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Bulletin

No. A-17/95

Property & Casualty

- Auto

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Guideline for identifying individuals eligible for education disability benefits under automobile insurance

To the attention of all insurance companies licensed to transact

automobile insurance in Ontario

To assist in the process of determining which individuals are eligible for education disability benefits, the Ontario Insurance Commission (OIC) has released a guideline on the subject.

The attached *Guideline for Identifying Individuals Who Qualify for Education Disability Benefits* was developed in response to the need for a clearer indication of the typical situations under which a person may qualify for these benefits.

This information was originally published in the October 28, 1995 edition of [The Ontario Gazette](#). It was issued by the Commissioner of Insurance who is authorized under the *Insurance Act* to issue guidelines on the interpretation and operation of the *Statutory Accident Benefits Schedule* (SABS).

Distribution of Guidelines to DR Co-ordinators, Claims and Adjusting Departments

Guidelines issued under the *Insurance Act* are important information documents. The OIC, therefore, urges insurance companies to ensure that copies of these documents are provided to their claims and adjusting staff as well as their Dispute Resolution (DR) Co-ordinators who should note that the attached Guideline becomes B4-1 of the Dispute Resolution Practice Code.

D. Blair Tully

Commissioner

November 1, 1995

Attachment:

- [Guideline for Identifying Individuals Who Qualify for Education Disability Benefits](#)



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Guideline for Identifying Individuals who Qualify for Education Disability Benefits

Commissioner's Guideline No. 4/95

This guideline is issued pursuant to Section 268.3 of the *Insurance Act*.

This guideline is to be considered when determining whether an insured person qualifies for education disability benefits.

For the purposes of the *Statutory Accident Benefits Schedule* (SABS), an individual may qualify for education disability benefits if he or she can be described as:

1. pre-school age at the time of the accident and continues to have a disability which causes the child to miss a year of school, or
2. enrolled on a full-time basis in an elementary education level, or
3. enrolled on a full-time basis in a secondary education level, or
4. enrolled on a full-time basis in a post-secondary education level, or
5. completed school within one year prior to the accident.

DEFINITIONS:

HELPFUL INFO

- [Frequently Asked Questions](#)
- [How to Resolve a Complaint](#)
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Elementary education level includes kindergarten to grade eight at a public school, separate school or private school of equivalent level, approved by the minister responsible for education or schools in other jurisdictions approved by a comparable authority.

Secondary education level includes grades nine to thirteen or equivalent, at a school that is under the jurisdiction of a secondary school board or a private school of equivalent level, approved by the minister responsible for education or schools in other jurisdictions approved by a comparable authority

Post-secondary education level includes programs taken at community colleges, level universities and equivalent institutions approved by the minister responsible for education or programs taken at institutions in other jurisdictions with approval by a comparable authority.

TYPICAL SITUATIONS:

1. PRE-SCHOOL AGE

These individuals are normally children under age five on the date of the accident.

They do not qualify for education disability benefits at the time of the automobile accident.

The individual would qualify for the lump-sum benefit at the age at which he or she would have started elementary school, provided the impairment sustained in an automobile accident prevents him or her from successfully completing that year.

2. ELEMENTARY EDUCATION LEVEL

For the purposes of the SABS, an individual is eligible for education disability benefits if he or she is enrolled and attending a school providing education at an elementary level. An individual is also eligible for education disability benefits if the automobile accident occurred at the time a school providing the education does not normally operate.

3. SECONDARY EDUCATION LEVEL

For the purposes of the SABS, an individual is eligible for education disability benefits if he or she is enrolled and attending a school providing education at a secondary level. An individual is also eligible for education disability benefits if the automobile accident occurred at the time a school providing the education does not normally operate.

4. POST-SECONDARY EDUCATION LEVEL

For the purposes of the SABS, an individual is eligible for education disability benefits if he or she is accepted or enrolled in a school providing education at a post-secondary level.

An individual is also eligible for education disability benefits if the automobile accident occurred at a time when he or she does not normally attend classes.

A student who is in a co-operative program and working at the time of the accident is also eligible for education disability benefits.

5. COMPLETED SCHOOL

An individual qualifies for the weekly education disability benefit if he or she completed his or her education within one year prior to an automobile accident and is not

employed or in an employment not reflecting his or her education and training.

An individual who withdraws from school also qualifies for the weekly education benefit

if the automobile accident occurred within one year of withdrawing from school.

ELECTION

In some cases, an individual may be eligible for another weekly benefit as well as

being eligible for the education disability benefit. In these cases, the election under

section 61 applies.

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