**The following citations will be useful when working with students and parents regarding Social Security Work Incentives for students earning money through work.**

# SI BOS01130.500 Property Essential to Self-Support (TN 5-249 - 09/2014)

## A. Background

As a result of a decision by the United States District Court in *M.A.I.N. v. Petit et al*, any property owned by an individual who resides in the State of Maine (or his or her spouse or parent) can be excluded if it is in current use and is used for self-support regardless of the value and rate of return.

## B. Procedure

When an SSI applicant/recipient who resides in the State of Maine alleges owning property essential to self-support (PESS) and development reveals you can exclude the PESS from resources based on [SI 01130.500](https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0501130500), no special processing is required.

If you determine the PESS cannot be excluded in accordance with [SI 01130.500](https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0501130500), document and develop all factors of eligibility as if the applicant/recipient would be allowed. Fax all documentation relative to all factors of entitlement into the Non-Disability Repository for Evidentiary Documents (NDRED). Include a Report of Contact on the DROC screen in MSSICS or a paper SSA-5002 for non-MSSICS cases and fax into NDRED. The Report of Contact should provide the following information for each property:

* The property/properties which are included in the PESS and the documented equity value; and
* The computation of the six-percent rate of return and all supporting documentation; and
* A resource summary detailing all countable resources; and
* A determination of income derived from the PESS; and
* An income summary detailing all countable income other than the PESS.

A member of management or designated staff person should review the file to ensure it is complete and then refer it to the Boston Region’s Center for Program Support (CPS) via vHelp. Boston CPS must review the electronic file and will notify the field office whether the PESS should be excluded in accordance with the court order.

# SI 01130.740 Achieving a Better Life Experience (ABLE) Accounts

**Citations:**

[Public Law 113–295](https://www.congress.gov/113/plaws/publ295/PLAW-113publ295.pdf) The Stephen Beck, Jr., Achieving a Better Life Experience Act (ABLE Act) – Enacted December 19, 2014

## A. What is an ABLE Account?

An Achieving a Better Life Experience (ABLE) account is a type of tax-advantaged account that an eligible individual can use to save funds for the disability-related expenses of the account’s designated beneficiary, who must be blind or disabled by a condition that began before the individual’s 26th birthday.

An ABLE program can be established and maintained by a State or a State agency directly or by contracting with a private company (an instrumentality of the State). An eligible individual can open an ABLE account through the ABLE program in any State.

An eligible individual can be the designated beneficiary of only one ABLE account, which must be administered by a qualified ABLE program.

Upon the death of the designated beneficiary, funds remaining in the ABLE account, after payment of any outstanding, qualified disability expenses, reimburse the State(s) for certain Medical Assistance (Medicaid) benefits that the designated beneficiary received.

## B. Definition of terms

### 1. Designated beneficiary

The designated beneficiary is the eligible individual who established and owns the ABLE account.

To be an eligible individual, he or she must be:

1. eligible for Supplemental Security Income (SSI) based on disability or blindness that began before age 26;
2. entitled to disability insurance benefits (DIB), childhood disability benefits (CDB), or disabled widow’s or widower’s benefits (DWB) based on disability or blindness that began before age 26; or
3. someone who has certified, or whose parent or guardian has certified, that he or she:
   * has a medically determinable impairment meeting certain statutorily specified criteria; or,
   * is blind; and,
   * the disability or blindness occurred before age 26.

**NOTE:** You may not draw an inference regarding disability under the Social Security Act from a disability certification.

### 2. Contributions

A contribution is the deposit of funds into an ABLE account. Any person can contribute to an ABLE account. (“Person,” as defined by the Internal Revenue Code, includes an individual, trust, estate, partnership, association, company, or corporation.) However, the Internal Revenue Service (IRS) limits the total annual contributions that any ABLE account can receive from all sources to the amount of the per-donee gift-tax exclusion in effect for a given calendar year. For 2016, that limit is $14,000.

### 3. Distributions

A distribution is the withdrawal or issuance of funds from an ABLE account. The designated beneficiary or the person with signature authority determines when he or she makes distributions. Distributions are only to or for the benefit of the designated beneficiary.

