



Note: *The draft you are looking for begins on the next page.*

Caution: DRAFT—NOT FOR FILING

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information. **Do not file draft forms** and do **not** rely on draft forms, instructions, and pubs for filing. We incorporate all significant changes to forms posted with this coversheet. However, unexpected issues occasionally arise, or legislation is passed—in this case, we will post a new draft of the form to alert users that changes were made to the previously posted draft. Thus, there are never any changes to the last posted draft of a form and the final revision of the form. Forms and instructions are subject to OMB approval before they can be officially released, so we post drafts of them until they are approved. Drafts of instructions and pubs usually have some additional changes before their final release. Early release drafts are at [IRS.gov/DraftForms](https://www.irs.gov/DraftForms) and remain there after the final release is posted at [IRS.gov/LatestForms](https://www.irs.gov/LatestForms). Also see [IRS.gov/Forms](https://www.irs.gov/Forms).

Most forms and publications have a page on IRS.gov: [IRS.gov/Form1040](https://www.irs.gov/Form1040) for Form 1040; [IRS.gov/Pub501](https://www.irs.gov/Pub501) for Pub. 501; [IRS.gov/W4](https://www.irs.gov/W4) for Form W-4; and [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA) for Schedule A (Form 1040), for example, and similarly for other forms, pubs, and schedules for Form 1040. When typing in a link, type it into the address bar of your browser, not a Search box on IRS.gov.

If you wish, you can submit comments to the IRS about draft or final forms, instructions, or pubs at [IRS.gov/FormsComments](https://www.irs.gov/FormsComments). Include “NTF” followed by the form or pub number (for example, “NTF1040”, “NTFW4”, “NTF501, etc.) in the body of the message to route your message properly. We cannot respond to all comments due to the high volume we receive and may not be able to consider many suggestions until the subsequent revision of the product, but we will review each “NTF” message. If you have comments on reducing paperwork and respondent (filer) burden, with respect to draft or final forms, please respond to the relevant information collection through the Federal Register process; for more info, click [here](#).



Instructions for Form 8863

Education Credits (American Opportunity and Lifetime Learning Credits)

Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about developments related to Form 8863 and its instructions, such as legislation enacted after they were published, go to [IRS.gov/Form8863](https://www.irs.gov/Form8863).

Reminders

Limits on modified adjusted gross income (MAGI). The lifetime learning credit and the American opportunity credit MAGI limits are \$180,000 if you're married filing jointly (\$90,000 if you're filing single, head of household, or qualifying surviving spouse). See Table 1 and the instructions for line 3 or line 14.

Form 1098-T requirement. To be eligible to claim the American opportunity credit or the lifetime learning credit, the law requires a taxpayer (or a dependent) to have received Form 1098-T, Tuition Statement, from an eligible educational institution, whether domestic or foreign.

However, you may claim one of these education benefits if the student doesn't receive a Form 1098-T because the student's educational institution isn't required to furnish a Form 1098-T to the student under existing rules (for example, if the student is a qualified nonresident alien, has certain qualified education expenses paid entirely with scholarships, has certain qualified education expenses paid under a formal billing arrangement, or is enrolled only in courses for which no academic credit is awarded). If a student's educational institution isn't required to provide a Form 1098-T to the student, you may claim one of these education benefits without a Form 1098-T if you otherwise qualify, can demonstrate that you (or a dependent) were enrolled at an eligible educational institution, and can substantiate the payment of qualified tuition and related expenses.

You may also claim one of these educational benefits if the student attended an eligible educational institution required to furnish Form 1098-T but the student doesn't receive Form 1098-T before you file your tax return (for example, if the institution is otherwise required to furnish the Form 1098-T and doesn't furnish it or refuses to do so) and you take the following required steps: After January 31, 2024, but before you file the return, you or the student must request that the educational institution furnish a Form 1098-T. You must fully cooperate with the educational institution's efforts to gather the information needed to furnish the Form 1098-T. You must also otherwise qualify for the benefit, be able to demonstrate that you (or a dependent) were enrolled at an eligible educational institution, and substantiate the payment of qualified tuition and related expenses.

The amount of qualified tuition and related expenses reported on Form 1098-T may not reflect the total amount of the qualified tuition and related expenses paid during the year for which you

may claim an education tax credit. You may include qualified tuition and related expenses that are not reported on Form 1098-T when claiming one of the related credits if you can substantiate payment of these expenses. You may not include expenses paid on the Form 1098-T that have been paid by qualified scholarships, including those that were not processed by the universities.



To claim the American opportunity credit, you must provide the educational institution's employer identification number (EIN) on your Form 8863. You should be able to get this information from Form 1098-T or the educational institution.

Ban on claiming the American opportunity credit. If you claim the American opportunity credit even though you're not eligible, you may be banned from claiming the credit depending on your conduct. See the Caution statement under [American Opportunity Credit](#), later.

