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# Tax Benefits for Work-Related Education

For use in preparing

**2002** Returns



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## Important Changes for 2002

**Standard mileage rate.** Generally, if you drive your car to and from school, you can deduct 36½ cents per mile. See *Transportation Expenses* under *What Educational Expenses Are Deductible*.

**Limit on itemized deductions.** If your adjusted gross income for 2002 is more than \$137,300 (\$68,650 if you are married filing separately), your itemized deductions may be limited. See the instructions for line 28 of Schedule A (Form 1040).

**Employer-provided educational assistance program extended.** The tax-free status of up to \$5,250 of employer-provided educational assistance benefits each year has been extended through 2010. Beginning in 2002, it applies to both undergraduate- and graduate-level courses.

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## Important Reminder

**Photographs of missing children.** The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling **1-800-THE-LOST (1-800-843-5678)** if you recognize a child.

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## Introduction

This publication discusses work-related educational expenses that you may be able to deduct as business expenses. It also discusses the exclusion from income of employer-provided educational assistance benefits.

To be able to deduct work-related educational expenses as business expenses, you must:

- 1) Be working,
- 2) Itemize your deductions on Schedule A (Form 1040) **if you are an employee**,
- 3) File Schedule C (Form 1040) or Schedule F (Form 1040) **if you are self-employed**, and
- 4) Have expenses for education that meet the requirements discussed under *Qualifying Work-Related Education*.

Your work-related educational expenses may also qualify you for other tax benefits, such as the tuition and fees deduction and the Hope and lifetime learning credits. You may qualify for these other benefits even if you do not meet the requirements listed above.

Also, keep in mind that your work-related educational expenses may qualify you to claim more than one tax benefit. Generally, you may claim any number of benefits as long as you use different expenses to figure each one.

**Tuition and fees deduction.** Because this deduction is an adjustment to income, you can claim it even if you do not itemize deductions on Schedule A (Form 1040). You can deduct the tuition and fees you pay that are required for higher education courses, possibly decreasing your 2002 taxable income by up to \$3,000. However, you cannot qualify for this deduction if your income is more than \$65,000 (\$130,000 for joint returns). See chapter 4 of Publication 970, *Tax Benefits for Education*, for more information.

**Hope and lifetime learning credits.** These education credits may be available for tuition and related expenses you pay for higher education. Generally, credits are more beneficial than deductions because they reduce your tax rather than your taxable income. The Hope credit could reduce your tax by up to \$1,500 in 2002, and the lifetime learning credit by \$1,000. You will not qualify for either of these credits if your income is more than \$51,000 (\$102,000 for joint returns). For more information, see chapters 1 and 2 of Publication 970.

**Other tax benefits for education.** In addition to the tax benefits that are available for your work-related educational expenses, there are benefits for educational expenses that are not work related, such as your child's college tuition and fees and the interest on your qualified stu-

dent loan. For information about these and other tax benefits for education, see Publication 970.



*When you figure your taxes, you may want to compare these tax benefits so you can choose the method(s) that give you the lowest tax liability. First, figure your taxes using the expenses as business deductions. Then, figure your taxes again using only the expenses that qualify for a Hope or lifetime learning credit. Or you may find that a combination of credit(s) and deduction(s) gives you the lowest tax.*

**Comments and suggestions.** We welcome your comments about this publication and your suggestions for future editions.

You can e-mail us while visiting our web site at [www.irs.gov](http://www.irs.gov).

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We respond to many letters by telephone. Therefore, it would be helpful if you would include your daytime phone number, including the area code, in your correspondence.

### Useful Items

You may want to see:

#### Publication

- 463** Travel, Entertainment, Gift, and Car Expenses
- 520** Scholarships and Fellowships
- 535** Business Expenses
- 970** Tax Benefits for Education

#### Form (and Instructions)

- 2106** Employee Business Expenses
- 2106-EZ** Unreimbursed Employee Business Expenses
- Schedule A (Form 1040)** Itemized Deductions

See *How To Get Tax Help*, near the end of this publication, for information about getting these publications and forms.

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## Qualifying Work-Related Education

You can deduct the costs of qualifying work-related education as business expenses. This is education that meets **at least one** of the following two tests.

- 1) The education is **required by your employer or the law** to keep your present salary, status, or job. The required education must serve a bona fide business purpose of your employer.
- 2) The education **maintains or improves skills** needed in your present work.

However, even if the education meets one or both of the above tests, it is not qualifying work-related education if it:

- 1) Is needed to meet the **minimum educational requirements** of your present trade or business, or
- 2) Is part of a program of study that will **qualify you for a new trade or business**.

You can deduct the costs of qualifying work-related education as a business expense even if the education could lead to a degree.

You can use *Figure A* (see next page) as a quick check to see if your education qualifies.

## Education Required by Employer or by Law

Once you have met the minimum educational requirements for your job, your employer or the law may require you to get more education. This additional education is qualifying education if all three of the following requirements are met.

- 1) It is required for you to keep your present salary, status, or job,
- 2) The requirement serves a business purpose of your employer, and
- 3) The education is not part of a program that will qualify you for a new trade or business.

When you get more education than your employer or the law requires, the additional education can be qualifying education only if it maintains or improves skills required in your present work. See *Education To Maintain or Improve Skills*, below.

**Example.** You are a teacher who has satisfied the minimum requirements for teaching. Your employer requires you to take an additional college course each year to keep your teaching job. If the courses will not qualify you for a new trade or business, they are qualifying education even if you eventually receive a master's degree and an increase in salary because of this extra education.