### 4. Person with signature authority

A person with signature authority can establish and control an ABLE account for a designated beneficiary who is a minor child or is otherwise incapable of managing the account. The person with signature authority must be the designated beneficiary's parent, legal guardian, or agent acting under power of attorney. For SSI purposes, we always consider the designated beneficiary to be the owner of an ABLE account, regardless of whether someone else has signature authority over it.

### 5. Qualified disability expenses

Qualified disability expenses (QDE) are expenses related to the blindness or disability of the designated beneficiary and for the benefit of the designated beneficiary. In general, a QDE includes, but is not limited to, the following types of expenses:

* Education;
* Housing;
* Transportation;
* Employment training and support;
* Assistive technology and related services;
* Health;
* Prevention and wellness;
* Financial management and administrative services;
* Legal fees;
* Expenses for ABLE account oversight and monitoring;
* Funeral and burial; and,
* Basic living expenses.

### 6. Rollover

A rollover is the distribution of all or some of the funds from one ABLE account to the ABLE account of a member of the original designated beneficiary's family. For the purposes of a rollover, a member of the designated beneficiary's family means siblings, stepsiblings and half-siblings, by blood or by adoption.

### 7. ABLE Program

An ABLE program is the program established and maintained by a State (or agency or instrumentality thereof) through which eligible individuals can open ABLE accounts.

### 8. Qualified disability expense (QDE) for housing

Housing expenses for purposes of an ABLE account are the same as they are for in-kind support and maintenance purposes, except for food. QDEs for housing are payments for:

* Mortgage (including property insurance required by the mortgage holder);
* Real property taxes;
* Rent;
* Heating fuel;
* Gas;
* Electricity;
* Water;
* Sewer; or
* Garbage removal.

## C. When to exclude ABLE account contributions, balances, earnings, and distributions

### 1. Exclude contributions

Exclude contributions to an ABLE account from the income of the designated beneficiary. Excluded contributions include rollovers from a family member's ABLE account to an SSI recipient's ABLE account.

**NOTE:** Do not deduct contributions from the countable income of the person who makes the contribution. The fact that a person uses his or her income to contribute to an ABLE account does not mean that his or her income is not countable for SSI purposes. For example, a recipient or deemor can have contributions automatically deducted from his or her paycheck and deposited into an ABLE account. In this case, include the income used to make the ABLE-account contribution in the recipient or deemor's gross wages.

### 2. Exclude ABLE account earnings

The funds in an ABLE account can accrue interest, earn dividends, and otherwise appreciate in value. Earnings increase the account's balance. Exclude any earnings an ABLE account receives from the income of the designated beneficiary.

### 3. Exclude up to and including $100,000 of balance

Exclude up to and including $100,000 of the balance of funds in an ABLE account from the resources of the designated beneficiary.

### 4. Do not count ABLE account distributions as income

A distribution from an ABLE account is not income but is a conversion of a resource from one form to another, see [SI 01110.600B.4.](https://secure.ssa.gov/poms.nsf/lnx/0501110600#b4)

Do not count distributions from an ABLE account as income of the designated beneficiary, regardless of whether the distributions are for non-housing QDEs, housing QDEs, or non-qualified expenses.

### 5. Exclude retained distributions for non-housing related qualified disability expenses (QDE)

1. **Distribution for a non-housing related QDE**

Exclude from the designated beneficiary’s countable resources a distribution for a QDE other than housing if he or she retains it beyond the month received.

This exclusion applies while:

* + the designated beneficiary maintains, makes contributions to, or receives distributions from the ABLE account;
  + the distribution is unspent;
  + the distribution is identifiable. (**NOTE:** Excludable funds commingled with non-excludable funds must be identifiable. See [SI 01130.700A.](https://secure.ssa.gov/poms.nsf/lnx/0501130700#a)); and
  + the individual still intends to use the distribution for a non-housing related QDE.

**NOTE**: Apply normal SSI resource counting rules and exclusions to assets or other items purchased with funds from an ABLE account.

