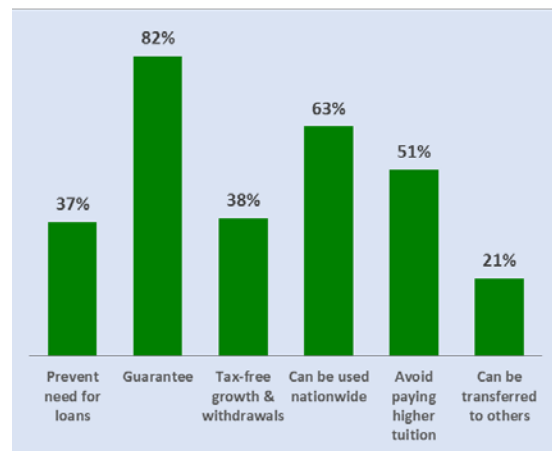
- The savings mechanisms that respondents **were not planning to use at all** were:

- 1.) Custodial Accounts (66%)
- 2.) Other 529 Savings Accounts (57%)
- 3.) Individual Stocks & Bonds (50%)
- 4.) Mutual Funds (50%)
- 5.) Family Assistance (35%)



- **“How often do you contribute to your GET account?”**
 - **Over half of respondents (52%)** contribute to their GET account at least once per year.
- **“What are the main reasons you chose to open an account with GET? (choose up to three)”**
 - More than **four out of five respondents (82%)** referenced the state guarantee as a primary reason for choosing GET.

- Other high-ranking reasons for opening a GET account included:
 - The ability to use GET at any public or private school in the country (63%)
 - To avoid paying higher tuition later (51%)
 - Growth and withdrawals are tax free (38%)
 - To prevent the need for taking out future loans (37%)
 - Can be transferred to other family members (21%)



The second survey was conducted October 2014, and received 190 responses.

One especially relevant question from this survey was:

- **“If GET were to offer a 529 Savings Plan in addition to our current 529 Prepaid Tuition Plan, would you be interested in investing in a savings plan?”**
 - **Over 55% of respondents said they would be interested in a 529 Savings Plan option**, though several noted in their open-ended comments that they had a number of questions about how the plan would work and benefit them. Other open-ended feedback from respondents who expressed interest in a 529 Savings Plan included:
 - Several respondents said they would be interested in a 529 Savings Plan because of the tax incentives, the ability to diversify their investments, and to balance the tuition advantage of GET with a more traditional investment.
 - Other advantages of a 529 Savings Plan mentioned by respondents included: the ability for parents with older children in middle and high school to have an in-state investment option, the capability for families to save for other expenses like room and board, books and other expenses beyond tuition and fees; and the opportunity to have an investment that could keep up with the cost of attendance at private and/or out-of-state schools.

- **Approximately 45% of respondents said they would not be interested in a 529 Savings Plan.** Open ended feedback included:
 - Some respondents had concerns about the risk associated with investments tied to securities products.
 - Respondents also noted that fees and fund performance would play a critical role in determining if they would invest in a 529 College Savings Plan or not.
 - Some respondents also said that they can barely afford to save for college as it is and more plans are not going to help, but rather make it more confusing.

What these survey results tell us.

These results indicate that there may be a potential market for a 529 College Savings Plan within GET's existing customer base of over 75,000. According to customer feedback, having an affordable and competitive product would be absolutely important in determining the value and role of such a plan in a family's college savings strategy. It should be noted that GET customers compose a relatively small subset of the Washington State population. The next section will address the state-level demographics to provide a sense of the current untapped market potential.

GET Customer Profiles

When it comes to customer profiles and demographics, it is likely that the typical 529 Savings Plan customer will carry many of the same attributes as our current GET customers. More than 50% of GET customers are female with household incomes greater than \$100,000. Customers are typically highly educated with more than 80% of account owners having a bachelor's degree at minimum. The majority of customers are parents of young children with close to 60% of account owners ranging in age from 35 to 54. A growing segment of customers are grandparents and in the latest GET customer survey, 14% of customers describe themselves as grandparents, up 2% from the previous survey.

State-Level Demographics

In terms of market potential, it is important to consider the number and characteristics of children under the age of 18 living in Washington State. According to the U.S. Census Bureau,² as of 2014, there were approximately:

- 7,061,530 people living in Washington State.
 - 445,000 children under the age of five.
 - 1,158,000 children ages five to seventeen.

According to the Office of the Superintendent of Public Instruction³ there are:

- 1,070,756 school age youth enrolled in public schools in the state of Washington.
 - Of these students, 482,024 (45%) receive free or reduced price meal benefits.

² Source: U.S. Census Bureau. (2015). <http://www.census.gov/quickfacts>.

³ Source: Washington State Office of the Superintendent of Public Instruction. (2015).

<http://reportcard.ospi.k12.wa.us/summary.aspx?schoold=1&reportLevel=State&year=2014-15&yrs=2014-15>.

National College Savings Attitudes

It is equally important to consider the attitudes and behaviors of parents regarding college savings. According to a recent, large-scale national survey conducted by Sallie Mae⁴:

- Approximately 48% of parents with children under 18 years old were saving for college.
- On average, parents saving for college have saved \$10,040.
 - Interestingly, single-parent families report saving more than the average: \$11,868.
- Approximately 27% of parents saving for college use 529 plans.
- More than two out of five (43%) of parents not currently saving for college plan to begin saving in the near future.

