

94-411 MAINE STATE RETIREMENT SYSTEM

Chapter 102 QUALIFICATION AS FULL-TIME STUDENT

SUMMARY: This Chapter implements the provisions in the Maine Public Employees Retirement System statutes requiring the Board of Trustees to adopt such rules as are found necessary to define the requirements of a full-time student. This Chapter describes the circumstances under which a dependent child of a deceased member will be considered to be a full-time student and, therefore, eligible to receive survivor benefit payments.

1. Definitions

- A. Educational Institution. "Educational institution" means a school (including a technical, trade or vocational school), community college, college, or university which meets any of the following conditions:

- (1) It is operated or directly supported by the United States, or by any State or local government or political subdivision thereof; or
- (2) It is approved by a State or accredited by a State-recognized or nationally recognized accrediting agency or body.

A nationally recognized accrediting body is an agency or body that has been determined to be such by the U.S. Department of Education. A state-recognized accrediting agency or body is an agency or body designated or recognized by a State as proper authority for accrediting schools, colleges, or universities as meeting educational standards. Approval by a State includes approval of a school, college, or university as an education institution, or of one or more of the school's, college's, or university's courses, by a State agency or subdivision of the state. This approval may be indirect, as, for example, if attendance at the school satisfies the State's compulsory education laws, or if the school has a tax exemption as a school, or if the school receives financial aid, loans or scholarship allowances.

- B. Full-time attendance. "Full-time attendance" means a student is enrolled at an educational institution and is carrying a subject load which is considered full-time for students under the institution's standards and practices. A student will not be considered ~~on~~ in "full-time attendance" (1) if the student is enrolled in a community college, college, or university in a course of study of less than 13 school weeks' duration, or (2) if the

student is enrolled in any other educational institution and either the course of study is less than 13 school weeks' duration or the scheduled attendance is at the rate of less than 20 hours a week. A student whose full-time attendance begins or ends in a month is in full-time attendance for that month.

C. Full-time Student.

- (1) An individual is deemed to be a full-time student for purposes of 5 M.R.S. § 17001(18) while in full-time attendance at an educational institution.
- (2) An individual is deemed to be a full-time student during any period of less than full-time attendance (including part-time attendance) at an educational institution if the period of less than full-time attendance is four consecutive calendar months or less, and the individual:
 - (a) Establishes the intent to be in full-time attendance at an educational institution in the month immediately following such period, or
 - (b) is in full-time attendance at an educational institution in the month immediately following such period.

An individual will not be deemed a full-time student during any period of less than full-time attendance due to expulsion or suspension.

AUTHORITY: ~~5 M.R.S. § 1001, sub-§6~~ 5 M.R.S. § 17103(4)
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