

K-12 Education Subtraction and Credit

Income Tax Fact Sheet 8

Minnesota forms you may need: M1, M1ED

Fact Sheet

Minnesota has two programs—the K-12 education subtraction and the K-12 education credit—to help families pay expenses related to their child’s kindergarten through 12th grade (K-12) education. Both programs lower the tax you must pay and may even provide a larger refund when you file your Minnesota Form M1, *Individual Income Tax Return*.

The amount of your subtraction or credit is based on the actual qualifying expenses you paid during the year for your child’s K-12 education—for which you have documentation—up to the maximums allowed by law.

This fact sheet covers who qualifies for the subtraction or credit or both, what educational expenses qualify for each, and which forms need to be filed.

Required documentation

To claim either the K-12 education subtraction or credit, you must have documentation—such as itemized cash register receipts and invoices—to prove any specific qualifying expense. Canceled checks alone may not be sufficient proof as to what you actually purchased. Also, be sure to save your receipts and other documentation; you may be asked to make these available to the department for review.

Keep in mind that the subtraction and credit may be claimed only to the extent of your actual expenses, and you cannot use the same expenses to claim both the subtraction and the credit.

We may require additional information, including the name of the organization or the qualified instructor to whom you paid fees for classroom or individual instruction.

Eligibility requirements

To claim either the subtraction or credit, you must have paid qualifying expenses during the year to help your qualifying child’s K-12 education. (For the definition of *qualifying child*, see this page and see page 2 for the definition of *qualifying expenses*.) Part-year residents and nonresidents may also qualify for both the subtraction and credit.

What is the subtraction and who qualifies?

If you purchased educational material or services for your child’s K-12 education, you may be able to subtract your qualifying expenses, up to the maximum amounts, from your taxable income when you file your Form M1.

Unlike the education credit, there is no income limit to qualify for the K-12 education subtraction, and you may qualify regardless of

your filing status. However, the school your child attended must be located in Minnesota, Iowa, North Dakota, South Dakota or Wisconsin.

What is the credit and who qualifies?

The education credit is a refundable credit that reduces your state income tax liability. If you meet the eligibility requirements provided below, you may claim a credit on your Form M1 equal to 75 percent of your qualifying expenses that you paid during the year for your child’s K-12 education, up to the maximum amounts. (Prior to 2002, the amount of your K-12 education credit was 100 percent of your allowable expenses rather than 75 percent.)

To qualify for the education credit, you must file as single, head of household, qualifying widow(er) or married filing a joint return. Married persons filing separate returns do not qualify for the credit.

In addition, your household income—your federal adjusted gross income plus most nontaxable income—must be below a certain limit for the year. The limits changed in tax year 2005.

Beginning with tax year 2005. To qualify for the credit, your household income must be under a certain limit based on the number of qualifying children you have in grades K-12 (see *Qualifying child* below).

If your total number of qualifying children is:	Your household income limit is:
1 or 2	\$37,500
3	\$39,500
4	\$41,500
5	\$43,500
6 or more	*

* For more than 5 children, the limit is \$43,500 plus \$2,000 for each additional qualifying child.

For years prior to 2005. To qualify for the credit, your household income must have been less than \$37,500.

Qualifying child

A qualifying child must meet the definition of a qualifying child for the federal earned income credit and must have been in grades K-12 during the year.

In other words, to qualify for either the subtraction or credit, the child must have lived with you in the United States for more than

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 Phone: 651-296-3781 or 1-800-652-9094
 Minnesota Relay 711 (TTY)
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This fact sheet is intended to help you become more familiar with Minnesota tax laws and your rights and responsibilities under the laws. Nothing in this fact sheet supersedes, alters or otherwise changes any provisions of the tax law, administrative rules, court decisions or revenue notices. Alternative formats available upon request.

half of the year, been in grades K–12 during the year, attended a public, private or home school and must be:

- your child, adopted child, stepchild or grandchild, or
- your brother, sister, stepsibling or a descendant of your sibling or stepsibling whom you care for as your own child, or
- a foster child who was placed with you by an authorized placement agency and you care for the child as your own. (For years prior to 2002, your foster child must have lived with you in the United States for the entire year in order to qualify for either the education subtraction or credit.)