## Education To Maintain or Improve Skills

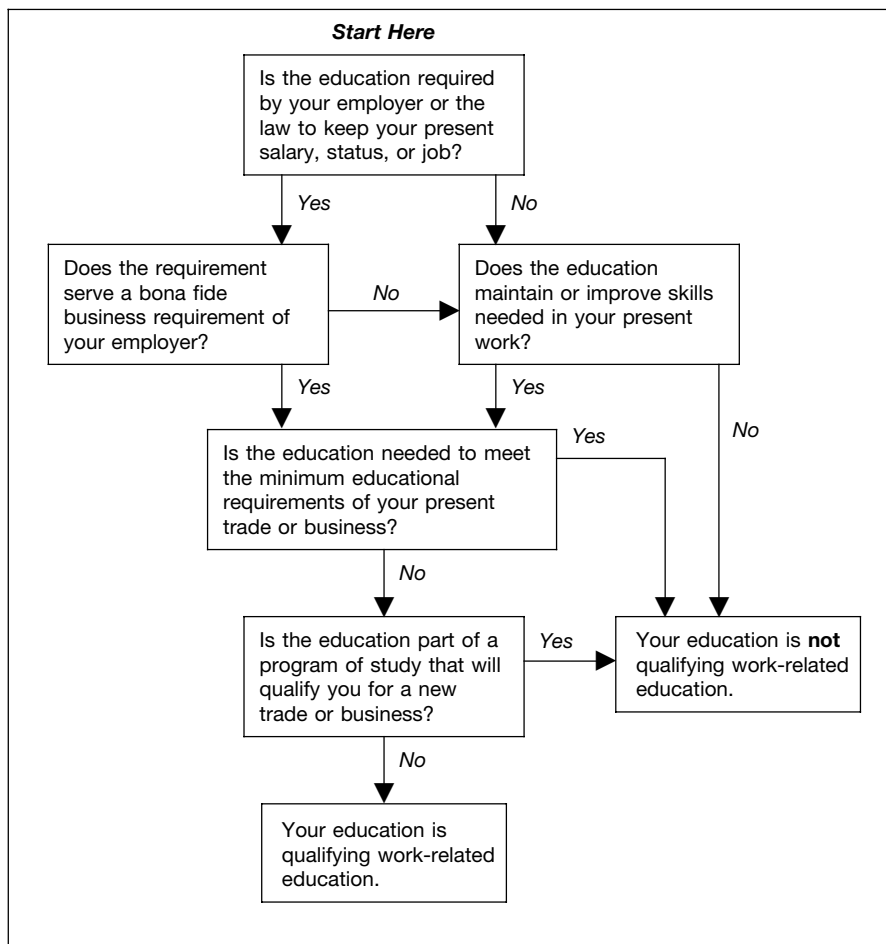
If your education is not required by your employer or the law, it can be qualifying work-related education only if it maintains or improves skills needed in your present work. This could include refresher courses, courses on current developments, and academic or vocational courses.

**Example.** You repair televisions, radios, and stereo systems for XYZ Store. To keep up with the latest changes, you take special courses in radio and stereo service. These courses maintain and improve skills required in your work.

**Maintaining skills vs. qualifying for new job.** Education to maintain or improve skills needed in your present work is not qualifying education if it will also qualify you for a new trade or business.

**Temporary absence.** If you stop working for a year or less in order to get education to maintain or improve skills needed in your present work and then return to the same general type of work, your absence is considered tempo-

Figure A. Does Your Work-Related Education Qualify?



The requirement is the college degree or the minimum number of college hours usually required of a person hired for that position.

If there are no requirements, you will have met the minimum educational requirements when you become a faculty member. You generally will be considered a faculty member when **one or more** of the following occurs.

- 1) You have tenure.
- 2) Your years of service count toward obtaining tenure.
- 3) You have a vote in faculty decisions.
- 4) Your school makes contributions for you to a retirement plan other than social security or a similar program.

**Example 1.** The law in your state requires beginning secondary school teachers to have a bachelor's degree, including 10 professional education courses. In addition, to keep the job, a teacher must complete a fifth year of training within 10 years from the date of hire. If the employing school certifies to the state Department of Education that qualified teachers cannot be found, the school can hire persons with only 3 years of college. However, to keep their jobs, these teachers must get a bachelor's degree and the required professional education courses within 3 years.

Under these facts, the bachelor's degree, whether or not it includes the 10 professional education courses, is considered the minimum educational requirement for qualification as a teacher in your state.

If you have all the required education except the fifth year, you have met the minimum educational requirements. The fifth year of training is qualifying education unless it is part of a program of study that will qualify you for a new trade or business.

**Example 2.** Assume the same facts as in *Example 1* except that you have a bachelor's degree and only six professional education courses. The additional four education courses can be qualifying education. Although you do not have all the required courses, you have already met the minimum educational requirements.

**Example 3.** Assume the same facts as in *Example 1* except that you are hired with only 3 years of college. The courses you take that lead to a bachelor's degree (including those in education) are not qualifying education. They are needed to meet the minimum educational requirements for employment as a teacher.

**Example 4.** You have a bachelor's degree and you work as a temporary instructor at a university. At the same time, you take graduate courses toward an advanced degree. The rules of the university state that you can become a faculty member only if you get a graduate degree. Also, you can keep your job as an instructor only as long as you show satisfactory progress toward getting this degree. You have not met the minimum educational requirements to qualify you as a faculty member. The graduate courses are not qualifying education.

**Certification in a new state.** Once you have met the minimum educational requirements for teachers for your state, you are considered to have met the minimum educational requirements in all states. This is true even if you must get additional education to be certified in an-

rary. Education that you get during a temporary absence is qualifying education if it maintains or improves skills needed in your present work.

**Example.** You quit your biology research job to become a full-time biology graduate student for one year. If you return to work in biology research after completing the courses, the education is related to your present work even if you do not go back to work with the same employer.

**Indefinite absence.** If you stop work for more than a year, your absence from your job is considered indefinite. Education during an indefinite absence, even if it maintains or improves skills needed in the work from which you are absent, is considered to qualify you for a new trade or business. Therefore, it is not qualifying education.

## Education To Meet Minimum Requirements

Education you need to meet the minimum educational requirements for your present trade or business is not qualifying work-related education. The minimum educational requirements are determined by:

- 1) Laws and regulations,
- 2) Standards of your profession, trade, or business, and
- 3) Your employer.