The current 529 plan landscape should also be considered. According to the College Savings Plans Network,⁵ as of June 30, 2015:

- Total investment by U.S. families in 529 plans reached a **record \$253.2 billion**.
- Approximately 12.33 Million 529 plan accounts have been opened nationwide.
- The average 529 plan account has over \$20,934.

529 Plans in Other States

In examining the 529 plan landscape, it is also important to consider the number of existing 529 College Savings Plans nationally. There are a total 92 529 College Savings Plans in 48 states and the District of Columbia, with varying models of plan management. Eight of those plans are managed directly by their state (a management option that the Committee has expressed significant interest in). The states managing their own plans are summarized below in Table 1.

Table 1 – Self-Managed State 529 College Savings Plans

State	Total Assets	# of Accounts	State Population ⁶	MorningStar Rating ⁷
Florida*	\$419,859,089	45,828	19,893,297	Neutral
Louisiana	\$629,364,974	52,514	4,649,676	Not Rated
North Carolina	\$1,689,489,102	129,092	9,943,964	Neutral
Ohio†	\$4,343,900,936	260,598	11,594,163	Silver
Pennsylvania*	\$1,876,328,649	91,523	12,787,209	Neutral
Tennessee	\$32,864,591	7,235	6,549,352	Not Rated
Utah	\$8,356,777,744	277,960	2,942,902	Gold
Virginia*†	\$3,077,830,427	197,115	8,326,289	Silver

*FL, OH, and VA each also offer an active prepaid tuition plan.

†VA and OH also offer an advisor sold plan.

⁴ Source: Sallie Mae. (2015). How America Saves for College 2015.

http://news.salliemae.com/sites/salliemae.newshq.businesswire.com/files/doc_library/file/HowAmericaSaves2015_FINAL.pdf

⁵ Source: College Savings Plans Network. (2015). 2015 Mid-Year 529 Report. http://www.collegesavings.org/wp-content/uploads/2015/09/0909_CSPN_MidYearCS-1-FINAL.jpg.

⁶ Source: U.S. Census Bureau. (2015). <http://www.census.gov/quickfacts>.

⁷ Source: Morningstar. (2015). <http://news.morningstar.com/articlenet/article.aspx?id=718259>.

Nearby west coast states (Alaska, California, Oregon, Idaho) also offer 529 plans. Details on these plans are summarized in Table 2 below. It should be noted that these plans are all managed by third parties.

Table 2 – Nearby West Coast State 529 College Savings Plans

State	Total Assets	# of Accounts	State Population	MorningStar Rating ⁷
Alaska (2 plans)	\$6,395,105,750	235,323	736,732	Gold* , Neutral**
California	\$6,425,318,114	265,941	38,802,500	Silver
Idaho	\$334,001,759	26,517	1,634,464	Neutral
Oregon (2 plans)	\$2,420,995,227	160,808	3,970,239	Bronze† , Neutral††

*T. Rowe Price College Savings Plan; **John Hancock Freedom 529 Plan

†MFS 529 Savings Plan; ††Oregon College Savings Plan

Case Study for Creating a New Savings Plan

TNStars 529 College Savings Plan Overview⁸

The TNStars College Savings 529 Program, launched on September 18, 2012 by the state of Tennessee. The program is a very applicable case study for this analysis as it is the most recently opened state-managed 529 College Savings Plan.

Tennessee and Washington have many commonalities. Tennessee's state population is 6.5 million residents, compared to Washington's 7 million residents. Additionally, like Washington, Tennessee residents do not pay a state income tax. Therefore, program leaders understood the need to develop special incentives and benefits to encourage residents to invest in its new 529 College Savings program. This is especially important given that Tennessee's BEST Prepaid Tuition program (similar to GET) recently closed permanently to new enrollments.



Image Source:
www.treasury.state.tn.us

At June 30, 2015, TNStars held a net position totaling \$32.8 million with 7,235 accounts.

Program Fee Structures

TNStars offers investment products with a competitive fee structure. The program's total annual asset-based fees are currently 0.35 percent (35 basis points) for all investment options except the FDIC-insured option for which there is no fee. For example, if the account balance is \$100, the annual asset-based fee collected would be \$0.35. The program does not charge enrollment or front loaded fees. To keep fees low, the program's operating expenses are subsidized through appropriations made by the State.

