

As Introduced

**129th General Assembly
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S. B. No. 342

Senators Niehaus, Kearney

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A B I L L

To amend sections 3305.06, 3307.01, 3307.031, 1
3307.04, 3307.14, 3307.142, 3307.20, 3307.214, 2
3307.25, 3307.251, 3307.252, 3307.26, 3307.28, 3
3307.33, 3307.35, 3307.351, 3307.352, 3307.371, 4
3307.39, 3307.391, 3307.42, 3307.46, 3307.47, 5
3307.50, 3307.501, 3307.51, 3307.512, 3307.52, 6
3307.53, 3307.56, 3307.561, 3307.562, 3307.563, 7
3307.57, 3307.58, 3307.59, 3307.60, 3307.62, 8
3307.63, 3307.631, 3307.64, 3307.66, 3307.661, 9
3307.67, 3307.671, 3307.694, 3307.71, 3307.711, 10
3307.712, 3307.72, 3307.73, 3307.74, 3307.75, 11
3307.751, 3307.752, 3307.76, 3307.761, 3307.763, 12
3307.764, 3307.77, 3307.771, 3307.78, 3307.79, 13
3307.80, 3307.81, 3307.811, 3307.812, 3307.83, 14
3307.84, 3307.86, 3307.87, 3307.89, 3307.98, and 15
3313.975; to amend, for the purpose of adopting 16
new section numbers as indicated in parentheses, 17
sections 3307.64 (3307.48) and 3307.70 (3307.701); 18
to enact new section 3307.70 and section 3307.143; 19
and to repeal sections 3307.54, 3307.61, 3307.741, 20
3307.88, 3307.881, and 3307.882 of the Revised 21
Code to revise the law governing the State 22
Teachers Retirement System. 23

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3305.06, 3307.01, 3307.031, 3307.04, 24
3307.14, 3307.142, 3307.20, 3307.214, 3307.25, 3307.251, 3307.252, 25
3307.26, 3307.28, 3307.33, 3307.35, 3307.351, 3307.352, 3307.371, 26
3307.39, 3307.391, 3307.42, 3307.46, 3307.47, 3307.50, 3307.501, 27
3307.51, 3307.512, 3307.52, 3307.53, 3307.56, 3307.561, 3307.562, 28
3307.563, 3307.57, 3307.58, 3307.59, 3307.60, 3307.62, 3307.63, 29
3307.631, 3307.64, 3307.66, 3307.661, 3307.67, 3307.671, 3307.694, 30
3307.71, 3307.711, 3307.712, 3307.72, 3307.73, 3307.74, 3307.75, 31
3307.751, 3307.752, 3307.76, 3307.761, 3307.763, 3307.764, 32
3307.77, 3307.771, 3307.78, 3307.79, 3307.80, 3307.81, 3307.811, 33
3307.812, 3307.83, 3307.84, 3307.86, 3307.87, 3307.89, 3307.98, 34
and 3313.975 be amended; sections 3307.64 (3307.48) and 3307.70 35
(3307.701) be amended for the purpose of adopting new section 36
numbers as indicated in parentheses; and new section 3307.70 and 37
section 3307.143 of the Revised Code be enacted to read as 38
follows: 39

Sec. 3305.06. (A) Each electing employee shall contribute an 40
amount, which shall be a certain percentage of the employee's 41
compensation, to the provider of the investment option the 42
employee has selected. This percentage shall be the percentage the 43
electing employee would have otherwise been required to contribute 44
to the state retirement system that applies to the employee's 45
position, except that the percentage shall not be less than three 46
per cent. Employee contributions under this division may be 47
treated as employer contributions in accordance with Internal 48
Revenue Code 414(h). 49

(B) Each public institution of higher education employing an 50
electing employee shall contribute a percentage of the employee's 51
compensation to the provider of the investment option the employee 52

has selected. This percentage shall be equal to the percentage 53
that the public institution of higher education would otherwise 54
contribute on behalf of that employee to the state retirement 55
system that would otherwise cover that employee's position, less 56
the percentage contributed by the public institution of higher 57
education under division (D) of this section. 58

(C)(1) In no event shall the amount contributed by the 59
electing employee pursuant to division (A) of this section and on 60
the electing employee's behalf pursuant to division (B) of this 61
section be less than the amount necessary to qualify the plan as a 62
state retirement system pursuant to Internal Revenue Code 63
3121(B)(7) and the regulations adopted thereunder. 64

(2) The full amount of the electing employee's contribution 65
under division (A) of this section and the full amount of the 66
employer's contribution made on behalf of that employee under 67
division (B) of this section shall be paid to the appropriate 68
provider for application to the electing employee's investment 69
option. 70

(D) Each public institution of higher education employing an 71
electing employee shall contribute on behalf of that employee to 72
the state retirement system that otherwise applies to the electing 73
employee's position a percentage of the electing employee's 74
compensation to mitigate any negative financial impact of the 75
alternative retirement program on the state retirement system. The 76
percentage shall be six per cent, except that the percentage may 77
be adjusted by the Ohio retirement study council to reflect the 78
determinations made by actuarial studies conducted under section 79
171.07 of the Revised Code. Any adjustment shall become effective 80
on the first day of the second month following submission of the 81
actuarial study to the board of regents under section 171.07 of 82
the Revised Code. 83

Contributions on behalf of an electing employee shall 84

continue in accordance with this division until the occurrence of 85
the following: 86

(1) If the electing employee would be subject to Chapter 145. 87
of the Revised Code had the employee not made an election pursuant 88
to section 3305.05 or 3305.051 of the Revised Code, until the 89
unfunded actuarial accrued liability for all benefits, except 90
health care benefits provided under section 145.325 or 145.58 of 91
the Revised Code and benefit increases provided after March 31, 92
1997, is fully amortized, as determined by the annual actuarial 93
valuation prepared under section 145.22 of the Revised Code; 94

(2) If the electing employee would be subject to Chapter 95
3307. of the Revised Code had the employee not made an election 96
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 97
the unfunded actuarial accrued liability for all benefits, except 98
health care benefits provided under section 3307.39 ~~or 3307.61~~ of 99
the Revised Code and benefit increases provided after March 31, 100
1997, is fully amortized, as determined by the annual actuarial 101
valuation prepared under section 3307.51 of the Revised Code; 102

(3) If the electing employee would be subject to Chapter 103
3309. of the Revised Code had the employee not made an election 104
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 105
the unfunded actuarial accrued liability for all benefits, except 106
health care benefits provided under section 3309.375 or 3309.69 of 107
the Revised Code and benefit increases provided after March 31, 108
1997, is fully amortized, as determined by the annual actuarial 109
valuation prepared under section 3309.21 of the Revised Code. 110

Sec. 3307.01. As used in this chapter: 111

(A) "Employer" means the board of education, school district, 112
governing authority of any community school established under 113
Chapter 3314. of the Revised Code, a science, technology, 114
engineering, and mathematics school established under Chapter 115

3326. of the Revised Code, college, university, institution, or 116
other agency within the state by which a teacher is employed and 117
paid. 118

(B) "Teacher" means all of the following: 119

(1) Any person paid from public funds and employed in the 120
public schools of the state under any type of contract described 121
in section 3319.08 of the Revised Code in a position for which the 122
person is required to have a license issued pursuant to sections 123
3319.22 to 3319.31 of the Revised Code; 124

(2) Any person employed as a teacher by a community school or 125
a science, technology, engineering, and mathematics school 126
pursuant to Chapter 3314. or 3326. of the Revised Code; 127

(3) Any person having a license issued pursuant to sections 128
3319.22 to 3319.31 of the Revised Code and employed in a public 129
school in this state in an educational position, as determined by 130
the state board of education, under programs provided for by 131
federal acts or regulations and financed in whole or in part from 132
federal funds, but for which no licensure requirements for the 133
position can be made under the provisions of such federal acts or 134
regulations; 135

(4) Any person having a license issued pursuant to sections 136
3319.22 to 3319.31 of the Revised Code and performing services 137
that are funded under section 3317.06 of the Revised Code and 138
provided to students attending nonpublic schools, without regard 139
to whether the services are performed in a public school and 140
whether the person is employed under a contract with a third 141
party; 142

(5) Any other teacher or faculty member employed in any 143
school, college, university, institution, or other agency wholly 144
controlled and managed, and supported in whole or in part, by the 145
state or any political subdivision thereof, including Central 146

state university, Cleveland state university, and the university 147
of Toledo; 148

~~(5)~~(6) The educational employees of the department of 149
education, as determined by the state superintendent of public 150
instruction. 151

In all cases of doubt, the state teachers retirement board 152
shall determine whether any person is a teacher, and its decision 153
shall be final. 154

"Teacher" does not include any eligible employee of a public 155
institution of higher education, as defined in section 3305.01 of 156
the Revised Code, who elects to participate in an alternative 157
retirement plan established under Chapter 3305. of the Revised 158
Code. 159

(C) "Member" means any person included in the membership of 160
the state teachers retirement system, which shall consist of all 161
teachers and contributors as defined in divisions (B) and (D) of 162
this section and all disability benefit recipients, as defined in 163
section 3307.50 of the Revised Code. However, for purposes of this 164
chapter, the following persons shall not be considered members: 165

(1) A student, intern, or resident who is not a member while 166
employed part-time by a school, college, or university at which 167
the student, intern, or resident is regularly attending classes; 168

(2) A person denied membership pursuant to section 3307.24 of 169
the Revised Code; 170

(3) An other system retirant, as defined in section 3307.35 171
of the Revised Code, or a superannuate; 172

(4) An individual employed in a program established pursuant 173
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 174
U.S.C.A. 1501*i*; 175

(5) The surviving spouse of a member or retirant if the 176

surviving spouse's only connection to the retirement system is an 177
account in an STRS defined contribution plan. 178

(D) "Contributor" means any person who has an account in the 179
teachers' savings fund or defined contribution fund, except that 180
"contributor" does not mean a member or retirant's surviving 181
spouse with an account in an STRS defined contribution plan. 182

(E) "Beneficiary" means any person eligible to receive, or in 183
receipt of, a retirement allowance or other benefit provided by 184
this chapter. 185

(F) "Year" means the year beginning the first day of July and 186
ending with the thirtieth day of June next following, except that 187
for the purpose of determining final average salary under the plan 188
described in sections 3307.50 to 3307.79 of the Revised Code, 189
"year" may mean the contract year. 190

(G) "Local district pension system" means any school teachers 191
pension fund created in any school district of the state in 192
accordance with the laws of the state prior to September 1, 1920. 193

(H) "Employer contribution" means the amount paid by an 194
employer, as determined by the employer rate, including the normal 195
and deficiency rates, contributions, and funds wherever used in 196
this chapter. 197

(I) "Five years of service credit" means employment covered 198
under this chapter and employment covered under a former 199
retirement plan operated, recognized, or endorsed by a college, 200
institute, university, or political subdivision of this state 201
prior to coverage under this chapter. 202

(J) "Actuary" means ~~the an~~ an actuarial consultant to 203
professional hired or employed by the state teachers retirement 204
board, who shall be either of the following: 205

(1) A member of the American academy of actuaries; 206

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	207 208
(K) "Fiduciary" means a person who does any of the following:	209
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	210 211 212
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	213 214
(3) Has any discretionary authority or responsibility in the administration of the system.	215 216
(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	217 218 219 220 221 222 223 224 225 226
(2) Compensation does not include any of the following:	227
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	228 229 230 231
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	232 233 234
(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under	235 236

this chapter <u>or Chapter 145. or 3309. of the Revised Code</u> are	237
paid;	238
(d) Amounts paid by the employer to provide life insurance,	239
sickness, accident, endowment, health, medical, hospital, dental,	240
or surgical coverage, or other insurance for the teacher or the	241
teacher's family, or amounts paid by the employer to the teacher	242
in lieu of providing the insurance;	243
(e) Incidental benefits, including lodging, food, laundry,	244
parking, or services furnished by the employer, use of the	245
employer's property or equipment, and reimbursement for	246
job-related expenses authorized by the employer, including moving	247
and travel expenses and expenses related to professional	248
development;	249
(f) Payments made by the employer in exchange for a member's	250
waiver of a right to receive any payment, amount, or benefit	251
described in division (L)(2) of this section;	252
(g) Payments by the employer for services not actually	253
rendered;	254
(h) Any amount paid by the employer as a retroactive increase	255
in salary, wages, or other earnings, unless the increase is one of	256
the following:	257
(i) A retroactive increase paid to a member employed by a	258
school district board of education in a position that requires a	259
license designated for teaching and not designated for being an	260
administrator issued under section 3319.22 of the Revised Code	261
that is paid in accordance with uniform criteria applicable to all	262
members employed by the board in positions requiring the licenses;	263
(ii) A retroactive increase paid to a member employed by a	264
school district board of education in a position that requires a	265
license designated for being an administrator issued under section	266
3319.22 of the Revised Code that is paid in accordance with	267

uniform criteria applicable to all members employed by the board 268
in positions requiring the licenses; 269

(iii) A retroactive increase paid to a member employed by a 270
school district board of education as a superintendent that is 271
also paid as described in division (L)(2)(h)(i) of this section; 272

(iv) A retroactive increase paid to a member employed by an 273
employer other than a school district board of education in 274
accordance with uniform criteria applicable to all members 275
employed by the employer. 276

(i) Payments made to or on behalf of a teacher that are in 277
excess of the annual compensation that may be taken into account 278
by the retirement system under division (a)(17) of section 401 of 279
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 280
401(a)(17), as amended. For a teacher who first establishes 281
membership before July 1, 1996, the annual compensation that may 282
be taken into account by the retirement system shall be determined 283
under division (d)(3) of section 13212 of the "Omnibus Budget 284
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 285

(j) Payments made under division (B), (C), or (E) of section 286
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 287
No. 3 of the 119th general assembly, Section 3 of Amended 288
Substitute Senate Bill No. 164 of the 124th general assembly, or 289
Amended Substitute House Bill No. 405 of the 124th general 290
assembly; 291

(k) Anything of value received by the teacher that is based 292
on or attributable to retirement or an agreement to retire; 293

(l) Any amount paid by the employer as a retroactive payment 294
of earnings, damages, or back pay pursuant to a court order, 295
court-adopted settlement agreement, or other settlement agreement, 296
unless the retirement system receives both of the following: 297

(i) Teacher and employer contributions under sections 3307.26 298

and 3307.28 of the Revised Code, plus interest compounded annually 299
at a rate determined by the board, for each year or portion of a 300
year for which amounts are paid under the order or agreement; 301

(ii) Teacher and employer contributions under sections 302
3307.26 and 3307.28 of the Revised Code, plus interest compounded 303
annually at a rate determined by the board, for each year or 304
portion of a year not subject to division (L)(2)(1)(i) of this 305
section for which the teacher originally alleged the teacher was 306
improperly paid. 307

(3) The retirement board shall determine by rule both of the 308
following: 309

(a) Whether particular forms of earnings are included in any 310
of the categories enumerated in this division; 311

(b) Whether any form of earnings not enumerated in this 312
division is to be included in compensation. 313

Decisions of the board made under this division shall be 314
final. 315

(M) "Superannuate" means both of the following: 316

(1) A former teacher receiving from the system a retirement 317
allowance under section 3307.58 or 3307.59 of the Revised Code; 318

(2) A former teacher receiving a benefit from the system 319
under a plan established under section 3307.81 of the Revised 320
Code, except that "superannuate" does not include a former teacher 321
who is receiving a benefit based on disability under a plan 322
established under section 3307.81 of the Revised Code. 323

For purposes of sections 3307.35 and 3307.353 of the Revised 324
Code, "superannuate" also means a former teacher receiving from 325
the system a combined service retirement benefit paid in 326
accordance with section 3307.57 of the Revised Code, regardless of 327
which retirement system is paying the benefit. 328

(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code. 329
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(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section. 331
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Sec. 3307.031. The state teachers retirement system shall 334
consist of the STRS defined benefit plan described in sections 335
3307.50 to 3307.79 and the one or more plans established under 336
section 3307.81 of the Revised Code STRS defined contribution 337
plan. 338

Sec. 3307.04. The general administration and the management 339
of the state teachers retirement system is hereby vested in the 340
state teachers retirement board, which shall adopt rules necessary 341
for the fulfillment of its duties and responsibilities under 342
Chapter 3307. of the Revised Code. The board shall adopt policies 343
for the operation of the system, and the investment of funds as 344
provided by section 3307.15 of the Revised Code, and may authorize 345
its administrative officers, or committees composed of board 346
members, to act for the board in accord with such policies and 347
subject to subsequent approval by the board. 348

The board may take all appropriate action to avoid payment by the system or its members of federal or state income taxes on contributions to the system or amounts earned on such contributions and to comply with any plan qualification requirements, including those on distributions, established under Title 26 of the United States Code. 349
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The attorney general shall prescribe procedures for the 355
adoption of rules authorized under this chapter, consistent with 356
the provision of section 111.15 of the Revised Code under which 357
all rules shall be filed in order to be effective. Such procedures 358

shall establish methods by which notice of proposed rules is given 359
to interested parties and rules adopted by the board published and 360
otherwise made available. When it files a rule with the joint 361
committee on agency rule review pursuant to section 111.15 of the 362
Revised Code, the board shall submit to the Ohio retirement study 363
council a copy of the full text of the rule, and if applicable, a 364
copy of the rule summary and fiscal analysis required by division 365
(B) of section 127.18 of the Revised Code. 366

All rules adopted pursuant to this chapter, prior to August 367
20, 1976, shall be published and made available to interested 368
parties by January 1, 1977. 369

Sec. 3307.14. The state teachers retirement board shall be 370
the trustee of certain funds hereby created as follows: 371

(A) The "teachers' savings fund" is the fund in which shall 372
be accumulated the contributions deducted from the compensation of 373
teachers participating in the STRS defined benefit plan ~~described~~ 374
~~in sections 3307.50 to 3307.79 of the Revised Code~~, as provided by 375
section 3307.26 of the Revised Code, together with the interest 376
credited thereon. Such accumulated contributions refunded upon 377
withdrawal, or payable to an estate or beneficiary as provided in 378
this chapter, shall be paid from this fund. Any accumulated 379
contributions forfeited by the failure of a contributor, an 380
estate, or a beneficiary to claim the same shall be transferred 381
from this fund to the guarantee fund. The accumulated 382
contributions of a member or of a teacher who qualifies for a 383
benefit under section 3307.35 of the Revised Code shall be 384
transferred at the member's or teacher's retirement from the 385
teachers' savings fund to the annuity and pension reserve fund. 386
The accumulated contributions of a member who dies prior to 387
superannuation retirement that are forfeited by the qualified 388
beneficiary in exchange for monthly survivor benefits, as provided 389

by section 3307.66 of the Revised Code, shall be transferred to 390
the survivors' benefit fund. The accumulated contributions of a 391
superannuate or other system retirant as defined in section 392
3307.35 of the Revised Code shall be transferred to the survivors' 393
benefit fund for payment of a lump-sum benefit to a beneficiary as 394
provided in that section. As used in this division, "accumulated 395
contributions" has the same meaning as in section 3307.50 of the 396
Revised Code. 397

(B) The "employers' trust fund" is the fund to which the 398
employer contribution made on behalf of a teacher participating in 399
the STRS defined benefit plan ~~described in sections 3307.50 to~~ 400
~~3307.79 of the Revised Code~~ shall be credited and in which shall 401
be accumulated the reserves held in trust for the payment of all 402
pensions or other benefits provided by sections 3307.35, 3307.58, 403
3307.59, 3307.60, 3307.63, 3307.631, 3307.66, 3307.6912, and 404
3307.98 of the Revised Code, to teachers retiring or receiving 405
disability benefits in the future or to their qualified 406
beneficiaries, and from which the reserves for such pensions and 407
other benefits shall be transferred to the annuity and pension 408
reserve fund and to the survivors' benefit fund. The balances as 409
of August 31, 1957, in the employers accumulation fund shall be 410
transferred to this fund. As of September 1, 1957, an additional 411
amount shall be transferred from the employers' trust fund to the 412
annuity and pension reserve fund in the amount required to 413
complete the funding of the prior service, as defined in section 414
3307.50 of the Revised Code, and military service pensions then 415
payable. 416

(C) The "annuity and pension reserve fund" is the fund from 417
which shall be paid all annuities, pensions, and disability 418
benefits under the STRS defined benefit plan ~~described in section~~ 419
~~3307.50 to 3307.79~~ and annuities payable under section 3307.352 of 420
the Revised Code for which reserves have been transferred from the 421

teachers' savings fund and the employers' trust fund. 422

(D) The "survivors' benefit fund" is the fund from which 423
shall be paid the survivors' benefits provided by section 3307.66 424
of the Revised Code and the lump sum payment to beneficiaries as 425
provided in section 3307.35 of the Revised Code, and to which 426
shall be transferred from the employers' trust fund the amount 427
required to fund all liabilities as of the end of each year. 428

(E) The "guarantee fund" is the fund from which interest is 429
transferred and credited on the amounts in the funds described in 430
divisions (A), (B), (C), and (D) of this section, and is a 431
contingent fund from which the special requirements of said funds 432
may be paid by transfer from this fund. All income derived from 433
the investment of funds by the state teachers retirement board as 434
trustee under section 3307.15 of the Revised Code, together with 435
all gifts and bequests, or the income therefrom, shall be paid 436
into this fund. 437

Any deficit occurring in any other fund that will not be 438
covered by payments to that fund, as otherwise provided in this 439
chapter, shall be paid by transfers of amounts from the guarantee 440
fund to such fund or funds. Should the amount in the guarantee 441
fund be insufficient at any time to meet the amounts payable 442
therefrom, the amount of such deficiency, with regular interest, 443
shall be paid by an additional employer rate of contribution as 444
determined by the actuary and shall be approved by the board, and 445
the amount of such additional employer contribution shall be 446
credited to the guarantee fund. 447

The board may accept gifts and bequests. Any funds that may 448
come into the possession of the board in this manner or that may 449
be transferred from the teachers' savings fund by reason of lack 450
of a claimant, or any surplus in any fund created in divisions (A) 451
to (F) of this section, or any other funds whose disposition is 452
not otherwise provided for, shall be credited to the guarantee 453

fund. 454

(F) The expense fund is the fund from which shall be paid the 455
expenses for the administration and management of the state 456
teachers retirement system as provided by this chapter. 457

(G) The "defined contribution fund" is the fund in which 458
shall be accumulated the contributions deducted from the 459
compensation of teachers participating in a an STRS defined 460
contribution plan established under ~~section 3307.81 of the Revised~~ 461
~~Code~~, as provided in section 3307.26 of the Revised Code, together 462
with any earnings and employer contributions credited thereon. 463

(H) The "health care fund" is the fund in which shall be 464
accumulated any amounts allocated by the board for health care 465
coverage described in section 3307.39 of the Revised Code, 466
together with any earnings credited thereon. The fund shall be 467
established under 26 U.S.C. 401(h) as a separate account. It is 468
the fund from which shall be paid health care coverage made 469
available under section 3307.39 of the Revised Code, except that 470
payments from the fund shall be limited as provided by 26 U.S.C. 471
401(h). 472

Sec. 3307.142. (A) Interest compounded annually shall be 473
credited to the accounts of members participating in the STRS 474
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 475
~~the Revised Code~~ and to the various funds listed in divisions (A) 476
to (F) of section 3307.14 of the Revised Code, and shall be 477
assumed in determining actuarial factors, at rates recommended by 478
the actuary and approved by the state teachers retirement board, 479
but not less than three and twenty-five hundredths per cent 480
effective September 1, 1965, except as follows: 481

(1) For the years stated the rates shall be as follows: 482

Years	Rates
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9-1-1920/8-31-1955	4.00%	484
9-1-1955/8-31-1963	3.00	485
9-1-1963/8-31-1965	2.25	486

(2) Subsequent to August 31, 1959, interest shall be credited to accounts only at retirement.