Taxpayer identification number (TIN) needed by due date of return. If you haven't been issued a TIN by the due date of your 2023 return (including extensions), you can't claim the American opportunity credit on either your original or an amended 2023 return. Also, the American opportunity credit isn't allowed on either your original or an amended 2023 return for a student who hasn't been issued a TIN by the due date of your 2023 return (including extensions).

Form 8862 may be required. If your American opportunity credit was denied or reduced for any reason *other than a math or clerical error* for any tax year beginning after 2015, you must attach a completed Form 8862, Information To Claim Certain Credits After Disallowance, to your tax return for the next tax year for which you claim the credit. See Form 8862 and its instructions for details.

General Instructions

Purpose of Form

Use Form 8863 to figure and claim your education credits, which are based on adjusted qualified education expenses paid to an eligible educational institution (postsecondary). For 2023, there are two education credits.

- The American opportunity credit, part of which may be refundable.
- The lifetime learning credit, which is nonrefundable.

A **refundable** credit can give you a refund when the credit is more than the tax you owe, even if you aren't required to file a tax return. A **nonrefundable** credit can reduce your tax, but any excess isn't refunded to you.

Both of these credits have different rules that can affect your eligibility to claim a specific credit. These differences are shown in Table 1.

Table 1. **Comparison of Education Credits for 2023**

Caution. You can claim both the American opportunity credit and the lifetime learning credit on the same return, but not for the same student.

	American Opportunity Credit	Lifetime Learning Credit
Maximum credit	Up to \$2,500 credit per eligible student	Up to \$2,000 credit per return
Limit on modified adjusted gross income (MAGI)	\$180,000 if married filing jointly; \$90,000 if single, head of household, or qualifying surviving spouse	\$180,000 if married filing jointly; \$90,000 if single, head of household, or qualifying surviving spouse
Refundable or nonrefundable	40% of credit may be refundable; the rest is nonrefundable	Nonrefundable—credit limited to the amount of tax you must pay on your taxable income
Number of years of postsecondary education	Available ONLY if the student had not completed the first 4 years of postsecondary education before 2023	Available for all years of postsecondary education and for courses to acquire or improve job skills
Number of tax years credit available	Available ONLY for 4 tax years per eligible student	Available for an unlimited number of tax years
Type of program required	Student must be pursuing a program leading to a degree or other recognized education credential	Student doesn't need to be pursuing a program leading to a degree or other recognized education credential
Number of courses	Student must be enrolled at least half-time for at least one academic period beginning during 2023 (or the first 3 months of 2024 if the qualified expenses were paid in 2023)	Available for one or more courses
Felony drug conviction	As of the end of 2023, the student had not been convicted of a felony for possessing or distributing a controlled substance	Felony drug convictions don't make the student ineligible
Qualified expenses	Tuition, required enrollment fees, and course materials that the student needs for a course of study whether or not the materials are bought at the educational institution as a condition of enrollment or attendance	Tuition and required enrollment fees (including amounts required to be paid to the institution for course-related books, supplies, and equipment)
Payments for academic periods	Payments made in 2023 for academic periods beginning in 2023 or beginning in the first 3 months of 2024	
TIN needed by filing due date	Filers and students must have been issued a TIN by the due date of their 2023 return (including extensions)	Students must have been issued a TIN by the due date of their 2023 return (including extensions)
Educational institution's EIN	You must provide the educational institution's employer identification number (EIN) on your Form 8863	Educational institution's employer identification number (EIN) is not required on your Form 8863

Who Can Claim an Education Credit

You may be able to claim an education credit if you, your spouse, or a dependent you claim on your tax return was a student enrolled at or attending an eligible educational institution. For 2023, the credits are based on the amount of adjusted qualified education expenses paid for the student in 2023 for academic periods beginning in 2023 or beginning in the first 3 months of 2024.

Academic period. An academic period is any quarter, semester, trimester, or any other period of study as reasonably determined by an eligible educational institution. If an eligible educational institution uses credit hours or clock hours and doesn't have academic terms, each payment period may be treated as an academic period. For details, see *Academic period* in chapters 2 and 3 of Pub. 970.

Who can claim a dependent's expenses. If a student is claimed as a dependent on another person's tax return, all qualified education expenses of the student are treated as having been paid by that person. Therefore, only that person can claim an education credit for the student. If a student isn't claimed as a dependent on another person's tax return, only the student can claim the credit.

Expenses paid by a third party. Qualified education expenses paid on behalf of the student by someone other than the student (such as a relative) are treated as paid by the student. However, qualified education expenses paid (or treated as paid) by a student who is claimed as a dependent on your tax return are treated as paid by you. Therefore, you're treated as having paid expenses that were paid by the third party. For more information and an example, see *Who Can Claim a Dependent's Expenses* in Pub. 970, chapters 2 and 3.