1. **Previously excluded distribution used for non-qualified expense or housing-related QDE**

If a designated beneficiary uses a distribution previously excluded per [SI 01130.740C.5.a.](https://secure.ssa.gov/poms.nsf/lnx/0501130740#c5), for a non-qualified purpose or a housing-related QDE, or the individual’s intent to use it for a qualified disability expense changes, see [SI 01130.740D.3.](https://secure.ssa.gov/poms.nsf/lnx/0501130740#d3)

1. **Example of an excluded distribution**

Eric takes a distribution of $500 from his ABLE account in June 2016 to pay for a health-related QDE. His health-related expense is not due until September, so Eric deposits the distribution into his checking account in June. The distribution is not income in June. Eric maintains his ABLE account at all relevant times, and the distribution is both unspent and identifiable until Eric pays his health-related expense in September. We therefore exclude the $500 from Eric's countable resources in July, August, and September. For instructions on identifying commingled excluded and non-excluded funds, see [SI 01130.700](https://secure.ssa.gov/poms.nsf/lnx/0501130700).

1. **Example of an excluded QDE purchase**

Fred takes a distribution of $1,500 from his ABLE account in September 2016 to buy a QDE - a wheelchair. The wheelchair is an excluded resource in October and continuing, because it is an individual’s personal property required for a medical condition. For instructions on household goods, personal effects, and other personal property, see [SI 01130.430](https://secure.ssa.gov/poms.nsf/lnx/0501130430).

## D. When to count ABLE account balances and distributions

### 1. Count ABLE account balance amounts over $100,000

Count the amount by which an ABLE account balance exceeds $100,000 as a countable resource of the designated beneficiary.

#### a. Rule for indefinite benefit suspension and continuing eligibility for Medicaid during periods of excess resources attributable to an ABLE account

A special rule applies when the balance of an SSI recipient's ABLE account exceeds $100,000 by an amount that causes the recipient to exceed the SSI resource limit--whether alone or with other resources. When this situation happens, place the recipient into a special SSI suspension period where:

* we suspend the recipient's SSI benefits without time limit (as long as he or she remains otherwise eligible);
* the recipient retains continued eligibility for Medical Assistance (Medicaid); and
* the individual’s eligibility does not terminate after 12 continuous months of suspension.

Reinstate the recipient's regular SSI eligibility for any month in which the individual’s ABLE account balance no longer causes the recipient to exceed the resource limit and he or she is otherwise eligible.

**NOTE:** There will be no SSI recipients in this suspension status for several years (until ABLE account balance exceeds more than $100,000, due to the limitation on contributions described in [SI 01130.740B.2](https://secure.ssa.gov/poms.nsf/lnx/0501130740#b2)).

**EXAMPLE: Excess resources — recipient is suspended but retains eligibility for Medicaid**

Paul is the designated beneficiary of an ABLE account with a balance as of $101,000 on the first of the month. Paul's only other countable resource is a checking account with a balance of $1,500. Paul’s countable resources are $2,500 and therefore exceed the SSI resource limit. However, since Paul's ABLE account balance is causing him to exceed the resource limit (i.e., his countable resources other than the ABLE account are less than $2,000), we suspend Paul’s SSI eligibility and stop his cash benefits, but he retains eligibility for Medicaid.

#### b. Ineligibility due to excess resources other than an ABLE account

The special suspension rule does not apply when:

* the balance of an SSI recipient's ABLE account exceeds $100,000 by an amount that causes the recipient to exceed the SSI resource limit;
* but the resources other than the ABLE account alone would make the individual ineligible for SSI, due to excess resources

When this situation happens, suspend the recipient's SSI benefits using the payment status code N04. While in N04, the recipient loses eligibility for Medical Assistance (Medicaid) and the individual’s SSI eligibility terminates 12 months later if the suspension continues during this period. Reinstate the recipient's regular SSI eligibility and Medicaid benefits for any month in which the individual’s resources no longer cause the recipient to exceed the resource limit.

