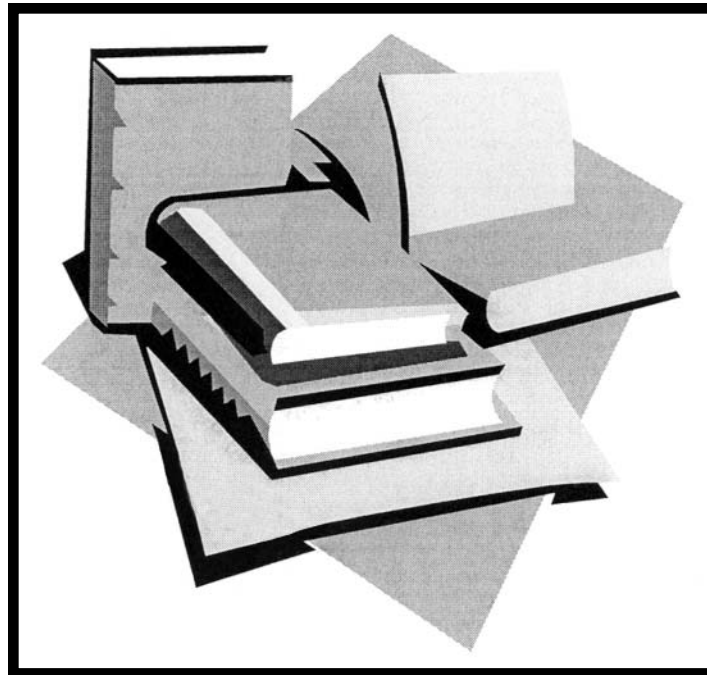


For Use With
Form G-315 and G-320

RAILROAD RETIREMENT BENEFITS FOR STUDENTS

AGE 18-19 AND IN ELEMENTARY
OR SECONDARY SCHOOL



United States of America
Railroad Retirement Board

Visit our Web site at www.rrb.gov

Form G-316 (03-09)

OVERVIEW

Background

This booklet contains important information regarding student benefits under the Railroad Retirement Act (RRA). We recommend that you read this booklet before you start filling out your statements. It contains information that you will need to know to complete your statements properly.

Why This Is Important

This booklet contains information concerning student benefits that is important to you not only before you file your statements, but also after you file your statements. The student benefits are monitored in September, March and at the end of the student entitlement. Therefore, we suggest that you keep it handy for future reference.

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References

The RRB has other booklets that can provide additional information:

Special Guaranty Computation	Survivor Annuity
Booklet G-179 <i>Special Guaranty In Employee And Spouse Annuities</i>	Booklet RB-17 <i>Survivor Annuities</i>
Form G-77a <i>How Work Affects Your Railroad Retirement Benefits</i>	Form G-77 <i>How Earnings Affect Payment of Survivor Annuities</i>

Part I

Requirements For Student Benefits

Employee's Student Child

The term "child" means the employee's unmarried natural child, adopted child, dependent stepchild, or, under certain conditions, grandchild whose parents are deceased or disabled. A child age 18-19 qualifies as a student if in full-time attendance at an elementary or secondary school.

Unmarried Student

Students must be "unmarried." They are unmarried if:

1. They have never been married; or,
2. They were married before the student benefit became payable, and that marriage ended by death, divorce, or annulment.

Full-Time Student

For Railroad Retirement Act (RRA) purposes, a student is generally considered to be in full-time attendance while in an elementary or secondary school course of at least 13 weeks duration with a minimum attendance of 20 hours per week. The program must be in accordance with the law of the State or other jurisdiction in which the student resides. This includes enrollment in:

1. A public, private, or religious educational institution;
2. An independent study program administered by the school district in which the student resides; or,
3. An elementary or secondary home school education.

Home Schooling

The Railroad Retirement Board follows the laws of the state or other jurisdiction in which the student resides. Form G-315H, *Checklist for Documentation Needed for Student Age 18-19 in Home Schooling*, lists the items that most states require for home schooling. These include:

1. A written notice to the superintendent of the school district, including the name, age, and grade level of the student, the address at which the instruction is done, the source of instruction materials, the basic core curriculum, the proposed schedule, and the credentials of the teacher;
2. Approval of the home schooling by the superintendent of the school district in which the student resides;
3. A teacher with at least a high school diploma;
4. Maintenance of home school attendance records for the school year; and,
5. Use of nationally recognized standardized achievement tests (including reading, mathematics, language arts, science and social studies) by the end of the school year.

Vacation Period

A student is considered to be in "deemed" full-time attendance during vacation, or certain other periods of non-attendance, if:

1. The period does not exceed four months;
2. The period was preceded by full-time attendance at a qualified school; and,
3. The student intends to return to school on a full-time basis at the end of the period.