Who cannot claim a credit. You cannot claim an education credit on a 2023 tax return if any of the following apply.

1. You're claimed as a dependent on another person's tax return, such as your parent's return.
2. Your filing status is married filing separately.
3. You (or your spouse) were a nonresident alien for any part of 2023 and didn't elect to be treated as a resident alien for tax purposes.
4. Your MAGI is \$180,000 or more if married filing jointly; or \$90,000 or more if single, head of household, or qualifying surviving spouse with dependent child.
5. The student has not been issued a TIN by the due date of their 2023 return (including extensions).

Generally, your MAGI is the amount on your Form 1040 or 1040-SR, line 11. However, if you're filing Form 2555, Foreign Earned Income; or Form 4563, Exclusion of Income for Bona Fide Residents of American Samoa; or are excluding income from Puerto Rico, add to the amount on your Form 1040 or 1040-SR, line 11, the amount of income you excluded. For details, see Pub. 970.

American Opportunity Credit



Don't claim the American opportunity credit for 2 years after there was a final determination that your claim was due to reckless or intentional disregard of the rules, or 10 years after there was a final determination that your claim was due to fraud.

You may be able to claim a credit of up to \$2,500 for adjusted qualified education expenses (defined later) paid for each student who qualifies for the American opportunity credit. This credit equals 100% of the first \$2,000 and 25% of the next

\$2,000 of adjusted qualified education expenses paid for each eligible student. The amount of your credit is gradually reduced (phased out) if your MAGI is between \$80,000 and \$90,000 (\$160,000 and \$180,000 if you file a joint return). You cannot claim a credit if your MAGI is \$90,000 or more (\$180,000 or more if you file a joint return).

TIP *If you can choose between using a student's adjusted qualified education expenses for the American opportunity credit or the lifetime learning credit, the American opportunity credit will always be greater than the lifetime learning credit.*

Student qualifications. Generally, you can claim the American opportunity credit for a student on a 2023 tax return only if **all** of the following seven requirements are met.

1. As of the beginning of 2023, the student had not completed the first 4 years of postsecondary education (generally, the freshman through senior years of college), as determined by the eligible educational institution. For this purpose, don't include academic credit awarded solely because of the student's performance on proficiency examinations.

2. The American opportunity credit has not been claimed (by you or anyone else) for this student for any 4 tax years before 2023. If the American opportunity credit has been claimed for this student for any 3 or fewer tax years before 2023, this requirement is met.

Example 1. Sharon was eligible for the American opportunity credit for 2017, 2018, 2019, and 2022. Sharon's parents claimed the American opportunity credit for her on their 2017, 2018, and 2019 tax returns. Sharon claimed the American opportunity credit on her own 2022 tax return. The American opportunity credit has been claimed for Sharon for 4 tax years before 2023. Therefore, the American opportunity credit **cannot** be claimed for Sharon for 2023. If Sharon was to file Form 8863 for 2023, she would check "Yes" for Part III, line 23, and would be eligible to claim only the lifetime learning credit if she meets all other requirements.

Example 2. Wilbert was eligible for the American opportunity credit for 2018, 2019, 2020, and 2023. Wilbert's parents claimed the American opportunity credit for Wilbert on their tax returns for 2018, 2019, and 2020. No one claimed an American opportunity credit for Wilbert for any other tax year. The American opportunity credit has been claimed for Wilbert for only 3 tax years before 2023. Therefore, Wilbert meets the second requirement to be eligible for the American opportunity credit. If Wilbert were to file Form 8863 for 2023, he would check "No" for Part III, line 23. If Wilbert meets all of the other requirements, he is eligible for the American opportunity credit.

3. For at least one academic period beginning or treated as beginning (see next) in 2023, the student both:

- Was enrolled in a program that leads to a degree, certificate, or other recognized educational credential; and
- Carried at least one-half the normal full-time workload for his or her course of study.

The standard for what is half of the normal full-time workload is determined by each eligible educational institution. However, the standard may not be lower than any of those established by the U.S. Department of Education under the Higher Education Act of 1965.

For 2023, you must treat an academic period beginning in the first 3 months of 2024 as if it began in 2023 if qualified education expenses for the student were paid in 2023 for that academic period. See [Prepaid Expenses](#), later.

Example. You enroll on a full-time basis in a degree program for the 2024 spring semester, which begins in January 2024. You pay your tuition for the 2024 spring semester in December 2023.

Because the tuition you paid in 2023 relates to an academic period that begins in the first 3 months of 2024, your eligibility to claim an American opportunity credit in 2023 is determined as if the 2024 spring semester began in 2023. Therefore, you satisfy this third requirement.

4. As of the end of 2023, the student had not been convicted of a federal or state felony for possessing or distributing a controlled substance.

