

Thank you for giving me the opportunity to write to you about the MD 529 Prepaid College Trust issues.

My name is Abby Boley, and I am from District 27B. I am a college freshman attending school at Pitt University. My parents opened an MPCT account for me when I was 1-year-old in 2005. I was told that my MPCT trust account had a rollover value of \$94,536.58 in December 2021 as well as in February 2022. I received a merit scholarship and earned enough college credits when I was in high school to graduate college in 3 years versus 4. These factors along with confirmation that I had \$94.5K in my College Trust account were ultimately what led to my decision to enroll at Pitt while being able to remain debt free.

It was during my first semester at Pitt, that my parents learned that my funds were frozen for rollover, and then the week I returned for my 2<sup>nd</sup> semester, I was told that my manual recalculation showed that I only had a value of \$35K to cover the next 7 semesters of school. I have worked hard and continue to work hard to earn my college degree. The amount of anxiety and stress caused by MPCT has been very difficult to deal with. My focus should be on getting good grades and exceling in my studies in order for me to be successful with my career path. Instead, MPCT has made it so my focus has been on worrying about how I'm going to pay my next college bills.

I currently have a 3.8 GPA at Pitt, and have honored most of Pitt's general education requirements, so transferring to another school would cost me extra time and money in order for me to honor new general education requirements at a different school. In the end, it does not make financial sense for me to transfer.

I am only 18, and am told I may have to take out exorbitant loans with high interest to pay for my college degree. This is after I trusted the Maryland State backed 529 Prepaid Trust to pay for the earnings my trust had accrued for rollover as reflected in the December 2021 statement and later confirmed in February 2022. I don't understand why the 529 Board decided to make changes on rollover earning calculations that were detrimental to those of us who are in college or about to start college. This change has caused me and my family both emotional and financial harm.

My parents opened a college trust for me almost 18 years ago, so I could attend college without fear of debt; now I am told I may be another statistic added to the current national student debt crisis in our country. I ask that the State of Maryland prevent that from happening to me and all of us currently impacted. Please assure that our Prepaid Trust balances shown on our December 2021 statements are restored! I beg of you to add the following amendments to HB 1290 that directs the Treasurer on how to make us whole:

I'd like to see the following amendments be added the HB 1290:

**Methodology:**

Earning Rate: As of June 1, 2023, The State Treasurer shall grant and apply account holders a 6% earnings rate compounded monthly on account balances from the date of contribution to the date of the withdrawal.

Rationale: 6 percent was then "since inception return rate" that existed at the time of the April 2022 earnings freeze. This rate essentially honors the "Termination, Transfer and Refund" article of contracts that called for "100 percent of investment earnings" or losses on contributions from inception. It also corresponds with the 6 percent compounded monthly rate that the Board voted

on in 2021 and that was reflected on the December 2021 FAFSA refund values, which were considered binding as of March 1, 2022. Account holders relied on those "refund value" statements to make financial decisions for beneficiaries. Note: Actuaries, 529 staff, Intuition and others all interpreted this 6 percent rate as applying to contributions in an account from inception. This amendment will eliminate the Article IX contract violations that have caused harm to account holders. That provision of the contracts said that the board could not retroactively modify contracts in a manner that is adverse to beneficiaries, and that any such change required prompt notification so account holders could cancel their contracts.

Who Calculates: Intuition will reinstate the correct earnings calculation for account holders to comply with the contract terms that resulted in the December 2021 statement FAFSA values.

Rationale: The plan cannot be migrated to another platform in a financially responsible and timely manner. Intuition is already set up and has the correct calculation formulas as evidenced by their production of the December 2021 FAFSA statements and are in the business of administering prepaid plan contracts.