Incentives

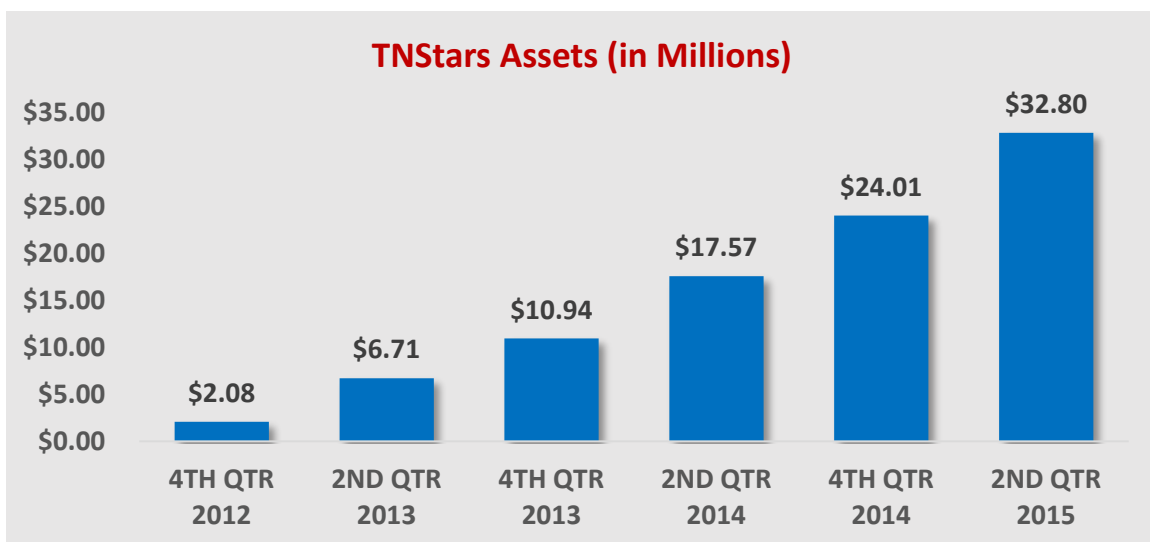
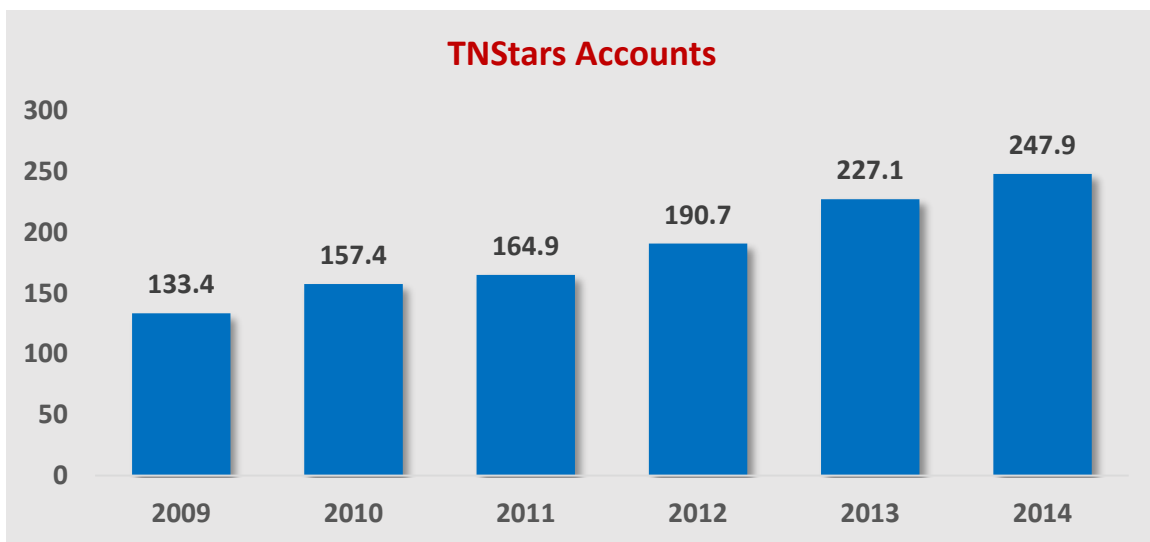
TNStars has offered multiple financial incentives to Tennessee residents for enrolling in the plan, rolling over funds from other 529 plans, setting up automatic deposits and for saving for babies in their first year. When the Tennessee Department of Treasury launched TNStars, they offered a \$50 match for the first \$50 invested in a new account and a \$100 incentive for new accounts that were rolled over from other 529 plans. Both incentives were initially offered through December 31, 2012, but were extended through June 30, 2013 due to popular demand. While participation in the TNStars program is open to investors nationwide, the incentives are only offered to Tennessee residents.

⁸ Source (for whole section): Tennessee Treasury Department. (2015). <http://www.treasury.state.tn.us/>.

In September 2014, the State Treasury launched a new special initiative to help low and middle income families begin their college savings with TNStars. The Tennessee Investments Preparing Scholars (TIPS) program provides a 4-to-1 contribution match for income eligible families. The minimum deposit required is \$25, and there is a maximum \$500 match per student each year. Families may apply for the TIPS program for up to three years, meaning they could receive up to a \$1,500 lifetime benefit per child. TIPS was designed to help encourage families of all means to start saving early for higher education expenses. To qualify, a family’s household Adjusted Gross Income must be less than 250 percent of the federal poverty level. TIPS is available to the first 2,000 applicants who qualify. During the initial nine-month qualifying period, new TNStars accounts were opened for 163 Tennessee children from families with an average household income of \$33,196.14 per year thanks to the TIPS program.

Enrollment and Investment Growth

The most current enrollment information from the TNStars program annual report is provided in the charts below. These charts give a sense of what a newly-opened, state-managed 529 College Savings Plan might expect in terms of new enrollments for the first few years of operation. Note that the 2015 data has not been released yet.