5. Filers and students must have been issued a TIN by the due date of their 2023 return (including extensions).

6. The student received Form 1098-T from the educational institution for 2023 or you followed the procedures under [Form 1098-T requirement](#), earlier.

7. You must provide the educational institution's employer identification number (EIN) on your Form 8863.

TIP *If the requirements above aren't met for any student, you cannot claim the American opportunity credit for that student. You may be able to claim the lifetime learning credit for part or all of that student's qualified education expenses instead, if certain requirements are met.*

Lifetime Learning Credit

The lifetime learning credit equals 20% of adjusted qualified education expenses (defined later), up to a maximum of \$10,000 of adjusted qualified education expenses per return. Therefore, the maximum lifetime learning credit you can claim on your return for the year is \$2,000, regardless of the number of students for whom you paid qualified education expenses. The amount of your credit is gradually reduced (phased out) if your MAGI is between \$80,000 and \$90,000 (\$160,000 and \$180,000 if you file a joint return). You cannot claim a credit if your MAGI is \$90,000 or more (\$180,000 or more if you file a joint return).

CAUTION *You cannot claim the lifetime learning credit for any student if you claim the American opportunity credit for that student for the same tax year.*

Qualified Education Expenses

Generally, qualified education expenses are amounts paid in 2023 for tuition and fees required for the student's enrollment or attendance at an eligible educational institution. It doesn't matter whether the expenses were paid in cash, by check, by credit or debit card, or with borrowed funds.

For course-related books, supplies, and equipment, only certain expenses qualify.

- American opportunity credit: Qualified education expenses include amounts paid for tuition, fees, and course materials, which include books, supplies, and equipment needed for a course of study, whether or not the materials are purchased from the educational institution as a condition of enrollment or attendance.
- Lifetime learning credit: Qualified education expenses include amounts paid for books, supplies, and equipment **only if** required to be paid to the institution as a condition of enrollment or attendance.

Qualified education expenses include nonacademic fees, such as student activity fees, athletic fees, or other expenses unrelated to the academic course of instruction, **only if** the fee must be paid to the institution as a condition of enrollment or attendance. However, fees for personal expenses (described below) are never qualified education expenses.

Qualified education expenses **don't** include amounts paid for the following.

- Personal expenses. This means room and board, insurance, medical expenses (including student health fees), transportation, and other similar personal, living, or family expenses.

- Any course or other education involving sports, games, or hobbies, or any noncredit course, unless such course or other education is part of the student's degree program or (for the lifetime learning credit only) helps the student acquire or improve job skills.

You may receive Form 1098-T from the institution reporting payments received in 2023 (box 1). However, the amount in box 1 of Form 1098-T may be different from the amount you paid (or are treated as having paid). In completing Form 8863, use only the amounts you actually paid (plus any amounts you're treated as having paid) in 2023 (reduced, as necessary, as described under [Adjusted Qualified Education Expenses](#), later). See chapters 2 and 3 of Pub. 970 for more information on Form 1098-T.

Qualified education expenses paid on behalf of the student by someone other than the student (such as a relative) are treated as paid by the student. Qualified education expenses paid (or treated as paid) by a student who is claimed as a dependent on your tax return are treated as paid by you.

If you or the student takes a deduction for higher education expenses, such as on Schedule C (Form 1040), you cannot use those same expenses in your qualified education expenses when figuring your education credits.



Any qualified expenses used to figure the education credits cannot be taken into account in determining the amount of a distribution from a Coverdell ESA or a qualified tuition program (section 529 plan) that is excluded from gross income. See Pub. 970, chapters 6 and 7, for more information.

Prepaid Expenses

Qualified education expenses paid in 2023 for an academic period that begins in the first 3 months of 2024 can be used in figuring an education credit for 2023 only. For example, if you pay \$2,000 in December 2023 for qualified tuition for the 2024 winter quarter that begins in January 2024, you can use that \$2,000 in figuring an education credit for 2023 only (if you meet all the other requirements).



You cannot use any amount you paid in 2022 or 2024 to figure the qualified education expenses you use to figure your 2023 education credit(s).

Adjusted Qualified Education Expenses

For each student, reduce the qualified education expenses paid in 2023 by or on behalf of that student under the following rules. The result is the amount of adjusted qualified education expenses for each student.

Tax-free educational assistance. For tax-free educational assistance received in 2023, reduce the qualified education expenses for each academic period by the amount of tax-free educational assistance allocable to that academic period. See [Academic period](#), earlier.

Tax-free educational assistance includes:

1. The tax-free part of any scholarship or fellowship grant (including Pell grants);
2. The tax-free part of any employer-provided educational assistance;
3. Veterans' educational assistance; and
4. Any other educational assistance that is excludable from gross income (tax free), other than as a gift, bequest, devise, or inheritance.