Once you have met the minimum educational requirements that were in effect when you were hired, you do not have to meet any new

minimum educational requirements. This means that if the minimum requirements change after you were hired, any education you need to meet the new requirements can be qualifying education.



*You have not necessarily met the minimum educational requirements of your trade or business simply because you are already doing the work.*

**Example 1.** You are a full-time engineering student. Although you have not received your degree or certification, you work part time as an engineer for a firm that will employ you as a full-time engineer after you finish college. Although your college engineering courses improve your skills in your present job, they are also needed to meet the minimum job requirements for a full-time engineer. The education is not qualifying education.

**Example 2.** You are an accountant and you have met the minimum educational requirements of your employer. Your employer later changes the minimum educational requirements and requires you to take college courses to keep your job. These additional courses can be qualifying education because you have already satisfied the minimum requirements that were in effect when you were hired.

## Requirements for Teachers

States or school districts usually set the minimum educational requirements for teachers.

other state. Any additional education you need is qualifying education. You have already met the minimum requirements for teaching. Teaching in another state is not a new trade or business.

**Example.** You hold a permanent teaching certificate in State A and are employed as a teacher in that state for several years. You move to State B and are promptly hired as a teacher. You are required, however, to complete certain prescribed courses to get a permanent teaching certificate in State B. These additional courses are qualifying education because the teaching position in State B involves the same general kind of work for which you were qualified in State A.

## Education That Qualifies You for a New Trade or Business

Education that is part of a program of study that will qualify you for a new trade or business is not qualifying work-related education. This is true even if you do not plan to enter that trade or business.

If you are an employee, a change of duties that involves the same general kind of work is not a new trade or business.

**Example 1.** You are an accountant. Your employer requires you to get a law degree at your own expense. You register at a law school for the regular curriculum that leads to a law degree. Even if you do not intend to become a lawyer, the education is not qualifying because the law degree will qualify you for a new trade or business.

**Example 2.** You are a general practitioner of medicine. You take a 2-week course to review developments in several specialized fields of medicine. The course does not qualify you for a new profession. It is qualifying education because it maintains or improves skills required in your present profession.

**Example 3.** While working in the private practice of psychiatry, you enter a program to study and train at an accredited psychoanalytic institute. The program will lead to qualifying you to practice psychoanalysis. The psychoanalytic training does not qualify you for a new profession. It is qualifying education because it maintains or improves skills required in your present profession.

## Bar or CPA Review Course

Review courses to prepare for the bar examination or the certified public accountant (CPA) examination are not qualifying education. They are part of a program of study that can qualify you for a new profession.

## Teaching and Related Duties

All teaching and related duties are considered the same general kind of work. A change in duties in any of the following ways is not considered a change to a new business.

- 1) Elementary school teacher to secondary school teacher.
- 2) Teacher of one subject, such as biology, to teacher of another subject, such as art.

- 3) Classroom teacher to guidance counselor.
- 4) Classroom teacher to school administrator.

## What Educational Expenses Are Deductible as Business Expenses?

If your education meets the requirements described earlier under *Qualifying Work-Related Education*, you can generally deduct your educational expenses as business expenses. If you are not self-employed, you can deduct business expenses only if you itemize your deductions.

You cannot deduct expenses related to tax-exempt and excluded income.

**Deductible expenses.** The following educational expenses can be deducted.

- 1) Tuition, books, supplies, lab fees, and similar items.
- 2) Certain transportation and travel costs.
- 3) Other educational expenses, such as costs of research and typing when writing a paper as part of an educational program.

**Nondeductible expenses.** Educational expenses do not include personal or capital expenses. For example, you cannot deduct the dollar value of vacation time or annual leave you take to attend classes. This amount is a personal expense.

**Unclaimed reimbursement.** If you do not claim reimbursement that you are entitled to receive from your employer, you cannot deduct the expenses that apply to the reimbursement.

**Example.** Your employer agrees to pay your educational expenses if you file a voucher showing your expenses. You do not file a voucher and you do not get reimbursed. Because you did not file a voucher, you cannot deduct the expenses on your tax return.

## Transportation Expenses

If your education qualifies, you can deduct local transportation costs of going directly from work to school. If you are regularly employed and go to school on a **temporary basis**, you can also deduct the costs of returning from school to home.

**Temporary basis.** If your attendance at school is realistically expected to last (and does in fact last) for 1 year or less, you go to school on a temporary basis (unless there are facts and circumstances that would indicate otherwise).

If your attendance at school is realistically expected to last for more than 1 year or if there is no realistic expectation that the attendance will last for 1 year or less, the attendance is not temporary, regardless of whether it actually lasts for more than 1 year.

If your attendance at school initially is realistically expected to last for 1 year or less, but at some later date the attendance is realistically expected to last more than 1 year, that attendance will be treated as temporary (unless there are facts and circumstances that would indicate otherwise) until your expectation changes. It will

not be treated as temporary after the date you determine it will last more than 1 year.



**Attendance at school on a temporary basis was formerly defined as attendance on an irregular or short-term basis (generally a matter of days or weeks).**



**You can file an amended return on Form 1040X, Amended U.S. Individual Income Tax Return, for any year in which you used the former definition of attendance on a temporary basis. However, you generally must file the amended return within 3 years from the time you filed the original return or within 2 years from the time you paid the tax, whichever is later.**

**Deductible expenses.** If you are regularly employed and go directly from home to school on a temporary basis, you can deduct the round-trip costs of transportation between your home and school. This is true regardless of the location of the school, the distance traveled, or whether you attend school on nonwork days.

Transportation expenses include the actual costs of bus, subway, cab, or other fares, as well as the costs of using your car. Transportation expenses do not include amounts spent for travel, meals, or lodging while you are away from home overnight.

**Example 1.** You regularly work in Camden, New Jersey, and go directly from work to home. You also attend school every work night for 3 months to take a course that improves your job skills. Since you are attending school on a temporary basis, you can deduct your daily round-trip transportation expenses in going between home and school. This is true regardless of the distance traveled.