(3) If the amount of the account at retirement is not a factor in determining the allowance, interest shall not be credited to such account after September 1, 1964.

(4) The actuary shall estimate the amount of interest reserve required in the teachers savings fund for credit to accounts when interest is to be a factor in determining the allowance, and the balance of the interest reserve in such fund shall be transferred to the employers trust fund as of September 1, 1965.

(B) Interest shall be credited to the accounts of members participating in a an STRS defined contribution plan established under section 3307.81 of the Revised Code and to the defined contribution fund in accordance with that plan.

Sec. 3307.143. If the state teachers retirement board discontinues health care coverage authorized under section 3307.39 of the Revised Code, on satisfaction of all liabilities for health care coverage at the time of the discontinuance of coverage, the board shall transfer any surplus in the health care fund established under division (H) of section 3307.14 of the Revised Code in a fair and appropriate manner to the employers that have contributed to the fund.

Sec. 3307.20. (A) As used in this section:

(1) "Personal history record" means information maintained by the state teachers retirement board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, telephone number, social

security number, record of contributions, correspondence with the 514
state teachers retirement system, or other information the board 515
determines to be confidential. 516

(2) "Retirant" has the same meaning as in section 3307.50 of 517
the Revised Code and includes any former member receiving a 518
benefit under an STRS defined contribution plan. 519

(B) The records of the board shall be open to public 520
inspection, except for the following, which shall be excluded, 521
except with the written authorization of the individual concerned: 522

(1) The individual's personal records provided for in section 523
3307.23 of the Revised Code; 524

(2) The individual's personal history record; 525

(3) Any information identifying, by name and address, the 526
amount of a monthly allowance or benefit paid to the individual. 527

(C)(1) All medical reports and recommendations received by 528
the board from a member, member's physician, board-assigned 529
physician, or other entity providing medical reports and 530
recommendations to the board under sections 3307.48, 3307.62, 531
3307.64, and 3307.66 of the Revised Code are privileged, except as 532
follows: 533

~~(1)~~(a) Copies of medical reports or recommendations shall be 534
made available by the board to the personal physician, attorney, 535
or authorized agent of the individual concerned upon written 536
release received from the individual or the individual's agent, 537
or, when necessary for the proper administration of the fund, to 538
the board assigned physician. 539

~~(2)~~(b) Documentation required by section 2929.193 of the 540
Revised Code shall be provided to a court holding a hearing under 541
that section. 542

(2) No medical report or recommendation received by the board 543

under section 3307.48, 3307.62, or 3307.66 of the Revised Code 544
shall be released to the individual concerned or considered a 545
medical record generated and maintained by a health care provider 546
in the process of establishing a therapeutic relationship. 547

(D) Any person who is a member or contributor of the system 548
shall be furnished, on written request, with a statement of the 549
amount to the credit of the person's account. The board need not 550
answer more than one request of a person in any one year. 551

(E) Notwithstanding the exceptions to public inspection in 552
division (B) of this section, the board may furnish the following 553
information: 554

(1) If a member, former member, retirant, contributor, or 555
former contributor is subject to an order issued under section 556
2907.15 of the Revised Code or an order issued under division (A) 557
or (B) of section 2929.192 of the Revised Code or is convicted of 558
or pleads guilty to a violation of section 2921.41 of the Revised 559
Code, on written request of a prosecutor as defined in section 560
2935.01 of the Revised Code, the board shall furnish to the 561
prosecutor the information requested from the individual's 562
personal history record. 563

(2) Pursuant to a court or administrative order issued under 564
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 565
Revised Code, the board shall furnish to a court or child support 566
enforcement agency the information required under that section. 567

(3) At the written request of any person, the board shall 568
provide to the person a complete list of the names and addresses 569
of members, ~~former members~~, retirants, contributors, ~~former~~ 570
~~contributors~~, or beneficiaries. The costs of compiling, copying, 571
and mailing the list shall be paid by such person. 572

(4) Within fourteen days after receiving from the director of 573
job and family services a list of the names and social security 574

numbers of recipients of public assistance pursuant to section 575
5101.181 of the Revised Code, the board shall inform the auditor 576
of state of the name, current or most recent employer address, and 577
social security number of each member whose name and social 578
security number are the same as that of a person whose name or 579
social security number was submitted by the director. The board 580
and its employees shall, except for purposes of furnishing the 581
auditor of state with information required by this section, 582
preserve the confidentiality of recipients of public assistance in 583
compliance with section 5101.181 of the Revised Code. 584

(5) The system shall comply with orders issued under section 585
3105.87 of the Revised Code. 586

On the written request of an alternate payee, as defined in 587
section 3105.80 of the Revised Code, the system shall furnish to 588
the alternate payee information on the amount and status of any 589
amounts payable to the alternate payee under an order issued under 590
section 3105.171 or 3105.65 of the Revised Code. 591

(6) At the request of any person, the board shall make 592
available to the person copies of all documents, including 593
resumes, in the board's possession regarding filling a vacancy of 594
a contributing member or retired teacher member of the board. The 595
person who made the request shall pay the cost of compiling, 596
copying, and mailing the documents. The information described in 597
this division is a public record. 598

(7) The system shall provide the notice required by section 599
3307.373 of the Revised Code to the prosecutor assigned to the 600
case. 601

(F) A statement that contains information obtained from the 602
system's records that is signed by an officer of the retirement 603
system and to which the system's official seal is affixed, or 604
copies of the system's records to which the signature and seal are 605

attached, shall be received as true copies of the system's records 606
in any court or before any officer of this state. 607

Sec. 3307.214. On receipt of notice under section 3307.212 of 608
the Revised Code of the employment of a new teacher, the state 609
teachers retirement system shall inform the teacher of the 610
requirements of section 3307.25 of the Revised Code ~~and the~~ 611
~~provisions of sections 3307.88 and 3307.881 of the Revised Code.~~ 612

Sec. 3307.25. (A) An individual who becomes a member of the 613
state teachers retirement system on or after the date on which the 614
state teachers retirement board establishes a an STRS defined 615
contribution plan ~~under section 3307.81 of the Revised Code~~ shall 616
make an election under this section. Not later than one hundred 617
eighty days after the date on which employment begins, the 618
individual shall elect to participate either in the STRS defined 619
benefit plan ~~described in sections 3307.50 to 3307.79 of the~~ 620
~~Revised Code~~ or one of the STRS defined contribution plans 621
~~established under section 3307.81 of the Revised Code.~~ If a form 622
evidencing an election under this section is not on file with the 623
system at the end of the one-hundred-eighty-day period, the 624
individual is deemed to have elected to participate in the STRS 625
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 626
~~the Revised Code.~~ 627

(B) An election under this section shall be made in writing 628
on a form provided by the system and filed with the system. 629

(C) An election under this section shall take effect on the 630
date employment began and, except as provided in division (E) of 631
this section ~~3307.88 of the Revised Code~~, is irrevocable at the 632
end of the election period described in division (A) of this 633
section. 634

(D) An individual is ineligible to make an election under 635

this section if one of the following applies: 636

(1) At the time employment begins, the individual is already 637
a member or contributor participating in the STRS defined benefit 638
plan described in sections 3307.50 to 3307.79 of the Revised Code, 639
a former member who has previously made an election under division 640
(E) of this section or section 3307.251 of the Revised Code, a 641
superannuate of the system, or an other system retirant, as 642
defined in section 3307.35 of the Revised Code; 643

(2) An election to participate in an alternative retirement 644
plan under section 3305.05 or 3305.051 of the Revised Code is in 645
effect for employment covered by the system. 646

(E) A member who elected under division (A) of this section 647
to participate in an STRS defined contribution plan may make an 648
election to cease participation in the plan elected and 649
participate in the STRS defined benefit plan or in another STRS 650
defined contribution plan. The election must be made, on a form 651
provided by the system, not later than the first day of June 652
preceding the first day of July following the fourth anniversary 653
of the commencement of the member's participation in the original 654
plan. 655

An election made under this division takes effect on the 656
first day of July following the election. 657

(F)(1) When a member elects under division (E) of this 658
section to change from an STRS defined contribution plan to the 659
STRS defined benefit plan the system shall do all of the 660
following: 661

(a) Transfer from the member's account in the defined 662
contribution fund to an account in the teachers' savings fund the 663
sum of the following: 664

(i) An amount equal to the contributions made pursuant to 665
section 3307.26 of the Revised Code; 666

<u>(ii) Any supplemental contributions made by the member;</u>	667
<u>(iii) Any earnings from supplemental contributions.</u>	668
<u>(b) Transfer from the defined contribution fund to the employers' trust fund the sum of the following:</u>	669
<u>(i) An amount equal to the contributions made pursuant to section 3307.28 of the Revised Code;</u>	671
<u>(ii) Any amount remaining in the member's account in the defined contribution fund after the transfers described in divisions (F)(1)(a) and (b)(i) of this section are made.</u>	674
<u>(c) Grant service credit in accordance with rules adopted under section 3307.53 of the Revised Code.</u>	676
<u>(2) If the amount in the member's account in the defined contribution fund is less than the amount the member would have had in an account in the teachers' savings fund had the member elected to participate in the STRS defined benefit plan, the system shall transfer from the guarantee fund established under section 3307.14 of the Revised Code to the teachers' savings fund the amount necessary to make the transfer required by division (F)(1)(a)(i) of this section.</u>	678
<u>(3) Except for service credit granted under division (F)(1)(c) of this section, a member who begins participation in the STRS defined benefit plan pursuant to division (E) of this section shall have the same rights and privileges under the plan as a member who never had made an election to participate in an STRS defined contribution plan.</u>	681
Sec. 3307.251. As used in this section, "accumulated contributions" and "total service credit" have the same meanings as in section 3307.50 of the Revised Code.	686
(A) A member of the state teachers retirement system who, as of the thirtieth day of June immediately preceding the date on	692

which the system establishes a an STRS defined contribution plan 697
~~under section 3307.81 of the Revised Code~~, has less than five 698
years of total service credit is eligible to make an election 699
under this section. 700

Not later than one hundred eighty days after the day the 701
state teachers retirement board first establishes ~~one or more~~ 702
~~plans under section 3307.81 of the Revised Code~~ an STRS defined 703
contribution plan, an eligible member may elect to participate in 704
such a plan ~~established under that section~~. If an election is not 705
made, a member to whom this section applies is deemed to have 706
elected to continue participating in the STRS defined benefit plan 707
~~described in sections 3307.50 to 3307.79 of the Revised Code~~. 708

(B) An election under this section shall be made in writing 709
on a form provided by the system and filed with the system. 710

(C) On receipt of an election under this section, the system 711
shall do both of the following: 712

(1) Credit to the account of the member in the defined 713
contribution fund the accumulated contributions standing to the 714
member's credit in the teachers' savings fund, plus interest at a 715
rate determined by the board; 716

(2) Cancel all service credit and eligibility for any 717
payment, benefit, or right under the STRS defined benefit plan 718
~~described in sections 3307.50 to 3307.79 of the Revised Code~~. 719

(D) An election under this section shall be irrevocable at 720
the end of the election period described in division (A) of this 721
section. 722

Sec. 3307.252. A member of the state teachers retirement 723
system who elects to participate in a an STRS defined contribution 724
~~plan established under section 3307.81 of the Revised Code~~ shall 725
be ineligible for any benefit or payment under ~~sections 3307.50 to~~ 726

~~3307.79 of the Revised Code the STRS defined benefit plan and,~~ 727
~~except as provided in section 3307.88 3307.25 of the Revised Code,~~ 728
~~shall be forever barred from claiming or purchasing service credit~~ 729
~~with the system or any other Ohio state retirement system, as~~ 730
~~defined in section 3307.741 of the Revised Code, for service~~ 731
~~covered by the election.~~ 732

Sec. 3307.26. (A) Each teacher shall contribute ~~eight a~~ 733
~~certain~~ per cent of the teacher's earned compensation, ~~except that~~ 734
~~the state teachers retirement board may raise the contribution~~ 735
~~rate to a rate not greater than ten per cent of the teacher's~~ 736
~~earned compensation. For.~~ The per cent shall be as follows: 737

(1) For compensation earned not later than June 30, 2013, ten 738
per cent; 739

(2) For compensation earned on or after July 1, 2013, but not 740
later than June 30, 2014, eleven per cent; 741

(3) For compensation earned on or after July 1, 2014, but not 742
later than June 30, 2015, twelve per cent; 743

(4) For compensation earned on or after July 1, 2015, but not 744
later than June 30, 2016, thirteen per cent; 745

(5) For compensation earned on or after July 1, 2016, 746
fourteen per cent. 747

(B) For teachers participating in the STRS defined benefit 748
~~plan described in sections 3307.50 to 3307.79 of the Revised Code,~~ 749
contributions shall be deposited in the teachers' savings fund. 750
For teachers participating in a an STRS defined contribution plan 751
~~established under section 3307.81 of the Revised Code,~~ 752
contributions shall be deposited in the defined contribution fund. 753
Contributions made pursuant to this section shall not exceed the 754
limits established by section 415 of the "Internal Revenue Code of 755
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 756

(C) The contribution for all teachers shall be deducted by 757
the employer on each payroll in an amount equal to the applicable 758
per cent of the teachers' paid compensation for such payroll 759
period or other period as the board may approve. All contributions 760
on paid compensation for teachers participating in ~~plans~~ 761
~~established under section 3307.81 of the Revised Code~~ an STRS 762
defined contribution plan shall be remitted at intervals required 763
by the state teachers retirement system under section 3307.86 of 764
the Revised Code. All contributions on earned compensation for 765
teachers participating in the STRS defined benefit plan ~~described~~ 766
~~in sections 3307.50 to 3307.79 of the Revised Code~~ shall be 767
remitted to the state teachers retirement system by the thirtieth 768
day of June of each year. Each school district shall encumber 769
sufficient moneys by the thirtieth day of June of each year to 770
account for the difference, if any, that may exist between 771
contributions that would be withheld based upon compensation 772
earned by a teacher during the year ending the thirtieth day of 773
June and the contributions withheld based upon compensation paid 774
to the teacher for the year. Deductions from payroll for 775
contributions under this section, on an annual basis, shall not 776
exceed eight per cent or other percentage established by the board 777
authorized by this section. 778

(D) At retirement under the STRS defined benefit plan 779
~~described in sections 3307.50 to 3307.79 of the Revised Code~~, or 780
upon a member's death prior to retirement under that plan, if 781
contributions have been made after September 1, 1959, in excess of 782
the contributions normally required to provide the retirement or 783
survivor benefit, the excess contributions may be refunded to the 784
member, to the member's beneficiary, or to the member's estate in 785
a lump sum, or may be used to provide additional income. 786

(E) The board may determine with regard to any member 787
participating in the STRS defined benefit plan ~~described in~~ 788

~~sections 3307.50 to 3307.79 of the Revised Code~~ whether the limits 789
established by division ~~(C)~~(D) of section 3307.58 of the Revised 790
Code have resulted in exclusion from use in the calculation of 791
benefits under section 3307.58, 3307.59, or 3307.60 of the Revised 792
Code of any compensation on which contributions have been made 793
under this section. The board may adopt rules in accordance with 794
section 111.15 of the Revised Code providing for the disposition 795
of contributions attributable to such compensation and may dispose 796
of the contributions in accordance with those rules. Any 797
disposition of contributions made by the board in accordance with 798
the rules shall be final. 799

(F) The deductions under this section shall be made even 800
though the minimum compensation provided by law for any teacher 801
shall be reduced thereby. Every teacher shall be deemed to consent 802
to the deductions made. Payment less the deductions shall be a 803
complete discharge and acquittance of all claims and demands for 804
the services rendered by the person during the period covered by 805
the payment. 806

(G) Additional deposits may be made to a member's account in 807
the teachers' savings fund or defined contribution fund, subject 808
to rules of the board. At retirement, the amount deposited with 809
interest may be used to provide additional annuity income. The 810
additional deposits may be refunded to the member before 811
retirement, and shall be refunded if the member withdraws the 812
member's refundable account. The deposits may be refunded to the 813
beneficiary or estate if the member dies before retirement. 814

Sec. 3307.28. Each employer shall pay annually to the state 815
teachers retirement system an amount certified by the secretary 816
which shall be a certain per cent of the earnable compensation of 817
all members, and which shall be known as the "employer 818
contribution." For members participating in the STRS defined 819

~~benefit plan described in sections 3307.50 to 3307.79 of the~~ 820
~~Revised Code,~~ the employer contribution shall be deposited into 821
the employers' trust fund. For members participating in a an STRS 822
defined contribution plan established under section 3307.81 of the 823
~~Revised Code,~~ the employer contribution shall be deposited into 824
the defined contribution fund in accordance with the plan selected 825
by the member, less the amount transferred under section 3307.84 826
of the Revised Code. 827

The rate per cent of the contribution shall be fixed by the 828
actuary on the basis of the actuary's evaluation of the 829
liabilities of the system, not to exceed fourteen per cent, and 830
shall be approved by the state teachers retirement board. The 831
board may raise the rate per cent of the contribution to fourteen 832
per cent of the earnable compensation of all members. In making 833
such evaluation, the actuary shall use, as the actuarial 834
assumptions, such interest rates and mortality and other tables as 835
are adopted by the board. The actuary shall compute the percentage 836
of such earnable compensation, to be known as the "employer rate," 837
required annually to fund the liability for all benefits under 838
~~sections 3307.50 to 3307.79 of the Revised Code~~ the STRS defined 839
benefit plan, after deducting therefrom the benefits provided by 840
the member's accumulated contributions, as defined in section 841
3307.50 of the Revised Code, deposits, and other appropriations, 842
and to fund any deficiencies in the funds described in divisions 843
(A) to (F) of section 3307.14 of the Revised Code. 844

Sec. 3307.33. Membership in the state teachers retirement 845
system shall cease on occurrence of any of the following: receipt 846
of payment pursuant to section 3307.56 of the Revised Code or 847
under a an STRS defined contribution plan established under 848
~~section 3307.81 of the Revised Code~~; retirement as provided in 849
sections 3307.58 and 3307.59 of the Revised Code or under a an 850
STRS defined contribution plan established under section 3307.81 851

~~of the Revised Code; death; or denial of membership pursuant to~~ 852
~~section 3307.24 of the Revised Code.~~ 853