Discussion

In summary, there is likely a market for a 529 Savings Plan in the state of Washington; however, the plan's overall performance, fees and benefits to state residents will ultimately determine the plan's success. Since Washington State does not have state income tax, a tax deduction benefit for residents is not an option. Considering other benefits such as creditor protection, corporate tax breaks for contributions to employee accounts, exemptions from determining state financial aid, and matching funds for qualifying lower to moderate income households could provide residents with the incentives to invest their money with Washington's 529 plan.

APPENDIX C



Washington State
Investment Board

Evaluating Investment Solutions for the GET College Savings Plan



Theresa Whitmarsh, Executive Director, WSIB
April 20, 2016



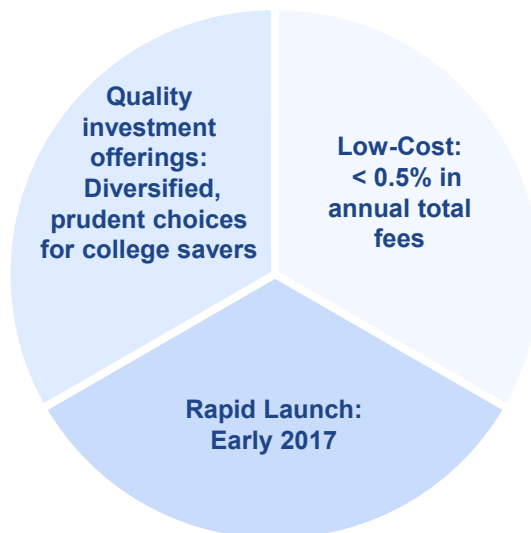
Program Objectives



WSIB

Goal

- Create a best-in-class, easily accessible College Savings Plan in fulfillment of Senate Bill 6601





Feasibility and Due Diligence



Legislation provides GET with three options for investment solution

- ▣ Select the WSIB as investment manager
- ▣ Partner with another existing state program
- ▣ Select outside entity experienced in 529 plans

Key questions for WSIB

- ▣ Will our strategic competitive advantages benefit GET 529 savings program?
- ▣ Access to best product offerings?
- ▣ Scale?
- ▣ Competitive pricing?
- ▣ Do WSIB's programs scale down to serve the needs of self-directed college savings plans, with required flexibility and low cost?

WSIB

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WSIB Due Diligence



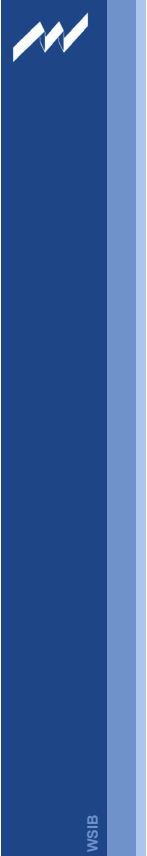
Late 2015 – WSIB begins researching feasibility of direct-sold, state-run plans

Early 2016 – Deeper evaluation of institutional investment offerings

- ▣ Organized an internal team to develop a comprehensive plan
- ▣ Staff did extensive research on:
 - ▣ The direct-sold savings plan environment
 - ▣ Investment menus
 - ▣ Participant behavior
- ▣ Sought consultants to assist with:
 - ▣ Menu design
 - ▣ Manager search
- ▣ Developed detailed materials to implement manager search
- ▣ Identified additional operational processes necessary to accommodate new program
 - ▣ Investment accounting: cash flow notifications, pricing, unitization, and financial reporting
 - ▣ Investment compliance
 - ▣ Performance reporting
 - ▣ Fee development

WSIB

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WSIB Due Diligence

Summary - College Savings Program Implementation Milestones				Mar 2016	Apr 2016	May 2016	Jun 2016	Jul 2016	Aug 2016	Sep 2016	Oct 2016	Nov 2016	Dec 2016		
	Lead	Start	Finish												
1	Angle	3/4/2016	3/25/2016	[Gantt bar]											
2	Inv Div	3/9/2016	4/8/2016	[Gantt bar]											
3	Inv Div	3/9/2016	4/22/2016	[Gantt bar]											
4	Angle	4/1/2016	4/1/2016	[Milestone diamond]											
5	Inv Div	4/1/2016	7/31/2016	[Gantt bar]											
6	Angle	4/20/2016	4/20/2016	[Milestone diamond]											
7	Inv Div	5/11/2016	7/31/2016	[Gantt bar]											
8	Finance Svcs	6/1/2016	6/30/2016	[Gantt bar]											
9	Inv Div	6/1/2016	7/29/2016	[Gantt bar]											
10	Inv Div	6/16/2016	6/16/2016	[Milestone diamond]											
11	Inv Div	6/23/2016	6/23/2016	[Milestone diamond]											
12	Inv Acct/GET	7/1/2016	12/15/2016	[Gantt bar]											
13	Inv Div	8/19/2016	8/19/2016	[Milestone diamond]											
14	Allyson/ Angle	9/7/2016	9/7/2016	[Milestone diamond]											
15	Inv Div	9/13/2016	9/13/2016	[Milestone diamond]											
16	Inv Div	9/15/2016	9/15/2016	[Milestone diamond]											
17	Inv Div	9/16/2016	11/15/2016	[Gantt bar]											
18	GET/Mgr/Inv Div/Inv Acct	9/16/2016	12/15/2016	[Gantt bar]											
19	Inv Div	11/1/2016	11/1/2016	[Milestone diamond]											
20	Allyson/ Angle	11/8/2016	11/8/2016	[Milestone diamond]											
21	Compliance	11/15/2016	12/15/2016	[Gantt bar]											
22	Inv Div	11/17/2016	11/17/2016	[Milestone diamond]											
23		12/15/2016	12/15/2016	[Milestone diamond]											
24		1/1/2017	1/1/2017	[Milestone diamond]											