**Example 2.** Assume the same facts as in *Example 1* except that on certain nights you go directly from work to school and then home. You can deduct your transportation expenses from your regular work site to school and then home.

**Example 3.** Assume the same facts as in *Example 1* except that you attend the school for 9 months on Saturdays, nonwork days. Since you are attending school on a temporary basis, you can deduct your round-trip transportation expenses in going between home and school.

**Example 4.** Assume the same facts as in *Example 1* except that you attend classes twice a week for 15 months. Since your attendance in school is not considered temporary, you cannot deduct your transportation expenses in going between home and school. If you go directly from work to school, you can deduct the one-way transportation expenses of going from work to school. If you go from work to home to school and return home, your transportation expenses cannot be more than if you had gone directly from work to school.

**Using your car.** If you use your car (whether you own or lease it) for transportation to school, you can deduct your actual expenses or use the standard mileage rate to figure the amount you can deduct. The standard mileage rate for 2002 is 36½ cents per mile. Whichever method you use, you can also deduct parking fees and tolls. See Publication 463 for information on deducting your actual expenses of using a car.

## Travel Expenses

You can deduct expenses for travel, meals (see *50% limit on meals*, later), and lodging if:

- 1) You travel overnight to obtain qualified education, and
- 2) The main purpose of the trip is to attend a work-related course or seminar.

Travel expenses for qualifying work-related education are treated the same as travel expenses for other employee business purposes. For more information, see Publication 463.



*You cannot deduct expenses for personal activities such as sightseeing, visiting, or entertaining.*

**Mainly personal travel.** If your travel away from home is mainly personal, you cannot deduct all of your expenses for travel, meals, and lodging. You can deduct only your expenses for lodging and 50% of your expenses for meals during the time you attend the qualified educational activities.

Whether a trip's purpose is mainly personal or educational depends upon the facts and circumstances. An important factor is the comparison of time spent on personal activities with time spent on educational activities. If you spend more time on personal activities, the trip is considered mainly educational only if you can show a substantial nonpersonal reason for traveling to a particular location.

**Example 1.** John works in Newark, New Jersey. He traveled to Chicago to take a deductible 1-week course at the request of his employer. His main reason for going to Chicago was to take the course.

While there, he took a sightseeing trip, entertained some friends, and took a side trip to Pleasantville for a day.

Since the trip was mainly for business, he can deduct his round-trip airfare to Chicago. He cannot deduct his transportation expenses of going to Pleasantville. He can deduct only the meals (subject to the 50% limit) and lodging connected with his educational activities.

**Example 2.** Sue works in Boston. She went to a university in Michigan to take a course for work. The course is qualifying education.

She took one course, which is one-fourth of a full course load of study. She spent the rest of the time on personal activities. Her reasons for taking the course in Michigan were all personal.

Her trip is mainly personal because three-fourths of her time is considered personal time. She cannot deduct the cost of her round-trip train ticket to Michigan. She can deduct one-fourth of the meals (subject to the 50% limit) and lodging costs for the time she attended the university.

**Example 3.** Dave works in Nashville and recently traveled to California to take a 2-week seminar. The seminar is qualifying education.

While there, he spent an extra 8 weeks on personal activities. The facts, including the extra 8-week stay, show that his main purpose was to take a vacation.

He cannot deduct his round-trip airfare or his meals and lodging for the 8 weeks. He can deduct only his expenses for meals (subject to the 50% limit) and lodging for the 2 weeks he attended the seminar.

**Cruises and conventions.** Certain cruises and conventions offer seminars or courses as part of their itinerary. Even if the seminars or courses are work related, your deduction for travel may be limited. This applies to:

- 1) Travel by ocean liner, cruise ship, or other form of luxury water transportation, and
- 2) Conventions outside the North American area.

For a discussion of the limits on travel expense deductions that apply to cruises and conventions, see *Luxury Water Travel and Conventions* in Publication 463.

**50% limit on meals.** You can deduct only 50% of the cost of your meals while traveling away from home to obtain qualifying education. You cannot have been reimbursed for the meals.

Employees must use Form 2106 or Form 2106-EZ to apply the 50% limit.

## Travel as Education

You cannot deduct the cost of travel as a form of education even if it is directly related to your duties in your work or business.

**Example.** You are a French language teacher. While on sabbatical leave granted for travel, you traveled through France to improve your knowledge of the French language. You chose your itinerary and most of your activities to improve your French language skills. You cannot deduct your travel expenses as educational expenses. This is true even if you spent most of your time learning French by visiting French schools and families, attending movies or plays, and engaging in similar activities.

## Expenses Relating to Tax-Exempt and Excluded Income

The following discussions explain how to treat the costs of qualifying education that are related to tax-exempt or excluded income from scholarships, veterans' educational assistance, and the Education Savings Bond Program.

## Scholarships

If you receive a tax-exempt scholarship, you must subtract the amount of the scholarship from the cost of your qualifying education.

**Example.** Your tuition for qualifying education is \$8,000. You receive a tax-exempt scholarship of \$6,000 to help pay the tuition. You can include only \$2,000 (\$8,000 – \$6,000) as deductible educational expenses.

**Part of scholarship is tax exempt.** If only part of your scholarship is tax exempt, you subtract only the tax-exempt part from the cost of your qualifying education.

**Example.** Your tuition for qualifying education is \$8,000. You receive a \$6,000 scholarship of which \$4,000 is tax exempt and \$2,000 is taxable. You can include only \$4,000 (\$8,000 – \$4,000) as deductible educational expenses.

**Part of tuition qualifies.** If only part of your tuition is for qualifying education, you subtract only part of the tax-exempt scholarship from the cost of your qualifying education.

**Example.** Your total tuition is \$8,000. The tuition for the courses that are qualifying education is \$3,200. Your tax-exempt scholarship is \$6,000. To determine the part of the scholarship that must be subtracted from the cost of your qualifying education, multiply the scholarship (\$6,000) by a fraction. The numerator (top number) of the fraction is the tuition for qualifying education (\$3,200), and the denominator (bottom number) is the total tuition (\$8,000).

$$\$6,000 \times \frac{\$3,200}{\$8,000} = \$2,400$$

The result, \$2,400, is the amount of the scholarship you must subtract from the cost of your qualifying education. You can include only \$800 (\$3,200 – \$2,400) as deductible educational expenses.