Sec. 3307.35. (A) As used in this section and section 854
3307.352 of the Revised Code, "other system retirant" means a both 855
of the following: 856

(1) A member or former member of the public employees 857
retirement system, Ohio police and fire pension fund, school 858
employees retirement system, state highway patrol retirement 859
system, or Cincinnati retirement system who is receiving from a 860
system of which the retirant is a member or former member age and 861
service or commuted age and service retirement, a benefit, 862
allowance, or distribution under a plan established under section 863
145.81 or 3309.81 of the Revised Code, or a disability benefit 864
~~from a system of which the retirant is a member or former member;~~ 865

(2) A person who is participating or has participated in an 866
alternative retirement plan established under Chapter 3305. of the 867
Revised Code and is receiving a benefit, allowance, or 868
distribution under the plan. 869

(B) Subject to this section and section 3307.353 of the 870
Revised Code, a superannuate or other system retirant may be 871
employed as a teacher. 872

(C) A superannuate or other system retirant employed in 873
accordance with this section shall contribute to the state 874
teachers retirement system in accordance with section 3307.26 of 875
the Revised Code and the employer shall contribute in accordance 876
with sections 3307.28 and 3307.31 of the Revised Code. Such 877
contributions shall be received as specified in section 3307.14 of 878
the Revised Code. A superannuate or other system retirant employed 879
as a teacher is not a member of the state teachers retirement 880
system, does not have any of the rights, privileges, or 881
obligations of membership, except as provided in this section, and 882

is not eligible to receive health, medical, hospital, or surgical 883
benefits under section 3307.39 of the Revised Code for employment 884
subject to this section. 885

(D) The employer that employs a superannuate or other system 886
retirant shall notify the state teachers retirement board of the 887
employment not later than the end of the month in which the 888
employment commences. Any overpayment of benefits to a 889
superannuate by the retirement system resulting from an employer's 890
failure to give timely notice may be charged to the employer and 891
may be certified and deducted as provided in section 3307.31 of 892
the Revised Code. 893

(E) On receipt of notice from an employer that a person who 894
is an other system retirant has been employed, the state teachers 895
retirement system shall notify the state retirement system of 896
which the other system retirant was a member of such employment. 897

(F) A superannuate or other system retirant who has received 898
an allowance or benefit for less than two months when employment 899
subject to this section or section 3305.05 of the Revised Code 900
commences shall forfeit the allowance or benefit for any month the 901
superannuate or retirant is employed prior to the expiration of 902
such period. The allowance or benefit forfeited each month shall 903
be equal to the monthly amount the superannuate or other system 904
retirant is eligible to receive under a single lifetime benefit 905
plan of payment described in section 3307.60 of the Revised Code. 906
Contributions shall be made to the retirement system from the 907
first day of such employment, but service and contributions for 908
that period shall not be used in the calculation of any benefit 909
payable to the superannuate or other system retirant, and those 910
contributions shall be refunded on the superannuate's or 911
retirant's death or termination of the employment. Contributions 912
made on compensation earned after the expiration of such period 913
shall be used in calculation of the benefit or payment due under 914

section 3307.352 of the Revised Code. 915

(G) On receipt of notice from the Ohio police and fire 916
pension fund, public employees retirement system, or school 917
employees retirement system of the re-employment of a 918
superannuate, the state teachers retirement system shall not pay, 919
or if paid shall recover, the amount to be forfeited by the 920
superannuate in accordance with section 145.38, 742.26, or 921
3309.341 of the Revised Code. 922

(H) If the disability benefit of an other system retirant 923
employed under this section is terminated, the retirant shall 924
become a member of the state teachers retirement system, effective 925
on the first day of the month next following the termination, with 926
all the rights, privileges, and obligations of membership. If ~~such~~ 927
~~person~~ the retirant, after the termination of the retirant's 928
disability benefit, earns two years of service credit under this 929
retirement system or under the public employees retirement system, 930
Ohio police and fire pension fund, school employees retirement 931
system, or state highway patrol retirement system, the retirant's 932
prior contributions as an other system retirant under this section 933
shall be included in the retirant's total service credit, as 934
defined in section 3307.50 of the Revised Code, as a state 935
teachers retirement system member, and the retirant shall forfeit 936
all rights and benefits of this section. Not more than one year of 937
credit may be given for any period of twelve months. 938

(I) This section does not affect the receipt of benefits by 939
or eligibility for benefits of any person who on August 20, 1976, 940
was receiving a disability benefit or service retirement pension 941
or allowance from a state or municipal retirement system in Ohio 942
and was a member of any other state or municipal retirement system 943
of this state. 944

(J) The state teachers retirement board may make the 945
necessary rules to carry into effect this section and to prevent 946

the abuse of the rights and privileges thereunder. 947

Sec. 3307.351. (A) As used in this section: 948

(1) In addition to the meaning in section 3307.01 of the 949
Revised Code, when appropriate "compensation" has the same meaning 950
as in section 3309.01 of the Revised Code. 951

(2) "Earnable salary" has the same meaning as in section 952
145.01 of the Revised Code. 953

(3) "STRS position" means a position for which a member of 954
the state teachers retirement system is making contributions to 955
the system. 956

(4) "Other state retirement system" means the public 957
employees retirement system or the school employees retirement 958
system. 959

(5) "State retirement system" means the public employees 960
retirement system, state teachers retirement system, or the school 961
employees retirement system. 962

(B)(1) A Subject to division (E) of this section, a member of 963
the state teachers retirement system who holds two or more STRS 964
positions may retire under section 3307.57, 3307.58, or 3307.60 of 965
the Revised Code or under an STRS defined contribution plan from 966
the position for which the annual compensation at the time of 967
retirement is highest and continue to contribute to the retirement 968
system for the other STRS position or positions. 969

(2) A Subject to division (E) of this section, a member of 970
the state teachers retirement system who also holds one or more 971
other positions covered by the other state retirement systems may 972
retire under section 3307.57, 3307.58, or 3307.60 of the Revised 973
Code or under an STRS defined contribution plan from the STRS 974
position and continue contributing to the other state retirement 975
systems if the annual compensation for the STRS position at the 976

time of retirement is greater than annual compensation or earnable 977
salary for the position, or any of the positions, covered by the 978
other state retirement systems. 979

(3) A Subject to division (E) of this section, a member of 980
the state teachers retirement system who holds two or more STRS 981
positions and at least one other position covered by one of the 982
other state retirement systems may retire under section 3307.57, 983
3307.58, or 3307.60 of the Revised Code or under an STRS defined 984
contribution plan from one of the STRS positions and continue 985
contributing to the state teachers retirement system and the other 986
state retirement system if the annual compensation for the STRS 987
position from which the member is retiring is, at the time of 988
retirement, greater than the annual compensation or earnable 989
salary for any of the positions for which the member is continuing 990
to make contributions. 991

(4) Subject to division (E) of this section, a member of the 992
state teachers retirement system who also holds one or more other 993
positions covered by the other state retirement systems may retire 994
under section 3307.57, 3307.58, or 3307.60 of the Revised Code or 995
under an STRS defined contribution plan from one of the other 996
state retirement system positions and continue contributing to the 997
state teachers retirement system if the annual compensation for 998
the other state retirement system position from which the member 999
is retiring is, at the time of retirement, greater than the annual 1000
compensation for any of the positions for which the member is 1001
continuing to make contributions. 1002

(5) A member of the state teachers retirement system who has 1003
retired as provided in division (B)(2) or (3) of section 145.383 1004
or division (B)(2) or (3) of section 3309.343 of the Revised Code 1005
may continue to contribute to the state teachers retirement system 1006
for an STRS position if the member held the position at the time 1007
of retirement from the other state retirement system. 1008

~~(5)~~(6) A member who contributes to the state teachers 1009
retirement system in accordance with division (B)(1), (3), ~~or (4)~~, 1010
or (5) of this section shall contribute in accordance with section 1011
3307.26 of the Revised Code. The member's employer shall 1012
contribute as provided in section 3307.28 of the Revised Code. 1013
Neither the member nor the member's survivors are eligible for any 1014
benefits based on those contributions other than those provided 1015
under section 145.384, 3307.352, or 3309.344 of the Revised Code. 1016

(C)(1) In determining retirement eligibility and the annual 1017
retirement allowance of a member who retires as provided in 1018
division (B)(1), (2), ~~or (3)~~, or (4) of this section, the 1019
following shall be used to the date of retirement: 1020

(a) The member's earnable salary and compensation for all 1021
positions covered by a state retirement system; 1022

(b) Total service credit in any state retirement system, 1023
except that the credit shall not exceed one year of credit for any 1024
period of twelve months; 1025

(c) The member's accumulated contributions. 1026

(2) A member who retires as provided in division (B)(1), (2), 1027
~~or (3)~~, or (4) of this section is a retirant for all purposes of 1028
this chapter, except that the member is not subject to section 1029
3307.35 of the Revised Code for a position or positions for which 1030
contributions continue under those divisions or division (B)~~(4)~~(5) 1031
of this section. 1032

(D) A retired member receiving a benefit under section 1033
3307.352 of the Revised Code based on employment subject to this 1034
section is not a member of the state teachers retirement system 1035
and does not have any rights, privileges, or obligations of 1036
membership. The retired member is a superannuate for purposes of 1037
section 3307.35 of the Revised Code. 1038

(E) A member may continue to contribute to the retirement 1039

system for another STRS position or other state retirement system 1040
position under division (B)(1), (2), (3), or (4) of this section 1041
only for those positions the member held for at least twelve 1042
months immediately prior to retirement under section 3307.57, 1043
3307.58, or 3307.60 of the Revised Code or an STRS defined 1044
contribution plan. 1045

(F) The state teachers retirement board may adopt rules to 1046
carry out this section. 1047

Sec. 3307.352. For purposes of this section, "superannuate" 1048
includes a member who retired under section 3307.351 of the 1049
Revised Code. 1050

(A) Except as provided in division (B)(3) of this section, a 1051
superannuate or other system retirant who has made contributions 1052
under section 3307.35 or 3307.351 of the Revised Code may file an 1053
application with the state teachers retirement system for a 1054
benefit consisting of a single life annuity. The annuity shall 1055
have a reserve equal to the amount of the superannuate's or 1056
retirant's accumulated contributions, as defined in section 1057
3307.50 of the Revised Code, for the period of employment, other 1058
than the contributions excluded pursuant to division (F) of 1059
section 3307.35 of the Revised Code, and an amount determined by 1060
the state teachers retirement board from the employers' trust 1061
created by section 3307.14 of the Revised Code, plus interest 1062
credited to the date of retirement at a rate of interest 1063
determined by the board. The superannuate or other system retirant 1064
shall elect either to receive the benefit as a monthly annuity for 1065
life or a lump sum payment discounted to the present value using a 1066
rate of interest determined by the board, except that if the 1067
monthly annuity would be less than twenty-five dollars per month 1068
the superannuate or retirant shall receive a lump sum payment. 1069

A benefit payable under this division shall commence on the 1070

first day of the month immediately following the latest of the 1071
following: 1072

(1) The last day for which compensation for ~~all~~ employment ~~as~~
~~a teacher~~ subject to this section was paid; 1073
1074

(2) Attainment by the superannuate or other system retirant 1075
of age sixty-five; 1076

(3) If the superannuate or other system retirant was 1077
previously employed under section 3307.35 or 3307.351 of the 1078
Revised Code and previously received or is receiving a benefit 1079
under this division, completion of a period of twelve months since 1080
the effective date of the last benefit under this division. 1081

(B)(1) A superannuate or other system retirant under age 1082
sixty-five who has made contributions under section 3307.35 or 1083
3307.351 of the Revised Code may file an application with the 1084
state teachers retirement system for a return of those 1085
contributions if both of the following conditions are met: 1086

(a) The superannuate or retirant has terminated, for any 1087
reason other than death, the employment for which the 1088
contributions were made. 1089

(b) If the superannuate or retirant received a return of 1090
contributions under this division for a previous period of 1091
employment under section 3307.35 or 3307.351 of the Revised Code, 1092
twelve months have passed since the date the retirement system 1093
returned the contributions. 1094

(2) A return of contributions under this division shall 1095
consist of the sum of the following: 1096

(a) The contributions the superannuate or other system 1097
retirant made under section 3307.35 or 3307.351 of the Revised 1098
Code other than the contributions excluded under division (F) of 1099
section 3307.35 of the Revised Code; 1100

(b) Interest at a rate determined by the state teachers 1101
retirement board credited ~~to~~ through the ~~date that~~ later of the 1102
month the superannuate or retirant terminated the employment for 1103
which the contributions are made or the date required by division 1104
(B)(1)(b) of this section. 1105

(3) Payment of a return of contributions under this division 1106
shall be made on a date determined by the state teachers 1107
retirement board but shall be not earlier than the later of the 1108
first day of the first month following termination of employment 1109
or the date required by division (B)(1)(b) of this section. The 1110
payment cancels the superannuate or retirant's right to a benefit 1111
under division (A) of this section for the service for which the 1112
contributions were made. 1113

(C)(1) If a superannuate or other system retirant who made 1114
contributions under section 3307.35 or 3307.351 of the Revised 1115
Code dies before receiving a benefit under division (A) of this 1116
section or a return of contributions under division (B) of this 1117
section, a lump sum payment shall be paid to the beneficiary 1118
designated under division (D)(1) of section 3307.562 of the 1119
Revised Code. The lump sum shall be calculated in accordance with 1120
division (A) of this section, except that the interest shall be 1121
credited as follows: 1122

(a) If the superannuate or retirant was under age sixty-five 1123
at the time of death, the interest shall be credited through the 1124
month of death. 1125

(b) If the superannuate or retirant was age sixty-five or 1126
older at the time of death, the interest shall be credited through 1127
the later of the month in which the superannuate or retirant 1128
terminated the employment for which the contributions are made or 1129
the month the superannuate or retirant attained age sixty-five. 1130

(2) If at the time of death a superannuate or other system 1131

retirant receiving a monthly annuity under division (A) of this 1132
section has received less than the superannuate or retirant would 1133
have received as a lump sum payment, the difference between the 1134
amount received and the amount that would have been received as a 1135
lump sum payment shall be paid to the superannuate's or retirant's 1136
beneficiary designated under division (D)(1) of section 3307.562 1137
of the Revised Code. 1138

(D) No amount received under this section shall be included 1139
in determining an additional benefit under section 3307.67 of the 1140
Revised Code or any other post-retirement benefit increase. 1141

Sec. 3307.371. (A) As used in this section, "alternate 1142
payee," "benefit," "lump sum payment," "participant," and "public 1143
retirement program" have the same meanings as in section 3105.80 1144
of the Revised Code. 1145

(B) On receipt of an order issued under section 3105.171 or 1146
3105.65 of the Revised Code, the state teachers retirement system 1147
shall determine whether the order meets the requirements of 1148
sections 3105.80 to 3105.90 of the Revised Code. The system shall 1149
retain in the participant's record an order the board determines 1150
meets the requirements. Not later than sixty days after receipt, 1151
the system shall return to the court that issued the order any 1152
order the system determines does not meet the requirements. 1153

(C) The system shall comply with an order retained under 1154
division (B) of this section at the following times as 1155
appropriate: 1156

(1) If the participant has applied for or is receiving a 1157
benefit or has applied for but not yet received a lump sum 1158
payment, as soon as practicable; 1159

(2) If the participant has not applied for a benefit or lump 1160
sum payment, on application by the participant for a benefit or 1161

lump sum payment. 1162

(D) If the system transfers a participant's service credit or 1163
contributions made by or on behalf of a participant to a public 1164
retirement program that is not named in the order, the system 1165
shall do both of the following: 1166

(1) Notify the court that issued the order by sending to the 1167
court a copy of the order and the name and address of the public 1168
retirement program to which the transfer was made. 1169

(2) Send a copy of the order to the public retirement program 1170
to which the transfer was made. 1171

(E) If it receives a participant's service credit or 1172
contributions and a copy of an order as provided in division (D) 1173
of this section, the system shall administer the order as if it 1174
were the public retirement program named in the order. 1175

(F) If a participant's benefit or lump sum payment is or will 1176
be subject to more than one order described in section 3105.81 of 1177
the Revised Code or to an order described in that section ~~3105.81~~ 1178
~~of the Revised Code and a withholding an order under section~~ 1179
~~3111.23 or 3113.21~~ issued in accordance with Chapter 3119., 3121., 1180
3123., or 3125. of the Revised Code, the system shall, after 1181
determining that the amounts that are or will be withheld will 1182
cause the benefit or lump sum payment to fall below the limits 1183
described in section 3105.85 of the Revised Code, do all of the 1184
following: 1185

(1) Establish, in accordance with division (G) of this 1186
section and subject to the limits described in section 3105.85 of 1187
the Revised Code, the priority in which the orders are or will be 1188
paid by the system in accordance with division (G) of this 1189
section; 1190

(2) Reduce the amount paid to an alternate payee based on the 1191
priority established under division (F)(1) of this section; 1192

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division. 1193
1194

(G) A withholding or deduction notice issued ~~under section 3111.23 or 3113.21~~ in accordance with Chapter 3119., 3121., 3123., or 3125. of the Revised Code or an order described in section 3115.32 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state. 1195
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(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section. 1204
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Sec. 3307.39. (A) The state teachers retirement board may enter into an agreement with insurance companies, health insuring corporations, or government agencies authorized to do business in the state for issuance of a policy or contract of health, medical, hospital, or surgical benefits, or any combination thereof, for those individuals receiving, under the STRS defined benefit plan ~~described in sections 3307.50 to 3307.79 of the Revised Code,~~ service retirement or a disability or survivor benefit who subscribe to the plan. Notwithstanding any other provision of this chapter, the policy or contract may also include coverage for any eligible individual's spouse and dependent children and for any of the individual's sponsored dependents as the board considers appropriate. If all or any portion of the policy or contract premium is to be paid by any individual receiving service retirement or a disability or survivor benefit, the individual shall, by written authorization, instruct the board to deduct the premium agreed to be paid by the individual to the companies, 1207
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corporations, or agencies. 1224

The board may contract for coverage on the basis of part or 1225
all of the cost of the coverage to be paid from appropriate funds 1226
of the state teachers retirement system. The cost paid from the 1227
funds of the system shall be included in the employer's 1228
contribution rate provided by section 3307.28 of the Revised Code. 1229

The board may enter into an agreement under this division for 1230
coverage of recipients of benefits under a an STRS defined 1231
contribution plan ~~established under section 3307.81 of the Revised~~ 1232
~~Code~~ if the plan selected includes health, medical, hospital, or 1233
surgical benefits, or any combination thereof. The board may 1234
contract for coverage on the basis that the cost of the coverage 1235
will be paid by the recipient or by the plan to which the 1236
recipient contributed under this chapter. The board may offer to 1237
recipients plans that provide for different levels of coverage or 1238
for prepayment of the cost of coverage. 1239

The board may provide for self-insurance of risk or level of 1240
risk as set forth in the contract with the companies, 1241
corporations, or agencies, and may provide through the 1242
self-insurance method specific benefits as authorized by the rules 1243
of the board. 1244

(B) The board ~~shall~~ may make a monthly payment to each 1245
recipient of service retirement, or a disability or survivor 1246
benefit under the STRS defined benefit plan ~~described in sections~~ 1247
~~3307.50 to 3307.79 of the Revised Code~~ who is ~~eligible for~~ 1248
insurance enrolled in coverage under part B of the medicare 1249
program established under Title XVIII of "The Social Security 1250
Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 1395j, as 1251
amended, and may make a monthly payment to a recipient of benefits 1252
under a an STRS defined contribution plan ~~established under~~ 1253
~~section 3307.81 of the Revised Code~~ who is eligible for that 1254
insurance coverage if the monthly payments are funded through the 1255

plan selected by the recipient. The payment shall be the greater 1256
of the following: 1257

(1) Twenty-nine dollars and ninety cents; 1258

(2) An amount determined by ~~multiplying the board, which~~ 1259
~~shall not exceed ninety per cent of~~ the basic premium for the 1260
~~coverage by a percentage, not exceeding ninety per cent,~~ 1261
~~determined by multiplying the years of service used in calculating~~ 1262
~~the service retirement or benefit or, in the case of a recipient~~ 1263
~~of benefits under a plan established under section 3307.81 of the~~ 1264
~~Revised Code, the participant's years of service by a percentage~~ 1265
~~determined by the board not exceeding three per cent, except that~~ 1266
~~the amount shall not exceed the amount paid by the recipient.~~ 1267

At the request of the board, the recipient shall certify the 1268
amount paid by the recipient for coverage described in this 1269
division. 1270

The board shall make all payments under this division 1271
beginning the month following receipt of satisfactory evidence of 1272
the payment for the coverage. 1273

(C) The board shall establish by rule requirements for the 1274
coordination of any coverage, payment, or benefit provided under 1275
this section ~~or section 3307.61 of the Revised Code~~ with any 1276
similar coverage, payment, or benefit made available to the same 1277
individual by the public employees retirement system, Ohio police 1278
and fire pension fund, school employees retirement system, or 1279
state highway patrol retirement system. 1280

(D) The board shall make all other necessary rules pursuant 1281
to the purpose and intent of this section. 1282

Sec. 3307.391. The state teachers retirement board ~~shall~~ may 1283
establish a program under which members of the state teachers 1284
retirement system, employers on behalf of members, and persons 1285

receiving benefits under this chapter are permitted to participate 1286
in contracts for long-term health care insurance. Participation 1287
may include dependents and family members. If a participant in a 1288
contract for long-term care insurance leaves employment, the 1289
participant and the participant's dependents and family members 1290
may, at their election, continue to participate in a program 1291
established under this section in the same manner as if the 1292
participant had not left employment, except that no part of the 1293
cost of the insurance shall be paid by the participant's former 1294
employer. 1295

Such program may be established independently or jointly with 1296
one or more of the other retirement systems. For purposes of this 1297
section, "retirement systems" has the same meaning as in division 1298
(A) of section 145.581 of the Revised Code. 1299

The board may enter into an agreement with insurance 1300
companies, health insuring corporations, or government agencies 1301
authorized to do business in the state for issuance of a long-term 1302
care insurance policy or contract. However, prior to entering into 1303
such an agreement with an insurance company or health insuring 1304
corporation, the board shall request the superintendent of 1305
insurance to certify the financial condition of the company or 1306
corporation. The board shall not enter into the agreement if, 1307
according to that certification, the company or corporation is 1308
insolvent, is determined by the superintendent to be potentially 1309
unable to fulfill its contractual obligations, or is placed under 1310
an order of rehabilitation or conservation by a court of competent 1311
jurisdiction or under an order of supervision by the 1312
superintendent. 1313

The board ~~shall~~ may adopt rules in accordance with section 1314
111.15 of the Revised Code governing the program. ~~The~~ Any rules 1315
adopted by the board shall establish methods of payment for 1316
participation under this section, which may include establishment 1317

of a payroll deduction plan under section ~~3307.70~~ 3307.701 of the Revised Code, deduction of the full premium charged from a person's benefit, or any other method of payment considered appropriate by the board. If the program is established jointly with one or more of the other retirement systems, the rules also shall establish the terms and conditions of such joint participation.

