



# Critical Transitions for Students on SSI who Reach their 18th Birthday: Frequently Asked Questions for Teachers

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*January 2020*

## **QUESTION: Why do some students with disabilities lose their SSI when they turn 18?**

Passage of the Personal Responsibility and Work Opportunity Reconciliation Act in 1996 required that all SSI recipients who turn 18 have their eligibility reviewed as if they were applying for adult SSI for the first time, without consideration of previous disability determinations. Social Security performs this review process, called the "age-18 redetermination," because the childhood definition of disability varies greatly from the more stringent adult standard in the SSI program. Because of the way in which Social Security conducts age-18 redeterminations, a youngster can be determined ineligible for SSI benefits as an adult even though no change has occurred in medical condition or ability to function since being found eligible for childhood SSI benefits.

Social Security generally conducts the age-18 redetermination at some point during the individual's 18th year. Social Security may not initiate the redetermination any earlier than the month before an individual turns 18. Social Security sends a written notice to all individuals who will have an age 18 redetermination conducted. If the determination is favorable, the individual continues to receive SSI cash payments and Medicaid with no interruption. An individual who is determined ineligible for SSI benefits as an adult will get a written notice stating that he or she is no longer qualified to receive benefits. These individuals are entitled to receive 2 more months of payments after the date of this notice. Overpayment may occur if an ineligible individual continues to receive payments after this 2-month grace period. **The good news is that individuals found ineligible under the adult rules are not required to pay back all of the SSI payments received after the birthday month. Social Security will seek to recover only those payments received after the determination is made and the 2 grace months are over.**

## TEACHER TIP

All students who receive SSI as children will go through the age-18 redetermination process at some point during their 18<sup>th</sup> year. Very few students or family members are aware of this! You can help by providing basic information about the age-18 redetermination process to your SSI receiving students SSI during their 17<sup>th</sup> year.

## **QUESTION: Is there anything a family can do to avoid losing SSI and Medicaid if the age-18 redetermination decision isn't favorable?**

Although there's nothing a childhood SSI recipient can do to avoid the age-18 redetermination process, there is one important strategy that students, parents, and teachers can pursue to minimize the negative impact of an adverse age-18 redetermination. Disability benefit payments may continue even though the young person doesn't meet the adult definition of disability if eligibility can be established under a provision known as "Section 301". Section 301 refers to several parts of the Social Security Act that allow continued disability payments to be made to certain individuals who have medically improved (meaning they no longer meet the disability standard) under certain prescribed circumstances.

Continued payment of benefits under Section 301 requires that the individual be actively participating in an "appropriate vocational rehabilitation (VR) program" prior to the disability redetermination. This could include getting services from the State Vocational Rehabilitation (VR) Agency, working with an Employment Network (EN) through the Ticket to Work program, or even working to achieve an employment goal under an approved Plan to Achieve Self-Support (PASS). In addition, Social Security will evaluate whether the VR program would provide transferable work skills or experience so the person's vocational capability would support a decision of "not disabled". In other words, to qualify for Section 301 payments, Social Security has to determine that completing the VR program would result in the likelihood that the individual would be permanently removed from the disability rolls.

Section 301 includes some very favorable rules for transition age youth. Under the current regulations, an "appropriate VR program" may also include participation in school for students ages 18-22, as long as the student receives services under an Individualized Education Plan (IEP) or an Individualized Transition Plan (ITP). Social security defines participation in the educational program as taking part in activities or services outlined in the IEP or ITP. **In addition, under the current regulations, for students ages 18-22, Social Security simply assumes that continuation in the program of special education will increase the likelihood of permanent removal from disability rolls. This makes the "likelihood" decision a great deal easier.**

To request consideration for Section 301 status, the student and family would need to notify Social Security that the student is receiving special education services under an IEP or (ITP). It's important

to understand that Section 301 status is only a temporary continuation of benefits. SSI and Medicaid will continue only until the student stops attending school, graduates, or otherwise ceases to receive special education services under an IEP.