Beginning with tax year 2005, if the child is a qualifying child of more than one person and each person paid qualifying expenses, only one person may claim the qualifying expenses they paid for the child. You are not allowed to claim a subtraction or credit based on the qualifying expenses paid by another person for that child.

Qualifying expenses

In general, expenses that qualify for *either* the subtraction or the credit include:

- instructor fees and tuition for classes or instruction taken **outside** the normal school day or school year and the instructor is not the child’s sibling, parent or grandparent,
- purchases of required educational materials for use **during** the normal school day,
- fees paid to others for transporting your child to and from school **for** the normal school day, and
- computer hardware for personal use in your home and educational software.

For expenses to qualify as a subtraction, your child must have attended a school located in the five-state area—Minnesota, Iowa, North Dakota, South Dakota or Wisconsin.

Qualifying expenses that apply *only for the subtraction* include private school tuition and tuition paid for college or summer school courses that are used to satisfy high school graduation requirements.

Expenses that *do not qualify for either*:

- purchases of materials for use **outside** the normal school day, and
- fees paid to others for transporting your child to and from activities **outside** the normal school day.

If you home school your child, see Fact Sheet 8a, *Qualifying Home School Expenses*, for more information about qualifying expenses.

Fees paid for instruction or tuition

Expenses that qualify for *either* the subtraction or the credit include fees and expenses paid for instruction or tuition taken **outside** the regular school day or school year for which your child is not required to attend, such as:

- the instructional portion of fees and tuition paid for your child’s after-school instruction, including tuition paid for a qualifying all-day *public* school kindergarten, if:
 - the after-school program or camp is through an enrichment (or fine and performing arts) program, academic summer camp, or other educational study, **and**
 - the course is taught or instruction is provided by a qualified instructor (see *Qualified instructor* on page 3).

- fees paid for individual instruction by a qualified instructor, such as tutoring and music lessons
- instructor fees for drivers education course if the school offers a class as part of the curriculum, regardless of where your child takes the class

The following expenses do not qualify for the credit or subtraction:

- room and board
- instructor fees paid for the teaching of religious beliefs
- fees or tuition paid for programs that are not academic in nature, such as sport camps

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Educational expenses	Qualifies for:		
	credit	subtraction	neither
Private school tuition		X	
Tuition for college courses that are used to satisfy high school graduation requirements		X	
Tutoring (by qualified instructor)*	X	X	
Fees for after-school enrichment programs such as science exploration and study habits courses*	X	X	
Tuition for summer camps that are primarily academic in focus such as language or fine arts camps*	X	X	
Fees for all-day Kindergarten	X	X	
Music lessons*	X	X	
Instructor fees for drivers education course* if the school offers a class as part of the curriculum	X	X	
Sport camps or lessons			X
Nonreligious academic books and materials purchased for use during the regular public, private or home school day	X	X	
Purchase of books and materials used for tutoring, enrichment programs or academic camps			X
Purchase or rental of musical instruments used for regular school music class	X	X	
Fees paid to others for transportation to/from school or for field trips during the normal school day	X	X	
Costs to transport your child to and from tutoring, enrichment programs or camps that are not part of the school day			X
Travel expenses, lodging and meals for overnight class trips			X
Home computer hardware and educational software	X	X	
Noneducational computer software			X

* Study must be directed by a qualified instructor. See “Qualified instructor” on page 3.

Fees and expenses paid for instruction or tuition taken **during** the regular school day or school year, or for mandatory classes that are held outside the regular school day or school year, may only be claimed as a subtraction. These include:

- private school tuition
- tuition paid for college courses that are used to satisfy high school graduation requirements
- instructor fees for drivers education course if the school offers a class as part of the curriculum
- fees paid for individual instruction by a qualified instructor, such as band
- instructor fees paid for attending mandatory summer school

Qualified instructor

To be a qualified instructor, the person must meet one of the following requirements:

- be a Minnesota licensed teacher,
- be directly supervised by a Minnesota licensed teacher,
- have passed a teacher competency test,
- teach in an accredited private school,
- have at least a baccalaureate degree (the subject you teach need not have any relation to your academic training), **or**
- be a member of the Minnesota Music Teachers Association.