Month Of Graduation

If a student ceases full time attendance (FTA) in a month and returns to school in the following month to attend graduation ceremonies, the student will be considered in FTA for the month of graduation.

However, if there is an interval of one or more calendar months between the cessation of FTA and graduation, the student is not entitled after the month FTA ceases.

Age 19 Attainment

If students complete graduation requirements and attain age 19 in the same month, they are in FTA that month. If students then participate in their

graduation ceremonies in the following month, the students would also be in FTA in the month of graduation.

If students have not completed their requirements for high school diplomas or equivalent certificates, their student benefits normally end the first day of the month in which they attain age 19.

An exception is made for students who are in **actual** full-time attendance in the month of attainment of age 19. If the students are in actual full-time attendance, they will be "deemed not to have attained age 19" until the earlier of the first day of the first month following completion of the course or the first day of the third month following the month in which the students attained age 19.

Note: The exception does not apply to students who attain age 19 during the months of summer vacation. If the students attain age 19 during the summer vacation months, their student benefits end the first day of the month in which they attain age 19.

Part II

Student Benefit In A Special Guaranty Case

Employee's Special Guaranty Increase

The *Special Guaranty* provision of the Railroad Retirement Act (RRA) states that the total monthly benefits payable (excluding a supplemental annuity) to the employee's family will not be less than the monthly amount which would have been payable under the Social Security Act (SS Act) if the railroad employment had been covered under the SS Act.

When A Student Can Be Included

A student can be included in the family group if the *Special Guaranty* rate exceeds the regular railroad retirement rate in the month the child becomes entitled as a student. Otherwise, a student benefit is not payable in a retirement case.

Forms Needed To Include A Student In The Family Group

The following forms are available at the RRB field office nearest you to develop the information needed to include the student in the family group:

1. Form G-319, *Statement Regarding Family and Earnings for the Special Guaranty Computation* is required from the employee to provide information about the child's relationship to the employee.
2. Form G-320, *Student Questionnaire for Special Guaranty Computation* is required from the employee to obtain current information about the school attendance.

Independent Study And Home Schooling

1. If a student is enrolled at an educational institution for less than 20 hours per week, but participates in the school's independent study program, provide documentation from the school recognizing and providing credits for the independent study.
2. The RRB requires the documentation listed in Part I, for home schooling cases.

One Application Concept For Special Guaranty

A Form G-319 *Statement Regarding Family and Earnings for the Special Guaranty Computation* including minor children protects their rights to student benefits when they attain age 18, provided there is no break in entitlement between the month they attain age 18 and the month they become entitled as full-time students.

Employees who have children in elementary or high school at educational institutions, or in home schooling, in the month their children attain age 18, need only submit Form G-320 *Student Questionnaire for Special Guaranty Computation* to furnish the RRB with verification of the full-time school attendance in order to include the students in the *Special Guaranty* at age 18. The RRB also requires the documentation listed in Part I for home schooling cases.

A new Form G-319 is not needed.

How A Student Benefit Is Paid

The benefits are not paid directly to the student. If both the employee and the spouse are entitled to railroad retirement annuities, the amount of the total family benefit is divided between the employee and spouse annuities. The employee receives 2/3 of the family total (excluding any divorce spouse) as the employee monthly annuity rate. The spouse receives 1/3 of the family total (excluding any divorced spouse) as the spouse monthly annuity rate.

If there is no spouse annuitant, the total family *Special Guaranty* rate (excluding any divorced spouse) is paid to the employee as the employee monthly annuity rate.

When The Special Guaranty Is No Longer Payable

The *Special Guaranty* is not payable when the employee annuity is not payable.

Also, the *Special Guaranty* may no longer be payable when an event, which terminates the entitlement of a family member, causes the regular railroad formula rate to exceed the *Special Guaranty* rate. The student events are listed in Part IV of this booklet.

When the *Special Guaranty* ends, student benefits are no longer payable in retirement cases.

Part III Student Survivor Annuity

Student Survivor Annuity

Student annuities are payable when the students, or their representatives, file survivor annuity applications and the students meet the requirements in Part I.

Forms Needed To Qualify For A Student Survivor Annuity

The following are available at the RRB field office nearest you to develop the information needed for the student annuity:

1. An *Application for Child's Annuity* obtains information concerning a student's relationship to the employee. This form can be filed through an RRB field office on *Application Express* (APPLE).
2. Form G-315, *Student Questionnaire* is required to obtain the dates of school attendance and verification of the school attendance from the school official.

Independent Study And Home Schooling

If a student is enrolled at an educational institution for less than 20 hours per week, but participates in the school's independent study program, you need to provide documentation from the school recognizing and providing credits for the independent study. The RRB requires the documentation listed in Part I for home schooling cases.

