



# Key Facts

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**Benefits Assistance Resource Center**  
Virginia Commonwealth University, Rehabilitation Research  
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## 2005 STUDENT EARNED INCOME EXCLUSION

The student earned income exclusion (SEIE) is a work incentive that allows certain SSI recipients who are under age 22 and regularly attending school to exclude a specified amount of gross earned income per month up to a maximum annual exclusion. The student earned income exclusion (SEIE) decreases the amount of countable earned income, thus permitting SSI recipients to keep more of the SSI check when they work. In many cases, the SEIE allows students to test their ability to work without experiencing any reduction in the SSI check at all.

### Who is eligible for the student earned income exclusion?

Only SSI recipients who meet Social Security's definition of "student child" are eligible for this exclusion. A student child is someone who is neither married nor head of household, is under the age of 22 and who regularly attends school, college or training to prepare for a paying job. A head of household is an individual under age 22 who has left the parental home on a permanent basis and who is responsible for the day-to-day decisions on the operation of his/her own household.

**Effective April 1, 2005**, Public Law 108-203 (formally HR-743) eliminated the requirement that an individual need be neither unmarried nor not the head of household in order to qualify for the Student Earned Income Exclusion.

### What does "regularly attending school" mean?

"Regularly attending school" means that the person takes one or more courses of study and attends classes:

- in a college or university for at least 8 hours per week; or



- in grades 7 through 12 for at least 12 hours per week; or
- in a training course to prepare for employment for at least 12 hours per week (15 hours a week if the course involves shop practice); or
- for less time than indicated above for reasons beyond the student's control (such as illness).

A person who is homebound because of a disability may be a student when he or she studies a course or courses given by a school (grades 7-12), college, university, or government agency; and has a home visitor or tutor from school who directs the study or training.

### How is the student earned income exclusion applied?

The SEIE is applied to a student's gross earnings before any other allowable exclusions. In 2004, the Social Security Administration (SSA) will exclude all gross earnings up to a maximum of \$1,370 per month until the full annual exclusion of \$5,520 is exhausted or the individual is no longer a "student child". The annual SEIE maximum applies to the true calendar year that begins in January and ends in December. It is not possible to apportion the amount of the SEIE applied in a given month. All earnings received in a month up to the current monthly maximum will be excluded as long as the annual maximum has not been reached. As of January of 2001, SEIE amounts are indexed annually, meaning they go up (or at least remain the same) each year in January. Past monthly and annual amounts are shown below:

For Months	Maximum Exclusion Per Month	Maximum Annual Exclusion
In calendar years before 2001	\$400.00	\$1,620.00
In calendar year 2001	\$1,290.00	\$5,200.00
In calendar year 2002	\$1,320.00	\$5,340.00
In calendar year 2003	\$1,340.00	\$5,410.00
In calendar year 2004	\$1,370.00	\$5,520.00
In Calendar year 2005	\$1,410.00	\$5,670.00

In future years, the monthly amount and the yearly limit will be adjusted annually based on any increases in the cost-of-living index. The student earned income exclusion may be applied in addition to other allowable exclusions such as impairment related work expenses (IRWE), plans for achieving self support (PASS), or blind work expenses (BWE).

**Key Terms:** BWE -- Blind Work Expense -- If you are blind, SSA does not count any earned income that you use to meet expenses needed to earn that income in deciding your SSI and Medicaid eligibility and payment amount.

IRWE -- Impairment-Related Work Expenses -- SSA deducts the cost of items and services that you need to work because of your impairment (e.g., attendant care) when they calculate your SSI cash payment amount.

PASS -- Plan for Achieving Self-Support -- Under an (SSA) approved PASS, you may set aside income and/or resources over a reasonable time which will enable you to reach a work goal to become financially self-supporting. You then can use the income and resources that you set aside to obtain occupational training or education, purchase equipment, establish a business, etc. Money set aside under a PASS is not counted when SSA decides SSI eligibility and payment amount.

## What happens to the SEIE over vacations or the summer break?

An individual remains a student for the purposes of the SEIE when classes are out if he/she actually attends classes regularly just before the time classes are out and:

- tells SSA that he/she intends to resume attending regularly when school reopens; or
- actually does resume attending regularly when school reopens.

For most students, this would allow the SEIE to be applied to summer employment when school is not in session. When an SSI recipient graduates from school and does not intend to resume school later, the SEIE will apply for the last month during which school was attended, then stop. When a student changes intent to return, and does not return to school, the individual is no longer considered a student effective with the month the intent changed.

## How does the Social Security Administration know whether student child status applies?

SSA verifies student status during the annual SSI re-determination process. School enrollment is documented by presenting a school record such as an ID card, tuition receipt, or other comparable evidence. If the individual does not have any evidence to present, the SSA may contact the school to verify attendance. If the SSA is aware of the child's student status, the SEIE generally will be applied automatically when earnings are reported. However, it is recommended that student status be clearly indicated in writing when notifying the SSA of employment. There is no special form or process needed to request the SEIE.

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