You may be able to increase the combined value of an education credit if the student includes some or all of a scholarship or fellowship grant in income in the year it is received.

Generally, any scholarship or fellowship grant is treated as tax-free educational assistance. However, a scholarship or fellowship grant isn't treated as tax-free educational assistance to the extent the **student** includes it in gross income (the **student** may or may not be required to file a tax return) for the year the scholarship or fellowship grant is received and either:

- The scholarship or fellowship grant (or any part of it) **must** be applied (by its terms) to expenses (such as room and board) other than qualified education expenses, or
- The scholarship or fellowship grant (or any part of it) **may** be applied (by its terms) to expenses (such as room and board) other than qualified education expenses.



A student cannot choose to include in income a scholarship or fellowship grant provided by an Indian tribal government that is excluded from income under the Tribal General Welfare Exclusion Act of 2014 or benefits provided by an educational program described in section 5.02(2)(b)(ii) of Rev. Proc. 2014-35, available at [IRS.gov/irb/2014-26_IRB#RP-2014-35](https://www.irs.gov/irb/2014-26_IRB#RP-2014-35).

Coordination with Pell grants and other scholarships or fellowship grants. You may be able to increase an education credit and reduce your total tax or increase your tax refund if the student (you, your spouse, or your dependent) chooses to include all or part of certain scholarships or fellowship grants in income. The scholarship or fellowship grant must be one that may qualify as a tax-free scholarship under the rules discussed in chapter 1 of Pub. 970. Also, the scholarship or fellowship grant must be one that may (by its terms) be used for expenses other than qualified education expenses (such as room and board).

The fact that the educational institution applies the scholarship or fellowship grant to qualified education expenses (such as tuition and related fees) doesn't prevent the student from choosing to apply certain scholarships or fellowship grants to other expenses (such as room and board). By choosing to do so, the student will include the part applied to other expenses (such as room and board) in gross income and may be required to file a tax return. However, this allows payments made in cash, by check, by credit or debit card, or with borrowed funds, such as a student loan, to be applied to qualified education expenses. These payments, unlike certain scholarships or fellowship grants, won't reduce the qualified education expenses available to figure an education credit. The result is generally a larger education credit that reduces your total tax or increases your tax refund.

Example 1. Last year, your child graduated from high school and enrolled in college for the fall semester. You and your child meet all other requirements to claim the American opportunity credit, and you need to determine adjusted qualified education expenses to figure the credit.

Your child has \$5,000 of qualified education expenses and \$4,000 of room and board. Your child received a \$5,000 Pell grant and took out a \$2,750 student loan to pay these expenses. You paid the remaining \$1,250. The Pell grant by its terms may be used for any of these expenses.

If you and your child choose to apply the Pell grant to the qualified education expenses, it will qualify as a tax-free scholarship under the rules discussed in chapter 1 of Pub. 970. Your child won't include any part of the Pell grant in gross income. After reducing qualified education expenses by the tax-free scholarship, you will have \$0 (\$5,000 – \$5,000) of adjusted qualified education expenses available to figure your credit. Your credit will be \$0.


Example 2. The facts are the same as in *Example 1*. If, unlike in *Example 1*, you and your child choose to apply only \$1,000 of the Pell grant to the qualified education expenses and to apply the remaining \$4,000 to room and board, only \$1,000 will qualify as a tax-free scholarship.

Your child will include the \$4,000 applied to room and board in gross income, and it will be treated as earned income for purposes of determining whether your child is required to file a tax return. If the \$4,000 is your child's only income, your child won't be required to file a tax return.

After reducing qualified education expenses by the tax-free scholarship, you will have \$4,000 (\$5,000 – \$1,000) of adjusted qualified education expenses available to figure your credit. Your refundable American opportunity credit will be \$1,000. Your nonrefundable credit may be as much as \$1,500, but depends on your tax liability.

If you're not otherwise required to file a tax return, you should file to get a refund of your \$1,000 refundable credit, but your tax liability and nonrefundable credit will be \$0.

Note. The result may be different if your child has other income or if you're the student. If you're the student and you claim the earned income credit, choosing not to apply a Pell grant to qualified education expenses may decrease your earned income credit at certain income levels by increasing your adjusted gross income. For details and more examples, see Pub. 970.

 **TIP** Unlike a scholarship or fellowship grant, a tax-free distribution from a Coverdell ESA or qualified tuition program (section 529 plan) can be applied to either qualified education expenses or certain other expenses (such as room and board) without creating a tax liability for the student. An education credit can be claimed in the same year the beneficiary takes a tax-free distribution from a Coverdell ESA or qualified tuition program, as long as the same expenses aren't used for both benefits. For details, see Pub. 970, chapters 7 and 8.