One Application Concept For A Survivor Annuity

Benefits for minor children or students in the retirement *Special Guaranty* computation do not convert to survivor annuities upon the death of the employee. A survivor application for a child's annuity is required.

Otherwise, an application for children's annuities filed by, or on behalf of, minor children protects their rights to student annuities when they attain age 18, provided there is no break in entitlement

between the month they attain age 18 and the month they become entitled as full-time students. A new application for a child's annuity is not needed.

Children who are elementary or high school students at educational institutions, or in home schooling, in the month they attain age 18, need only submit Form G-315 *Student Questionnaire* to furnish the RRB with verification of their full-time attendance in order to receive student benefits at age 18. The RRB also requires the documentation listed in Part I for home schooling cases.

How A Student Survivor Annuity Is Paid

When possible, the student annuity payments are deposited directly into the annuitant's checking or savings account at a financial institution. Therefore, bring one of the student's checks with you when you file for benefits. This will allow the field office representative to enter the information in our payment system and tell the student when the direct deposit will take effect.

After a student application is processed, the first student payment will include all back payments that are due. This payment may be received at any time during the month. Payments issued after the first payment will be paid on the first business day of each month. The payment made at the beginning of the month actually represents the annuity due for the previous month.

Part IV Events That Affect A Student's Entitlement

Social Security Benefits Or Other Railroad Retirement Annuities

Social security benefits or other railroad retirement annuities will reduce the student's benefit.

1. In *Special Guaranty* cases, any social security benefits or other railroad retirement benefits that any student receives, on the employee's earnings record or on someone else's earnings record, are deducted from the increase to the employee's annuity based on the student benefit; or,
2. In survivor cases, the receipt of social security benefits on a different claim number reduces the student Tier 1 benefits. If the student is entitled to more than one RRB survivor annuity, only the higher of the two annuities is payable.

Payments From Employers

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.

Annual Earnings Exempt Amount

Earnings from nonrailroad employment can affect student benefits. The term *Annual Earnings Exempt Amount* means the yearly amount of money a student can earn from nonrailroad employment without losing railroad retirement benefits. (Note: This is the same as the *Annual Earnings Exempt Amount* for an employee and a survivor annuitant who has not attained their full retirement age and will not attain their full retirement age in that year.)

Nonrailroad Earnings In A Special Guaranty Case

When the employee's annuity is based on age and the employee has earnings over the *Annual Earnings Exempt Amount* for the employee's age group, the excess is charged against the employee benefit and the benefits

of all others included in the family group. Refer to Form G-77a, *How Work Affects Your Railroad Retirement Benefits*, for current *Annual Earnings Exempt Amounts*.

If a student has earnings over the *Annual Earnings Exempt Amount*, the excess is charged against the amount that the student benefit increases the *Special Guaranty* rate only. A student will lose up to \$1 in benefits for every \$2 of earnings over the *Annual Earnings Exempt Amount*. In some cases, the reduction for earnings for one family member is offset by an increase to the *Special Guaranty* benefit computed for other family members.

If a student works outside the United States for 45 or more hours in a month and does not pay Federal Insurance Contribution Act (FICA) or Self-Employment Contributions Act (SECA) taxes for this work, the student's benefit will be reduced, regardless of the amount of money earned.

Nonrailroad Earnings In A Survivor Annuity

If students have earnings over their *Annual Earnings Exempt Amount*, the excess is charged against the students' annuities. Students will lose up to \$1 in benefits for every \$2 of earnings over their *Annual Earnings Exempt Amount*. The reduction for earnings for students does not create an increase to the railroad retirement annuities computed for other family members. Refer to Form G-77, *How Earnings Affect Payment of Survivor Annuities* for current *Annual Earnings Exempt Amounts*.

If a student works outside the United States for 45 or more hours in a month and does not pay FICA or SECA taxes for this work, the student's annuity will be reduced, regardless of the amount of money earned.

Railroad Earnings In A Special Guaranty Case

A student who is working for a railroad may be included in the family group for the *Special Guaranty* rate, provided all other entitlement requirements are met. When determining student earnings over the *Annual Earnings Exempt Amount* from nonrailroad employment, also include the student's railroad compensation.

Railroad Earnings In A Survivor Annuity

Students cannot be paid survivor annuities for any month in which they work for a railroad or other employer in the railroad industry.

Stepchild Dependency

Student benefits for the *Special Guaranty* rate ends if a stepchild is no longer dependent on the employee.

Terminating Events

Student benefits end when the student marries, dies, or enters active military service.

Imprisonment Or Confinement Due To A Conviction For A Criminal Offense

The amount of student benefits may be affected if the student is imprisoned or under a sentence of confinement due to a conviction for a criminal offense.