Sec. 3307.42. (A) Except as provided in section 3307.373 of the Revised Code, the granting to any person of an allowance, annuity, pension, or other benefit under the STRS defined benefit plan described in sections 3307.50 to 3307.79 of the Revised Code, or the granting of a benefit under ~~a~~ an STRS defined contribution plan established under section 3307.81 of the Revised Code, pursuant to an action of the state teachers' retirement board vests a right in such person, so long as the person remains the beneficiary of any of the funds established by section 3307.14 of the Revised Code, to receive the allowance, annuity, pension, or benefit at the rate fixed at the time of granting the allowance, annuity, pension, or benefit. Such right shall also be vested with equal effect in the beneficiary of a grant heretofore made from any of the funds named in section 3307.14 of the Revised Code.

(B)(1) The state teachers retirement system may suspend the benefit of a person receiving a benefit under section 3307.58 or 3307.59 of the Revised Code, a disability benefit under section 3307.63 or 3307.631 of the Revised Code, a survivor benefit under section 3307.66 of the Revised Code, any payment under section 3307.352 of the Revised Code, a benefit under section 3307.60 of the Revised Code as a beneficiary, or a benefit under an STRS defined contribution plan under either of the following circumstances:

(a) The retirement system has good cause to believe that the

person receiving benefits is incapacitated and no other person has 1349
authority to act or receive benefits on the person's behalf. 1350

(b) The retirement system learns that the person receiving 1351
benefits is missing, and the person is unable to provide evidence 1352
satisfactory to the system that the person is alive and is 1353
entitled to receive benefits. 1354

(2) Benefits shall resume on presentation of evidence 1355
satisfactory to the board that the person is no longer 1356
incapacitated or is alive and entitled to receive benefits. Any 1357
missed payments shall be paid in a single lump sum payment. 1358

(3) A benefit suspended under division (B)(1)(b) of this 1359
section shall be terminated on presentation to the board of a 1360
decree of presumed death. Notwithstanding section 2121.04 of the 1361
Revised Code, the termination shall be retroactive to the date the 1362
benefit was suspended. 1363

Sec. 3307.46. Whenever the limits established by section 415 1364
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1365
U.S.C.A. 415, as amended, are raised, the state teachers 1366
retirement board may increase the amount of the pension, benefit, 1367
or allowance of any person whose pension, benefit, or allowance 1368
payable under section 3307.58, 3307.59, 3307.63, 3307.631, or 1369
3307.67 of the Revised Code or ~~a~~ an STRS defined contribution plan 1370
~~established under section 3307.81 of the Revised Code~~ was limited 1371
by the application of section 415. The amount of the increased 1372
pension, benefit, or allowance shall not exceed the lesser of the 1373
amount the person would have received if the limits established by 1374
section 415 had not been applied or the amount the person is 1375
eligible to receive subject to the new limits established by 1376
section 415. 1377

Sec. 3307.47. (A) If a person is paid any benefit or payment 1378

by the state teachers retirement system under the plans described 1379
in section 3307.031 of the Revised Code or under section 3307.371 1380
of the Revised Code to which the person is not entitled, the 1381
benefit shall be repaid to the system by the person. If the person 1382
fails to make the repayment, the system shall withhold the amount 1383
due from any benefit due the person or the person's beneficiary 1384
under this chapter, ~~or may collect the amount in any other manner~~ 1385
~~provided by law.~~ 1386

(B) If an alternate payee under section 3307.371 of the 1387
Revised Code fails to make a repayment required by division (A) of 1388
this section, the system may withhold the amount due from any 1389
benefit due the retirant who was subject to the order under which 1390
the alternate payee was paid or due a survivor or beneficiary of 1391
the retirant. 1392

(C) If a survivor or beneficiary of a retirant fails to make 1393
a repayment required by division (A) of this section, the system 1394
may withhold the amount due from any benefit or payment due any 1395
other survivor or beneficiary of the retirant receiving benefits 1396
or payments under this chapter. 1397

(D) If a child support enforcement agency fails to repay an 1398
overpayment of child support, the system may withhold the amount 1399
due from any benefit due a survivor or beneficiary of the retirant 1400
who was subject to the child support order. 1401

(E) If a person receives any payment pursuant to section 1402
3307.39 of the Revised Code to which the person is not entitled, 1403
including any payment to a third party on the person's behalf, the 1404
payment to which the person is not entitled shall be repaid to the 1405
retirement system. If the person or third party fails to make the 1406
repayment, the retirement system shall withhold the amount due, or 1407
portion of the amount due, from any payment or benefit due the 1408
person or person's beneficiary under this chapter. 1409

(F) The retirement system may collect amounts due under this chapter in any other manner the system considers appropriate, as provided by law. 1410
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Sec. ~~3307.64~~ 3307.48. (A) As used in this section, "disability benefit recipient" means a recipient of a disability benefit under any of the following: 1413
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(1) Section 3307.63 of the Revised Code; 1416

(2) Section 3307.631 of the Revised Code; 1417

(3) The STRS combined plan. 1418

(B) A disability benefit recipient, notwithstanding section 3319.13 of the Revised Code, shall retain membership in the state teachers retirement system and shall be considered on leave of absence during the first five years following the effective date of a disability benefit. 1419
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The state teachers retirement board shall require any disability benefit recipient to submit to an annual medical examination by a physician selected by the board, except that the board may ~~waive~~ forgo the medical examination if the board's physician ~~certifies~~ determines that the recipient's disability is ongoing or may require additional examinations if the board's physician determines that additional information should be obtained. If a disability benefit recipient refuses to submit to a medical examination, the recipient's disability benefit shall be suspended until the recipient withdraws the refusal. If the refusal continues for one year, all the recipient's rights under and to the disability benefit shall be terminated as of the effective date of the original suspension. 1424
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After the examination, the examiner shall report and certify to the board whether the disability benefit recipient is no longer physically and mentally incapable of resuming the service from 1437
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which the recipient was found disabled. If the board concurs in a report by the examining physician that the disability benefit recipient is no longer incapable, the board shall order termination of payment of a disability benefit ~~shall be terminated~~ not later than the following thirty-first day of August or upon employment as a teacher prior thereto. The board shall provide notice to the recipient of the board's order. At the request of the recipient, a hearing on the order shall be conducted in accordance with procedures established by the board. If the leave of absence has not expired, the board shall so certify to the disability benefit recipient's last employer before being found disabled that the recipient is no longer physically and mentally incapable of resuming service that is the same or similar to that from which the recipient was found disabled. If the recipient was under contract at the time the recipient was found disabled, the employer by the first day of the next succeeding year shall restore the recipient to the recipient's previous position and salary or to a position and salary similar thereto, unless the recipient was dismissed or resigned in lieu of dismissal for dishonesty, misfeasance, malfeasance, or conviction of a felony.

~~A disability benefit shall terminate if the disability benefit recipient becomes employed as a teacher in any public or private school or institution in this state or elsewhere. An individual receiving a disability benefit from the system shall be ineligible for to perform any employment as a teacher and it shall be unlawful for any employer to employ the individual as a teacher teaching service, as defined by the board. A disability benefit shall immediately terminate if the disability benefit recipient performs any teaching service in this state or elsewhere. The board shall notify the recipient that the benefit is terminated. The recipient may submit, not later than thirty days after the date the notice is sent, to the board information specifying that the disability recipient did not perform teaching services while~~

receiving disability benefits along with any supporting evidence 1473
available to the recipient. The board shall review the information 1474
and any accompanying evidence to determine whether the individual 1475
performed teaching services. The board may designate an individual 1476
to review the information and submit a recommendation to the 1477
board. The board shall determine whether the benefit was correctly 1478
terminated. If not, the benefit shall be reinstated and any missed 1479
payments paid to the recipient. The board's decision is final. ~~if~~ 1480

If any employer should employ or reemploy ~~the individual a~~ 1481
disability benefit recipient prior to the termination of a 1482
disability benefit, the employer shall file notice of employment 1483
with the board designating the date of the employment. If the 1484
~~individual should be paid both~~ recipient received a disability 1485
~~benefit and also compensation for performed~~ teaching ~~service~~ 1486
services for all or any part of the same month, the ~~secretary of~~ 1487
~~the board shall certify to the employer or to the superintendent~~ 1488
~~of public instruction~~ recipient shall repay to the annuity and 1489
pension reserve fund the amount of the disability benefit received 1490
by the ~~individual during the employment, which amount shall be~~ 1491
~~deducted from any amount due the employing district under Chapter~~ 1492
~~3317. of the Revised Code or shall be paid by the employer to the~~ 1493
~~annuity and pension reserve fund~~ recipient from the beginning of 1494
employment. 1495

Each disability benefit recipient shall file with the board 1496
an annual statement of earnings, current medical information on 1497
the recipient's condition, and any other information required in 1498
rules adopted by the board. The board may waive the requirement 1499
that a disability benefit recipient file an annual statement of 1500
earnings or current medical information if the board's physician 1501
certifies that the recipient's disability is ongoing. 1502

The board shall annually examine the information submitted by 1503
the recipient. If a disability benefit recipient refuses to file 1504

the statement or information, the disability benefit shall be 1505
suspended until the statement and information are filed. If the 1506
refusal continues for one year, the recipient's right to the 1507
disability benefit shall be terminated as of the effective date of 1508
the original suspension. 1509

A disability benefit also may be terminated by the board at 1510
the request of the disability benefit recipient. 1511

If disability retirement under section 3307.63 of the Revised 1512
Code is terminated for any reason, the annuity and pension 1513
reserves at that time in the annuity and pension reserve fund 1514
shall be transferred to the teachers' savings fund and the 1515
employers' trust fund, respectively. If the total disability 1516
benefit paid was less than the amount of the accumulated 1517
contributions of the member transferred to the annuity and pension 1518
reserve fund at the time of the member's disability retirement, 1519
then the difference shall be transferred from the annuity and 1520
pension reserve fund to another fund as required. In determining 1521
the amount of a member's account following the termination of 1522
disability retirement for any reason, the total amount paid shall 1523
be charged against the member's refundable account. 1524

If a disability allowance paid under section 3307.631 of the 1525
Revised Code is terminated for any reason, the reserve on the 1526
allowance at that time in the annuity and pension reserve fund 1527
shall be transferred from that fund to the employers' trust fund. 1528

If a former disability benefit recipient again becomes a 1529
contributor, other than as an other system retirant under section 1530
3307.35 of the Revised Code, to this retirement system, the school 1531
employees retirement system, or the public employees retirement 1532
system, and completes at least two additional years of service 1533
credit, the former disability benefit recipient shall receive 1534
credit for the period as a disability benefit recipient, except 1535
that effective July 1, 2013, the credit shall not exceed the 1536

lesser of the years of contributing service following the 1537
termination of disability benefits or five years of service 1538
credit. 1539

Sec. 3307.50. As used in sections 3307.50 to 3307.79 of the 1540
Revised Code: 1541

(A) "Prior service" means all service as a teacher before 1542
September 1, 1920, military service credit, all service prior to 1543
September 1, 1920, as an employee of any employer who comes within 1544
the public employees retirement system, the school employees 1545
retirement system, or any other state retirement system 1546
established under the laws of Ohio, and similar service in another 1547
state, credit for which was procured by a member under former 1548
section 3307.33 of the Revised Code, prior to June 25, 1945. Prior 1549
service credit shall not be granted to any member for service for 1550
which credit or benefits have been received in any other state 1551
retirement system in Ohio or for credit that was forfeited by 1552
withdrawal of contributions, unless the credit has been restored. 1553
If the teacher served as an employee in any two or all of the 1554
capacities, "prior service" means the total combined service in 1555
the capacities prior to September 1, 1920. 1556

If a teacher who has been granted prior service credit for 1557
service rendered prior to September 1, 1920, as an employee of an 1558
employer who comes within the public employees retirement system 1559
or the school employees retirement system, establishes, subsequent 1560
to September 16, 1957, and before retirement, three years of 1561
contributing service in the public employees retirement system, or 1562
one year in the school employees retirement system, the prior 1563
service credit granted shall become, at retirement, the liability 1564
of the other system if the prior service or employment was in a 1565
capacity covered by that system. 1566

(B) "Total service," "total service credit," except as 1567

provided in section 3307.57 of the Revised Code, or "Ohio service 1568
credit" means all service of a member of the state teachers 1569
retirement system since last becoming a member and, in addition 1570
thereto, restored service credit under section 3307.71 of the 1571
Revised Code, all prior service credit, all military service 1572
credit computed as provided in this chapter, and all other service 1573
credit established under sections 3307.26, 3307.53, ~~3307.54,~~ 1574
3307.72, 3307.73, 3307.74, 3307.76, 3307.761, 3307.763, 3307.77, 1575
3307.771, and 3307.78 and former sections 3307.513, 3307.514, and 1576
3307.52 of the Revised Code, and Section 3 of Amended Substitute 1577
Senate Bill No. 530 of the 114th general assembly. ~~All service 1578
credit purchased under section 3307.741 of the Revised Code shall 1579
be used exclusively for the purpose of qualifying for service 1580
retirement.~~ 1581

(C)(1) "Service retirement" means retirement as provided in 1582
section 3307.58 or 3307.59 of the Revised Code. 1583

(2) "Disability retirement" means retirement as provided in 1584
section 3307.63 of the Revised Code. 1585

(D) "Accumulated contributions" means the sum of all amounts 1586
credited to a contributor's individual account in the teachers' 1587
savings fund, together with interest credited thereon at the rates 1588
approved by the state teachers retirement board prior to 1589
retirement. 1590

(E) "Annuity" means payments for life derived from 1591
contributions made by a contributor and paid from the annuity and 1592
pension reserve fund. All annuities shall be paid in twelve equal 1593
monthly installments. 1594

(F) "Pensions" means annual payments for life derived from 1595
appropriations made by an employer and paid from the annuity and 1596
pension reserve fund. All pensions shall be paid in twelve equal 1597
monthly installments. 1598

(G)(1) "Allowance" means the pension plus the annuity, or any other payment under ~~sections 3307.50 to 3307.79 of the Revised Code~~ the STRS defined benefit plan, and includes a disability allowance or disability benefit.

(2) "Disability allowance" means an allowance paid on account of disability under section 3307.631 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 3307.63 of the Revised Code, as a disability allowance under section 3307.631 of the Revised Code, or as a disability benefit under section 3307.57 of the Revised Code.

(H) "Annuity reserve" means the present value, computed upon the basis of mortality tables adopted by the state teachers retirement board with interest, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a member.

(I) "Pension reserve" means the present value, computed upon the basis of mortality tables adopted by the state teachers retirement board with interest, of all payments to be made on account of any pension, or benefit in lieu of any pension, granted to a member or to a beneficiary.

(J) "Retirant" means any former member who is granted age and service retirement as provided in sections 3307.57, 3307.58, 3307.59, and 3307.60 of the Revised Code.

(K) "Disability benefit recipient" means a member who is receiving a disability benefit.

Sec. 3307.501. (A) As used in this section, "percentage increase" means the percentage that an increase in compensation is of the compensation paid prior to the increase.

(B) Notwithstanding division (L) of section 3307.01 of the

Revised Code, for the purpose of determining final average salary 1629
under this section, "compensation" has the same meaning as in that 1630
division, except that it does not include any amount resulting 1631
from a percentage increase paid to a member during the member's 1632
two highest years of compensation that exceeds the greater of the 1633
following: 1634

(1) The highest percentage increase in compensation paid to 1635
the member during any of the three years immediately preceding the 1636
earlier of the member's two highest years of compensation and any 1637
subsequent partial year of compensation used in calculating the 1638
member's final average salary; 1639

(2) A percentage increase paid to the member as part of an 1640
increase generally applicable to members employed by the employer. 1641
An increase shall be considered generally applicable if it is paid 1642
to members employed by a school district board of education in 1643
positions requiring a license issued under section 3319.22 of the 1644
Revised Code in accordance with uniform criteria applicable to all 1645
such members or if paid to members employed by an employer other 1646
than a school district board of education in accordance with 1647
uniform criteria applicable to all such members. 1648

(C) The state teachers retirement board shall determine the 1649
final average salary of a member as follows: 1650

(1) For benefits beginning before August 1, 2015, by dividing 1651
the sum of the member's annual compensation for the three highest 1652
years of compensation for which the member made contributions plus 1653
any amount determined under division (E) of this section by three, 1654
except that if the member has a partial year of contributing 1655
service in the year the member's employment terminates and the 1656
compensation for the partial year is at a rate higher than the 1657
rate of compensation for any one of the member's highest three 1658
years of compensation, the board shall substitute the compensation 1659
for the partial year for the compensation for the same portion of 1660

the lowest of the member's three highest years of compensation; 1661

(2) For benefits beginning on or after August 1, 2015, by 1662
dividing the sum of the member's annual compensation for the five 1663
highest years of compensation for which the member made 1664
contributions plus any amount determined under division (E) of 1665
this section by five, except that if the member has a partial year 1666
of contributing service in the year the member's employment 1667
terminates and the compensation for the partial year is at a rate 1668
higher than the rate of compensation for any one of the member's 1669
highest five years of compensation, the board shall substitute the 1670
compensation for the partial year for the compensation for the 1671
same portion of the lowest of the member's five highest years of 1672
compensation. ~~If~~ 1673

If a member has less than ~~three~~ the requisite years of 1674
contributing membership, the member's final average salary shall 1675
be the member's total compensation for the period of contributing 1676
membership plus any amount determined under division (E) of this 1677
section divided by the total years, including any portion of a 1678
year, of contributing service. 1679

For the purpose of calculating benefits payable to a member 1680
qualifying for service credit under division (I) of section 1681
3307.01 of the Revised Code, the board shall calculate the 1682
member's final average salary by dividing the member's total 1683
compensation as a teacher covered under this chapter plus any 1684
amount determined under division (E) of this section by the total 1685
number of years, including any portion of a year, of contributing 1686
membership during that period. If contributions were made for less 1687
than twelve months, the member's final average salary is the total 1688
amount of compensation paid to the member during all periods of 1689
contributions under this chapter. 1690

(D) Contributions made by a member and an employer on amounts 1691
that, pursuant to division (B) of this section, are not 1692

compensation or are not included, pursuant to division (E) of this 1693
section, for the purpose of determining final average salary shall 1694
be treated as additional deposits to the member's account under 1695
section 3307.26 of the Revised Code and used to provide additional 1696
annuity income. 1697

(E) The state teachers retirement board shall adopt rules 1698
establishing criteria and procedures for administering this 1699
division. 1700

The board shall notify each applicant for retirement of any 1701
amount excluded from the applicant's compensation in accordance 1702
with division (B) of this section and of the procedures 1703
established by the board for requesting a hearing on this 1704
exclusion. 1705

