

## 510.5 Educational Institution (EI)

### 510.5.1 Definition of an Educational Institution (EI)

An Educational Institution (EI) is defined as a school which provides elementary or secondary education, respectively, as determined under the law of the state or other jurisdiction in which it is located. Accordingly, if the applicable jurisdiction has determined that the school provides a secondary level or below education, then that school is an EI.

Almost all secondary schools in the 50 states, the District of Columbia, Canada, Puerto Rico, the U.S. Virgin Islands and America Samoa are EIs, as are those secondary schools operated by the Department of Defense. Unless there is evidence to the contrary, schools such as high schools, junior high schools, middle schools, preparatory schools and elementary schools can be assumed to be EIs.

Accept any elementary and most high school or secondary schools in Canada as EIs. Although Canadian high schools are considered educational institutions, attendance beyond the 12th grade level (13th grade-college prep) is considered to be post-secondary FTA.

Certain post-secondary type schools might qualify as secondary schools if they meet the definition stated above. However, FTA at such post-secondary schools would be determined without consideration for courses taken beyond the 12th grade level as outlined in [FOM-I-515.10.3](#).

Home schooling, although not conducted in an EI, is usually done with the approval of the school district that has jurisdiction of the area in which the home schooling is done. See [FOM-I-510.5.3](#).

### 510.5.2 Qualifying Secondary Schools

A secondary school, trade or vocational school is an EI if it meets one of the following three requirements:

- A. Public School - A public school in the U.S. (including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, or American Samoa), or an elementary or secondary school operated by the Department of Defense is always “accredited.”
- B. Accredited or State Approved School - A non-public school must be approved by a state or accredited by a state-recognized accrediting agency. A state-recognized accrediting agency is one designated or recognized by a state as proper authority for accrediting a school meeting educational standards. Accreditation of a subdivision of an institution is considered to extend to the institution as a whole.

Approval can be granted by a state agency or by a local governmental unit and may take many forms.

For example:

- Attendance at the school meets the state's compulsory attendance provisions.
- The school is approved or licensed as a school by a state agency (e.g., a board of education, a board of barber examiners, a board of cosmetology, etc.). A license granted by a health department based on meeting health standards and not standards as a school is not enough, nor is an ordinary business license sufficient.
- A state agency approved the school, or courses at the school for vocational rehabilitation purposes or for VA purposes. If this test is met, the school qualifies as an EI and a student may qualify even if he takes a different course at the school.
- The school has been granted a state or local governmental exemption from taxes as a school.

A good place to find the legal requirements about accredited or state approved non-public schools for your field office service area is the state government web page.

For example: <https://www.isbe.net/> lists the non-public high schools recognized by the State of Illinois.

If nothing is available online, develop the information from the state by telephone.

- C. A School Whose Credits are Accepted by Other Schools - A school whose credits are accepted, on transfer, by not less than three institutions which have been accredited by a state or nationally recognized accrediting agency, for credit on the same basis as if transferred from an accredited institution. This includes credits transferred laterally between similar schools, the acceptance of high school credits for college entrance, admission of students to advanced standing at the accredited school based on courses completed at the school in question, etc.

### **510.5.3 Documentation Required for Home School**

The documentation required for home school is based on the laws of the state in which the student resides. A good place to find the legal requirements regarding home schooling for your field office service area is the state government web page; in the "Search" box on the state's Home Page type in "home school." Any home school documentation available online for that state should be listed. If nothing is available online, develop the information from the state by telephone.

In some states, home schools are referred to as “exempt schools” and are considered non-approved or non-accredited schools. By filing for exempt status, parents are electing not to meet State approval or accreditation requirements and are complying with the compulsory school attendance law. However, to qualify for RRB benefits, the student must meet the attendance requirements in [FOM-I-505.5.3](#). This must be in a course of study at least 20 hours a week lasting at least 13 weeks.

Most of the documentation needed for the child should already have been assembled by the home school teacher for approval by the school district. Request the home school teacher to provide a copy of the required documentation for RRB records. Forward the G-315H to Headquarters for denial or termination of student benefits.

<b>Documentation</b>	<b>When Required</b>
<p>A written notice to the superintendent of the school district, including:</p> <ul style="list-style-type: none"> <li>• name, age, and grade level of the student,</li> <li>• the address at which the instruction is done,</li> <li>• the source of instruction materials,</li> <li>• the basic core curriculum,</li> <li>• the proposed schedule; and,</li> <li>• the credentials of the teacher.</li> </ul>	<p>Always. If the state law does not require such a letter, we still prefer that a letter be sent to help the RRB adjudication of the student benefit. Request the home school teacher to write the letter and send it to the superintendent of the school district, with a cc: to the RRB.</p>
<p>Written approval of the home schooling by the superintendent of the school district in which the student resides.</p>	<p>Always. We prefer to always have a copy of this letter for each school year. If the school does not provide such a letter, please explain that in a short memorandum to RBD or SBD.</p>
<p>Maintenance of attendance records for the school year.</p>	<p>Always. If the state law does not require these records, they should still be maintained for the RRB. These records should be kept up-to-date and reviewed as part of the student benefit monitoring.</p>
<p>Use of nationally recognized standardized achievement tests (including reading,</p>	<p>Should be planned, but results may not be available at initial entitlement. These records should</p>

mathematics, language arts, science and social studies) by the end of the school year.	be updated, as available, when the student benefit is monitored.
Visits to the site of the home schooling by the Home school Evaluator.	Should be planned, but results may not be available at initial entitlement. These records should be updated when the student benefit is monitored.
A teacher with at least a high school diploma.	Required by most states, but not all states.
Instruction for the General Educational Development (GED) test for a high school equivalency diploma.	Should be planned if the student is studying at the 12 <sup>th</sup> grade level.