Also, a qualified instructor cannot be the child's sibling, parent or grandparent.

Required school materials

Generally, most expenses paid for required materials used for educational instruction **during** the regular school day or school year qualify. The material must be used in teaching subjects normally taught in public schools in grades K–12.

Qualifying expenses include:

- purchases of nonreligious textbooks
- purchases of required educational material, such as paper, pens, pencils, notebooks and rulers
- the purchase or rental fees of educational equipment, such as musical instruments and calculators
- expenses paid for field trips, including entrance fees to exhibits

Be sure to keep your itemized cash register receipts and invoices as documentation.

Do not include:

- Kleenex
- School lunch, snacks or treats
- School uniforms (including choir or band uniforms, dance costumes and graduation robes)
- Clothing for school (exception is gym clothes that are required for class)
- Travel expenses, lodging, transportation (e.g. airline tickets), and meals for overnight class trips (only instructor fees paid for direct academic instruction is allowed)

For a more complete list of qualifying expenses and expenses that are not allowed, visit our website at www.taxes.state.mn.us.

Transportation costs paid to others

The *only* qualifying transportation expense is the amount you paid to *others* to transport your child to and from school or for

field trips during the normal school day. However, to claim this expense as a subtraction or a credit, your child must have attended a school located in Minnesota, Iowa, North Dakota, South Dakota or Wisconsin.

Do not include costs for you or other members of your household to drive your child to school, the cost to transport your child to or from day care, or to any program or camp that is not part of the normal school day. Also, you cannot include any travel expenses for overnight class trips.

Computer hardware and educational software

Personal computer hardware purchased during the year for use in your home qualifies, as long as it is not used in a trade or business. Examples of qualifying hardware can include a personal computer, printer, monitor, CD-ROM drive, modem, additional hard drives, memory upgrades or adaptive equipment for students with disabilities.

Software must have a clear educational purpose—computer games without educational value do not qualify. Software purchased to access the Internet qualifies. However, the monthly charges to a service provider for Internet access do not qualify.

For limits to the computer expenses you may claim, see *Limits to computer expenses* on page 4.

Claim the expense in the year of payment

The year in which the payment was made determines when an expense qualifies. If the educational service or material was received in a year different than the year of payment, you may only claim the qualifying expense for the year in which the payment was made. This is true for both the education subtraction and credit.

Determining year of payment for financed expenses

If you receive a loan from your local bank or you use a VISA, MasterCard, AMEX or other third-party credit card to pay your qualifying expenses, your expenses are considered fully paid when you make the initial purchase.

However, the opposite is true if you purchased a qualifying expense on credit directly from the retail vendor. In this case, your purchase is not fully paid when you make the initial purchase. Rather, each payment you make to the vendor is considered a separate expense.

Example 1. Tammy bought a computer several years ago on credit using her VISA credit card, and she's still making payments on this purchase. In this case, because her initial purchase was made several years ago, it does not qualify for a credit or subtraction on this year's income tax return.

Example 2. Charles received a loan from his local bank to pay educational expenses for his children. The expenses are considered to have been paid in the year they were made, regardless of when Charles paid back the loan.

Example 3. Last October, Don purchased a computer on credit directly from the computer store, and has made two payments during the year. Don may only include the amounts of the two payments, up to the maximums allowed, as qualifying expenses.

Example 4. Rita's daughter took tutored classes in the fall, but she didn't pay for the classes until January of the next year. For

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both the subtraction and credit, Rita's qualifying expenses must be claimed in the year in which the fee is paid, not when the class is taken.

Limits

Subtraction limits

You may subtract your actual qualifying educational expenses, up to a maximum of \$1,625 per qualifying child in grades K–6, and \$2,500 for a qualifying child in grades 7–12. In the case where a child went from 6th grade to 7th grade during the calendar year, the maximum for that child is \$2,500.