Any applicant for retirement who has had any amount excluded 1706
from the applicant's compensation in accordance with division (B) 1707
of this section may request a hearing on this exclusion. Upon 1708
receiving such a request, the board shall determine in accordance 1709
with its criteria and procedures whether, for good cause as 1710
determined by the board, all or any portion of any amount excluded 1711
from the applicant's compensation in accordance with division (B) 1712
of this section, up to a maximum of seventy-five hundred dollars, 1713
is to be included in the determination of final average salary 1714
under division (C) of this section. Any determination of the board 1715
under this division shall be final. 1716

Sec. 3307.51. (A) The state teachers retirement board shall 1717
have prepared annually by or under the supervision of an actuary 1718
an actuarial valuation of the pension assets, liabilities, and 1719
funding requirements of the STRS defined benefit plan ~~described in~~ 1720
~~sections 3307.50 to 3307.79 of the Revised Code.~~ The actuary shall 1721
complete the valuation in accordance with actuarial standards of 1722
practice promulgated by the actuarial standards board of the 1723

American academy of actuaries and prepare a report of the	1724
valuation. The report shall include all of the following:	1725
(1) A summary of the benefit provisions evaluated;	1726
(2) A summary of the census data and financial information used in the valuation;	1727 1728
(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system;	1729 1730 1731 1732 1733
(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;	1734 1735 1736
(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;	1737 1738 1739
(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.	1740 1741 1742
The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of January following the year for which the valuation was made.	1743 1744 1745 1746 1747
(B) At such times as the state teachers retirement board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries of the system, and other system retirants as defined in section	1748 1749 1750 1751 1752 1753

3307.35 of the Revised Code to update the actuarial assumptions 1754
used in the actuarial valuation required by division (A) of this 1755
section. The actuary shall prepare a report of the actuarial 1756
investigation. The report shall be prepared and any recommended 1757
changes in actuarial assumptions shall be made in accordance with 1758
the actuarial standards of practice promulgated by the actuarial 1759
standards board of the American academy of actuaries. The report 1760
shall include all of the following: 1761

(1) A summary of relevant decrement and economic assumption 1762
experience observed over the period of the investigation; 1763

(2) Recommended changes in actuarial assumptions to be used 1764
in subsequent actuarial valuations required by division (A) of 1765
this section; 1766

(3) A measurement of the financial effect of the recommended 1767
changes in actuarial assumptions. 1768

The board shall submit the report to the Ohio retirement 1769
study council and the standing committees of the house of 1770
representatives and the senate with primary responsibility for 1771
retirement legislation not later than the first day of May 1772
following the last fiscal year of the period the report covers. 1773

(C) The board may at any time request the actuary to make any 1774
other studies or actuarial valuations to determine the adequacy of 1775
the normal and deficiency rates of contribution provided by 1776
section 3307.28 of the Revised Code, and those rates may be 1777
adjusted by the board, as recommended by the actuary, effective as 1778
of the first of any year thereafter. 1779

(D) The board shall have prepared by or under the supervision 1780
of an actuary an actuarial analysis of any introduced legislation 1781
expected to have a measurable financial impact on the retirement 1782
system. The actuarial analysis shall be completed in accordance 1783
with the actuarial standards of practice promulgated by the 1784

actuarial standards board of the American academy of actuaries. 1785
The actuary shall prepare a report of the actuarial analysis, 1786
which shall include all of the following: 1787

(1) A summary of the statutory changes that are being 1788
evaluated; 1789

(2) A description of or reference to the actuarial 1790
assumptions and actuarial cost method used in the report; 1791

(3) A description of the participant group or groups included 1792
in the report; 1793

(4) A statement of the financial impact of the legislation, 1794
including the resulting increase, if any, in the employer normal 1795
cost percentage; the increase, if any, in actuarial accrued 1796
liabilities; and the per cent of payroll that would be required to 1797
amortize the increase in actuarial accrued liabilities as a level 1798
per cent of covered payroll for all active members over a period 1799
not to exceed thirty years; 1800

(5) A statement of whether the scheduled contributions to the 1801
system after the proposed change is enacted are expected to be 1802
sufficient to satisfy the funding objectives established by the 1803
board. 1804

Not later than sixty days from the date of introduction of 1805
the legislation, the board shall submit a copy of the actuarial 1806
analysis to the legislative service commission, the standing 1807
committees of the house of representatives and the senate with 1808
primary responsibility for retirement legislation, and the Ohio 1809
retirement study council. 1810

(E) The board shall have prepared annually a report giving a 1811
full accounting of the revenues and costs relating to the 1812
provision of benefits under ~~sections~~ section 3307.39 and ~~3307.61~~ 1813
of the Revised Code. The report shall be made as of June 30, 1997, 1814
and the thirtieth day of June of each year thereafter. The report 1815

shall include the following:	1816
(1) A description of the statutory authority for the benefits provided;	1817 1818
(2) A summary of the benefits;	1819
(3) A summary of the eligibility requirements for the benefits;	1820 1821
(4) A statement of the number of participants eligible for the benefits;	1822 1823
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	1824 1825
(6) A statement of the net assets available for the provisions of benefits as of the last day of the fiscal year;	1826 1827
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	1828 1829 1830 1831 1832
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	1833 1834 1835 1836
(9) A description of any significant changes that affect the comparability of the report required under this division;	1837 1838
(10) A statement of the amount paid under division (B) of section 3307.39 of the Revised Code.	1839 1840
The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the thirty-first day of December following the year for which the report was made.	1841 1842 1843 1844 1845

Sec. 3307.512. The state teachers retirement board shall 1846
establish a period of not more than thirty years to amortize the 1847
state teachers retirement system's unfunded actuarial accrued 1848
pension liabilities for benefits paid under ~~sections 3307.50 to~~ 1849
~~3307.79 of the Revised Code~~ the STRS defined benefit plan. If in 1850
any year the period necessary to amortize the unfunded actuarial 1851
accrued pension liability exceeds thirty years, as determined by 1852
the annual actuarial valuation required by section 3307.51 of the 1853
Revised Code, the board, not later than ninety days after receipt 1854
of the valuation, shall prepare and submit to the Ohio retirement 1855
study council and the standing committees of the house of 1856
representatives and the senate with primary responsibility for 1857
retirement legislation a report that includes the following 1858
information: 1859

(A) The number of years needed to amortize the unfunded 1860
actuarial accrued pension liability as determined by the annual 1861
actuarial valuation; 1862

(B) A plan approved by the board that indicates how the board 1863
will reduce the amortization period of unfunded actuarial accrued 1864
pension liability to not more than thirty years. 1865

Sec. 3307.52. At the time of retirement under the STRS 1866
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 1867
~~the Revised Code~~, the total service credited a teacher shall 1868
consist of all the teacher's service as a teacher since the 1869
teacher last became a member and, if the teacher has a prior 1870
service certificate which is in full force and effect, all service 1871
certified on such prior service certificate, ~~together with~~ 1872
~~purchased service credit as provided in section 3307.741 of the~~ 1873
~~Revised Code.~~ 1874

Sec. 3307.53. The state teachers retirement board shall 1875

credit a year of service to any teacher participating in the STRS 1876
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 1877
~~the Revised Code~~ who is employed on a full-time basis in a school 1878
district for the number of months the regular day schools of such 1879
district are in session in said district within any year. The 1880
board shall adopt appropriate rules and regulations for the 1881
determination of credit for less than a complete year of service, 1882
and shall be the final authority in determining the number of 1883
years of service credit. The board shall credit not more than one 1884
year for all service rendered in any year. 1885

If concurrent contributions are made to two or more 1886
retirement systems, except in the case of retirement as provided 1887
in section 3307.351 of the Revised Code, service credit shall be 1888
on the basis of the ratio that contributions to this system bear 1889
to the total contributions in all such systems. 1890

The board shall adopt rules for the purpose of determining 1891
the number of years or partial years of service credit to be 1892
granted to a member under section ~~3307.88~~ 3307.25 of the Revised 1893
Code. The amount of service credit shall be based on the member's 1894
length of participation in and contribution to ~~a~~ an STRS defined 1895
contribution plan ~~established under section 3307.81 of the Revised~~ 1896
~~Code~~. The board shall be the final authority in determining the 1897
amount of service credit. 1898

Sec. 3307.56. (A)(1) Subject to sections 3307.37 and 3307.561 1899
of the Revised Code and except as provided in division (B)(2) of 1900
this section, a member participating in the STRS defined benefit 1901
plan ~~described in sections 3307.50 to 3307.79 of the Revised Code~~ 1902
who ceases to be a teacher for any cause other than death, 1903
retirement, receipt of a disability benefit, or current employment 1904
in a position in which the member has elected to participate in an 1905
alternative retirement plan under section 3305.05 or 3305.051 of 1906

the Revised Code, upon application, shall be paid the accumulated 1907
contributions standing to the credit of the member's individual 1908
account in the teachers' savings fund plus an amount calculated in 1909
accordance with section 3307.563 of the Revised Code. If the 1910
member or the member's legal representative cannot be found within 1911
ten years after the member ceased making contributions pursuant to 1912
section 3307.26 of the Revised Code, the accumulated contributions 1913
may be transferred to the guarantee fund and thereafter paid to 1914
the member, to the member's beneficiaries, or to the member's 1915
estate, upon proper application. 1916

(2) A member described in division (A)(1) of this section who 1917
is married at the time of application for payment and is eligible 1918
for age and service retirement under section 3307.58 or 3307.59 of 1919
the Revised Code or would be eligible for age and service 1920
retirement under either of those sections but for a forfeiture 1921
ordered under division (A) or (B) of section 2929.192 of the 1922
Revised Code shall submit with the application a written statement 1923
by the member's spouse attesting that the spouse consents to the 1924
payment of the member's accumulated contributions. Consent shall 1925
be valid only if it is signed and witnessed by a notary public. If 1926
the statement is not submitted under this division, the 1927
application shall be considered an application for service 1928
retirement and shall be subject to division (G)(1) of section 1929
3307.60 of the Revised Code. 1930

The state teachers retirement board may waive the requirement 1931
of consent if the spouse is incapacitated or cannot be located, or 1932
for any other reason specified by the board. Consent or waiver is 1933
effective only with regard to the spouse who is the subject of the 1934
consent or waiver. 1935

(B) This division applies to any member who is employed in a 1936
position in which the member has elected under section 3305.05 or 1937
3305.051 of the Revised Code to participate in an alternative 1938

retirement plan and due to the election ceases to be a teacher for 1939
the purposes of that position. 1940

Subject to sections 3307.37 and 3307.561 of the Revised Code, 1941
the state teachers retirement system shall do the following: 1942

(1) On receipt of a certified copy of an election under 1943
section 3305.05 or 3305.051 of the Revised Code, pay, in 1944
accordance with section 3305.052 of the Revised Code, the amount 1945
described in that section to the appropriate provider; 1946

(2) If a member has accumulated contributions, in addition to 1947
those subject to division (B)(1) of this section, standing to the 1948
credit of a member's individual account and is not otherwise in a 1949
position in which the member is considered a teacher for the 1950
purposes of that position, pay, to the provider the member 1951
selected pursuant to section 3305.05 or 3305.051 of the Revised 1952
Code, the accumulated contributions standing to the credit of the 1953
member's individual account in the teachers' saving fund plus an 1954
amount calculated in accordance with section ~~3307.80~~ 3307.563 of 1955
the Revised Code. The payment shall be made on the member's 1956
application. 1957

(C) Payment of a member's accumulated contributions under 1958
division (B) of this section cancels the member's total service 1959
credit in the state teachers retirement system. A member whose 1960
accumulated contributions are paid to a provider pursuant to 1961
division (B) of this section is forever barred from claiming or 1962
purchasing service credit under the state teachers retirement 1963
system for the period of employment attributable to those 1964
contributions. 1965

Sec. 3307.561. (A) Except as provided in division (B) of this 1966
section, a member of the state teachers retirement system 1967
participating in the STRS defined benefit plan ~~described in~~ 1968
~~sections 3307.50 to 3307.79 of the Revised Code~~ who has ceased to 1969

be a teacher, and who is also a member of either the public 1970
employees retirement system or school employees retirement system, 1971
or both, may not withdraw the member's accumulated contributions. 1972

(B) On application, the state teachers retirement board shall 1973
pay a member described in division (A) of this section the 1974
member's accumulated contributions if either of the following 1975
applies: 1976

(1) The member also withdraws the member's contributions from 1977
the other systems. 1978

(2) The member is a participant in a PERS defined 1979
contribution plan or a plan established under section ~~145.81 or~~ 1980
3309.81 of the Revised Code and has withdrawn the member's 1981
contributions under ~~plans~~ the PERS defined benefit plan or the 1982
plan described in sections ~~145.201 to 145.79 and~~ 3309.18 to 1983
3309.70 of the Revised Code. 1984

Sec. 3307.562. (A) As used in this section and section 1985
3307.66 of the Revised Code: 1986

(1) "Child" means a biological or legally adopted child of a 1987
deceased member. If a court hearing for an interlocutory decree 1988
for adoption was held prior to the member's death, "child" 1989
includes the child who was the subject of the hearing if a final 1990
decree of adoption adjudging the member's spouse as the adoptive 1991
parent is made subsequent to the member's death. 1992

(2) "Parent" is a parent or legally adoptive parent of a 1993
deceased member. 1994

(3) "Dependent" means a beneficiary who receives one-half of 1995
the beneficiary's support from a member during the twelve months 1996
prior to the member's death. 1997

(4) "Surviving spouse" means an individual who establishes a 1998
valid marriage to a member at the time of the member's death by 1999

marriage certificate or pursuant to division (E) of this section. 2000

(5) "Survivor" means a spouse, child, or dependent parent. 2001

(B) Except as provided in division (B) of section 3307.563 or 2002
division (G)(1) of section 3307.66 of the Revised Code, should a 2003
member who is participating in the STRS defined benefit plan 2004
~~described in sections 3307.50 to 3307.79 of the Revised Code~~ die 2005
before service retirement, the member's accumulated contributions, 2006
plus an amount calculated in accordance with section 3307.563 of 2007
the Revised Code, and any amounts owed and unpaid to a disability 2008
benefit recipient shall be paid to such beneficiaries as the 2009
member has nominated by written designation signed by the member 2010
and ~~filed with~~ received by the state teachers retirement board 2011
prior to death. A member may designate two or more persons as 2012
beneficiaries to be paid the amount determined under this 2013
division. On and after July 1, 2013, and subject to rules adopted 2014
by the board, a member who designates two or more persons as 2015
beneficiaries shall specify the percentage of the amount that each 2016
beneficiary is to be paid. If the member has not specified the 2017
percentages, the amount shall be divided equally among the 2018
beneficiaries. If a designated beneficiary is deceased, the amount 2019
allocated to the deceased beneficiary shall be allocated to the 2020
remaining beneficiaries based on each remaining beneficiary's 2021
initial percentage. The nomination of beneficiary shall be on a 2022
form provided by the retirement board. The last nomination of any 2023
beneficiary revokes all previous nominations. The member's 2024
marriage, divorce, marriage dissolution, legal separation, or 2025
withdrawal of account, or the birth of the member's child, or the 2026
member's adoption of a child, shall constitute an automatic 2027
revocation of the member's previous designation. If a deceased 2028
member was also a member of the public employees retirement system 2029
or the school employees retirement system, the beneficiary last 2030
established among the systems shall be the sole beneficiary in all 2031

the systems. 2032

Any beneficiary ineligible for monthly survivor benefits as 2033
provided by section 3307.66 of the Revised Code may waive in 2034
writing all claim to any benefits and such waiver shall thereby 2035
put in effect the succession of beneficiaries under division (C) 2036
of this section, provided the beneficiary thereunder is 2037
immediately eligible and agrees in writing to accept survivor 2038
benefits as provided by section 3307.66 of the Revised Code. If 2039
the accumulated contributions of a deceased member are not claimed 2040
by a beneficiary, or by the estate of the deceased member, within 2041
ten years, they shall be transferred to the guarantee fund and 2042
thereafter paid to such beneficiary or to the member's estate upon 2043
application to the board. The board shall formulate and adopt 2044
rules governing all designations of beneficiaries. 2045

(C) Except as provided in division (G)(1) of section 3307.66 2046
of the Revised Code, if a member dies before service retirement 2047
and is not survived by a designated beneficiary, any beneficiaries 2048
shall qualify, in the following order of precedence, with all 2049
attendant rights and privileges: 2050

(1) Surviving spouse; 2051

(2) Children, share and share alike; 2052

(3) A dependent parent, if that parent elects to take 2053
survivor benefits under division (C)(2) of section 3307.66 of the 2054
Revised Code; 2055

(4) Parents, share and share alike; 2056

(5) Estate. 2057

If any survivor dies before payment is made under this 2058
section or is not located prior to the ninety-first day after the 2059
board receives notification of the member's death, the survivor 2060
next in order of precedence shall qualify as a beneficiary, 2061

provided that benefits under division (C)(2) of section 3307.66 of 2062
the Revised Code are elected. In the event that the beneficiary 2063
originally determined is subsequently located, the beneficiary may 2064
qualify for benefits under division (C)(2) of section 3307.66 of 2065
the Revised Code upon meeting the conditions of eligibility set 2066
forth in division (B) of that section, but in no case earlier than 2067
the first day of the month following application by such 2068
beneficiary. Any payment made to a beneficiary as determined by 2069
the board shall be a full discharge and release to the board from 2070
any future claims. 2071

(D)(1) Any amount due any person, as an annuitant, receiving 2072
a monthly benefit, and unpaid to the annuitant at death, shall be 2073
paid to the beneficiary named by written designation signed by the 2074
annuitant and ~~filed with~~ received by the state teachers retirement 2075
board prior to death. If no such designation has been filed, or if 2076
the beneficiary designated is deceased or is not located prior to 2077
the ninety-first day after the board receives notification of the 2078
annuitant's death, such amount shall be paid, in the following 2079
order of precedence to the annuitant's: 2080

- ~~(1)~~(a) Surviving spouse; 2081
- ~~(2)~~(b) Children, share and share alike; 2082
- ~~(3)~~(c) Parents, share and share alike; 2083
- ~~(4)~~(d) Estate. 2084

(2) If there is no beneficiary under division (D)(1) of this 2085
section, an amount not exceeding the cost of the annuitant's 2086
burial expenses may be paid to the person responsible for the 2087
burial expenses. 2088

For purposes of this division an "annuitant" is the last 2089
person who received a monthly benefit pursuant to the plan of 2090
payment selected by the former member. Such payment shall be a 2091
full discharge and release to the board from any future claim for 2092

such payment. 2093

(E) If the validity of marriage cannot be established to the 2094
satisfaction of the board for the purpose of disbursing any amount 2095
due under this section or section 3307.66 of the Revised Code, the 2096
board may accept a decision rendered by a court having 2097
jurisdiction in the state in which the member was domiciled at the 2098
time of death that the relationship constituted a valid marriage 2099
at the time of death, or the "spouse" would have the same status 2100
as a widow or widower for purposes of sharing the distribution of 2101
the member's intestate personal property. 2102

(F) As used in this division, "recipient" means an individual 2103
who is receiving or may be eligible to receive an allowance or 2104
benefit under this chapter based on the individual's service to an 2105
employer. 2106

If the death of a member, a recipient, or any individual who 2107
would be eligible to receive an allowance or benefit under this 2108
chapter by virtue of the death of a member or recipient is caused 2109
by one of the following beneficiaries, no amount due under this 2110
chapter to the beneficiary shall be paid to the beneficiary in the 2111
absence of a court order to the contrary filed with the board: 2112

(1) A beneficiary who is convicted of, pleads guilty to, or 2113
is found not guilty by reason of insanity of a violation of or 2114
complicity in the violation of either of the following: 2115

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code; 2116

(b) An existing or former law of any other state, the United 2117
States, or a foreign nation that is substantially equivalent to 2118
section 2903.01, 2903.02, or 2903.03 of the Revised Code; 2119

(2) A beneficiary who is indicted for a violation of or 2120
complicity in the violation of the sections or laws described in 2121
division (F)(1)(a) or (b) of this section and is adjudicated 2122
incompetent to stand trial; 2123

(3) A beneficiary who is a juvenile found to be a delinquent child by reason of committing an act that, if committed by an adult, would be a violation of or complicity in the violation of the sections or laws described in division (F)(1)(a) or (b) of this section.

Sec. 3307.563. For the purposes of this section, "service credit" includes only service credit obtained pursuant to sections 3307.53, 3307.71, 3307.712, 3307.72, and 3307.77 of the Revised Code.