### **TEACHER TIP**

Students receiving special education services under an IEP or ITP have a unique advantage when it comes to the SSI age-18 redetermination. If Social Security determines that a student doesn't meet the adult disability standard, benefits (cash SSI payments and Medicaid coverage) may still be continued under Section 301 as long as the student remains in school and educational services continue to be provided under that IEP or ITP. This protection remains in place until the child turns age 22 and ages out of the special education system. **Teachers should make sure that all students and parents are aware of this special Social Security provision before the age-18 redetermination is performed.**

### **QUESTION: How can teachers assist adolescents and their families as they prepare for and subsequently go through the age-18 redetermination process?**

Teachers can take several important steps to help students with disabilities prepare for the age-18 redetermination process. The first step is simply to inform young SSI recipients and their families about the existence of the age-18 redetermination process, because most families have no idea that this process occurs or don't know how it differs from the regularly scheduled medical reviews.

Second, teachers can help by stressing the importance of planning ahead for the age-18 redetermination. Educators and other involved professionals should provide students and families with detailed, understandable information on the redetermination process during the earliest stages of transition planning; at the very least, planning should occur when the student is age 17. Specifically, teachers should discuss with families the importance of the following:

- Gathering information that contributes to the medical review under the more stringent adult disability standard, as well as contact information for various doctors, therapists, disability professionals, teachers, or others who have information to share on how the young person functions.
- Gathering information that contributes to that part of the redetermination process examining the individual's future ability to earn income through paid employment.
- Developing a contingency plan if the potential for loss of SSI benefits and Medicaid exists. Include alternative plans for meeting the young adult's anticipated support

needs for work or community living that are currently tied to SSI eligibility and receipt of Medicaid.

- Determining whether eligibility can be established for Section 301 status, in which case the student may continue to receive disability benefit payments for a limited period of time even though he or she is not found to meet the adult definition of disability. Because Section 301 status is contingent on meeting several important criteria when the redetermination is performed, it needs to be prepared for in advance.

Finally, teachers can provide information about the Social Security appeals process to students who are determined ineligible for SSI as adults. An individual who is dissatisfied with the disability redetermination under the age-18 provisions of the law will have all normal appeals provided for disability cessations. Individuals who appeal an age-18 redetermination are also permitted to retain cash benefits while the appeal is heard if the appeal request is submitted within 10 days of the notice. Students and families need to understand that if the appeal doesn't result in a favorable decision, the payments received since the date of the original determination will be subject to recovery. All those involved in the transition process should encourage youth and their families to file a formal appeal to Social Security if redetermination results in a loss of benefits. Teachers can also help in documenting additional evidence for the appeal process. For more information about the Social Security appeals process, go to [Your Right to Question a Decision Made on Your SSI Claim](http://www.ssa.gov/pubs/EN-05-11008.pdf) (<http://www.ssa.gov/pubs/EN-05-11008.pdf>).

### **TEACHER TIP**

For SSI recipients, age 17 is an important time to plan for the future. This is a good time to refer the student to the local Work Incentives Planning and Assistance (WIPA) project for counseling regarding the age-18 redetermination process and how employment will affect Social Security benefits and Medicaid. WIPA projects are funded by Social Security and are available in all U.S. states and territories. [Contact information for the local WIPA project is available at Social Security's website](http://www.chooseworkttw.net/findhelp) ([www.chooseworkttw.net/findhelp](http://www.chooseworkttw.net/findhelp)).

### **QUESTION: I have heard that going to work can cause students who get SSI to be found ineligible for SSI as an adult – is that true?**

Many young people and their families are under the mistaken impression that SSI recipients must not be working at any level when the age-18 redetermination occurs. In fact, the Substantial Gainful Activity (SGA) step of the sequential evaluation process doesn't apply to these disability redeterminations.

Normally, if a person is earning more than the current SGA amount (\$1,260 per month in 2020) Social Security will decide that he or she is ineligible for disability benefits of any kind. The good news is that this rule does NOT apply during age-18 redeterminations! This means that your students may earn more than the current SGA guideline and still be found eligible for SSI under the adult rules during the age-18 redetermination as long as they meet the disability standard and all other SSI eligibility rules.

### **TEACHER TIP**

Since the SGA determination step of the disability evaluation process is skipped during the age-18 redeterminations, there's no reason for students to hold back on paid employment until after they successfully complete this process. SSI recipients can work before, during, or after the redetermination and it will not affect eligibility for SSI as an adult! Teachers should actively encourage their students on SSI to participate in summer jobs, work experience, or vocational training programs during high school.