**More information.** For more information on scholarships, see Publication 520.

## Veterans

Any educational assistance payment you receive from the Department of Veterans Affairs (VA) is tax exempt. This includes payments for living expenses.

**VA programs that pay educational expenses only.** If you receive payments under a VA program that pays only for educational expenses, such as tuition, books, and similar expenses, you must subtract the part of the VA payment that applies to qualifying education from the cost of your qualifying education.

**Example.** Your tuition is \$1,000 and all classes are qualifying education. You receive a \$780 educational assistance payment from the VA that is solely for educational expenses. You can include only \$220 (\$1,000 – \$780) as deductible educational expenses.

**VA programs that pay living expenses and educational expenses.** If you receive payments under a VA program that pays for both living expenses and educational expenses, you must subtract from the cost of your qualifying education only the part of the VA payment that applies to educational expenses for qualifying education.

Generally, 50% of the VA payments are for subsistence or living expenses. For married veterans, the percentage is higher.

**Example.** Your tuition is \$1,000 and all classes are qualifying education. You receive a \$780 educational assistance payment from the VA. Under this program, \$390 of the payment is for living expenses and \$390 is for educational expenses. You can include only \$610 (\$1,000 – \$390) as deductible educational expenses.

**VA payments used for both qualifying and other education.** If you use a VA payment for educational expenses to pay for both qualifying education and other education, you must subtract only part of the payment from the cost of your qualifying education.

**Example.** Your tuition and fees for three courses are \$1,500. Only two of the three courses are qualifying education. The two courses cost \$1,000. You receive a \$780 educational assistance payment from the VA under a program that covers tuition and fees only. The payment does not include any amount for living expenses. To determine the part of the VA payment to subtract, multiply the payment (\$780) by

a fraction. The numerator (top number) is the cost of the qualifying education (\$1,000) and the denominator (bottom number) is the total cost of your education (\$1,500).

$$\$780 \times \frac{\$1,000}{\$1,500} = \$520$$

The result (\$520) is the amount you must subtract from the cost of your qualifying education. You can include \$480 (\$1,000 – \$520) as deductible educational expenses.

## Education Savings Bond Program

You may be able to exclude from your gross income all or part of the interest you received on the redemption of qualified U.S. savings bonds if you pay qualified higher educational expenses during the same year. This exclusion is known as the *Education Savings Bond Program*.

See chapter 8 of Publication 970 for more information on the Education Savings Bond Program.

## How To Treat Reimbursements

How you treat reimbursements depends on the arrangement you have with your employer.

There are two basic types of reimbursement arrangements — **accountable plans** and **nonaccountable plans**. You can tell the type of plan you are reimbursed under by the way the reimbursement is reported on your Form W–2, *Wage and Tax Statement*.

### Accountable Plans

If you are reimbursed under an accountable plan, your employer should not include any reimbursement in your income in box 1 of your Form W–2. To be an accountable plan, your employer's reimbursement arrangement must require you to meet all three of the following rules.

- 1) Your expenses must have a business connection — that is, your expenses must be deductible under the rules for qualifying work-related education explained earlier.
- 2) You must adequately account to your employer for your expenses within a reasonable period of time.
- 3) You must return any reimbursement or allowance in excess of the expenses accounted for within a reasonable period of time.

Any part of your reimbursement that does not meet all three rules is considered paid under a nonaccountable plan.

**Expenses equal reimbursement.** If your expenses equal your reimbursement, you do not complete Form 2106 or 2106–EZ. Because your expenses and reimbursements are equal, you do not have a deduction.

**Excess expenses.** If your expenses are more than your reimbursement, you can deduct your excess expenses. This is discussed later under *Where To Deduct Expenses*.

**Allocating your reimbursements for meals.** Because your excess meal expenses

are subject to the 50% limit, you must figure them separately from your other expenses. If your employer paid you a single amount to cover both meals and other expenses, you must allocate the reimbursement so that you can figure your excess meal expenses separately. You make the allocation as follows.

- 1) Divide your meal expenses by your total expenses.
- 2) Multiply your total reimbursement by the result from (1). This is the allocated reimbursement for your meal expenses.
- 3) Subtract the amount figured in (2) from your total reimbursement. The difference is the allocated reimbursement for your other expenses of qualifying education.

**Example.** Your employer paid you an expense allowance of \$2,000 under an accountable plan. The allowance was to cover all of your expenses of traveling away from home to take a 2-week training course for work. There was no indication of how much of the reimbursement was for each type of expense. Your actual expenses equal \$2,500 (\$425 for meals + \$700 lodging + \$150 transportation expenses + \$1,225 for books and tuition).

You must allocate the reimbursement between the \$425 meal expenses and the \$2,075 other expenses. The allocated reimbursement for meals is \$340 and the allocated reimbursement for other expenses is \$1,660, figured in the following steps.

- 1) You divide \$425 (your meal expenses) by \$2,500 (your total expenses). The result is .17.
- 2) You multiply \$2,000 (your reimbursement) by .17. The \$340 result is the allocated reimbursement for your meal expenses.
- 3) You subtract \$340 from \$2,000. The \$1,660 difference is the allocated reimbursement for your other expenses of qualifying education.

Your excess meal expenses are \$85 (\$425 – \$340) and your excess other expenses are \$415 (\$2,075 – \$1,660). After you apply the 50% limit to your meals, you have an educational expense deduction of \$457.50 [(\$85 × 50%) + \$415].

### Nonaccountable Plans

Your employer will combine the amount of any reimbursement or other expense allowance paid to you under a nonaccountable plan with your wages, salary, or other pay and report the total in box 1 of your Form W–2.