(A) The state teachers retirement system shall add to a member's accumulated contributions to be paid under section 3307.56 or 3307.562 of the Revised Code an amount paid from the employers' trust fund equal to one of the following:

(1) If the member has less than three full years of service credit, an amount equal to interest on the member's accumulated contributions, compounded annually, at a rate not greater than four per cent established by the board;

(2) If the member has three or more full years of service credit, but less than five full years, an amount equal to interest on the member's accumulated contributions, compounded annually, at a rate not greater than six per cent established by the board;

(3) If the member has five or more full years of service credit, the sum of the following amounts:

(a) An amount equal to interest on the member's accumulated contributions, compounded annually, at a rate not greater than six per cent established by the board;

(b) An amount equal to fifty per cent of the sum of the member's contributions under section 3307.26, any contributions restored under section 3307.71 of the Revised Code to the extent that the amount paid to restore the credit included amounts

received by the member under division (A)(3)(b) of this section, 2154
and contributions deducted under division (C) of section 3307.77 2155
of the Revised Code plus interest on that amount at a rate not 2156
greater than six per cent established by the board. 2157

Interest for each year included in the calculation under this 2158
section shall be calculated from the first day of the following 2159
year to the last day of the month preceding payment under section 2160
3307.56 or 3307.562 of the Revised Code. 2161

(B) Notwithstanding sections 3307.56 and 3307.562 of the 2162
Revised Code, neither a member who returned to contributing 2163
service after receiving disability benefits nor the beneficiaries, 2164
survivors, ~~nor~~ or estate of a deceased member who was granted 2165
disability benefits prior to death is eligible for the payment of 2166
any amount calculated under this section. 2167

Sec. 3307.57. To coordinate and integrate membership in the 2168
state retirement systems, the following provisions apply: 2169

(A) As used in this section: 2170

(1) "Retirement systems" means the public employees 2171
retirement system, state teachers retirement system, and school 2172
employees retirement system. 2173

(2) In addition to the meaning given in section 3307.50 of 2174
the Revised Code, "disability benefit" means "disability benefit" 2175
as defined in sections 145.01 and 3309.01 of the Revised Code; 2176

(3) "Actuarial assumption rate" means the investment rate of 2177
return assumed for projecting assets in the STRS defined benefit 2178
plan. 2179

(B) At the option of a member participating in the STRS 2180
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 2181
~~the Revised Code,~~ total contributions and service credit in all 2182
retirement systems, including amounts paid to restore service 2183

credit under sections 145.311, 3307.711, and 3309.261 of the Revised Code, shall be used in determining the eligibility for benefits. If total contributions and service credit are combined, the following provisions apply:

(1) Service retirement or a disability benefit is effective on the first day of the month next following the later of:

(a) The last day for which compensation was paid;

(b) The attainment of minimum age or service credit for benefits provided under this section.

(2) "Total service credit" includes the total credit in all retirement systems except that such credit shall not exceed one year for any period of twelve months.

(3) ~~In determining eligibility~~ Eligibility for a disability benefit, ~~the medical examiner's report to~~ shall be determined by the board of ~~any the state~~ retirement system, showing that will ~~calculate and pay the member's disability incapacitates the member for the performance of duty, may~~ benefit, as provided in division (B)(4) of this section. The state retirement system calculating and paying the disability benefit shall certify the determination to the board of each other state retirement system in which the member has service credit and shall be accepted by that board as sufficient for granting a disability benefit.

(4) The board of the state retirement system in which the member had the greatest service credit, without adjustment, shall ~~determine~~ calculate and pay the total benefit. If the member's credit is equal in two or more retirement systems, the system having the member's largest total contributions shall ~~determine~~ calculate and pay the total benefit.

(5) In determining the total credit to be used in calculating a benefit, credit shall not be reduced below that certified by the system or systems transferring credit, except that such total

combined service credit shall not exceed one year of credit for 2215
any one "year" as defined in the statute governing the system 2216
making the calculation. 2217

(6)(a) The retirement system ~~determining calculating~~ and 2218
paying the benefit shall receive from the other system or systems 2219
the member's refundable account at retirement or the effective 2220
date of a disability benefit plus an amount from the employers' 2221
trust fund equal to the member's refundable account less interest 2222
credited under section 145.471, 145.472, or 3307.563 of the 2223
Revised Code. If applicable, the retirement system ~~determining and~~ 2224
paying the benefit shall receive from the public employees 2225
retirement system a portion of the amount paid on behalf of the 2226
member by an employer under section 145.483 of the Revised Code. 2227
The portion shall equal the product obtained by multiplying by two 2228
the amount the member would have contributed during the period the 2229
employer failed to deduct contributions, as described in section 2230
145.483 of the Revised Code all of the following for each year of 2231
service: 2232

(i) The amount contributed by the member, or, in the case of 2233
service credit purchased by the member, paid by the member, that 2234
is attributable to the year of service; 2235

(ii) An amount equal to the lesser of the employer's 2236
contributions made on behalf of the member to the retirement 2237
system for that year of service or the amount that would have been 2238
contributed by the employer for the service had the member been a 2239
member of the state teachers retirement system at the time the 2240
credit was earned; 2241

(iii) If applicable, an amount equal to the amount paid on 2242
behalf of the member by an employer under section 145.483 of the 2243
Revised Code; 2244

(iv) Interest on the amounts specified in divisions 2245

(B)(6)(a)(i), (ii), and (iii) of this section at the lesser of the 2246
actuarial assumption rate of the state teachers retirement system 2247
or the other retirement system or systems transferring amounts 2248
under this section. The interest shall be compounded annually. 2249

~~(a)~~(b) The annuity rates and mortality tables of the 2250
retirement system making the calculation and paying the benefit 2251
shall be applicable. 2252

~~(b)~~(c) Deposits made for the purchase of additional income, 2253
with guaranteed interest, upon the member's request, shall be 2254
transferred to the retirement system paying the regular benefit. 2255
The return upon such deposits shall be that offered by the 2256
retirement system making the calculation and paying the regular 2257
benefit. 2258

(C) A person receiving a benefit under this section, who 2259
accepts employment amenable to coverage in any retirement system 2260
that participated in the person's combined benefit, shall be 2261
subject to the applicable provisions of law governing such 2262
re-employment. 2263

If a retirant should be paid any amount to which the retirant 2264
is not entitled under the applicable provisions of law governing 2265
such re-employment, such amount shall be recouped by the 2266
retirement system paying such benefit by utilizing any recovery 2267
procedure available under the law of the retirement system 2268
covering such re-employment. 2269

Sec. 3307.58. ~~Any~~ (A) As used in this section, "qualifying 2270
service credit" means credit earned under section 3307.53 or for 2271
which contributions were made under section 145.47 or 3309.47 of 2272
the Revised Code, credit restored under section 145.31, 3307.71, 2273
or 3309.26 of the Revised Code, and credit obtained under section 2274
3307.761, 3307.763, or 3307.765 of the Revised Code. 2275

(B) Any member participating in the STRS defined benefit plan 2276
described in sections 3307.50 to 3307.79 of the Revised Code who 2277
has five years of service credit and has attained the applicable 2278
combination of age sixty, or who has twenty-five years of and 2279
service credit and has attained age fifty-five, or who has thirty 2280
years of service credit shall be granted service retirement after 2281
filing with the state teachers retirement board a completed 2282
application on a form approved by the board. 2283

(A)(1) A member is eligible to retire under this division if 2284
either of the following is the case: 2285

(a) The member has five or more years of qualifying service 2286
credit and has attained age sixty-five; 2287

(b) The member meets one of the following requirements: 2288

(i) Before August 1, 2015, has thirty or more years of 2289
service credit at any age; 2290

(ii) On or after August 1, 2015, but before August 1, 2017, 2291
has thirty-one or more years of service credit at any age; 2292

(iii) On or after August 1, 2017, but before August 1, 2019, 2293
has thirty-two or more years of service credit at any age; 2294

(iv) On or after August 1, 2019, but before August 1, 2021, 2295
has thirty-three or more years of service credit at any age; 2296

(v) On or after August 1, 2021, but before August 1, 2023, 2297
has thirty-four or more years of service credit at any age; 2298

(vi) On or after August 1, 2023, but before August 1, 2026, 2299
has thirty-five or more years of service credit at any age; 2300

(vii) On or after August 1, 2026, has thirty-five or more 2301
years of service credit and has attained age sixty. 2302

(2) A member is eligible to retire under this division if 2303
either of the following is the case: 2304

<u>(a) The member has five or more years of qualifying service credit and has attained age sixty;</u>	2305 2306
<u>(b) The member meets one of the following requirements:</u>	2307
<u>(i) Before August 1, 2015, has twenty-five or more years of service credit and has attained age fifty-five;</u>	2308 2309
<u>(ii) On or after August 1, 2015, but before August 1, 2017, has twenty-six or more years of service credit and has attained age fifty-five or has thirty or more years of service credit at any age;</u>	2310 2311 2312 2313
<u>(iii) On or after August 1, 2017, but before August 1, 2019, has twenty-seven or more years of service credit and has attained age fifty-five or has thirty or more years of service credit at any age;</u>	2314 2315 2316 2317
<u>(iv) On or after after August 1, 2019, but before August 1, 2021, has twenty-eight or more years of service credit and has attained age fifty-five or has thirty or more years of service credit at any age;</u>	2318 2319 2320 2321
<u>(v) On or after August 1, 2021, but before August 1, 2023, has twenty-nine or more years of service credit and has attained age fifty-five or has thirty or more years of service credit at any age;</u>	2322 2323 2324 2325
<u>(vi) On or after August 1, 2023, has thirty or more years of service credit at any age.</u>	2326 2327
<u>(C) Service retirement shall be effective on the first day of the month next following the later of:</u>	2328 2329
<u>(1) The last day for which compensation was paid; or</u>	2330
<u>(2) The attainment of minimum age or service credit eligibility for benefits provided under this section.</u>	2331 2332
Except as provided in division (E) of this section, the service retirement benefit shall be the greater of the benefits	2333 2334

~~provided in divisions (B) and (D) of this section.~~ 2335

~~(B) Subject to any adjustment made under (D)(1) Except as~~ 2336
~~provided in division (C)(E) of this section, the annual single~~ 2337
lifetime benefit of a member whose retirement effective date is 2338
before August 1, 2013, shall be the greater of the amounts 2339
determined by the member's Ohio service credit multiplied by one 2340
of the following: 2341

~~(1)(a)~~ Eighty-six dollars; 2342

~~(2)(a)(b)~~ The sum of the following amounts: 2343

(i) For each of the first thirty years of Ohio service 2344
credit, two and two-tenths per cent of the member's final average 2345
salary or, subject to the limitation described in division 2346
~~(B)(2)(b)(D)(1)(c)~~ of this section, two and five-tenths per cent 2347
of the member's final average salary if the member has thirty-five 2348
or more years of service credit under section 3307.48, 3307.53, 2349
3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 2350
3307.765, 3307.77, or 3307.771 of the Revised Code, division 2351
(A)(2) or (B) of former section 3307.513 of the Revised Code, 2352
former section 3307.514 of the Revised Code, section 3307.72 of 2353
the Revised Code earned after July 1, 1978, or any combination of 2354
service credit under those sections; 2355

(ii) For each year or fraction of a year of Ohio service 2356
credit in excess of thirty years, two and two-tenths per cent of 2357
the member's final average salary or, subject to the limitation 2358
described in division ~~(B)(2)(b)(D)(1)(c)~~ of this section, if the 2359
member has more than thirty years service credit under section 2360
3307.48, 3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 2361
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 2362
division (A)(2) or (B) of former section 3307.513 of the Revised 2363
Code, former section 3307.514 of the Revised Code, section 3307.72 2364
of the Revised Code earned after July 1, 1978, or any combination 2365

of service credit under those sections, the per cent of final 2366
average salary shown in the following schedule for each 2367
corresponding year or fraction of a year of service credit under 2368
those sections that is in excess of thirty years: 2369

Year	Per	Year	Per	
of	Cent	of	Cent	
Service	for that	Service	for that	
Credit	Year	Credit	Year	
30.01 - 31.00	2.5%	35.01 - 36.00	3.0%	2374
31.01 - 32.00	2.6	36.01 - 37.00	3.1	2375
32.01 - 33.00	2.7	37.01 - 38.00	3.2	2376
33.01 - 34.00	2.8	38.01 - 39.00	3.3	2377
34.01 - 35.00	2.9			2378

For purposes of this schedule, years of service credit shall be 2379
rounded to the nearest one-hundredth of a year. 2380

~~(b)(c)~~ For purposes of division ~~(B)(2)(a)(D)(1)~~ of this 2381
section, a percentage of final average salary in excess of two and 2382
two-tenths per cent shall be applied to service credit under 2383
section 3307.57 of the Revised Code only if the service credit was 2384
established under section 145.30, 145.301, 145.302, 145.47, 2385
145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised 2386
Code or restored under section 145.31 or 3309.26 of the Revised 2387
Code. 2388

~~(C)(2)(a)~~ Except as provided in division (E) of this section, 2389
the annual single lifetime benefit of a member whose retirement 2390
effective date is on or after August 1, 2013, but before August 1, 2391
2015, shall be the amount determined by the member's Ohio service 2392
credit multiplied by the sum of the following amounts: 2393

(i) For each of the first thirty years of Ohio service 2394
credit, two and two-tenths per cent of the member's final average 2395
salary or, subject to the limitation described in division 2396
(D)(2)(b) of this section, two and five-tenths per cent of the 2397

member's final average salary if the member has thirty-five or 2398
more years of service credit under section 3307.53, 3307.57, 2399
3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.77, or 2400
3307.771 of the Revised Code, division (A)(2) or (B) of former 2401
section 3307.513 of the Revised Code, former section 3307.514 of 2402
the Revised Code, section 3307.72 of the Revised Code earned after 2403
July 1, 1978, or any combination of service credit under those 2404
sections; 2405

(ii) For each year or fraction of a year of Ohio service 2406
credit in excess of thirty years, two and two-tenths per cent of 2407
the member's final average salary or, subject to the limitation 2408
described in division (D)(2)(b) of this section, if the member has 2409
more than thirty years service credit under section 3307.53, 2410
3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.77, 2411
or 3307.771 of the Revised Code, division (A)(2) or (B) of former 2412
section 3307.513 of the Revised Code, former section 3307.514 of 2413
the Revised Code, section 3307.72 of the Revised Code earned after 2414
July 1, 1978, or any combination of service credit under those 2415
sections, the per cent of final average salary shown in the 2416
following schedule for each corresponding year or fraction of a 2417
year of service credit under those sections that is in excess of 2418
thirty years: 2419

<u>Year</u>	<u>Per</u>	<u>Year</u>	<u>Per</u>	
<u>of</u>	<u>Cent</u>	<u>of</u>	<u>Cent</u>	
<u>Service</u>	<u>for that</u>	<u>Service</u>	<u>for that</u>	
<u>Credit</u>	<u>Year</u>	<u>Credit</u>	<u>Year</u>	
<u>30.01 - 31.00</u>	<u>2.5%</u>	<u>35.01 - 36.00</u>	<u>3.0%</u>	2420
<u>31.01 - 32.00</u>	<u>2.6</u>	<u>36.01 - 37.00</u>	<u>3.1</u>	2421
<u>32.01 - 33.00</u>	<u>2.7</u>	<u>37.01 - 38.00</u>	<u>3.2</u>	2422
<u>33.01 - 34.00</u>	<u>2.8</u>	<u>38.01 - 39.00</u>	<u>3.3</u>	2423
<u>34.01 - 35.00</u>	<u>2.9</u>			2424

For purposes of this schedule, years of service credit shall be 2429

rounded to the nearest one-hundredth of a year. 2430

(b) For purposes of division (D)(2)(a)(ii) of this section, a percentage of final average salary in excess of two and two-tenths per cent shall be applied to service credit under section 3307.57 of the Revised Code only if the service credit was established under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised Code or restored under section 145.31 or 3309.26 of the Revised Code. 2431
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(3) Except as provided in division (E) of this section, the annual single lifetime benefit of a member whose retirement effective date is on or after August 1, 2015, shall be the amount determined by the member's service credit multiplied by two and two-tenths of the member's final average salary. 2438
2439
2440
2441
2442

(E)(1) The annual single lifetime benefit of a member determined under described in division (B)(2) of this section whose service retirement is effective before August 1, 2015, shall be adjusted by the greater per cent shown in the following schedule opposite the member's attained age or Ohio service credit. 2443
2444
2445
2446
2447
2448

Attained	or	Years of Ohio Service Credit	Per Cent of Base Amount	
Age				2449
58		25	75%	2450
59		26	80	2451
60		27	85	2452
61		28	88	2453
			90	2454
62			91	2455
63			94	2456
		29	95	2457
64			97	2458
65		30 or more	100	2459 2460 2461

~~Members shall vest the right to a benefit in accordance with~~ 2462
~~the following schedule, based on the member's attained age by~~ 2463
~~September 1, 1976:~~ 2464

Attained	Per Cent	
Age	of Base	
Amount		
66	102%	2468
67	104	2469
68	106	2470
69	108	2471
70 or more	110	2472

The (2) The annual single lifetime benefit of a member 2473
described in division (B)(2) of this section whose service 2474
retirement is effective on or after August 1, 2015, shall be 2475
reduced by a percentage determined by the board's actuary for each 2476
year the member retires before attaining the applicable age and 2477
service credit specified in division (B)(1) of this section. The 2478
board's actuary may use an actuarially based average percentage 2479
reduction for this purpose. 2480

(F) Notwithstanding any other provision of this section, on 2481
application, a member who, as of July 1, 2015, has five or more 2482
years of Ohio service credit and has attained age sixty, has 2483
twenty-five or more years of Ohio service credit and has attained 2484
age fifty-five, or has thirty or more years of Ohio service credit 2485
shall be granted service retirement according to former section 2486
3307.58 of the Revised Code as in effect immediately prior to the 2487
effective date of this amendment. The member's benefit shall be 2488
the greater of the amount the member would have been eligible for 2489
had the member retired effective July 1, 2015, or the amount 2490
determined under division (D)(3) of this section. 2491

(G) The annual single lifetime benefit determined under 2492
division (B)(D) or (E) of this section shall not exceed the lesser 2493

of one hundred per cent of the final average salary or the limit 2494
established by section 415 of the "Internal Revenue Code of 1986," 2495
100 Stat. 2085, 26 U.S.C.A. 415, as amended. 2496

~~(D)~~(H) The annual single lifetime benefit of a member whose 2497
retirement effective date is before August 1, 2013, shall be the 2498
greater of the amounts determined under division (D)(1) or (E)(1) 2499
of this section as appropriate or under this division. The benefit 2500
shall not exceed the lesser of the sum of the following amounts or 2501
the limit established by section 415 of the "Internal Revenue Code 2502
of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended: 2503

(1) An annuity with a reserve equal to the member's 2504
accumulated contributions; 2505

(2) A pension equal to the amount in division ~~(D)~~(H)(1) of 2506
this section; 2507

(3) An additional pension of forty dollars annually 2508
multiplied by the number of years of prior and military service 2509
credit, except years of credit purchased under section 3307.751 or 2510
3307.752 of the Revised Code; 2511

~~(4) An additional basic annual pension of one hundred eighty 2512
dollars, provided the member had ten or more years of Ohio service 2513
credit as of October 1, 1956, except that the additional basic 2514
annual pension shall not exceed the sum of the annual benefits 2515
provided by divisions (D)(1), (2), and (3) of this section. 2516~~

~~(E)~~(I) If a member's disability benefit was terminated under 2517
section 3307.48 of the Revised Code the member's retirement under 2518
this section shall be effective on the first day of the month 2519
following the last day for which the disability benefit was paid. 2520
The member's annual single lifetime benefit determined under 2521
division (D) or (E) of this section shall be increased by a 2522
percentage equal to the total of any percentage increases the 2523
member received under section 3307.67 of the Revised Code, plus 2524

any additional amount the member received under this chapter while 2525
receiving the disability benefit. The increase shall be based on 2526
the plan of payment selected by the member under section 3307.60 2527
of the Revised Code. However, the benefit used to calculate any 2528
future increases under section 3307.67 of the Revised Code shall 2529
be based on the plan of payment selected by the member, plus any 2530
additional amount added to the benefit determined under this 2531
division that established a new base benefit to the member. 2532

(J) Benefits determined under this section shall be paid as 2533
provided in section 3307.60 of the Revised Code. 2534

Sec. 3307.59. (A) A recipient of a disability allowance under 2535
section 3307.631 of the Revised Code ~~who is subject to division~~ 2536
~~(C)(3) of~~ whose allowance will terminate under that section may 2537
make application for service retirement under this section. 2538
~~Retirement~~ The retirement shall be effective on the first day of 2539
the first month following the last day for which the disability 2540
allowance is paid. 2541

(B) The annual allowance payable under this section shall 2542
consist of the sum of the amounts determined under divisions 2543
(B)(1) and (2) of this section: 2544

(1) The greater of the following: 2545

(a) An allowance calculated as provided in section 3307.58 of 2546
the Revised Code, excluding any period during which the applicant 2547
received a disability benefit under section 3307.631 of the 2548
Revised Code; 2549

(b) An allowance calculated by multiplying the applicant's 2550
total service credit, including service credit for the last 2551
continuous period during which the applicant received a disability 2552
benefit under section 3307.631 of the Revised Code, by two and 2553
two-tenths per cent of the applicant's final average salary, 2554

except that the allowance shall be determined without application 2555
of division (B) of section 3307.501 of the Revised Code and shall 2556
not exceed forty-five per cent of the applicant's final average 2557
salary. 2558