### **QUESTION: How likely is it that a student with disabilities will lose eligibility for SSI after the age 18 redetermination?**

Based on 2018 Social Security data, approximately 52.4.5% of all childhood SSI recipients are initially determined ineligible for adult SSI during the age-18 redetermination (From the [2019 SSI Annual Report](https://www.ssa.gov/OACT/ssir/SSI19/V_D_Redet_CDRdata.html#389380) at [https://www.ssa.gov/OACT/ssir/SSI19/V\\_D\\_Redet\\_CDRdata.html#389380](https://www.ssa.gov/OACT/ssir/SSI19/V_D_Redet_CDRdata.html#389380)). It's important to understand, however, that not all childhood SSI recipients are at risk of losing SSI eligibility during the age-18 redetermination process. Youth with the most severe disabilities are most likely to meet the more stringent adult disability criteria and should have little to fear from the redetermination process.

Unfortunately, the age-18 redetermination process affects some disabilities more than others. For example, students with certain behavioral and/or learning disabilities tend to be more likely *not* to meet the adult disability standard than youth with other disabilities. In addition, students who were required to appeal their initial SSI medical determination to be awarded benefits as children may be at greater risk during redetermination because they struggled to meet even the less stringent child's standard. Finally, youngsters who have experienced an improvement in their medical condition since their last continuing disability review may also be at risk of an adverse redetermination.

### **TEACHER TIP**

There is no guarantee that all of your students with disabilities will continue to be eligible for SSI as adults once they turn 18. It's critically important for students to prepare for employment by developing job skills and getting work experience while they are still in school. Students may receive assistance with preparing for employment from the State Vocational Rehabilitation (VR) Agency. Be sure that you are connecting students with VR at the earliest point possible. Teachers

can also help students and families understand that the most reliable pathway to financial stability in the future is through paid employment!

**QUESTION: Why is it that some students who were unable to get SSI when they were children are able to get SSI when they turn 18?**

Children with severe disabilities are often initially denied SSI due to excess countable income and/or resources (typically deemed income or resources from the parents). Once an SSI recipient turns 18, however, Social Security no longer considers the parents' income and resources when making eligibility determinations in the SSI program. At this point, Social Security only considers the income and resources of the SSI recipient. In most cases, young SSI recipients have little or no income and generally have few if any countable resources.

**TEACHER TIP**

Special educators should encourage students who were unable to establish eligibility for SSI as children due to excess income and/or resources to apply again once they turn 18. Establishing eligibility for SSI can help ease the transition to adulthood by providing income and Medicaid coverage while the student develops self-sustaining job skills. In addition, the SSI program includes several work incentive provisions that encourage paid employment. SSI recipients always come out ahead financially by working!

**QUESTION: Why do some students with disabilities start out getting SSI and then get switched to another Social Security benefit?**

SSI recipients and their families tend to think that once eligibility for SSI is established, it will continue indefinitely. In fact, Social Security makes eligibility determinations in the SSI program on a month-by-month basis, and eligibility can stop at any time if the student fails to meet all of the criteria. One of the most common reasons why SSI eligibility is lost is that the student becomes eligible for another form of Social Security benefits and the monthly payment is high enough to preclude eligibility for SSI.

Because the SSI program is always considered to be the payer of last resort, individuals are required to apply for any other benefit for which they might be eligible. When some students turn 18, they establish eligibility for another type of Social Security disability benefit called "Childhood Disability Benefits" or CDB. CDB is provided to disabled individuals who are at least 18, became disabled per Social Security's definition prior to the age of 22, and who have a parent with insured status who either is deceased, or is disabled or retired and collecting Social Security benefits. If the young person is potentially eligible for CDB payments, Social Security requires him or her to apply for this benefit. If the monthly CDB payment is over a prescribed limit, SSI eligibility will be lost. It's

important to note, however, that special protections are afforded to people who lose SSI due to establishing eligibility for CDB payments: Medicaid is not automatically lost when SSI cash payments cease.

