

505.5 General

This chapter includes the current procedure for full-time student (FTS) benefits. Refer to Appendix E for a description of the provisions in effect prior to August 1982.

505.5.1 Definition of Employee's Student Child

The term "child" means the employee's natural child, adopted child, dependent stepchild or, under certain conditions, grandchild whose parents are deceased or disabled. This definition is the same as the definition of "child" under the Social Security Act (SS Act). Children age 18-19 qualify as students if they are in full-time attendance at elementary or secondary schools, as explained in FOM-I-505.5.3.

505.5.2 Student Must Be Unmarried

To qualify as an FTS, the child must be unmarried. See FOM-I-420.10.2 if the child has ever been married.

505.5.3 Full-Time Student Defined

Under the Railroad Retirement Act (RRA), children qualify as full-time students if they are age 18 through age 19 and in full-time attendance at an elementary or secondary school. For RRA purposes, students are generally considered to be in full-time attendance if the program is at least 13 weeks duration and is in accordance with the law of the State or other jurisdiction in which they reside. This includes:

- A. Enrollment in a public, private or religious elementary or secondary school course at least 13 weeks duration with minimum attendance of 20 hours per week; or,
- B. Enrollment in an independent study elementary or secondary education program administered by the school district in which the student resides; or,
- C. Home school elementary or secondary education in accordance with the standards and practices for home schooling in the State or other jurisdiction in which the student resides. This should be at least 20 hours a week in a course of study lasting at least 13 weeks.
- D. On-Line study that is in accordance with the standards in the State in which the student lives. The on-line study must be at least 13 week duration with a minimum of 20 hour per week study.

A child cannot be entitled as a student if the child's employer asks or requires the child to attend school and pays the child for doing so.

A child can meet the definition of an FTS for some months in and after age 19 is attained. See FOM-I-535.10.3 for details.

505.5.4 What is required for payment of student benefits

An eligible child of the employee can be included as a student in the Retirement O/M computation when the Retirement O/M rate applies (see FOM-I-325.40 and FOM-I-325.45) and the employee completes the required forms and submits any evidence requested by the RRB.

An eligible child of the deceased employee is entitled to a survivor student annuity upon applying therefore, and submitting any evidence requested by the RRB, as explained in FOM-I-510.5.

The RRB field office should assist the applicant/annuitant to the extent possible. However, the burden of proof is on the applicant/annuitant.

505.5.5 One Application Concept

An application for a child's annuity filed by, or on behalf of, a minor child protects the child's rights to an RRB annuity as a disabled or student child when they attain age 18, provided there is no break in entitlement between the minor child annuity and the full-time student or disabled child annuity.

- A. If a child is disabled before age 18, they to need only submit an informational supplement (Form AA-19a) and furnish the RRB with evidence of disability in order to receive their child disability benefits at age 18.
- B. If a child is in an elementary or high school students at an educational institution in the month they attain age 18, need only submit a Form G-315 and furnish the RRB with verification of their full-time attendance in order to receive student benefits at age 18.
- C. Children who are elementary or high school students in home schooling in the month they attain age 18, need only submit a Form G-315 and furnish the RRB with documentation of the home schooling described in FOM1 525.10.2 in order to receive their student benefits at age 18.

505.5.6 Special Retroactivity Provisions For Students

Payments to the child will end with the month before the month that the children attained age 18 if the RRB does not receive evidence that they are full-time students. Provided the required proofs are submitted within 12 months of the month the child attained age 18, annuity payments may be reinstated from the month the child attained age 18.

EXAMPLE: Roger attained age 18 in 9-2008 and his child's annuity payments ended as of 8-31-2008. Roger was attending Central Catholic High School full-time but he failed to submit proof to the RRB of his status. He continued attending school full-time and filed a G-315 on 3-29-2009. Since he was in verified full-time attendance in 9-2008, the month he attained age 18, a new AA-19 application was not required to continue his entitlement. His annuity can be reinstated retroactive to 9-1-2008.

505.5.7 Payee for Student

Students are normally considered legally competent adults. All development will be with the students and payments will be made directly to them.

505.15 Paid Students

505.15.1 Part-Time Jobs

Students who work part-time in a business while going to school and receiving pay for actual work done (e.g., working part-time in a business establishment and being paid by the hour) are considered Full-Time Student. This is true even though the employer hires only students of a particular school, or students taking a particular type of course, for a particular job. However, the usual work deductions are applicable.

505.15.2 Work-study programs

A student registered in a work-study program is a FTS as long as the Educational Institution (EI) considers the student to be in FTA. A student in such a program is considered to be in FTA while he is working at a job assigned to or obtained for him by the school, as an integral part of his instruction. In these cases, work deductions are applicable.

505.15.3 Work Incentive Program (WIN)

AFDC (Aid to Families with Dependent Children) recipients who enroll in the Work Incentive Program may receive a monthly incentive payment. They are not employees of the Federal government. They may meet the definition of an FTS if their training for employment requires full-time attendance at an EI.

505.15.4 High School ROTC programs

No allowances are made under a high school ROTC program. The participant is not on active duty and is not an employee of the Armed Forces while attending school. Therefore, the participant is included in the definition of an FTS.

Persons enrolled in the Job Corps are excluded from the definition of a FTS. This is true even if they are attending school under this program. They are deemed to be employees of the Federal government.

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505.15.6 Other Economic and Human Development Programs

The most recent major piece of job training legislation enacted by Congress was the Workforce Investment Act (WIA), which was enacted in 1998. WIA consolidated a number of Labor Department job training programs and created one-stop-centers in every state to help job seekers negotiate their way through the system of federal job training programs.

Students attending an EI under these programs are excluded from the definition of a FTS if an employee-employer relationship exists and the student is paid by his employer for attending school.