You can deduct your expenses regardless of whether they are more than, less than, or equal to your reimbursement. This is discussed later under *Where To Deduct Expenses*. An illustrated example of a nonaccountable plan, using Form 2106–EZ, is shown toward the end of this publication.

**Reimbursements for nondeductible expenses.** Reimbursements you received for nondeductible expenses are treated as paid under a nonaccountable plan. You must include them in your income. For example, you must include in your income reimbursements your employer gave you for expenses of education that:

- 1) You need to meet the minimum educational requirements for your job, or

- 2) Is part of a program of study that can qualify you for a new trade or business.

## Where To Deduct Expenses

Self-employed persons and employees report their business expenses differently.

The following information explains what forms you must use to deduct the cost of your qualifying education as a business expense.

### Self-Employed Persons

If you are self-employed, you must report the cost of your qualifying work-related education on the appropriate form used to report your business income and expenses (Schedule C, C–EZ, or F). If your educational expenses include expenses for a car or truck, travel, or meals, report them the same way you report other business expenses for those items. See the instructions for the form you file for information on how to complete it.

### Employees

If you are an employee, you can deduct the cost of qualifying work-related education only if you were not reimbursed by your employer or if the costs exceeded your reimbursement. (Amounts your employer paid under a nonaccountable plan and included in box 1 of your Form W–2 are not considered reimbursements.)

In order to deduct the cost of your qualifying work-related education as a business expense, include the amount with your deduction for any other employee business expenses on line 20 of Schedule A (Form 1040). (Special rules for expenses of certain performing artists and fee-basis officials and for impairment-related work expenses are explained later.) This deduction is subject to the 2%-of-adjusted-gross-income limit that applies to most miscellaneous itemized deductions.

**Form 2106 or 2106–EZ.** To figure your deduction for employee business expenses, including qualifying work-related education, you generally must complete Form 2106 or 2106–EZ.

**Form not required.** Do not complete either Form 2106 or 2106–EZ if:

- You were not reimbursed for any of your expenses, and
- You are not claiming travel, transportation, meal, or entertainment expenses.

If you meet both of these requirements, enter the expenses directly on line 20 of Schedule A (Form 1040). (Special rules for expenses of certain performing artists and fee-basis officials and for impairment-related work expenses are explained later.)

**Using Form 2106–EZ.** This form is shorter and easier to use than Form 2106. Generally, you can use this form if:

- You were not reimbursed for any of your expenses, and
- You are using the standard mileage rate if you are claiming vehicle expenses.

If you do not meet both of these requirements, use Form 2106.

**Performing artists and fee-basis officials.** If you are a qualified performing artist, or a state (or local) government official who is paid in whole or in part on a fee basis, you can deduct the cost of your qualifying work-related education as an adjustment to gross income rather than as an itemized deduction.

Include the cost of your qualifying education with any other employee business expenses on line 34 of Form 1040. You do not have to itemize your deductions on Schedule A (Form 1040), and, therefore, the deduction is not subject to the 2%-of-adjusted-gross-income limit. You must complete Form 2106 or 2106-EZ to figure your deduction even if you meet the requirements described earlier under *Form not required*.

For more information on qualified performing artists, see Publication 463.

**Impairment-related work expenses.** If you are disabled and have impairment-related work expenses that are necessary for you to be able to get qualifying work-related education, you can deduct these expenses on line 27 of Schedule A (Form 1040). They are not subject to the 2%-of-adjusted-gross-income limit. To deduct these expenses, you must complete Form 2106 or 2106-EZ even if you meet the requirements described earlier under *Form not required*.

For more information on impairment-related work expenses, see Publication 463.

## Employer-Provided Educational Assistance

If you receive educational assistance benefits from your employer under an educational assistance program, you can exclude up to \$5,250 of those benefits each year. This means your employer should not include the benefits with your wages, tips, and other compensation shown in box 1 of your Form W-2. This also means that you do not have to include the benefits on your income tax return.



**You must reduce your deductible educational expenses by the amount of any tax-free educational assistance benefits you received for those expenses.**

**Educational assistance program.** To qualify as an educational assistance program, the plan must be written and must meet certain other requirements. Your employer can tell you whether there is a qualified program where you work.

**Educational assistance.** Tax-free educational assistance benefits include payments for tuition, fees and similar expenses, books, supplies, and equipment. For courses beginning on or after January 1, 2002, the payments may be for either undergraduate- or graduate-level courses. The payments do not have to be for work-related courses.

Educational assistance benefits do **not** include payments for the following items.

- 1) Meals, lodging, transportation, or tools or supplies (other than textbooks) that you can keep after completing the course of instruction.
- 2) Education involving sports, games, or hobbies unless the education has a reasonable relationship to the business of your employer or is required as part of a degree program.

**Benefits over \$5,250.** If your employer pays more than \$5,250 for educational benefits for you during the year, you must generally pay tax on the amount over \$5,250. Your employer should include in your wages (box 1 of your Form W-2) the amount that you must include in income.

**Working condition fringe benefit.** However, if the payments also qualify as a working condition fringe benefit, your employer does not have to include them in your wages. A working condition fringe benefit is a benefit which, had you paid for it, you could deduct as an employee business expense.

## Recordkeeping



You must keep records as proof of any deduction claimed on your tax return. Generally, you should keep your records for 3 years from the date of filing the tax return and claiming the deduction.

If you are an employee who is reimbursed for expenses and you give your records and documentation to your employer, you do not have to keep duplicate copies of this information. However, you should keep your records for a 3-year period if:

- 1) You claim deductions for expenses that are more than your reimbursement,
- 2) Your employer does not use adequate accounting procedures to verify expense accounts,
- 3) You are related to your employer, or
- 4) Your expenses are reimbursed under a nonaccountable plan.

**Examples of records to keep.** If any of the above cases apply to you, you must be able to prove that your expenses are deductible. You should keep adequate records or have sufficient evidence that will support your expenses. Estimates or approximations do not qualify as proof of an expense. Some examples of what can be used to help prove your expenses are:

- 1) Documents, such as transcripts, course descriptions, catalogs, etc., showing periods of enrollment in educational institutions, principal subjects studied, and descriptions of educational activity.