### **TEACHER TIP**

Students who are under age 18 and receiving Social Security child's benefits will need to apply and be found eligible for CDB when they turn 18 to continue receiving Social Security benefits long term. Remember that child's benefits are not based on disability; they are paid because the child is a dependent of an insured worker who is now either deceased, or disabled or retired and collecting Social Security benefits. To collect CDB payments, the youth must go through the Social Security disability determination process and meet Social Security's adult disability standard. Just because a student receives child's benefits and happens to have a disability does not mean that benefits are automatically converted to CDB payments when the child turns age 18.

For more information about critical transitions for SSI recipients who are turning 18, or other benefits issues related to employment, contact the local Work Incentives Planning and Assistance (WIPA) Project. [Contact information for the local WIPA project is available at Social Security's website](http://www.chooseworkttw.net/findhelp) (www.chooseworkttw.net/findhelp).

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## QUICK REFERENCE CHART

Comparison of the Types of Social Security Benefits

### Transition Age Youth Receive

Supplemental Security Income (SSI)	Child's Benefits	Childhood Disability Benefits (CDB)
Eligibility based on disability, blindness, or being over age 65. Other eligibility factors include income and resource limits and certain citizenship requirements.	Eligibility based on age, dependency, and parental relationship with an insured former worker who is now deceased, disabled, or retired and collecting Social Security benefits.	Eligibility based on disability or blindness and parental relationship to an insured former worker who is now deceased, disabled, or retired and collecting Social Security benefits.
Two different definitions of disability. The definition for children under age 18 only applies to the SSI program. The definition of disability for individuals age 18 and older is the same as for all other Social Security disability programs.	The child's disability (or lack thereof) is not a factor in eligibility for child's benefits. Child's benefits are provided to any eligible child regardless of disability status.	Only one definition of disability applies in this program—the standard definition used by all Social Security disability programs for adults.
SSI is available to any otherwise eligible individual regardless of age. There is no minimum or maximum age limit.	Child's benefits may only be received until the child turns 18 or ceases participation in secondary school. It's possible to receive child's benefits up to a maximum age of 19 years 2 months if the child remains in secondary education.	Individuals must be at least 18 to qualify for CDB. In addition, the individual must have become disabled per Social Security's definition prior to age 22.



Supplemental Security Income (SSI)	Child’s Benefits	Childhood Disability Benefits (CDB)
<p>Eligibility for SSI is a “means-tested” program. Strict limits are placed on earned income, unearned income, and resources. Parental income and resources also count when eligibility determinations are made for children under 18. Parental income also is considered when Social Security calculates the amount of the monthly SSI payment.</p>	<p>Child's benefits are not means-tested so unearned income and resources are not considered in any way. Earned income is a factor and may cause a reduction in cash payments based on the Annual Earnings Test (AET) rules.</p>	<p>CDB is not means-tested so unearned income and resources are not considered in any way. Earned income is a factor. Employment that Social Security determines to represent Substantial Gainful Activity (SGA) will cause ineligibility for CDB.</p>
<p>In most states, establishing eligibility for SSI leads to automatic eligibility for Medicaid. There are 12 states (referred to as 209b states) in which this is not the case.</p> <p><b>NOTE to WIPA Project: This section may be customized to reflect state variance in Medicaid eligibility.</b></p>	<p>Child's benefits don’t come with either Medicaid or Medicare coverage.</p>	<p>Eligibility for CDB will lead to Medicare coverage once the 24-month Medicare Qualifying Period (MQP) has been served. The earliest that Medicare coverage could begin would be the month a beneficiary turns age 20.</p>
<p>Monthly payment amounts will vary from \$1 up to the annual Federal Benefit Rate (FBR). The FBR in 2015 is \$733 per month. Some states supplement the FBR using state funds.</p> <p><b>NOTE to WIPA Project: This section may be customized if a State Supplement is provided.</b></p>	<p>Monthly payment amounts are based on the insured worker’s past earnings as well as how many other family members are collecting a benefit from the same insured worker.</p>	<p>Monthly payment amounts are based on the insured worker’s past earnings as well as how many other family members are collecting a benefit from the same insured worker.</p>

Supplemental Security Income (SSI)	Child's Benefits	Childhood Disability Benefits (CDB)
<p>Marriage may affect both SSI eligibility and the monthly benefit amount. Spousal Income and resources are considered in these determinations.</p>	<p>Marriage may cause ineligibility for child's benefits.</p>	<p>Marriage may cause ineligibility for CDB (some exceptions).</p>