Findings and discovery



What we thought based on early discussions

- 529 savings plan marketplace might welcome a product similar to Washington’s Deferred Compensation Plan (DCP)
- Our DCP model could be the basis for a new and innovative college savings plan
- WSIB could help create something new, customized and ground-breaking
- Groundwork would help prepare for a “sprint” work plan if WSIB was chosen as investment provider

What we realized based on due diligence

- WSIB’s scale would not translate easily to a 529 savings plan platform
- Time requirements would conflict with customization efforts
- Existing investment tools used for DCP are not available for college savings plans
- GET can benefit from direct access to high-quality institutional mutual funds and ETFs, without WSIB as provider



Conclusions



WSIB does not provide the best competitive advantage for 529 plans

- ▣ WSIB scale does not add significant value
- ▣ Other institutional mutual funds are directly accessible to GET
- ▣ Marketplace may evolve toward demand, but not in time for this program

Established investment programs are available

- ▣ Turn-key platforms exist in marketplace that offer integrated investing and recordkeeping
- ▣ Proven user suitability for direct-sold college savings funds
- ▣ Lower cost than building a customized solution

Key finding: No added benefit (quality, cost, time) in having the WSIB develop an entirely new investment offering apart from those already readily available from outside providers.

WSIB

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Role of the WSIB



Legislation prompted WSIB to consider three possibilities

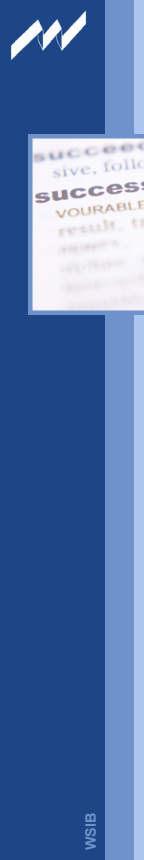
- ▣ WSIB as investment manager
- ▣ WSIB as investment advisor
- ▣ WSIB as consultant for general guidance

Optimal role – WSIB as consultant

- ▣ General program guidance and input (process and investments)
- ▣ Allows GET to run a fully independent, cost-effective program
- ▣ Allows GET access to WSIB expertise where value can be added

WSIB

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Summary

Recommendations

- ▣ WSIB’s investment partners do not provide optimal market-ready solutions
- ▣ Other fund platforms are proven performers for college savings plans
- ▣ Quality, cost and time considerations can be met by an existing program rather than a custom-built program
- ▣ WSIB adds more value with expertise and guidance rather than investment product

APPENDIX D

HIRSCHLER FLEISCHER

ATTORNEYS AT LAW

MEMORANDUM

TO: Betty Lochner, GET Director

FROM: James W.C. Canup

DATE: August 5, 2015

RE: Cost of Attendance Metric

You have asked that I address the possibility of changing GET tuition payments from being based on tuition and fees to a cost of attendance metric.

I recognize that the newly revised Washington statute requires that GET provide to the legislative fiscal and higher education committee a “list of potential alternatives and impacts for changing the advanced college tuition payment distribution policy from tuition and fees to a cost of attendance metric”.

What is cost of attendance?

The first item is to determine what is meant by “a cost of attendance metric”. I’m assuming it is a reference to the “cost of attendance” formulation that all higher education institutions that qualify for federal financial aid are required to report to the federal government and others, and which is used in determining federal financial aid. The purpose of calculating a cost of attendance is to determine the amount of financial aid an individual may qualify for at a particular institution.

Cost of attendance is the amount need to cover one year’s expenses at an institution of higher learning and typically includes:

- tuition and fees,
- books and supplies,
- room and board,
- transportation,
- loan fees, and
- certain personal costs

These items are typically calculated for a full time student pursuing undergraduate education. The cost of attendance for a student who is less than a half-time student is usually lower and the amount for a graduate student is usually higher.

Each institution is required to determine its own cost of attendance; so the amount can vary greatly across institutions based on the calculated costs specific to each institution.

Some of the items that fall under the rubric of personal costs, may include certain dependent care expenses (if applicable), rental or purchase of a personal computer, expenses associated with eligible study abroad programs, and certain costs related to a disability.

So the first thing to do is determine if the reference in the Washington statute is meant to be the same as the term “cost of attendance” that is used for federal financial aid purposes.

Assuming that is the case, we should confirm that the cost of attendance figure that will apply is the one that will be used by (a) Washington state public institutions for (b) undergraduate students who (c) are full-time students.

If that is not the case, we should determine that cost of attendance means for purposes of a GET distribution.

Cost of attendance versus qualified higher education expenses

Cost of attendance (assuming we have the correct definition) is not the same as “qualified higher education expenses” as defined by Section 529 of the Internal Revenue Code of 1986, as amended (the Code).

Section 529(e)(3)(A)(i) of the Code defines, in part, qualified higher education expenses to mean “tuition, fees, books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution”.