**EXAMPLE Combination of resources — recipient loses SSI eligibility**

Christine is the designated beneficiary of an ABLE account with a balance as of the $101,000 on the first of the month. Christine's only other countable resource is a checking account with a balance of $3,000. Christine's countable resources are $4,000 and therefore exceed the SSI resource limit.

However, because her ABLE account balance is not the cause of her excess resources (i.e., her countable resources other than the ABLE account are more than $2,000), the special rule does not apply, and Christine is not eligible for SSI because of excess resources. We suspend Christine’s SSI benefits using payment status N04, and her Medicaid benefits stop.

#### c. Ineligibility for other reasons

If an individual is ineligible for any reason other than excess resources in an ABLE account, the special suspension status does not apply. Suspend the individual’s SSI eligibility using normal procedures.

**EXAMPLE: Ineligibility for a reason other than excess resources in an ABLE account**

In April, Sam’s ABLE account resource balance is $102,500 on the first of the month. However, Sam also has excess deemed income in April and is N01 despite the excess funds in his ABLE account. Before the end of April, Sam leaves the U.S. and does not return until July 1. Sam is N03 for May, June, and July. If Sam still has excess resources in his ABLE account effective August 1 and is otherwise SSI eligible, we place him in the special ABLE resource suspension status. He is eligible for Medicaid.

### 2. Count as a resource retained distributions for housing-related QDEs or expenses that are not QDEs

A distribution from an ABLE account is not income, but is a conversion of a resource from one form to another. For more information see [SI 01110.600B.4.](https://secure.ssa.gov/poms.nsf/lnx/0501110600#b4)

Count a distribution for a housing-related QDE or for an expense that is not a QDE as a resource, if the beneficiary retains the distribution into the month following the month of receipt. If the beneficiary spends the distribution within the month of receipt, there is no effect on eligibility. However, apply normal SSI resource counting rules and exclusions to assets or other items purchased with funds from an ABLE account

**EXAMPLE: Retained housing QDE is a resource**

Amy takes a distribution of $500 from her ABLE account in May to pay her rent for June. She deposits the $500 into her checking account in May, withdraws $500 in cash on June 3, and pays her landlord. This distribution is a housing-related QDE and part of her checking account balance June 1, which makes it a countable resource for the month of June.

### 3. Count previously excluded distributions used for a non-qualified purpose or housing-related QDE

If we excluded a retained distribution for a non-housing-related QDE, per [SI 01130.740C.5.a.](https://secure.ssa.gov/poms.nsf/lnx/0501130740#c5) and the individual uses the excluded distribution for a non-qualified purpose or a housing-related QDE, count the amount of funds used for a non-qualified expense or housing-related QDE as a resource as of the first moment of the month in which the funds were spent. Presume that the individual’s intent to use the funds for a QDE changed as of the first of the month he or she spent the funds.

If an individual’s intent to use the funds for a QDE changes at any other time, but he or she has not spent the funds, count the retained funds as a resource as of the first of the following month.

#### a. Example of a previously excluded distribution used for a non-QDE

Sam takes a distribution of $25,000 from his ABLE account to modify a specially equipped van in May. He pays a $10,000 deposit. While waiting for delivery of the van, Sam takes a trip to a local casino in July where he loses $1,000 of his ABLE distribution gambling. The $1,000 he lost gambling is a countable resource in July. The other $14,000 Sam retains is an excluded resource while it meets the requirements of [SI 01130.740C.5.a.](https://secure.ssa.gov/poms.nsf/lnx/0501130740#c5) in this section.

#### b. Example of a previously excluded distribution used for a housing-related QDE

In June, Jennifer takes a $7,000 distribution from her ABLE account to pay her college tuition - a QDE. Her tuition payment is due in September. However, she has to make a $750 advance rent payment to her landlord for her college apartment in August. She uses some of the distribution she took in June to make the rent payment – a housing-related QDE. The $750 is a countable resource in August. We exclude the remaining $6,250 of the retained distribution while it continues to meet the requirements of [SI 01130.740](https://secure.ssa.gov/poms.nsf/lnx/0501130740)C.5.a.in this section.