#### **Amendment II:**

##### **Claims Process:**

Can be filed by account holder or beneficiary (over the age of 18) using any of the following options (options can be done as separate claims if more than one type is needed):

##### **Types of Claims:**

#### **A. Accept and process Rollover, Refund, Tuition and other Qualified Educational Expenses on priority system as follows:**

1. Beginning July 1, 2023: Priority Group 1: Account holders or beneficiaries that have incurred college expenses from the time of the earning freeze to the present and those that will be attending college in the Fall of 2023
2. Beginning September 1, 2023: Priority Group:2 All other account holders or beneficiaries.

Rationale: Relieves account holders that have not been able to pay past expenses first and allows those that will have fall bills due in August to have access to their funds which prevents further damages to account holders that are incurring IRS penalties due to trust payments being made in years after expenses were incurred.

#### **B. Establish a Damages Claims Process for those who have incurred expenses who were unable to access their funds from April 15, 2022 to present**

Rationale: Account holders should be reimbursed for damages as a result of the frozen earnings. Examples of harm can include but are not limited to the following: loans with interest, interest from credit cards, penalty for using retirement accounts, refinancing a house at higher interest, IRS tax and/or state tax penalty, etc. For those that used Weighted Average Tuition after the

investment earning's freeze (April 15, 2022), the excess benefits not accessible shall be calculated and refunded to beneficiaries or account holders.

**Amendment III:**

Funding Sources:

- 1. MD Prepaid College Trust.** The 2022 annual report indicated the Trust had \$1.2B in assets that included a \$355.6M surplus as well as \$321M set aside for accrued earnings.
- 2. The MPCT operating surplus** is invested in a Money Market Mutual fund and has been maintained in an account held by Wells Fargo (As of June 30, 2022, the amount invested in this account was \$13,321,779).
- 3. If necessary, the Maryland State rainy day fund (\$2.9B) and/or The Maryland State General fund (\$2B);** as other states have done when their Prepaid Trust Plans became insolvent. Additionally, in the case of liquidity shortcoming by the Trust, the State could provide a loan to the Trust up to the full value of the Trust assets to cover account holder requests (there is precedent to this as the State provided start up loans to the Trust for both the Prepaid and ABLE plans).

Rationale: The funds in the trust belong to the account holders and consist solely of contributions made from the account holders personal funds and the investment earnings made on those contributions. All fund expenses have been borne by the account holders via fees paid per account holder contracts. There is no taxpayer money in this fund, therefore it should be returned to who it belongs to, the account holders themselves for the intended benefit of the education of their children. The rainy day fund should not be needed if the MPCT audits and actuary reports are correct but needs to be available if they are not per the legislative guarantee.

**Amendment IV:** Add subpoena power so the work group can call on people to provide information.

**Amendment V:** Provide a mechanism to combine multiple accounts of a beneficiary so it is in one account in order to comply with IRS rule that only one account rollover is permitted per year.

**Amendment VI:** Extend statute of limitations for contract disputes to 1 year after the work group report is made public.

**Amendment VII:** Notification will be provided to all account holders regarding 529 transfer to Treasurer be mailed, emailed, and stated on the 529 website to notify account holders of the change within 15 days of passage of the Bill.

**Amendment VIII:** Upon passage of the Bill, close Maryland 529 Prepaid College Trust to new contracts. Rationale is that practically, it will be challenging to implement the transfer to Treasury and process new contracts simultaneously. Also avoids increasing liability for such contracts.

**Amendment IX:** Start date of work group by June 1, 2023 and end date to September 2023. Work group should include 2 appointed Senators, 2 appointed Delegates, 4 MD 529 account holders who have experienced issues accessing their funds, and the Treasurer.

**Amendment X:** After December 31, 2023, the Treasurer will establish a rollover option with an additional incentive to be determined based on the surplus funds identified in the actuarial audit.

**Amendment XI:** A new statement will be sent to all account holders that shows the corrected 6% earnings rate applied from since inception of the account to present so that account holders and beneficiaries have the corrected account balances. Additionally, transparent annual statements will be provided to account holders/beneficiaries that shows all interest/investment earnings accrued that reflect account balances starting with annual statement for 2023.

Thank You.

Abby Boley, age 18