This definition is not exactly on point with the term cost of attendance since the items enumerated in Section 529 must be **required** for enrollment or attendance (emphasis added). That is not necessarily the case for calculating cost of attendance figures. In addition, it is not clear whether we should read anything into the addition of the word “equipment” under the Code, which is not part of the list of items included in cost of attendance.

Room and board is a qualified higher education expense under Section 529 of the Code but only if the beneficiary is an eligible student who is at least a half-time student. The cost of attendance figure does permit some room and board costs for a student who is less than a half-time student but such payments are not permitted under Section 529. Under section 529, the allowable costs for room and board are tied to the higher of (I) the allowance for cost of attendance, or (II) if greater, the actual invoice for students residing in housing owned or operated by the eligible educational institution.

It is clear that transportation and loan fees are not included in qualified higher education expenses for purposes of Section 529 but are specifically included in the calculation of cost of attendance.

Computers are an additional item that must be addressed. While they are included in cost of attendance figures, they do not qualify for purposes of Section 529 unless they are required as a condition of enrollment or attendance. Passage of H.R. 529 would change this anomaly.

Disability expenses are another area of confusion. Section 529(e)(3)(A)(ii) of the Code does include “expenses for special needs services in the case of a special needs beneficiary which are incurred in connection with such enrollment or attendance” as qualified higher education expenses. However, no guidance has been provided on what “special needs services” are or who is covered under the term “special needs beneficiary”. So it is not possible to tell if these terms are meant to be synonymous with cost related to a disability used in calculating cost of attendance. In addition, the enactment of ABLE under Section 529A of the Code may have an impact on these definitions. That remains to be seen.

Measures used by other 529 Plans

It is interesting to review what payout metrics typical 529 prepaid plans use. Not surprisingly the vast majority of prepaid plans tie their payouts to tuition and fees. Some prepaid plans pay out the amount of tuition and fees actually charged by the institution covered under the plan, typically only in-state eligible educational institutions (as defined under Section 529). Others payout an amount based on the weighted average public tuition and mandatory fees charged by the type of institution (four-year or two-year/community college). Others tie their payout to the mean weighted credit hour value of the public institution (either four-year or two-year/community college). Some will pay out the actual tuition and mandatory fees up to the weighted average for tuition and mandatory fees at the state’s public institutions (four-year or two-year/community college); while others will pay out based on the lower amount of these two measures.

Each of the programs also have different payouts if the beneficiary attends a private school or an out-of-state school (public or private). Some programs provide a payout equal to the weighted average of the public institutions in that state, some provide a set return on investment, and some programs differentiate between in-state private schools and out-of-state schools (public or private) when calculating their payout.

Regardless, all of these programs calculate their payouts based on some metric based on tuition and mandatory fees (not cost of attendance). Among the open prepaid plans, only Pennsylvania and Washington have payouts attached to increase credit values, which has given them the moniker guaranteed savings plan (a form of hybrid prepaid plan).

Conclusions

It will be important to confirm what is meant by the term “cost of attendance metric”. Assuming it refers to the calculation made for federal financial aid purposes, it is then important to recognize that under Section 529, the term cost of attendance covers different items than qualified higher education expenses.

Only qualified higher education expenses can be paid on a tax-free basis from a 529 Plan, such as GET. So calculating payouts based on cost of attendance may result in taxable distributions to account owners. Clearly, that would not be an intended consequence of moving to a calculation based on cost of attendance. Care will need to be taken to ensure that does not occur. In addition, cost of attendance is different for each institution so the GET payments would need to be tailored to each separate institution or some sort of mechanism would be needed to standardize payments.

APPENDIX E

HIRSCHLER FLEISCHER

ATTORNEYS AT LAW

MEMORANDUM

TO: Betty Lochner, GET Director

FROM: James W. C. Canup

DATE: February 1, 2016

RE: Alternative Structures for Prepaid 529 Programs

This memorandum is a follow up to my memorandum to you (copy attached) dated August 5, 2015, wherein I addressed the possibility of changing GET tuition payments from being based on tuition and fees to a cost of attendance metric in response to a feasibility study required under Washington State legislation. The issues associated with GET payments based on cost of attendance were identified in that memorandum. This memorandum addresses other possible metrics that GET payments could be tied to as part of the GET Committee's response to the legislatively required feasibility study.

In the memorandum of August 5, 2015, I identified other measures used by 529 prepaid plans:

Measures used by other 529 Plans

It is interesting to review what payout metrics typical 529 prepaid plans use. Not surprisingly the vast majority of prepaid plans tie their payouts to tuition and fees.

Some prepaid plans pay out the amount of tuition and fees actually charged by the institution covered under the plan, typically only in-state eligible educational institutions (as defined under Section 529). Others payout an amount based on the weighted average public tuition and mandatory fees charged by the type of institution (four-year or two-year/community college). Others tie their payout to the mean weighted credit hour value of the public institution (either four-year or two-year/community college). Some will pay out the actual tuition and mandatory fees up to the weighted average for tuition and mandatory fees at the state's public institutions (four-year or two-year/community college); while others will pay out based on the lower amount of these two measures.