#### c. Example of a change of intent on the use of a distribution

In June, Jennifer takes a $7,000 distribution from her ABLE account to pay her college tuition - a QDE. Her tuition payment is due in September. In August, Jennifer gets a job offer and decides not to return to school. Since she no longer intends to use it for tuition, the $7,000 becomes a countable resource in September unless Jennifer redesignates it for another QDE or returns the funds to her ABLE account prior to September.

## E. How to verify, document, and record ABLE account balances

### 1. Obtain evidence of the ABLE account

Whenever a recipient or deemor alleges being the designated beneficiary of an ABLE account, obtain evidence that provides the following information:

* the name of the designated beneficiary;
* the State ABLE program administering the account;
* the name of the person who has signature authority (if different from the designated beneficiary);
* the unique account number assigned by the State to the ABLE account;
* the account opened date;
* the first-of-the-month account balance or information sufficient to derive a first-of-the-month balance.

If the available evidence does not provide the necessary information, contact the appropriate ABLE program to obtain it.

### 2. Document the evidence

Fax the evidence into the electronic folder (EF) or Non-disability Repository for Evidentiary Documents (NDReD). If you contact the ABLE program directly, document the information you received on a Report of Contact (DROC) in MSSICS or on a Report of Contact (SSA-5002) in non-MSSICS claims.

### 3. Record the account on a MSSICS “Other Resource” page

Record the account information and balance on a MSSICS Other Resource (ROTH) page. There is an ABLE account drop down under “Type.” See MS INTRANETSSI 013.032 for instructions on completing this screen.

**NOTE:**The designated beneficiary of an ABLE account is always the owner of the account for SSI purposes.

## F. How to verify, document, and record ABLE account distributions

### 1. When to develop

Only verify a distribution when a recipient or deemor alleges retaining, or other evidence indicates he or she retained, all or part of a distribution into months following the month of receipt. Since distributions do not count as income, the distribution is only material in determining whether the recipient's countable resources exceed the limit.

### 2. Verify the distribution

Obtain evidence showing the amount of any distributions, the distribution dates, and who received the distributions (for example, the beneficiary paid the distribution directly to a vendor). Obtain and accept the recipient or deemor's allegation that he or she used or intends to use the distribution for:

* a QDE other than housing;
* a housing QDE; or
* an expense that is not a QDE.

### 3. Exclude retained distributions for QDEs other than housing

Exclude any retained distribution, or part of a distribution, for a QDE other than housing, from the designated beneficiary’s countable resources per [SI 01130.740C.5.](https://secure.ssa.gov/poms.nsf/lnx/0501130740#c5) in this section.

**Example of a retained QDE other than housing**

Elizabeth takes a distribution of $500 from her ABLE account in May to pay for a health-related QDE she expects to pay in September. She deposits the distribution into her checking account in May and withdraws it in September to pay the health-related QDE. We exclude the $500 from Elizabeth's countable resources from June through September. Starting in June, we document the deposit on the Financial Institution Account (RFIA) page inputting $500 as the “excluded amount.” Select “Other” as the exclusion reason and input “ABLE QDE distribution” as the “other reason.”

### 4. Count retained distributions for housing QDEs and expenses that are not QDEs

Count, as a resource, any distribution or part of a distribution for a housing QDE or an expense that is not a QDE if it is retained into the month following the month of receipt.

**Example of a retained QDE for housing**

Amy takes a distribution of $500 from her ABLE account in May to pay her rent for June. She deposits the $500 into her checking account in May, withdraws $500 in cash on June 3, and pays her landlord. This distribution, which is a housing-related QDE, is part of her checking account balance as of the first of the month in June, which makes it a countable resource for the month of June.

### 5. Count previously excluded distributions used for a non-qualified purpose or housing-related QDE

If we excluded a retained distribution for a non-housing-related QDE, per [SI 01130.740C.5.a.](https://secure.ssa.gov/poms.nsf/lnx/0501130740#c5) and the individual uses the excluded distribution for a non-qualified purpose or a housing-related QDE, count the amount of funds used for the non-qualified expense or housing-related QDE as a resource, as of the first moment of the month in which the individual spent the funds Presume that the individual’s intent to use the funds for a QDE changed as of the first of the month he or she spent the funds.