A crime is a criminal offense if it is considered to be a criminal offense under applicable law. Most states define certain crimes as criminal offenses. However, some states and foreign countries do not classify crimes as criminal offenses. If a crime has not been classified as a criminal offense, it is still considered to be a criminal offense if it is a crime punishable by death or imprisonment for more than one year.

To be imprisoned or under a sentence of confinement means confinement to a jail, prison or other penal institution or correctional facility. This includes any facility, which is under the control and jurisdiction of a penal system, or any facility in which a person may be confined. This also includes hospitals, institutions and halfway houses, which are used as places of confinement. Persons under sentence of confinement to any of these facilities are considered confined even though they may go outside the facility to work, attend school or for some other reason.

Prisoners who are released on parole or because their sentence has ended, been suspended or overturned are no longer considered to be confined or imprisoned.

Monitoring Student Entitlement

During the year of student entitlement, student monitoring is scheduled for September, March, and when entitlement ends. The RRB field office nearest you releases a monitoring Form G-315 *Student Questionnaire*, or monitoring Form G-320 *Student Questionnaire for Special Guaranty Computation*, to obtain current full-time school attendance information. This information must be sent to the RRB within 30 days of receipt of the monitoring form. Failure to do so may create an overpayment of student benefits.

For home schooling, updated documentation, such as current attendance records, updated course of studies, current test scores and current evaluations should also be included.

Part V Events That Must Be Reported To The RRB

Change In School Attendance

Students must notify the nearest office of the RRB immediately when any of the following events occur:

1. Students change schools;
2. Students complete the requirements for a secondary school diploma;
3. Students reduce school attendance to less than full-time or less than 20 hours per week;
4. Students stop attending school and do not intend to resume full-time attendance within the next four months; or
5. Students start attending school that will be paid for by an employer.

Other Events To Be Reported

Notify the nearest office of the RRB if the students:

1. Marry, die, are adopted, or enter military service;
2. Are stepchildren in a *Special Guaranty* rate case who are no longer dependent upon the employee;

3. Earn over their *Annual Earnings Exempt Amount*;
4. File for, or receive, social security benefits or another railroad retirement annuity; or
5. Change their address.

How To Report An Event

You can locate the nearest RRB office by calling 877-772-5772 or by visiting our Web site at www.rrb.gov. You can also send a secure message at our Web site.

When you report an event, be sure to include all of the following:

1. The student's railroad retirement claim number;
2. The railroad employee's name and the student's name;
3. Your daytime telephone number;
4. A clear explanation of what event you are reporting;
5. The exact date (month, day, year) of the event; and,
6. If you are reporting work, include the name of the employer and the estimated earnings for the year.

When reporting a change of address, include the new address, the old address, and the date the student will start receiving mail at the new address.

Office Hours

If you wish, you may also call or visit any RRB field office. Most RRB offices are open from 9:00 a.m. to 3:30 p.m., Monday through Friday. If you plan on visiting an RRB office, please call for an appointment so that we can better serve you.

NONDISCRIMINATION ON THE BASIS OF DISABILITY

Under Section 504 of the Rehabilitation Act of 1973 and Railroad Retirement Board (RRB) regulations, no qualified person may be discriminated against on the basis of disability. RRB programs and activities must be accessible to all qualified applicants and beneficiaries, including those with impaired vision and/or hearing. Individuals with disabilities needing assistance (including auxiliary aids or program information in accessible formats) should contact the nearest RRB office.

Complaints of alleged discrimination by the RRB on the basis of disability must be filed within 90 days in writing with the

Director of Administration
Railroad Retirement Board
844 North Rush Street
Chicago, Illinois 60611-2092

Questions about individual rights under this regulation may be directed to the RRB's Director of Equal Opportunity at the same address shown above.

FRAUD AND ABUSE HOT LINE

Call the toll-free Fraud and Abuse **Hot Line** if you have reason to believe that someone is receiving railroad retirement or unemployment-sickness benefits to which (s)he is not entitled; that persons responsible for the financial affairs of minors or incompetent beneficiaries are misappropriating benefits; or that a doctor, hospital, or other provider of health care services is performing unnecessary or inappropriate services or is billing Medicare for services not received. You may also use the **Hot Line** to report any suspected misconduct by a Railroad Retirement Board (RRB) employee. The **Hot Line** has been installed by the RRB's Inspector General to receive any evidence of fraud or abuse of the RRB's benefit programs.

Call (toll-free) 1-800-772-4258. Or you may send your complaints in writing to:

Railroad Retirement Board
OIG Hot Line Officer
844 North Rush Street
Chicago, Illinois 60611-2092

Note – Please do not call the Inspector General's Hot Line with questions about eligibility requirements, delayed claims, or similar problems. Such matters should be directed to the nearest RRB field office.