- 2) Canceled checks and receipts to verify amounts you spent for:
  - a) Tuition and books,
  - b) Meals and lodging while away from home overnight for educational purposes,
  - c) Travel and transportation, and
  - d) Other educational expenses.
- 3) Statements from your employer explaining whether the education was necessary for you to keep your job, salary, or status; how the education helped maintain or improve skills needed in your job; how much reimbursement you received; and the type of certificate and subjects taught, if you are a teacher.
- 4) Complete information about any scholarship or fellowship grants, including amounts you received during the year.

## Illustrated Example Using Form 2106-EZ

Victor Jones teaches math at a private high school in North Carolina. He was selected to attend a 3-week math seminar at a university in California. The seminar will improve his skills in his current job and is qualifying education. He was reimbursed for his expenses under his employer's nonaccountable plan, so his reimbursement of \$2,100 is included in the wages shown on his Form W-2. Victor will file Form 1040.

His actual expenses for the seminar are as follows:

Lodging	\$1,050
Meals	526
Airfare	550
Taxi fares	50
Tuition and books	400
<b>Total Expenses</b>	<b><u>\$2,576</u></b>

Because Victor's reimbursement was included in his income, he files Form 2106-EZ with his tax return. He shows his expenses for the seminar in Part I of the form. He enters \$1,650 (\$1,050 + \$550 + \$50) on line 3 to account for his lodging, airfare, and taxi fares. He enters \$400 on line 4 for his tuition and books. On the line to the left of line 5, Victor enters \$526 for meal expenses. He multiplies that amount by 50% and enters the result, \$263, on line 5. On line 6, Victor totals the amounts from lines 3 through 5. He carries the total, \$2,313, to line 20 of Schedule A (Form 1040).

Since he does not claim any vehicle expenses, Victor leaves Part II blank. His filled-in form is shown on the next page.

**Unreimbursed Employee Business Expenses**

Department of the Treasury  
Internal Revenue Service

▶ **Attach to Form 1040.**

Your name <i>Victor Jones</i>	Occupation in which you incurred expenses <i>Teaching</i>	Social security number <i>123 00 4321</i>
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**You May Use This Form Only if All of the Following Apply.**

- You are an employee deducting ordinary and necessary expenses attributable to your job. An ordinary expense is one that is common and accepted in your field of trade, business, or profession. A necessary expense is one that is helpful and appropriate for your business. An expense does not have to be required to be considered necessary.
- You **do not** get reimbursed by your employer for any expenses (amounts your employer included in box 1 of your Form W-2 are not considered reimbursements).
- If you are claiming vehicle expense, you are using the standard mileage rate for 2002.

**Caution:** You can use the standard mileage rate for 2002 **only if:** (a) you owned the vehicle and used the standard mileage rate for the first year you placed the vehicle in service or (b) you leased the vehicle and used the standard mileage rate for the portion of the lease period after 1997.

**Part I Figure Your Expenses**

1 Vehicle expense using the standard mileage rate. Complete Part II and multiply line 8a by 36½¢ (.365).	<b>1</b>		
2 Parking fees, tolls, and transportation, including train, bus, etc., that <b>did not</b> involve overnight travel or commuting to and from work	<b>2</b>		
3 Travel expense while away from home overnight, including lodging, airplane, car rental, etc. <b>Do not</b> include meals and entertainment.	<b>3</b>	<i>1,650</i>	
4 Business expenses not included on lines 1 through 3. <b>Do not</b> include meals and entertainment	<b>4</b>	<i>400</i>	
5 Meals and entertainment expenses: \$ <u><i>526</i></u> x 50% (.50) (Employees subject to Department of Transportation (DOT) hours of service limits: Multiply meal expenses by 65% (.65) instead of 50%. For details, see instructions.)	<b>5</b>	<i>263</i>	
6 <b>Total expenses.</b> Add lines 1 through 5. Enter here and on line 20 of Schedule A (Form 1040). (Fee-basis state or local government officials, qualified performing artists, and individuals with disabilities: See the instructions for special rules on where to enter this amount.)	<b>6</b>	<i>2,313</i>	

**Part II Information on Your Vehicle.** Complete this part **only** if you are claiming vehicle expense on line 1.

7 When did you place your vehicle in service for business use? (month, day, year) ▶ _____ / _____ / _____	
8 Of the total number of miles you drove your vehicle during 2002, enter the number of miles you used your vehicle for:	
a Business _____ b Commuting _____ c Other _____	
9 Do you (or your spouse) have another vehicle available for personal use? . . . . .	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
10 Was your vehicle available for personal use during off-duty hours? . . . . .	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
11a Do you have evidence to support your deduction? . . . . .	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
b If "Yes," is the evidence written? . . . . .	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>

**General Instructions**

Section references are to the Internal Revenue Code.

**Changes To Note**

**Standard mileage rate.** The standard mileage rate has been increased to 36½ cents for each mile of business use in 2002.

**Meal expenses.** The percentage of meal expenses that may be deducted by employees subject to Department of Transportation (DOT) hours of service limits has been increased to 65% for 2002.

**Purpose of Form**

You may use Form 2106-EZ instead of Form 2106 to claim your unreimbursed employee business expenses if you meet all the requirements listed above Part I.

**Recordkeeping**

You cannot deduct expenses for travel (including meals, unless you used the standard meal allowance), entertainment, gifts, or use of a car or other listed property, unless you keep records to prove the time, place, business purpose, business relationship (for entertainment and gifts), and amounts of these expenses. Generally, you must also have receipts for all lodging expenses (regardless of the amount) and any other expense of \$75 or more.