Tax-free educational assistance treated as a refund. Some tax-free educational assistance received after 2023 may be treated as a refund of qualified education expenses paid in 2023. This tax-free educational assistance is any tax-free educational assistance received by you or anyone else after 2023 for qualified education expenses paid on behalf of a student in 2023 (or attributable to enrollment at an eligible educational institution during 2023).

If this tax-free educational assistance is received after 2023, but before you file your 2023 income tax return, see [Refunds received after 2023, but before your income tax return is filed](#), later. If this tax-free educational assistance is received after 2023 and after you file your 2023 income tax return, see [Refunds received after 2023 and after your income tax return is filed](#), later.

Refunds. A refund of qualified education expenses may reduce qualified education expenses for the tax year or may require you to repay (recapture) the credit that you claimed in an earlier year. Some tax-free educational assistance received after 2023 may be treated as a refund. See [Tax-free educational assistance](#), earlier.


Refunds received in 2023. For each student, figure the adjusted qualified education expenses for 2023 by adding all the qualified education expenses paid in 2023 and subtracting any refunds of those expenses received from the eligible educational institution during 2023.

Refunds received after 2023, but before your income tax return is filed. If anyone receives a refund after 2023 of qualified education expenses paid on behalf of a student in 2023 and the refund is received before you file your 2023 income tax return, reduce the amount of qualified education expenses for 2023 by the amount of the refund.

Refunds received after 2023 and after your income tax return is filed. If anyone receives a refund after 2023 of qualified education expenses paid on behalf of a student in 2023 and the refund is received after you file your 2023 income tax return, you may need to repay some or all of the credit that you claimed. See *Credit recapture* next.

Credit recapture. If any tax-free educational assistance for the qualified education expenses paid in 2023, or any refund of your qualified education expenses paid in 2023, is received after you file your 2023 income tax return, you must recapture (repay) any excess credit. You do this by refiguring the amount of your adjusted qualified education expenses for 2023 by reducing the expenses by the amount of the refund or tax-free educational assistance. You then refigure your education credit(s) for 2023 and figure the amount by which your 2023 tax liability would have increased if you had claimed the refigured credit(s). Include that amount as an additional tax for the year the refund or tax-free assistance was received.


Example. You paid \$8,000 tuition and fees in December 2023 for your child's spring semester beginning in January 2024. You filed your 2023 tax return on February 2, 2024, and claimed a lifetime learning credit of \$1,600 (\$8,000 qualified education expense paid x 20% (0.20)). You claimed no other tax credits. After you filed your return, your child withdrew from two courses and you received a refund of \$1,400. You must refigure your 2023 lifetime learning credit using \$6,600 (\$8,000 qualified education expenses – \$1,400 refund). The refigured credit is \$1,320 and your tax liability increased by \$280. You must include the difference of \$280 (\$1,600 credit originally claimed – \$1,320 refigured credit) as additional tax on your 2024 income tax return. See the instructions for your 2024 income tax return to determine where to include this tax.

 **TIP** If you paid qualified education expenses in both 2023 and 2024 for an academic period that begins in the first 3 months of 2024 and you receive tax-free educational assistance, or a refund, as described above, you may choose to reduce the qualified education expenses you paid in 2024 instead of reducing the qualified education expenses you paid in 2023.

Eligible Educational Institution

An eligible educational institution is generally any accredited public, nonprofit, or proprietary (private) college, university, vocational school, or other postsecondary institution. Also, the institution must be eligible to participate in a student aid program administered by the Department of Education. Virtually all accredited postsecondary institutions meet this definition.


An eligible educational institution also includes certain educational institutions located outside the United States that are eligible to participate in a student aid program administered by the Department of Education.

 **TIP** The educational institution should be able to tell you if it is an eligible educational institution.

Additional Information

See Pub. 970, chapters 2 and 3, for more information about these credits.

Specific Instructions

 **CAUTION** You must complete a separate *Part III* on page 2 for each individual for whom you're claiming either credit before you complete *Parts I* and *II*.

Part I—Refundable American Opportunity Credit

Line 1

Enter the amount from Part III, line 30. If you're claiming the American opportunity credit for more than one student, add the amounts from each student's Part III, line 30, and enter the total for those students on line 1.

Line 3

Enter your MAGI. Generally, your MAGI is the amount on your Form 1040 or 1040-SR, line 11. However, if you're filing Form 2555, or Form 4563, or are excluding income from Puerto Rico, you must include on line 3 the amount of income you excluded. For details, see Pub. 970.

Line 7

If you were under age 24 at the end of 2023 and the conditions listed below apply to you, you **cannot** claim any part of the American opportunity credit as a refundable credit on your tax return. Instead, you can claim your allowed credit, figured in Part II, only as a nonrefundable credit to reduce your tax.

You **don't** qualify for a refundable American opportunity credit if 1 (a, b, or c), 2, and 3 below apply to you.