(2) ~~An~~ Using the allowance calculated under division (B)(1) 2559
of this section adjusted for the plan of payment selected by the 2560
member under section 3307.60 of the Revised Code, an amount equal 2561
to the additional allowance the recipient would receive under 2562
section 3307.67 of the Revised Code, plus any other additional 2563
amount the recipient would receive under this chapter, ~~had the~~ 2564
~~recipient retired under section 3307.58 of the Revised Code~~ 2565
~~effective on the effective date of~~ for the recipient's most recent 2566
continuous period of receipt of a disability benefit under section 2567
3307.631 of the Revised Code. 2568

(C) The allowance calculated under division (B) of this 2569
section adjusted for the plan of payment selected by the member 2570
under section 3307.60 of the Revised Code, exclusive of any amount 2571
added under division (B)(2) of this section based on section 2572
3307.67 of the Revised Code, shall be the base for all future 2573
additional allowances under section 3307.67 of the Revised Code. 2574

The anniversary date for future additional allowances under 2575
section 3307.67 of the Revised Code shall be the effective date of 2576
the recipient's most recent continuous period of receipt of a 2577
disability benefit under section 3307.631 of the Revised Code. 2578

(D) The retirement allowance determined under this section 2579
shall be paid as provided in section 3307.58 of the Revised Code. 2580

Sec. 3307.60. (A) Upon application for retirement as provided 2581
in section 3307.58 or 3307.59 of the Revised Code, the retirant 2582
may elect a plan of payment under this division or, on and after 2583
the date specified in division (B) of this section, a plan of 2584
payment under that division. Under this division, the retirant may 2585

elect to receive a single lifetime benefit, or may elect to 2586
receive the actuarial equivalent of the retirant's benefit in a 2587
lesser amount, payable for life, and continuing after death to a 2588
beneficiary under one of the following optional plans: 2589

(1) Option 1. The retirant's lesser benefit shall be paid for 2590
life to the sole beneficiary named at retirement. 2591

(2) Option 2. Some other portion of the retirant's benefit 2592
shall be paid for life to the sole beneficiary named at 2593
retirement. The beneficiary's monthly amount shall not exceed the 2594
monthly amount payable to the retirant during the retirant's 2595
lifetime. 2596

(3) Option 3. The retirant's lesser benefit established as 2597
provided under option 1 or option 2 shall be paid for life to the 2598
sole beneficiary named at retirement, except that in the event of 2599
the death of the sole beneficiary or termination of a marital 2600
relationship between the retirant and the sole beneficiary the 2601
retirant may elect to return to a single lifetime benefit 2602
equivalent as determined by the state teachers retirement board, 2603
if, in the case of termination of a marital relationship, the 2604
election is made with the written consent of the beneficiary or 2605
pursuant to an order of the court with jurisdiction over 2606
termination of the marital relationship. 2607

(4) Option 4. The retirant's lesser benefit or a portion of 2608
the retirant's lesser benefit shall be paid for life to two, 2609
three, or four surviving beneficiaries named at retirement. The 2610
portion of the allowance that continues after the member's death 2611
shall be allocated among the beneficiaries at the time of the 2612
member's retirement. If the retirant elects this plan as required 2613
by a court order issued under section 3105.171 or 3105.65 of the 2614
Revised Code or the laws of another state regarding the division 2615
of marital property and compliance with the court order requires 2616
the allocation of a portion less than ten per cent to any person, 2617

the retirant shall allocate a portion less than ten per cent to 2618
that beneficiary in accordance with that order. In all other 2619
circumstances, no portion allocated under this plan of payment 2620
shall be less than ten per cent. The total of the portions 2621
allocated shall not exceed one hundred per cent of the retirant's 2622
lesser allowance. In the event of the death of a beneficiary or 2623
termination of a marital relationship between the retirant and a 2624
beneficiary, the retirant may elect to cancel the portion of the 2625
plan of payment providing continuing lifetime benefits to that 2626
beneficiary except that, in the case of termination of a marital 2627
relationship, the election may be made only with the written 2628
consent of the beneficiary or pursuant to an order of the court 2629
with jurisdiction over termination of the marital relationship. 2630
The retirant shall receive the actuarial equivalent of the 2631
remainder of the retirant's single lifetime benefit based on the 2632
number of remaining beneficiaries, with no change in the amount 2633
payable to any remaining beneficiary. 2634

(5) Option 5. Upon the retirant's death before the expiration 2635
of a certain period from the retirement date and elected by the 2636
retirant, and approved by the board, the retirant's benefit shall 2637
be continued for the remainder of such period to the beneficiary. 2638
Monthly benefits shall not be paid to joint beneficiaries, but 2639
they may receive the present value of any remaining payments in a 2640
lump sum settlement. If all beneficiaries die before the 2641
expiration of the certain period, the present value of all 2642
payments yet remaining in such period shall be paid to the estate 2643
of the beneficiary last receiving. 2644

(6) Option 6. A plan of payment established by the state 2645
teachers retirement board combining any of the features of options 2646
1, 2, and 5. 2647

(B) Beginning on a date selected by the state teachers 2648
retirement board, which shall be not later than July 1, 2004, a 2649

retirant may elect, in lieu of a plan of payment under division 2650
(A) of this section, a plan consisting of both of the following: 2651

(1) A lump sum in an amount the member designates that 2652
constitutes a portion of the member's single lifetime benefit; 2653

(2) Either of the following: 2654

(a) The remainder of the retirant's single lifetime benefit; 2655

(b) The actuarial equivalent of the remainder of the 2656
retirant's benefit in a lesser amount, payable for life, and 2657
continuing after death to a beneficiary under one of the options 2658
described in divisions (A)(1) to (6) of this section. 2659

~~In the event of the death of a beneficiary or termination of 2660
a marital relationship between the retirant and a beneficiary, the 2661
retirant may elect to cancel the portion of the plan of payment 2662
providing continuing lifetime benefits to that beneficiary. The 2663
retirant shall receive the actuarial equivalent of the remainder 2664
of the retirant's single lifetime benefit based on the number of 2665
remaining beneficiaries, with no change in the amount payable to 2666
any remaining beneficiary. In the case of termination of a marital 2667
relationship, the election may be made only with the written 2668
consent of the beneficiary or pursuant to an order of the court 2669
with jurisdiction over termination of the marital relationship. 2670~~

The amount designated by the member under division (B)(1) of 2671
this section shall be not less than six times and not more than 2672
thirty-six times the monthly amount that would be payable to the 2673
member as a single lifetime benefit and shall not result in a 2674
monthly allowance that is less than fifty per cent of that amount. 2675

(C) Until the first payment is made to a former member under 2676
section 3307.58 or 3307.59 of the Revised Code, the former member 2677
may change the selection of a plan of payment. 2678

(D)(1) If a deceased member was eligible for but had not yet 2679

been awarded a service retirement benefit under section 3307.58 or 2680
3307.59 of the Revised Code at the time of death, option 1 as 2681
provided for in division (A)(1) of this section shall be paid to 2682
the spouse or other sole dependent beneficiary. 2683

(2) Beginning on a date selected by the board, which shall be 2684
not later than July 1, 2004, the spouse or sole beneficiary may 2685
elect, in lieu of option 1, a plan of payment consisting of both 2686
of the following: 2687

(a) A lump sum in an amount the spouse or other sole 2688
dependent beneficiary designates that constitutes a portion of the 2689
retirant's single life annuity; 2690

(b) The actuarial equivalent of the remainder of the 2691
retirant's single life annuity paid ~~in a lesser amount~~ as a 2692
benefit under option 1 for life to the spouse or other sole 2693
dependent beneficiary. 2694

The amount designated by the spouse or other sole dependent 2695
beneficiary under division (D)(2)(a) of this section shall be not 2696
less than six times and not more than thirty-six times the monthly 2697
amount that would be payable as the retirant's single life annuity 2698
and shall not result in a monthly allowance that is less than 2699
fifty per cent of that monthly amount. 2700

(E) If the total benefit paid under this section is less than 2701
the balance in the teachers' savings fund, the difference shall be 2702
paid to the beneficiary provided under division (D)(1) of section 2703
3307.562 of the Revised Code. 2704

(F) In the case of a retirant who elected an optional plan 2705
prior to September 15, 1989: 2706

(1) The death of the spouse or other designated beneficiary 2707
following retirement shall, at the election of the retirant, 2708
cancel any optional plan selected at retirement to provide 2709
continuing lifetime benefits to the spouse or other beneficiary 2710

and return the retirant to a single lifetime benefit equivalent as 2711
determined by the board. 2712

(2) A divorce, annulment, or marriage dissolution shall, at 2713
the election of the retirant, cancel any optional plan selected at 2714
retirement to provide continuing lifetime benefits to the spouse 2715
as designated beneficiary and return the retirant to a single 2716
lifetime benefit equivalent as determined by the board if the 2717
election is made with the written consent of the beneficiary or 2718
pursuant to an order of a court of common pleas or the court of 2719
another state with jurisdiction over the termination of the 2720
marriage. 2721

(G)(1) Following marriage or remarriage, both of the 2722
following apply: 2723

(a) A retirant who elected to receive a single lifetime 2724
benefit or an optional plan of payment under division (A)(3) or 2725
(4) of this section may elect a new optional plan of payment based 2726
on the actuarial equivalent of the retirant's single lifetime 2727
benefit, as determined by the board, ~~except that if the~~. The new 2728
plan must be a plan described in division (A)(1), (2), (3), (4), 2729
or (6) of this section under which only the retirant's new spouse 2730
is added as a beneficiary and the application for the new plan 2731
must be received by the board prior to the retirant's death. A 2732
spouse may not be added if there are four beneficiaries under 2733
division (A)(4) of this section that must be retained pursuant to 2734
a court order described under division (H)(1)(b) of this section 2735
or if the amount payable to any beneficiary pursuant to such court 2736
order would be reduced. A retirant who is receiving a retirement 2737
allowance under an optional plan that provides for continuation of 2738
benefits after death to a former spouse, ~~the retirant~~ may elect a 2739
new optional plan of payment only with the written consent of the 2740
former spouse or pursuant to an order of the court with 2741
jurisdiction over the termination of the marriage, except that 2742

consent of the former spouse is not required if the new optional 2743
plan of payment will not affect payments to the former spouse. 2744

(b) A retirant who is receiving a benefit pursuant to a plan 2745
of payment providing for payment to a former spouse pursuant to a 2746
court order described in division (H)(1)(b) of this section may 2747
elect a new plan of payment under "option 4" with the retirant's 2748
spouse as a beneficiary based on the actuarial equivalent of the 2749
retirant's single lifetime retirement allowance as determined by 2750
the board if the new plan of payment elected does not reduce the 2751
payment to the former spouse. 2752

(2) If the marriage or remarriage occurs on or after ~~the~~ 2753
~~effective date of this amendment~~ June 6, 2005, the election must 2754
be made not later than one year after the date of the marriage or 2755
remarriage. 2756

~~The plan elected~~ A valid election under division (G)(1) or 2757
(2) of this division section shall become effective on the date of 2758
receipt by the board of an application on a form approved by the 2759
board, ~~but any.~~ The election must be signed by the retirant and 2760
received by the board prior to the retirant's death. Any change in 2761
the amount of the benefit shall commence on the first day of the 2762
month following the effective date of the plan. 2763

(H)(1) Except as otherwise provided in this division and 2764
division (H)(2) of this section, an application for service 2765
retirement made pursuant to section 3307.58 or 3307.59 of the 2766
Revised Code by a married person shall be considered an election 2767
of a benefit under option ~~2~~ 3 as provided for in division 2768
~~(A)(2)~~ (3) of this section under which one-half of the lesser 2769
benefit payable during the life of the retirant will be paid after 2770
death to the retirant's spouse for life as sole beneficiary. The 2771
exceptions are as follows: 2772

(a) The retirant selects an optional plan under division (A) 2773

of this section providing for payment after death to the 2774
retirant's spouse for life as sole beneficiary of more than 2775
one-half of the lesser benefit payable during the life of the 2776
retirant. 2777

(b) A plan of payment providing for payment in a specified 2778
amount continuing after the retirant's death to a former spouse is 2779
required by a court order issued prior to the effective date of 2780
retirement under section 3105.171 or 3105.65 of the Revised Code 2781
or the laws of another state regarding division of marital 2782
property. 2783

(c) The retirant submits to the retirement board a written 2784
statement signed by the spouse attesting that the spouse consents 2785
to the retirant's election to receive a single lifetime annuity or 2786
a payment under an optional benefit plan under which after the 2787
death of the retirant the surviving spouse will receive less than 2788
one-half of the lesser benefit payable during the life of the 2789
retirant. 2790

(d) Any other reason specified by the board. 2791

(2) If a retirant is subject to division (H)(1)(b) of this 2792
section and the board has received a copy of the order described 2793
in that division, the board shall accept the retirant's election 2794
of a plan of payment under this section only if the retirant 2795
complies with both of the following: 2796

~~(i)~~(a) The retirant elects a plan of payment that is in 2797
accordance with the order described in division (H)(1)(b) of this 2798
section. 2799

~~(ii)~~(b) If the retirant is married, the retirant elects 2800
"option 4" and designates the retirant's current spouse as a 2801
beneficiary under that plan unless that spouse consents in writing 2802
to not being designated a beneficiary under any plan of payment or 2803
the board waives the requirement that the current spouse consent. 2804

(3) An application for retirement shall include an explanation of all of the following:

(a) That, if the member is married, unless the spouse consents to another plan of payment or there is a court order dividing marital property issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property that provides for payment in a specified amount, the member's retirement allowance will be paid under "option ~~2~~ 3" as provided for in division (A)~~(2)~~(3) of this section and consist of the actuarial equivalent of the member's retirement allowance in a lesser amount payable for life and one-half of the lesser allowance continuing after death to the surviving spouse for the life of the spouse;

(b) A description of the alternative plans of payment available with the consent of the spouse;

(c) That the spouse may consent to another plan of payment and the procedure for giving consent;

(d) That consent is irrevocable once notice of consent is filed with the board.

Consent shall be valid only if it is signed, in writing, and witnessed by a notary public.

(4) If the retirant does not select an optional plan of payment as described in division (H)(1)(a) of this section, no court has ordered a plan of payment described in division (H)(1)(b) of this section, and the board does not receive the written statement provided for in division (H)(1)(c) of this section, the board shall determine and pay the retirement allowance in accordance with this division, except that the board may provide by rule for waiver by the board of the statement and payment of the benefits other than in accordance with this division or payment under section 3307.56 of the Revised Code if

the retirant is unable to obtain the statement due to absence or 2836
incapacity of the spouse or other cause specified by the board. 2837

(I) For the purpose of determining actuarial equivalence 2838
under this section, on the advice of an actuary employed by the 2839
board, the board shall adopt mortality tables that may take into 2840
consideration the membership experience of the state teachers 2841
retirement system and may also include the membership experience 2842
of the public employees retirement system and the school employees 2843
retirement system. 2844

Sec. 3307.62. ~~(A) As used in this section, "qualifying~~ 2845
~~service credit" has the same meaning as in section 3307.58 of the~~ 2846
~~Revised Code.~~ 2847

~~(A) The state teachers retirement system shall provide 2848
disability coverage to each member participating in the STRS 2849
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 2850
~~the Revised Code who meets either of the following:~~ 2851~~

~~(1) If the member commenced membership before July 1, 2013,~~ 2852
has at least five years of ~~total~~ qualifying service credit; 2853

~~(2) If the member commences membership on or after July 1,~~ 2854
~~2013, has at least ten years of qualifying service credit.~~ 2855

Not later than October 16, 1992, the state teachers 2856
retirement board shall give each person who is a member on July 2857
29, 1992, the opportunity to elect disability coverage either 2858
under former section 3307.43 of the Revised Code or under former 2859
section 3307.431 of the Revised Code. The board shall mail notice 2860
of the election, accompanied by an explanation of the coverage 2861
under each of the Revised Code sections and a form on which the 2862
election is to be made, to each member at the member's last known 2863
address. The board shall also provide the explanation and form to 2864
any member on the member's request. 2865

Regardless of whether the member actually receives notice of 2866
the right to make an election, a member who fails to file a valid 2867
election under this section shall be considered to have elected 2868
disability coverage under section 3307.63 of the Revised Code. To 2869
be valid, an election must be made on the form provided by the 2870
board, signed by the member, and filed with the board not later 2871
than one hundred eighty days after the date the notice was mailed, 2872
or, in the case of a form provided at the request of a member, a 2873
date specified by rule of the board. Once made, an election is 2874
irrevocable, but if the member ceases to be a member of the 2875
system, the election is void. If a person who makes an election 2876
under this section also makes an election under section 145.35 or 2877
3309.39 of the Revised Code, the election made for the system that 2878
pays a disability benefit to that person shall govern the benefit. 2879

Disability coverage shall be provided under section 3307.631 2880
of the Revised Code for persons who become members after July 29, 2881
1992, and for members who elect under this division to be covered 2882
under section 3307.631 of the Revised Code. 2883

The board may adopt rules governing elections made under this 2884
division. 2885

(B) Application for a disability benefit may be made by a 2886
member, by a person acting in the member's behalf, or by the 2887
member's employer, and if the member ~~is participating in the plan~~ 2888
~~described in sections 3307.50 to 3307.79 of the Revised Code, has~~ 2889
~~at least five years of total service credit, and~~ has disability 2890
coverage under ~~section 3307.63 or 3307.631 of the Revised Code~~ 2891
division (A) of this section. ~~The~~ 2892

The application for a disability benefit shall be made on a 2893
form approved by the board. The benefit payable to any member 2894
whose application is approved shall become effective on the first 2895
day of the month next following the later of the following: 2896

(1) The last day for which compensation was paid; 2897

(2) The attainment of eligibility for a disability benefit. 2898

(C) Medical examination of the member shall be conducted by a 2899
competent, disinterested physician or physicians selected by the 2900
board to determine whether the member is mentally or physically 2901
incapacitated for the performance of duty by a disabling 2902
condition, either permanent or presumed to be permanent for twelve 2903
continuous months following the filing of an application. The 2904
disability must have occurred since last becoming a member, or it 2905
must have increased since last becoming a member to such an extent 2906
as to make the disability permanent or presumably permanent for 2907
twelve continuous months following the filing of an application. 2908

(D) Application for a disability benefit must be made within 2909
~~two years~~ a two-year period from the date the member's 2910
contributing service terminated, unless the board determines that 2911
the member's medical records demonstrate conclusively that at the 2912
time the ~~two-year~~ period expired, the member was physically or 2913
mentally incapacitated ~~for duty as a teacher~~ and unable to make 2914
application, except that if membership commences on or after July 2915
1, 2013, application must be made within a one-year period from 2916
the date contributing service terminated. Application may not be 2917
made by any person receiving service retirement benefits under 2918
section 3307.58 or 3307.59 of the Revised Code or any person whose 2919
accumulated contributions standing to the credit of the person's 2920
individual account in the teachers' savings fund have been paid 2921
under section 3307.56 of the Revised Code. 2922

(E) If the physician or physicians determine that the member 2923
qualifies for a disability benefit, the board concurs with the 2924
determination, and the member agrees to medical treatment as 2925
specified in division (G) of this section, the member shall 2926
receive a disability benefit under section 3307.63 or 3307.631 of 2927
the Revised Code. If such physician or physicians determine that 2928

the member does not qualify for a disability benefit, the report 2929
of the examiner or examiners shall be evaluated by a board of 2930
medical review composed of at least three physicians appointed by 2931
the retirement board. 2932

(F) The state teachers retirement board shall render an order 2933
determining whether or not the applicant shall be granted a 2934
disability benefit. Notification to the applicant shall be issued, 2935
and upon the request of an applicant who is denied a disability 2936
benefit, a hearing or appeal relative to such order shall be 2937
conducted in accordance with procedures established by the 2938
retirement board. 2939

(G) The state teachers retirement board shall adopt rules 2940
requiring each disability benefit recipient, as a condition of 2941
continuing to receive a disability benefit, to agree in writing to 2942
obtain any medical treatment recommended by the board's physician 2943
and submit medical reports regarding the treatment. If the board 2944
determines that a disability benefit recipient is not obtaining 2945
the medical treatment or the board does not receive a required 2946
medical report, the disability benefit shall be suspended until 2947
the treatment is obtained, the report is received by the board, or 2948
the board's physician certifies that the treatment is no longer 2949
helpful or advisable. Should the recipient's failure to obtain 2950
treatment or submit a medical report continue for one year, the 2951
recipient's right to the disability benefit shall be terminated as 2952
of the effective date of the original suspension. 2953

(H) If an employer files an application for a disability 2954
benefit as a result of a member having been separated from service 2955
because the member is considered to be incapacitated for the 2956
performance of duty, and the board denies the disability benefit, 2957
the board shall so certify to the employer and the employer shall 2958
restore the member to the member's previous position and salary or 2959
to a similar position and salary. 2960

(I) The recipient of a disability allowance under section 3307.631 of the Revised Code whose allowance terminates under division (C)(3) of that section due to age is not eligible to do either of the following: 2961
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2964