**Additional Information**

For more details about employee business expenses, see:

- Pub. 463,** Travel, Entertainment, Gift, and Car Expenses
- Pub. 529,** Miscellaneous Deductions

- Pub. 587,** Business Use of Your Home (Including Use by Day-Care Providers)
- Pub. 946,** How To Depreciate Property

**Specific Instructions**

**Part I—Figure Your Expenses**

**Line 2.** See the line 8b instructions for the definition of commuting.

**Line 3.** Enter lodging and transportation expenses connected with overnight travel away from your tax home (defined below). You cannot deduct expenses for travel away from your tax home for any period of temporary employment of more than 1 year. **Do not** include expenses for meals and entertainment. For more details, including limits, see Pub. 463.



## How To Get Tax Help

You can get help with unresolved tax issues, order free publications and forms, ask tax questions, and get more information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

**Contacting your Taxpayer Advocate.** If you have attempted to deal with an IRS problem unsuccessfully, you should contact your Taxpayer Advocate.

The Taxpayer Advocate represents your interests and concerns within the IRS by protecting your rights and resolving problems that have not been fixed through normal channels. While Taxpayer Advocates cannot change the tax law or make a technical tax decision, they can clear up problems that resulted from previous contacts and ensure that your case is given a complete and impartial review.

To contact your Taxpayer Advocate:

- Call the Taxpayer Advocate at **1-877-777-4778**.
- Call, write, or fax the Taxpayer Advocate office in your area.
- Call **1-800-829-4059** if you are a TTY/TDD user.

For more information, see Publication 1546, *The Taxpayer Advocate Service of the IRS*.

**Free tax services.** To find out what services are available, get Publication 910, *Guide to Free Tax Services*. It contains a list of free tax publications and an index of tax topics. It also describes other free tax information services, including tax education and assistance programs and a list of TeleTax topics.



**Personal computer.** With your personal computer and modem, you can access the IRS on the Internet at [www.irs.gov](http://www.irs.gov). While visiting our web site, you can:

- See answers to frequently asked tax questions or request help by e-mail.
- Download forms and publications or search for forms and publications by topic or keyword.
- Order IRS products on-line.
- View forms that may be filled in electronically, print the completed form, and then save the form for recordkeeping.
- View Internal Revenue Bulletins published in the last few years.
- Search regulations and the Internal Revenue Code.
- Receive our electronic newsletters on hot tax issues and news.
- Learn about the benefits of filing electronically (IRS e-file).
- Get information on starting and operating a small business.

You can also reach us with your computer using File Transfer Protocol at [ftp.irs.gov](http://ftp.irs.gov).



**TaxFax Service.** Using the phone attached to your fax machine, you can receive forms and instructions by calling **703-368-9694**. Follow the directions from the prompts. When you order forms, enter the catalog number for the form you need. The items you request will be faxed to you.

For help with transmission problems, call the FedWorld Help Desk at **703-487-4608**.



**Phone.** Many services are available by phone.

- *Ordering forms, instructions, and publications.* Call **1-800-829-3676** to order current and prior year forms, instructions, and publications.
- *Asking tax questions.* Call the IRS with your tax questions at **1-800-829-1040**.
- *Solving problems.* Take advantage of Everyday Tax Solutions service by calling your local IRS office to set up an in-person appointment at your convenience. Check your local directory assistance or [www.irs.gov](http://www.irs.gov) for the numbers.
- *TTY/TDD equipment.* If you have access to TTY/TDD equipment, call **1-800-829-4059** to ask tax questions or to order forms and publications.
- *TeleTax topics.* Call **1-800-829-4477** to listen to pre-recorded messages covering various tax topics.

**Evaluating the quality of our telephone services.** To ensure that IRS representatives give accurate, courteous, and professional answers, we use several methods to evaluate the quality of our telephone services. One method is for a second IRS representative to sometimes listen in on or record telephone calls. Another is to ask some callers to complete a short survey at the end of the call.



**Walk-in.** Many products and services are available on a walk-in basis.

- *Products.* You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Some IRS offices, libraries, grocery stores, copy centers, city and county governments, credit unions, and office supply stores have an extensive collection of products available to print from a CD-ROM or photocopy from reproducible proofs. Also, some IRS offices and libraries have the Internal Revenue Code, regulations, Internal Revenue Bulletins, and Cumulative Bulletins available for research purposes.
- *Services.* You can walk in to your local IRS office to ask tax questions or get help

with a tax problem. Now you can set up an appointment by calling your local IRS office number and, at the prompt, leaving a message requesting Everyday Tax Solutions help. A representative will call you back within 2 business days to schedule an in-person appointment at your convenience.



**Mail.** You can send your order for forms, instructions, and publications to the Distribution Center nearest to you and receive a response within 10 workdays after your request is received. Find the address that applies to your part of the country.

- **Western part of U.S.:**  
Western Area Distribution Center  
Rancho Cordova, CA 95743-0001
- **Central part of U.S.:**  
Central Area Distribution Center  
P.O. Box 8903  
Bloomington, IL 61702-8903
- **Eastern part of U.S. and foreign addresses:**  
Eastern Area Distribution Center  
P.O. Box 85074  
Richmond, VA 23261-5074



**CD-ROM for tax products.** You can order IRS Publication 1796, *Federal Tax Products on CD-ROM*, and obtain:

- Current tax forms, instructions, and publications.
- Prior-year tax forms and instructions.
- Popular tax forms that may be filled in electronically, printed out for submission, and saved for recordkeeping.
- Internal Revenue Bulletins.

The CD-ROM can be purchased from National Technical Information Service (NTIS) by calling **1-877-233-6767** or on the Internet at <http://www.irs.gov/cdorders>. The first release is available in early January and the final release is available in late February.



**CD-ROM for small businesses.** IRS Publication 3207, *Small Business Resource Guide*, is a must for every small business owner or any taxpayer about to start a business. This handy, interactive CD contains all the business tax forms, instructions and publications needed to successfully manage a business. In addition, the CD provides an abundance of other helpful information, such as how to prepare a business plan, finding financing for your business, and much more. The design of the CD makes finding information easy and quick and incorporates file formats and browsers that can be run on virtually any desktop or laptop computer.

It is available in March. You can get a free copy by calling **1-800-829-3676** or by visiting the website at [www.irs.gov/smallbiz](http://www.irs.gov/smallbiz).



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