If an individual’s intent to use the funds for a QDE changes at any other time, but he or she still retains the funds, count the retained funds as a resource as of the first of the month following the month of change of intent. Document the individual’s change of intent on a Report of Contact (DROC) in MSSICS or on a Report of Contact (SSA-5002) in non-MSSICS claims.

For examples, see [SI 01130.740D.3.](https://secure.ssa.gov/poms.nsf/lnx/0501130740#d3)

### 6. Record the amount excluded on the appropriate resource page

ABLE account distributions are the conversion of a resource from one form to another. Accordingly, they continue to be a resource if retained into the month following the month of receipt. Exclude a retained QDE distribution from resources per [SI 01130.740C.5.a.](https://secure.ssa.gov/poms.nsf/lnx/0501130740#c5)

Depending on how and where the individual retains distributions, record the amount in the "amount excluded" field of the appropriate resource page in MSSICS with a reason of "ABLE QDE distribution."

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| --- | --- |
| *To Link to this section - Use this URL:* <http://policy.ssa.gov/poms.nsf/lnx/0501130740> | *SI 01130.740 - Achieving a Better Life Experience (ABLE) Accounts - 10/19/2016* *Batch run: 10/19/2016* *Rev:10/19/2016* |

# SI 00501.020 Student - SSI

**Citations:**

20 CFR § [416.1861](http://www.socialsecurity.gov/OP_Home/cfr20/416/416-1861.htm), §[416.1872](http://www.socialsecurity.gov/OP_Home/cfr20/416/416-1872.htm)

## A. Student Earned Income Exclusion (SEIE)

Certain SSI exclusions may apply to a child who is also a student. One of the exclusions is the SEIE described in [SI 00820.510](https://secure.ssa.gov/poms.nsf/lnx/0500820510). Effective April 1, 2005, Section 432 of the Social Security Protection Act (SSPA) extended the SEIE to any SSI student under the age of 22. These students no longer need to meet the SSI definition of “child”, see [SI 00501.010](https://secure.ssa.gov/poms.nsf/lnx/0500501010). Students may now qualify for the SEIE provision as outlined in [SI 00501.020B](https://secure.ssa.gov/poms.nsf/lnx/0500501020#b) in this section.

The policy regarding the application of the student child definition for other exclusions has not changed. For more information, see [SI 00501.010](https://secure.ssa.gov/poms.nsf/lnx/0500501010).

**NOTE:** Effective August 21, 2015, with the publication of this revised section, we may consider online schooling as a form of regular school attendance, if the student meets the requirements in [SI 00501.020C](https://secure.ssa.gov/poms.nsf/lnx/0500501020#c) in this section.

## B. Definition of a student for purposes of the SEIE

A student for purposes of the SEIE is a recipient (including a deemor or member of a couple) who is:

* under age 22; and
* regularly attending school, college, or training designed to prepare him or her for a paying job as described in [SI 00501.020C.1](https://secure.ssa.gov/poms.nsf/lnx/0500501020#c1) in this section.

For information related to the student earned income exclusion, see [SI 00820.510](https://secure.ssa.gov/poms.nsf/lnx/0500820510).

## C. Policy for regular student attendance

### 1. General requirements for students

Regular attendance means the student takes one or more courses of study and attends classes:

* in a college or university for at least 8 hours per week under a semester or quarter system;
* in grades 7 - 12 for at least 12 hours per week;
* in a course of training to prepare him or her for a paying job for at least 15 hours per week if the course involves shop practice, or 12 hours per week if it does not involve shop practice. This training includes anti-poverty programs, such as the Job Corps and government-supported courses in self-improvement; or
* for less than the amount of time indicated above for reasons beyond the student's control, such as illness, if circumstances justify the reduced credit load or attendance.

**Examples of school attendance**

**School attendance less than the required hours**

Kim is a physically disabled student who attends vocational school only one day per week due to the unavailability of transportation. Although her enrollment for attendance is less than 12 hours per week, Kim qualifies as regularly attending school because the lack of transportation is a circumstance beyond her control.