1. You were:
 - a. Under age 18 at the end of 2023, **or**
 - b. Age 18 at the end of 2023 **and** your earned income (defined later) was less than one-half of your support (defined later), **or**
 - c. Over age 18 and under age 24 at the end of 2023 **and** a full-time student (defined later) **and** your earned income (defined later) was less than one-half of your support (defined later).
2. At least one of your parents was alive at the end of 2023.
3. You're not filing a joint return for 2023.

If you meet these conditions, check the box next to line 7, skip line 8, and enter the amount from line 7 on line 9. If these conditions don't apply to you, complete line 8.

You can answer the following questions to determine whether you qualify for a refundable American opportunity credit.

1. Were you under age 24 at the end of 2023?
If no, stop here; you **do** qualify to claim part of the allowable American opportunity credit as a refundable credit.
If yes, go to question 2.
2. Were you over age 18 at the end of 2023?
If yes, go to question 3.
If no, go to question 4.
3. Were you a full-time student (defined later) for 2023?
If no, stop here; you **do** qualify to claim part of your allowable American opportunity credit as a refundable credit.
If yes, go to question 5.
4. Were you age 18 at the end of 2023?
If yes, go to question 5.
If no, go to question 6.
5. Was your earned income (defined later) less than one-half of your support (defined later) for 2023?
If no, stop here; you **do** qualify to claim part of your allowable American opportunity credit as a refundable credit.

If yes, go to question 6.

6. Were either of your parents alive at the end of 2023?
If no, stop here; you **do** qualify to claim part of your allowable American opportunity credit as a refundable credit.
If yes, go to question 7.
7. Are you filing a joint return for 2023?

If no, you **don't** qualify to claim part of your allowable American opportunity credit as a refundable credit.

If yes, you **do** qualify to claim part of your allowable American opportunity credit as a refundable credit.



The educational institution's EIN must be provided on line 22(4) if the American opportunity credit is claimed for this student.

Earned income. Earned income includes wages, salaries, professional fees, and other payments received for personal services actually performed. Earned income includes the part of any scholarship or fellowship grant that represents payment for teaching, research, or other services performed by the student that are required as a condition for receiving the scholarship or fellowship grant. Earned income doesn't include that part of the compensation for personal services rendered to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered.

If you're a sole proprietor or a partner in a trade or business in which both personal services and capital are material income-producing factors, earned income also includes a reasonable allowance for compensation for personal services, but not more than 30% of your share of the net profits from that trade or business (after subtracting the deduction for one-half of self-employment tax). However, if capital isn't an income-producing factor and your personal services produced the business income, the 30% limit doesn't apply.

Support. Support includes food, shelter, clothing, medical and dental care, education, and the like. Generally, the amount of an item of support will be the amount of expenses paid by the one furnishing such item. If the item of support is in the form of property or lodging, measure the amount of such item of support by its fair market value. To figure your support, count support provided by you, your parents, and others. However, a scholarship received by you isn't considered support if you were a full-time student (defined next) for 2023.

Full-time student. Solely for purposes of determining whether a scholarship is considered support, you were a full-time student for 2023 if during any part of any 5 calendar months during the year you were enrolled as a full-time student at an eligible educational institution (defined earlier), or took a full-time, on-farm training course given by such an institution or by a state, county, or local government agency.

Part II—Nonrefundable Education Credits

Line 9

Enter the amount from line 9 on the Credit Limit Worksheet, line 2, later.

Line 10

Enter the amount from Part III, line 31. If you're claiming the lifetime learning credit for more than one student, add the amounts from each student's Part III, line 31, and enter the total for all those students on line 10.

Line 14

Generally, your MAGI is the amount on your Form 1040 or 1040-SR, line 11. However, if you're filing Form 2555, or Form 4563, or are excluding income from Puerto Rico, you must include on line 14 the amount of income you excluded. For details, see Pub. 970.


Line 18

Enter the amount from line 18 on the Credit Limit Worksheet, line 1, later.

Line 19

Enter the amount from line 7 of the Credit Limit Worksheet here and on Schedule 3 (Form 1040), line 3.

Credit Limit Worksheet	
Complete this worksheet to figure the amount to enter on line 19.	
1. Enter the amount from Form 8863, line 18	1. _____
2. Enter the amount from Form 8863, line 9	2. _____
3. Add lines 1 and 2	3. _____
4. Enter the amount from: Form 1040 or 1040-SR, line 18	4. _____
5. Enter the total of your credits from: Schedule 3 (Form 1040), lines 1, 2, 6d and 6l	5. _____
6. Subtract line 5 from line 4	6. _____
7. Enter the smaller of line 3 or line 6 here and on Form 8863, line 19	7. _____

 *You must complete Part III for each student for whom you're claiming either the American opportunity credit or lifetime learning credit before you complete either Part I or Part II. Use additional copies of page 2 as needed for each student.*

Part III—Student and Educational Institution Information

Line 20

Enter the student's name as shown on page 1 of your tax return.