There is no family maximum subtraction, only a per-child maximum.

Credit limits

Your credit is limited to 75 percent of your qualifying expenses that you paid during the year for your qualifying child's K–12 education, up to the maximum amounts. The remaining 25 percent of qualifying expenses cannot be used to claim the subtraction. (Prior to 2002, you were able to claim up to 100 percent of your qualifying expenses.)

Beginning with tax year 2005, the maximum credit you may claim is based on your household income and the number of qualifying children you have in grades K–12.

Your maximum credit limit will be determined when you complete Schedule M1ED, *K-12 Education Credit*.

For years prior to 2005: If your household income is \$33,500 or less, the maximum credit you may claim is \$1,000 per child and \$2,000 per family. In no case will your credit be more than \$2,000.

If your household income is from \$33,501 to \$37,499, the maximum credit is reduced. Your maximum credit limit is determined when you complete Schedule M1ED.

Limits to computer expenses

If the qualifying computer expenses for your family exceed \$200, the most you can claim is:

- \$200 of the expenses for the subtraction, and
- \$200 of the expenses for the education credit (if your income qualifies).

If you qualify and claim your computer-related expenses for both the subtraction and credit, you cannot claim more than your actual computer expenses or \$400 total, whichever is less.

How to claim the subtraction and/or credit

Education subtraction

To claim the education subtraction, determine the amount of your qualifying expenses and fill in the amount on the appropriate line of your Form M1.

Keep in mind that your subtraction must be based on your actual expenses during the year for which you have proof to substantiate your claim, such as cash register receipts and canceled checks. You are not required to submit the documentation with your return, but you are required to show it if requested by the department.

Note: If you qualify for the subtraction and your household income is less than the income limit for the K–12 education credit

(see *What is the credit and who qualifies?* on page 1), it is to your advantage to first determine your credit. Once your credit limits are reached, you may take the balance of your qualifying expenses, if any, as a subtraction.

Education credit

To determine your education credit, complete Schedule M1ED. Enter your credit amount on the appropriate line of your Form M1. You must include your completed Schedule M1ED when you file your Form M1.

If your credit is limited by the maximum amounts, you can then use the remaining qualifying expenses to claim the subtraction, up to the limits you can subtract. However, you cannot claim both the subtraction and credit using the same expenses. Also, even though your credit is limited to 75 percent of your qualifying expenses, you cannot claim the remaining 25 percent as a subtraction.

Penalty for fraudulently claiming a refund

If you file a return that fraudulently claims a credit or refund, including the K–12 education credit, you will be assessed a penalty. The penalty is 50 percent of the fraudulently claimed refund.

Questions you may have

I home school my child. Am I eligible to claim the subtraction and credit? As long as your qualifying child is in kindergarten through 12th grade, it doesn't matter if he or she is attending a public, private, parochial or home school—you may claim your qualifying expenses. As a home school, you must annually report information regarding your program with your local public school district and your program must meet the reporting requirements of Minnesota's compulsory attendance laws. For more information about qualifying home school expenses, see Fact Sheet 8a, *Qualifying Home School Expenses*.

My child's Social Studies class is taking a trip to Washington, D.C. to study our national government. What expenses qualify? The amount paid for instruction qualifies if it is provided by a qualified instructor. Travel expenses, lodging and meals do not qualify.

Can I claim expenses for my son who graduated from high school and entered college during the year? Yes, but only the qualifying education expenses paid for the time he was in the 12th grade.

Can I claim the full fee for sending my child to an academic camp? No, only the fee paid for instruction at the camp qualifies. However, for the instruction fee to qualify, your bill must separately list the qualifying expense (instruction fee) from the non-qualifying expenses, such as food, lodging and transportation.

My daughter is taking dance classes from a qualified instructor. Do the fees qualify? Yes, fees paid for performing arts instruction qualify.

For more information

Information and forms are available on our website at www.taxes.state.mn.us, or you may call us at 651-296-3781 or 1-800-652-9094.