**Enrollment in special course of study**

Edward is a 19-year-old student attending a public high school. He does not attend regular classes but receives special training to meet self-improvement skills such as combing hair, dressing, and eating. Edward is not a student for SSI purposes despite attendance at a secondary school facility because he is not attending a curriculum for grades 7-12.

**Student in a training course**

Sara is a 21-year-old student who attends Perkins School for the Blind. She is in a training course 20 hours per week. Sara spends 15 hours per week learning office skills and 5 hours per week learning personal grooming skills. At the conclusion of the course, Sara will be able to use her office skills for a paying job (sheltered or in a competitive job market). The 15 hours per week that she spends on learning office skills meets the required attendance hours and qualifies her as a student for SSI purposes.

### 2. Additional types of students

In addition to the general requirements above, a person may qualify as a student in any of the following categories provided the additional criteria are met:

#### a. Homeschooled students

Homeschooling is a private educational program in which a parent or tutor educates the student at home. It is a program of study completed by choice. A homeschooled student is considered regularly attending school if he or she is instructed at home in grades 7-12 for at least 12 hours a week. Homeschool instruction must be in accordance with the homeschool laws of the state or other jurisdiction of the student’s residence.

#### b. Homebound students

A homebound student is an individual who is forced to cease actual physical presence in the classroom due to illness, injury, or other circumstances beyond the student’s control. A homebound student may be regularly attending school, if he or she:

* must stay home because of a disability;
* studies a course or courses given by a school in grades 7-12, college, university, or government agency; and
* has a home visitor or tutor from school who directs the studying or training.

#### c. Online school

An online school is one that offers Internet-based courses to students. Online schools vary considerably in the methods used to provide education to students. Some features of online schools may include:

* Virtual classrooms;
* E-mail for submission of assignments and communication with teachers;
* Telephone for communication with teachers;
* Access to teachers, either online, by telephone or in-person;
* Completion of credits and tests;
* Requirements for time spent online monitored by the school; and
* Individualized instruction.

A recipient who receives his or her education through online schooling is considered a student regularly attending school if:

* He or she studies a course or courses given by an online school in grades 7-12, a college or university, or a government agency (see [SI 00501.020C.1](https://secure.ssa.gov/poms.nsf/lnx/0500501020#c1) in this section); and
* The online school is authorized by the laws of the state in which the online school is located. In the case of a foreign school, the foreign school can qualify provided it is part of a secondary or post-secondary school system in a country or facility approved or authorized by the educational authorities in that country to provide secondary or post-secondary education.

## D. Periods of nonattendance

### 1. School break

A recipient remains a student when classes end if he or she attended classes regularly just before the school closed for school break and;

* tells us that he or she intends to resume attending regularly when school reopens; or
* resumes attending regularly when school reopens.

**NOTE:** If a student changes intent to return to school, determine that the recipient is no longer a student effective the month the intent changed.

**Example:**

Jane is a 19-year-old student who enrolled in a vocational course. In June 2014, she completed one-half of the courses, and reported her intent to return to school for the second half in late August 2014. In October 2014, you discovered that she did not return to school. Jane lost her student status effective August 1, 2014.

### 2. Absence due to a recommendation of a teacher or counselor

A student's counselor or teacher may believe the student needs to stay out of class for a short time to enable him or her to continue studying or training. Consider the recipient to be a student regularly attending school, college, or training that prepares him or her for a paying job. The training courses must prepare the student for work or for a job that will meet the student’s specific needs.

### 3. Attendance in the last month of school

A recipient is a student regularly attending school for the month in which he or she completes or stops the course of study or training.

**REINSTATEMENT of SSI & Medicaid  WITHOUT  REAPPLYING**

If you are eligible for Medicaid under [Section 1619(b)](https://www.ssa.gov/OP_Home/ssact/title16b/1619.htm), you remain eligible for SSI and may begin receiving cash benefits again without a new SSI application if your earnings drop.