Line 21

Enter the student's social security number (or other TIN, if applicable) as shown on page 1 of your tax return.

Line 22

If the student attended only one educational institution, enter the information about the institution and answer the questions about Form 1098-T in column (a). If the student attended a second educational institution, enter the information and answers for the second educational institution in column (b). If the student attended more than two educational institutions, attach an additional page 2 completed only through line 22.

If the educational institution has a foreign address, enter the foreign address here and don't abbreviate the country name.

Follow the country's practice for entering the postal code and name of the province, county, or state.

The educational institution's EIN must be provided on line 22(4) if the American opportunity credit is claimed for this student.

Line 23

If the American opportunity credit has been claimed for this student for any 4 tax years before 2023, the American opportunity credit cannot be claimed for this student for 2023. Check "Yes" and go to line 31.

If the American opportunity credit has been claimed for this student for 3 or fewer prior tax years, check "No." See [Student qualifications](#), earlier.

Line 24

Check "Yes" if the student enrolled at least half-time for at least one academic period that began or is treated as having begun (see below) in 2023 at an eligible educational institution in a program leading towards a postsecondary degree, certificate, or other recognized postsecondary educational credential. Otherwise, check "No."

If any qualified education expenses for the student were paid in 2023 for an academic period beginning in the first 3 months of 2024, treat that academic period as if it began in 2023. See [Student qualifications](#) and [Prepaid Expenses](#), earlier.

If you checked "Yes," go to line 25. If you checked "No," the student isn't eligible for the American opportunity credit; skip lines 25 through 30 and go to line 31.

Line 25

Check "Yes" if the student completed the first 4 years of postsecondary education before 2023. Otherwise, check "No."


A student has completed the first 4 years of postsecondary education before 2023 if the educational institution has awarded the student 4 years of academic credit at that institution for postsecondary coursework the student completed before 2023. Disregard any academic credit awarded solely on the basis of the student's performance on proficiency examinations.

If you checked "No," go to line 26. If you checked "Yes," the student isn't eligible for the American opportunity credit; skip lines 26 through 30 and go to line 31.

Line 26

Check "Yes" if the student was convicted, before the end of 2023, of a federal or state felony for possession or distribution of a controlled substance.

If you checked "No," complete lines 27 through 30 for this student. If you checked "Yes," the student isn't eligible for the American opportunity credit; skip lines 26 through 30 and go to line 31.

 *You **cannot** claim the American opportunity credit and the lifetime learning credit for the **same student** in the **same year**. If you complete lines 27 through 30 for this student, don't complete line 31.*

American Opportunity Credit

Line 27

Enter the student's adjusted qualified education expenses for line 27. See [Qualified Education Expenses](#), earlier. Use the Adjusted Qualified Education Expenses Worksheet, later, to figure each student's adjusted qualified education expenses.

Don't enter more than \$4,000. Enter the total of all amounts from all Parts III, line 30, on Part I, line 1.



If you're claiming an education credit for more than one student, complete a separate Part III for each student before returning to page 1 to complete Parts I and II.

Lifetime Learning Credit

Line 31

Enter the student's adjusted qualified education expenses on line 31. See [Qualified Education Expenses](#), earlier. Use the Adjusted Qualified Education Expenses Worksheet next to figure each student's adjusted qualified education expenses. Enter the total of all amounts from Part III, line 31, on Part II, line 10.

If any qualified education expenses for the student were paid in 2023 for an academic period beginning in the first 3 months of 2024, treat that academic period as if it began in 2023. See [Student qualifications](#) and [Prepaid Expenses](#), earlier.

Adjusted Qualified Education Expenses Worksheet

See [Qualified Education Expenses](#), earlier, before completing.

Complete a separate worksheet for each student for each academic period beginning or treated as beginning (see below) in 2023 for which you paid (or are treated as having paid) qualified education expenses in 2023.

1. Total qualified education expenses paid for or on behalf of the student in 2023 for the academic period	_____
2. Less adjustments:	
a. Tax-free educational assistance received in 2023 allocable to the academic period	_____
b. Tax-free educational assistance received in 2024 (and before you file your 2023 tax return) allocable to the academic period	_____
c. Refunds of qualified education expenses paid in 2023 if the refund is received in 2023 or in 2024 before you file your 2023 tax return	_____
3. Total adjustments (add lines 2a, 2b, and 2c)	_____
4. Adjusted qualified education expenses. Subtract line 3 from line 1. If zero or less, enter -0-	_____

TREASURY/IRS
AND OMB USE
ONLY DRAFT
September 6, 2023