Each of the programs also have different payouts if the beneficiary attends a private school or an out-of-state school (public or private). Some programs provide a payout equal to the weighted average of the public institutions in that state, some provide a set return on investment, and some programs differentiate between in-state private schools and out-of-state schools (public or private) when calculating their payout.

Regardless, all of these programs calculate their payouts based on some metric based on tuition and mandatory fees. Among the open prepaid plans, only Pennsylvania and Washington have payouts attached to increase credit values, which has given them the moniker guaranteed savings plan (a form of hybrid prepaid plan).

Of course, a prepaid program can provide that it will pay the actual tuition and mandatory fees charged by the in-state public eligible educational institution. This payout can be provided to both beneficiaries who enroll in an in-state public eligible educational institution and to those who either attend private eligible educational institutions or out-of-state public eligible educational institution. This memorandum addresses alternative models in more detail.

Weighted-Average Tuition Models

While many prepaid programs pay out the actual tuition and mandatory fees charged by the public eligible educational institution in that state, other prepaid plans use a weighted-average tuition model (for the type of institution selected, i.e., two-year or four-year institutions) when calculating the payout to an account owner or beneficiary. This weighted-average tuition model can occur under multiple scenarios, including, under certain circumstances, even those plans that pay the actual tuition and fees charged by the public eligible educational institution in that state.

For example, a prepaid plan that would otherwise pay out the actual tuition and mandatory fees if the beneficiary attends an in-state public institution may pay out the weighted-average tuition and mandatory fees of all public institutions in that state when a beneficiary chooses to attend either a private or an out-of-state public eligible educational institution. Sometimes these payments to non-in-state public eligible educational institutions are capped at the lower of (1) the actual tuition and mandatory fees charged by the private or out-of-state public eligible educational institution, or (2) the weighted-average tuition and mandatory fees of all public educational institution institutions in that state.

Other prepaid plans only pay-out the weighted-average tuition and mandatory fees of all public eligible educational institutions in that state. This can be a significant driver in the pricing of the prepaid plan for those states where the various in-state public eligible educational institutions have significant differences in their pricing structure (putting aside

the differences between two-year and four-year institutions). By only paying out the weighted-average tuition and mandatory fees of all public eligible educational institutions in that state, the prepaid plan is not on the hook for paying tuition and mandatory fees at the highest cost in-state public eligible educational institution. Of course, then the account owner or beneficiary is responsible for funding any differential to the extent the beneficiary attends an institution whose tuition and mandatory fees are in excess of the weighted-average tuition and mandatory fees of all public eligible educational institutions in that state.

Other Considerations for Tuition Based Models

One of the current issues faced by prepaid plans that use a tuition based model has centered on differential tuition charged within a public in-state eligible educational institution. Many prepaid plans are now specifying that their program only covers tuition and mandatory fees charged for all students attending that public in-state eligible educational institution. The prepaid plan would not cover, for example, differential tuition and fees charged by some schools within an institution or for a specific course of study. This has become a more significant issues as public eligible educational institutions seek to provide differential pricing based on the course of study or school within an institution, for example differential pricing for attending an undergraduate engineering or architecture school rather than the traditional liberal arts college within a specific institution.

Most prepaid plans that use a tuition based model also only cover a maximum number of credit hours per semesters; any credits hours in excess of that maximum number are not covered by the plan. In addition, if a student enrolls for a limited number of credit hours under the maximum amount allowed for that semester under the prepaid plan, there is no reimbursement or credit given for the hours foregone.

Some prepaid programs only pay tuition (whether actual or weighted average) and do not pay any fees, mandatory or otherwise. Other prepaid programs limit the mandatory fees that are covered by the plan. This has been in response to the trend by some public eligible educational institutions to either add to the types of fees they charge and/or to increase fees by more significant percentages than their increases in tuition (sometimes in response to public pressures to limit tuition increases). Therefore, some prepaid programs either do not cover fees at all or limit the nature and type of fees covered under the plan.

Credit Hour Model

A variation on the weighted-average tuition model is a model based on the mean weighted credit hour value at public institutions (either four-year or two-year/community college) in that state. This model ties pricing to credit hours purchased rather than to tuition, whether on a semester or other basis. The prepaid program can then price their offerings on a per credit hour basis rather than on the number of semesters or years selected by the

participant. This can also allow for a lower entry point for account holders in order to participate in the state's prepaid plan.

Pricing of course is dependent in this model on whether the actual cost of the credit hours purchased is covered at any in-state public eligible educational institution or whether only a weighted-average credit cost at all in-state public institutions is covered by the program. The same issues as discussed above in the section on weighted-average tuition models applies. The main difference is in the ability to price the program (1) based on credit hours rather than semester or academic years, and (2) without covering any fees, mandatory or otherwise.

Variation on the Weighted-Average Tuition or Credit Hour Models

An alternative to the two models discussed above, is for a prepaid program to match its payout to the lowest tuition or lowest credit hour amount charged by any in-state public eligible educational institution. In essence, the program would be providing a hedge for participants based on the lowest pricing for either semester or credit hours at the time of matriculation of the beneficiary. The account owner or beneficiary would then be responsible for funding the difference between the actual cost of tuition incurred at that institution and the lowest price charged by any in-state public eligible educational institution. However, whether that pricing structure would be attractive to investors is an open question. No prepaid program currently offers this model as its main payout structure, but a few programs do provide a return based on the lowest amount if the beneficiary does not attend an in-state public eligible educational institution.