#### 510.5.4 Determining Whether A School Is An Educational Institution

- A. Domestic Schools - Unless there is reason to believe otherwise, assume that any high school, junior high school or elementary school in the 50 states, the District of Columbia, Canada, Puerto Rico, the U.S. Virgin Islands and America Samoa is approved by a state as either a public or private secondary school. The field office will indicate on the AA-19 or G-315 if the school is approved by a state.
- B. Home Schools - The documentation requested in [FOM1 525.10.2](#) should be sufficient to determine if the home schooling is actually elementary or secondary level of education. Refer any questionable cases to P&S -RAC.
- C. School in Foreign Countries - If a school in a foreign country meets the definition of an educational institution; it is determined to be an educational institution. See Appendix B.)(See [Appendix B](#))

#### 510.10 Confinement Institutions as EIs

Since these institutions are agencies of the U.S. or the states, "schools" operated by the institutions are Educational Institutions (EIs).

##### 510.10.1 Confinement Facility

A confinement facility is a school and an EI with respect to a program of instruction, if:

- A. The program is conducted by the State Department of Education; or
- B. The State Department of Education grants diplomas or certificates, or recognizes diplomas or certificates granted by the institution upon completion of the course; or

- C. Other schools in the state's public school system grant credit toward graduation for work completed in the program; or
- D. The institution:
1. Maintains a program which is directed toward a specific educational objective (e.g., the granting of a diploma or certificate); and
  2. Employs teachers holding state teaching certificates or has personnel who were hired or assigned solely or primarily to teach; and
  3. Uses formal teaching materials and facilities.

### **510.10.2 Effect of Confinement**

O/M benefits are suspended or Tier 1 benefits are converted to all Non-Social Security Equivalent Benefit (NSSEB) effective with the month (including any part of the month) the beneficiary has been convicted of a criminal offense is confined in an institution at public expense for more than 30 continuous days or is one of the categories of individuals defined in [FOM1 150](#).

### **510.15 Foreign Educational Institutions**

The criteria for determining whether or not a foreign school is an educational institution is the same as for domestic schools.

A foreign educational institution (EI) school is defined as one which is:

- Outside the 50 states and the District of Columbia; and
- Not operated by the U.S. Government or a domestic school.

An EI in the Virgin Islands, the Commonwealth of Puerto Rico, Guam and American Samoa are considered to be foreign schools because they are not in any RRB field office's territory.

Students attending any EI operated abroad by the U.S. Government are considered to be attending a domestic EI.

Students attending foreign EI under programs sponsored by domestic EI (e.g., Junior Year Abroad programs) are considered to be attending the domestic EI which is sponsoring the program.

The basic difference in handling foreign student cases involves the use of SSA's foreign student forms. The procedure for their usage is contained in the following sections. Each case must be handled on its own merit.

### 510.15.1 Canadian Schools and Mexican Schools

Canadian schools and Mexican schools are educational institutions if the conditions in [FOM-I-510.5.1](#) are met. The RRB field office closest to the Canadian school or Mexican school develops the forms and proofs required for the students. Guidelines are provided in [Appendix A](#).

### 510.15.2 Foreign Schools Outside of Canada and Mexico

- A. Program Sponsored by Domestic EI - If the student is attending an EI in a foreign country under a program sponsored by a domestic EI (e.g., Junior Year Abroad programs), develop the FTA through the domestic EI.
- B. Program Not Sponsored by Domestic EI - If the student is attending a foreign EI with no sponsorship by a domestic EI, refer the case to the adjudication unit in Headquarters. Do not attempt to develop more than an annuity application, Form G-315/Form G-320 and proofs from the beneficiary or any other source. Examiners will control the case as long as the student is in attendance at a foreign school.
- C. Home schooling - Do not attempt to develop home schooling from foreign students. Refer the case to Headquarters.

### 510.15.3 Verifying EI Status And FTA In Foreign Cases

In all cases in which a foreign student is involved the EI status and FTA must be verified. This can be done using Form SSA-1371-BK- FC. Follow the instructions below:

- A. Release of the Form - Always release a typed Form SSA-1371-BK-FC to verify the EI status and FTA for every foreign student case. Complete the identifying data. In the block labeled "Social Security Claim Number" line out "Social Security" and type in the RRB claim number. In the block labeled "Attendance" type the dates for the period of attendance to be verified.
- B. Action Upon Receipt of a Completed Form SSA-1371-BK-FC - Examine the form for proper completion, then make an EI determination.
- C. Once a school is determined to be an EI, determine if FTA can be established. For all schools, FTA can be established only if the student is scheduled to attend classes for at least 20 hours per week.
- D. Tracing Action - If either the Form SSA-1371- BK-FC or an acceptable statement from the school is received within 45 days from the date the SSA-1371-BK-FC was released, trace the form through the Foreign Service post nearest the school. At the same time advise the employee by letter that unless the school returns a completed SSA-1371- BK -FC or an acceptable statement within the next 45 days, a decision will be made based on the evidence in file. Failure of

the school to complete the SSA-1371- BK -FC will be considered as failure to establish FTA.

NOTE: See SSA POMS for the SSA-1371-BK-FC form and instructions.