



Ohio Administrative Code

Rule 3309-1-16 Qualified child attending educational institution.

Effective: December 14, 2013

(A) For purposes of this rule and division (B)(2)(b) of section 3309.45 of the Revised Code:

(1) "Qualified child" means a qualified child as defined in division (B)(2)(b) of section 3309.45 of the Revised Code.

(2) "School year" means the twelve-month period beginning the first day of July through the last day of June of the following calendar year.

(3) "School" means an educational entity providing instruction through grade twelve and includes a vocational or technical school.

(4) "College" or "university" means an educational entity providing instruction post grade twelve.

(5) "Attending" means registered or enrolled at the institution of learning or training and attending classes.

(6) "Institution of learning or training" means one of the following:

(a) A school:

(i) In Ohio and recognized by the Ohio department of education as meeting Ohio's compulsory education requirements;

(ii) In another state and recognized by that state as complying with the state's compulsory education requirements or accredited by a state-recognized, regionally-recognized, or nationally-recognized accrediting agency; or

(iii) Operated by the federal government.



(b) Home education provided in compliance with Ohio law, or with the law of the state in which the home education is provided.

(c) A college or university:

(i) In Ohio and recognized by the Ohio board of regents, the state board of career colleges and schools, or other applicable state agency or board; or

(ii) In another state and recognized by the Ohio board of regents, the state board of career colleges and schools, or other applicable Ohio state agency or board, or by comparable state agencies where the college or university is located, or accredited by a state-recognized or nationally-recognized accrediting agency.

(d) An unrecognized or unaccredited private school, college, or university provided at least three recognized or accredited schools, colleges, or universities accept its credits on transfer on the same basis as if transferred from a recognized or accredited school, college, or university.

(e) A school, college, or university outside the United States if it meets comparable qualifications described in paragraphs (A)(6)(a) to (A)(6)(d) of this rule.

(7) "Two-thirds of the full-time curriculum" means at least two-thirds of the full-time curriculum requirements as established and certified by the school, college or university. The curriculum may include the time a qualified child is employed in a position approved by the school, college, or university and required as part of the child's program of study.

(B) Benefit payments made to a qualifying child under division (B)(2)(b) of section 3309.45 of the Revised Code shall be made as follows:

(1) Benefit payments to a qualified child over age eighteen but under age twenty-two shall begin only after the child files an application for such benefits.

(2) Benefit payments shall be paid during an institution of learning or training vacation or other



academic break provided the child:

- (a) Was a qualified child before the vacation or break began;
 - (b) Intends to, and subsequently does, return to an institution of learning or training and certifies such return to the retirement system;
 - (c) Receives a benefit payment for no more than four consecutive months without returning to the institution of learning or training from the vacation or academic break;
 - (d) Does not receive benefits for more than one vacation or break for a period which exceeds one month in duration during a single school year.
- (3) If benefits are terminated because the child no longer attends an institution of learning or training, such benefits may be reinstated if the child subsequently becomes eligible and files a new application for prospective payment of such benefits.
- (1) At the end of each academic year, a qualified child shall certify the child's registration with an institution of learning or training and completion of all courses for such academic year.
 - (2) The retirement system may require or request such certification at any other time and/or additional supporting documentation.
- (1) The retirement system may delay or terminate benefits to a qualified child if:
 - (a) The child is no longer attending an institution of learning or training; or
 - (b) The retirement system does not receive a timely and properly verified certification as required by this rule.
 - (2) Any benefit payment made for a period in which the child was not attending an institution of learning or training, or for which there was no proper verified certification as required by this rule shall be deemed an overpayment of the benefit. Any overpayment of a benefit shall be repaid to the



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retirement system by the child or the child's parent or guardian or obtained by the retirement system pursuant to section 3309.70 of the Revised Code.