Regardless of what model is used another consideration is whether to have a differential payment based on whether the beneficiary attends (i) an in-state public, (ii) an out-of-state public, or (iii) in-state private eligible educational institutions. If a differential does exist under a program, it typically provides for lower payouts to eligible educational institutions that are not in-state public institutions. Some programs also differentiate on the payout if the beneficiary attends an in-state private versus an out-of-state public or private institution. Other programs provide the same payout regardless of where the beneficiary is enrolled. In those programs, the account owner knows that the return is the same and is based on an in-state tuition model but that he or she can use those funds at any eligible educational institution.

Guaranteed Return Model

One model used by the Pennsylvania program is a model based on average tuition increases in the school category selected (participants choose from a number of school categories, such as community college, public institutions in Pennsylvania, private institutions, Ivy League universities). Participants select both a tuition level and the number of credit hours for that level to determine the amount they must pay for that year's contract. The participant is counting that the increase in value over time, which is based on

tuition increases over that time, will be greater than the amount that the participant would earn had their moneys been invested in the market or in a 529 savings plans. In essence the participant is counting on the fund's earnings to keep up or do better than tuition increases over the time moneys are invested in the program. The Pennsylvania program is not backed by the full faith and credit of the state nor is the program collateralized or guaranteed by another entity or insurance.

If a participant makes a non-qualified withdrawal (i.e., a withdrawal that is not used for qualified higher education expenses) then the return is equal to the greater of (1) the "net earnings rate" of the programs funds or (2) the participant's contributions (less fees). This return is based on the actual returns (or, in some cases, a percentage of the program's actual returns) and is not an unusual return for non-qualified distributions.

Massachusetts has a similar plan that covers actual tuition increases, however, participants purchase special tuition certificates that are backed by general obligation bonds issued by the Commonwealth of Massachusetts, which are backed by the full faith and credit of the Commonwealth of Massachusetts. When the tuition certificates mature, the participants can then use them to pay tuition at the participating eligible educational institutions.

A program could consider offering a prepaid plan that offers a return based on the plans actual investment returns. However, this would in essence be a savings program where the burden of investment decisions would be placed on the program rather than the individual. The participant would then be counting on the ability of the program and its investment advisors to generate a more attractive return than the participant could do on its own.

Alternative to this guaranteed return model based on actual tuition increases is to provide a return based on average tuition increases in the past ten years at the state's public eligible educational institutions rather than a promise to keep up with actual tuition increases for the type of institution selected. This model might work to even out swings in tuition increases (and possibly decreases) over a rolling ten-year period, especially if based on average tuition increases across all in-state public institutions (or a subset of in-state public institutions). Currently, no program is based on this possible model. It might be difficult to explain this model to potential participants so that they understand what they are purchasing. However, it could be an attractive way to handle unexpected spikes in tuition and mandatory fees that occur long after pricing of the prepaid took place.

Risk Transfer Model

A final model to consider is a model that transfers the risk on payouts from the prepaid program from the program to the state higher education system. This model is the model used by the Texas Tuition Promise Fund. Under that program the future cost of tuition is shifted to the state's public universities and colleges under state law. Participants can purchase tuition units at current tuition levels and when their beneficiaries are ready to enroll at a Texas public university or college, those institutions must accept those tuition

units as payment for tuition. Market fluctuations in tuition do not affect the value of the tuition units purchased. Participants must select and pay for the amount and type of tuition units (Type I, Type II, and Type III units) depending on the type of in-state institution the participant selects. While the program is not guaranteed by the full faith and credit of the state, Texas law requires all Texas public eligible educational institutions to accept less than full tuition from the Texas program if the program's investment returns fail to keep pace with tuition increases.

This model would require the Washington legislature to enact a law similar to the Texas legislation that requires the Washington state public higher education institutions to accept the value of tuition units at matriculation in full payment of tuition obligations.

Considerations When Evaluating These Alternative Models

Other than the risk transfer model found in the Texas program, the other models presented would require little or no change to the Washington statutes that authorize the creation of GET. In addition, putting aside a model that pays out actual tuition and mandatory fees (as previously existed when the GET program was open), a prepaid program that is based on either (1) weighted-average tuition and mandatory fees (for the type of institution selected) either on a semester or credit hour basis; or (2) average tuition increases in the past ten years (or other measuring period) at the state's public eligible educational institutions (for the type of institution selected) may be models worth exploring. In addition, decisions would need to be made to determine if the program would (a) cover only tuition or tuition and mandatory fees; and (b) pay out the same benefits to beneficiaries who enroll in private or out-of-state public institutions rather than in-state public eligible educational institutions. Care must also be taken to define exactly what tuition and mandatory fees are covered by the state's prepaid program.

Conclusions

There are many alternative structures to consider if the GET Committee and the legislature decide to reopen or redefine GET as a prepaid tuition program. Each of these models described above would need to be reviewed by the OSA to determine if a pricing model could be determined and sustained for the long-term. These alternative models described above are presented as a response to the analysis in the prior August 2015 memorandum that addressed using a cost of attendance model for reopening or redefining GET.

If you have any questions, concerning this memorandum or the prior memorandum from August 2015, please do not hesitate to contact me. Thank you.

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