(1) Retire on disability under section 3307.63 of the Revised Code; 2965
2966

(2) Receive a disability allowance under section 3307.631 of the Revised Code. 2967
2968

Sec. 3307.63. A member participating in the STRS defined benefit plan described in sections 3307.50 to 3307.79 of the Revised Code who has elected disability coverage under this section, has not attained age sixty, and is determined by the state teachers retirement board under section 3307.62 of the Revised Code to qualify for a disability benefit shall be retired on disability under this section. 2969
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Upon disability retirement, a member shall receive an annual amount that shall consist of: 2976
2977

(A) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time; 2978
2979

(B) A pension that shall be the difference between the annuity and an annual amount determined by multiplying the number of years of Ohio service credit of such member, and in addition the number of years and fraction of a year between the effective date of the member's disability retirement and the date the member attained age sixty, assuming continuous service, by eighty-six dollars, or by two per cent of the member's final average salary, whichever is greater. Such disability retirement shall not be less than thirty per cent nor more than seventy-five per cent of the member's final average salary, except that it shall not exceed any limit to which the retirement system is subject under section 415 2980
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2990

of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 2991
U.S.C.A. 415, as amended. 2992

If the member is not receiving a disability benefit under 2993
section 3307.57 of the Revised Code, but is receiving a disability 2994
benefit from either the public employees retirement system or the 2995
school employees retirement system, then such member shall not be 2996
eligible for service credit based upon the number of years and 2997
fractions thereof between the date of disability and the date the 2998
member attained age sixty as otherwise provided in this section. 2999

A disability retirant under this section whose disability 3000
retirement has been terminated, when eligible, may apply for 3001
service retirement provided by section 3307.58 of the Revised 3002
Code. 3003

Sec. 3307.631. (A) A member participating in the STRS defined 3004
benefit plan described in sections 3307.50 to 3307.79 of the 3005
Revised Code who has disability coverage under this section and is 3006
determined by the state teachers retirement board under section 3007
3307.62 of the Revised Code to qualify for a disability benefit 3008
shall receive a disability allowance under this section. The 3009
allowance shall be an annual amount equal to the greater of the 3010
following: 3011

(1) Forty-five per cent of the member's final average salary; 3012

(2) The member's total service credit multiplied by two and 3013
two-tenths per cent of the member's final average salary, not 3014
exceeding sixty per cent of the member's final average salary. 3015

(B) Sufficient reserves for payment of the disability 3016
allowance shall be transferred to the annuity and pension reserve 3017
fund from the employers' trust fund. The accumulated contributions 3018
of the member shall remain in the teachers' savings fund. No part 3019
of the allowance paid under this section shall be charged against 3020

the member's accumulated contributions. 3021

(C) A disability allowance paid under this section shall 3022
terminate at the earliest of the following: 3023

(1) The effective date of service retirement under section 3024
3307.57 or 3307.58 of the Revised Code; 3025

(2) The date the allowance is terminated under section 3026
~~3307.64~~ 3307.48 of the Revised Code; 3027

(3) The later of the last day of the month in which the 3028
recipient attains age sixty-five, or the last day of the month in 3029
which the benefit period ends as follows: 3030

Attained Age at Effective Date		Benefit Period	
of Disability Allowance			3032
60 or 61		60 months	3033
62 or 63		48 months	3034
64 or 65		36 months	3035
66, 67, or 68		24 months	3036
69 or older		12 months	3037

Sec. 3307.66. (A) As used in this section, ~~"physically:~~ 3038

(1) "Physically or mentally incompetent" means incapable of 3039
earning a living because of a physically or mentally disabling 3040
condition. Physical or mental incompetency may be determined by a 3041
court or by a doctor of medicine or osteopathic medicine appointed 3042
by the state teachers retirement board. 3043

(2) "Qualifying service credit" has the same meaning as in 3044
section 3307.58 of the Revised Code. 3045

(B) For the purposes of this section: 3046

(1) A qualified spouse is the surviving spouse of a deceased 3047
member of the state teachers retirement system participating in 3048
the STRS defined benefit plan ~~described in sections 3307.50 to~~ 3049
~~3307.79 of the Revised Code~~ who is one of the following: 3050

(a) ~~Age sixty-two~~ Sixty-two years of age or older or any age 3051
if the deceased member had ten or more years of Ohio service 3052
credit; 3053

(b) Caring for a qualified child; 3054

(c) Adjudged physically or mentally incompetent at the time 3055
of the member's death and has remained continuously incompetent; 3056

(d) Any age if the deceased member was eligible for a service 3057
retirement allowance as provided in section 3307.58 of the Revised 3058
Code and the surviving spouse elects to receive a benefit under 3059
division (C)(1) of this section. 3060

(2) A qualified child is a person who is the child of a 3061
deceased member participating in the STRS defined benefit plan 3062
~~described in sections 3307.50 to 3307.79 of the Revised Code who~~ 3063
~~is~~ to whom both of the following apply: 3064

(a) ~~Unmarried~~ Never married; 3065

(b) ~~Under~~ Meets one of the following age-related 3066
requirements: 3067

(i) Is under age eighteen, ~~or under~~; 3068

(ii) Is under age twenty-two if attending an institution of 3069
learning or training pursuant to a program designed to complete in 3070
each school year the equivalent of at least two-thirds of the 3071
full-time curriculum requirements of such institution and as 3072
further determined by board policy, ~~or any~~; 3073

(iii) Is any age if adjudged physically or mentally 3074
incompetent, if the person became incompetent prior to attainment 3075
of age eighteen or prior to age twenty-two if attending an 3076
institution or training described in division (B)(2)(b)(ii) of 3077
this section, and has remained continuously incompetent. 3078

(3) A qualified parent is a dependent parent of a deceased 3079
member participating in the STRS defined benefit plan ~~described in~~ 3080

~~sections 3307.50 to 3307.79 of the Revised Code~~ who is age 3081
sixty-five or older. 3082

(4) A person is a "qualified survivor" if the person 3083
qualifies as a surviving spouse, child, or dependent parent. 3084

(C) Except as provided in division (G)(1) of this section, in 3085
lieu of accepting the payment of the accumulated account of a 3086
member participating in the STRS defined benefit plan ~~described in~~ 3087
~~sections 3307.50 to 3307.79 of the Revised Code~~ who dies before 3088
service retirement, a beneficiary, as determined in section 3089
3307.562 of the Revised Code, may elect to forfeit the accumulated 3090
account and to substitute benefits under this division. 3091

(1) If a deceased member was eligible for a service 3092
retirement allowance as provided in section 3307.58 or 3307.59 of 3093
the Revised Code, a surviving spouse or an individual designated 3094
as the member's sole beneficiary pursuant to division (B) of 3095
section 3307.562 of the Revised Code who was a qualified child or 3096
dependent parent of the member or received one-half or more of 3097
support from the member during the twelve-month period preceding 3098
the member's death may elect to receive a monthly benefit computed 3099
as the joint-survivor allowance designated as option 1 in section 3100
3307.60 of the Revised Code, which the member would have received 3101
had the member retired on the last day of the month of death and 3102
had the member at that time selected such joint-survivor plan. 3103
~~Payment shall begin with the month subsequent to the member's~~ 3104
~~death.~~ 3105

(2) If a surviving spouse or other qualified survivor may 3106
elect to receive monthly benefits under division (C)(2) of this 3107
section if any of the following apply: 3108

(a) The deceased member commenced membership before July 1, 3109
2013, and had completed at least one and one-half years of credit 3110
for Ohio qualifying service credit, with at least one-quarter year 3111

of ~~Ohio contributing~~ qualifying service credit within the two and 3112
 one-half years prior to the date of death, or had commenced 3113
membership on or after July 1, 2013, and had completed at least 3114
five years of qualifying service credit and died not later than 3115
one year after the date contributing service terminated. 3116

(b) The member was receiving at the time of death a 3117
 disability benefit as provided in section 3307.63 or 3307.631 of 3118
 the Revised Code, ~~a surviving spouse or other qualified survivor~~ 3119
~~may elect to receive monthly benefits as provided in division~~ 3120
~~(C)(2) of this section.~~ 3121

(c) The member was receiving, within twelve months prior to 3122
the date of death, a disability benefit as provided in section 3123
3307.63 or 3307.631 of the Revised Code and was contributing under 3124
this chapter or Chapter 145. or 3309. of the Revised Code at the 3125
time of death. The surviving spouse or other qualified survivor 3126
 shall elect one of the following methods of calculating benefits 3127
 elected under division (C)(2) of this section, which shall, except 3128
 as provided in division (G)(1) of this section, remain in effect 3129
 without regard to any change in the number of qualified survivors: 3130

Or 3131

(a) <u>(i)</u> Number	Annual benefit as a	Monthly benefit	
of qualified	per cent of member's	shall not be	
survivors	final average salary	less than	
1	25%	\$ 96	3135
2	40	186	3136
3	50	236	3137
4	55	236	3138
5 or more	60	236	3139

Annual benefit as a 3140
 per cent of member's 3141

~~(b)~~(ii) Years of service final average salary 3142
 20 29% 3143

21	33	3144
22	37	3145
23	41	3146
24	45	3147
25	48	3148
26	51	3149
27	54	3150
28	57	3151
29 <u>or more</u>	60	3152

(3)(a) If at the time of death the deceased member was receiving a disability benefit under section 3307.63 or 3307.631 of the Revised Code, the benefit elected under division (C)(1) or (2) of this section shall be increased by a percentage equal to the total of any percentage increases the member received under section 3307.67 of the Revised Code, plus any additional amount the member received under this chapter while receiving the disability benefit. The increase shall be based on the benefit determined under division (C)(1) or (2) of this section, plus any additional amounts added to the benefit that established a new base benefit to the deceased member. However, the benefit used to calculate any future increases under section 3307.67 of the Revised Code shall be the benefit determined under division (C)(1) or (2) of this section.

(b) If eligibility for a benefit under division (C)(1) or (2) of this section is not established until more than one year after the member's death, the annual benefit shall be increased by a percentage equal to the total of the percentage increases that would have been made under section 3307.67 of the Revised Code, plus any additional amount that would have been paid under this chapter had the benefit begun in the year in which the member died. However, the benefit used to calculate any future increases under section 3307.67 of the Revised Code shall be the benefit determined under division (C)(1) or (2) of this section, plus any

additional amounts added to the benefit that established a new 3177
base benefit to the deceased member. 3178

(D) If a benefit is calculated pursuant to division (C)(2)(a) 3179
of this section, benefits to a surviving spouse shall be paid in 3180
the amount determined for the first qualifying survivor in 3181
division (C)(2)(a) of this section, but shall not be less than one 3182
hundred six dollars per month if the deceased member had ten or 3183
more years of ~~the~~ qualifying service credit. All other qualifying 3184
survivors shall share equally in the benefit or remaining portion 3185
thereof. 3186

If a benefit is calculated pursuant to division (C)(2)(b) of 3187
this section and is payable to more than one qualified survivor, 3188
the benefit shall be apportioned equally among the qualified 3189
survivors, except that if there is a surviving spouse, the portion 3190
of the benefit allocated to the surviving spouse shall be as 3191
follows: 3192

Number of			
survivors		Spouse's share of total benefit	
2		62.5%	3195
3		50.0%	3196
4		45.45%	3197
5 or more		41.67%	3198

(E) ~~Benefits~~ A qualified survivor shall file with the board 3199
an application for benefits payable under division (C)(2) of this 3200
section. Payments shall begin or resume on whichever of the first 3201
day of the month following the day a person becomes a qualified 3202
survivor and terminate or be suspended on the first day of the 3203
month following the day the person ceases to be a qualified 3204
survivor applies: 3205

(1) If application is received not later than one year after 3206
the date of the member's death, benefits shall begin on the first 3207
day of the month following the date of death. 3208

(2) If application is received later than one year from the 3209
date of death, benefits shall begin on the first day of the month 3210
immediately following receipt of application by the board. 3211

Benefits to a qualified survivor shall terminate upon a first 3212
marriage, abandonment, or adoption, ~~or during active military~~ 3213
~~service.~~ The termination of benefits is effective on the first day 3214
of the month following the day the person ceases to be a qualified 3215
survivor. Benefits to a deceased member's surviving spouse that 3216
were terminated under a former version of this section that 3217
required termination due to remarriage and were not resumed prior 3218
to the effective date of this amendment shall resume on the first 3219
day of the month immediately following receipt by the board of an 3220
application on a form provided by the board. 3221

Upon the death of any subsequent spouse who was a member of 3222
the public employees retirement system, state teachers retirement 3223
system, or school employees retirement system, the surviving 3224
spouse of such member may elect to continue receiving benefits 3225
under this division, or to receive survivor's benefits, based upon 3226
the subsequent spouse's membership in one or more of the systems, 3227
for which such surviving spouse is eligible under this section or 3228
section 145.45 or 3309.45 of the Revised Code. If the surviving 3229
spouse elects to continue receiving benefits under this division, 3230
such election shall not preclude the payment of benefits under 3231
this division to any other qualified survivor. 3232

(F) The beneficiary of a member who is also a member of the 3233
public employees retirement system, or the school employees 3234
retirement system, must forfeit the member's accumulated 3235
contributions in those systems, if the beneficiary elects to 3236
receive a benefit under division (C) of this section. Such benefit 3237
shall be exclusively governed by section 3307.57 of the Revised 3238
Code. 3239

(G)(1) Regardless of whether the member is survived by a 3240

spouse or designated beneficiary, if the state teachers retirement 3241
system receives notice that a deceased member described in 3242
division (C)(1) or (2) of this section has one or more qualified 3243
children, all persons who are qualified survivors under division 3244
(C)(2) of this section shall receive monthly benefits as provided 3245
in division (C)(2) of this section. 3246

If, after determining the monthly benefits to be paid under 3247
division (C)(2) of this section, the system receives notice that 3248
there is a qualified survivor who was not considered when the 3249
determination was made, the system shall, notwithstanding section 3250
3307.42 of the Revised Code, recalculate the monthly benefits with 3251
that qualified survivor included, even if the benefits to 3252
qualified survivors already receiving benefits are reduced as a 3253
result. The benefits shall be calculated as if the qualified 3254
survivor who is the subject of the notice became eligible on the 3255
date the notice was received and shall be paid to qualified 3256
survivors effective on the first day of the first month following 3257
the system's receipt of the notice. 3258

If the system did not receive notice that a deceased member 3259
has one or more qualified children prior to making payment under 3260
section 3307.562 of the Revised Code to a beneficiary as 3261
determined by the system, the payment is a full discharge and 3262
release of the system from any future claims under this section or 3263
section 3307.562 of the Revised Code. 3264

(2) If benefits under division (C)(2) of this section to all 3265
persons, or to all persons other than a surviving spouse or sole 3266
beneficiary, terminate, there are no children under the age of 3267
twenty-two years, and the surviving spouse or beneficiary 3268
qualifies for benefits under division (C)(1) of this section, the 3269
surviving spouse or beneficiary may elect to receive benefits 3270
under division (C)(1) of this section. The benefit shall be 3271
calculated based on the age of the spouse or beneficiary at the 3272

time of the member's death and is effective on the first day of 3273
the month following receipt by the board of an application for 3274
benefits under division (C)(1) of this section. 3275

(H) If the benefits due and paid under division (C) of this 3276
section are in a total amount less than the member's accumulated 3277
account that was transferred from the teachers' savings fund, 3278
school employees retirement fund, and public employees retirement 3279
fund, to the survivors' benefit fund, then the difference between 3280
the total amount of the benefits paid shall be paid to the 3281
beneficiary under section 3307.562 of the Revised Code. 3282

Sec. 3307.661. On the death of a retirant or disability 3283
benefit recipient who at the time of death is receiving, under the 3284
STRS defined benefit plan ~~described in sections 3307.50 to 3307.79~~ 3285
~~of the Revised Code~~, a service retirement allowance or disability 3286
benefit, the state teachers retirement system shall make a 3287
lump-sum payment of one thousand dollars to any designated or 3288
qualified beneficiary under division (D)(1) of section 3307.562 of 3289
the Revised Code. If there is no beneficiary, the state teachers 3290
retirement board may approve payment to either the person 3291
responsible for the burial expenses or to the decedent's estate 3292
following the completion of an application on a form approved by 3293
the board. 3294

A benefit paid under this section shall be treated as life 3295
insurance for purposes of this chapter and shall be funded solely 3296
from contributions made under section 3307.28 of the Revised Code 3297
on behalf of members participating in the STRS defined benefit 3298
plan ~~described in sections 3307.50 to 3307.79 of the Revised Code~~, 3299
and any earnings attributable to those contributions. 3300

Sec. 3307.67. (A) The Except as provided in division (D) of 3301
this section, the state teachers retirement board shall annually 3302

increase each allowance or benefit payable under ~~sections 3307.50~~ 3303
~~to 3307.79 of the Revised Code by three per cent, except that no~~ 3304
the STRS defined benefit plan. Through July 31, 2013, the increase 3305
shall be three per cent. On and after August 1, 2013, the increase 3306
shall be two per cent. No allowance or benefit shall exceed the 3307
limit established by as annually determined pursuant to section 3308
415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 3309
U.S.C.A. 415, as amended, and regulations adopted pursuant thereto 3310
but before August 1, 2013. The limit may be adjusted in accordance 3311
with rules adopted by the board. 3312

(B) The first increase is payable to all persons becoming 3313
eligible for an allowance or benefit after June 30, 1971, upon 3314
such persons receiving an allowance or benefit for twelve months. 3315
The For an allowance or benefit beginning on or after August 1, 3316
2013, except for an allowance or benefit that was immediately 3317
preceded by a disability benefit granted prior to that date that 3318
has been terminated, the first increase is payable upon such 3319
persons receiving an allowance or benefit for sixty months. 3320

The increased amount is payable for the ensuing twelve-month 3321
period or until the next increase is granted under this section, 3322
whichever is later. Subsequent increases shall be determined from 3323
the date of the first increase paid to the former member in the 3324
case of an allowance being paid a beneficiary under an option, or 3325
from the date of the first increase to the survivor first 3326
receiving an allowance or benefit in the case of an allowance or 3327
benefit being paid to the subsequent survivors of the former 3328
member. 3329

The date of the first increase under this section becomes the 3330
anniversary date for any future increases. 3331

The allowance or benefit used in the first calculation of an 3332
increase under this section shall remain as the base for all 3333

future increases, unless a new base is established. 3334

~~(B)~~(C) If payment of a portion of a benefit is made to an 3335
alternate payee under section 3307.371 of the Revised Code, 3336
increases under this section granted while the order is in effect 3337
shall be apportioned between the alternate payee and the benefit 3338
recipient in the same proportion that the amount being paid to the 3339
alternate payee bears to the amount paid to the benefit recipient. 3340

If payment of a portion of a benefit is made to one or more 3341
beneficiaries under "option 4" under division (A)(4) of section 3342
3307.60 of the Revised Code, each increase under this section 3343
granted while the plan of payment is in effect shall be divided 3344
among the designated beneficiaries in accordance with the portion 3345
each beneficiary has been allocated. 3346

The apportioned increases under this section shall begin with 3347
increases granted on or after October 27, 2006. 3348

~~(C)~~(D) The board shall not make the increases it would 3349
otherwise make during the period July 1, 2013, through June 30, 3350
2014, to persons granted an allowance or benefit prior to July 1, 3351
2013. The board shall not increase any allowance or benefit 3352
granted on July 1, 2013, until July 1, 2015. 3353

(E) The board shall make all rules necessary to carry out 3354
this section. 3355

Sec. 3307.671. In December 1980, and in December of each year 3356
thereafter, the state teachers retirement board may allocate an 3357
amount from the guarantee fund created in division (E) of section 3358
3307.14 of the Revised Code to establish a temporary supplemental 3359
benefit fund for the purpose of making a lump sum benefit payment 3360
to all persons receiving an allowance, pension, or benefit under 3361
~~sections 3307.50 to 3307.79 of the Revised Code~~ the STRS defined 3362
benefit plan for each of the twelve months preceding the first day 3363

of the following January. 3364

On or after July 1, 1980, and on or after the first day of 3365
July of each year thereafter, the board may determine the amount 3366
to be placed in a temporary supplemental benefit fund. Such 3367
amount, if placed, shall be not more than twenty-five per cent of 3368
the income from investments for the twelve months preceding the 3369
first day of July not otherwise required to be credited to the 3370
several funds set forth in section 3307.14 of the Revised Code. 3371

The board shall adopt rules to administer this supplemental 3372
benefit. The rules shall recognize the effective date of the 3373
allowance, pension, or benefit and the years of Ohio service 3374
credit for each recipient as an equitable basis for allocating the 3375
amount payable to each recipient. 3376

If the board determines that a supplemental benefit shall be 3377
paid under this section, it shall pay such amount within sixty 3378
calendar days following its allocation to the supplemental benefit 3379
fund. 3380

Amounts paid pursuant to this section shall not be included 3381
in the base for increasing an allowance, pension, or benefit 3382
provided in section 3307.67 of the Revised Code and shall not 3383
incur any obligation or liability for future payments under this 3384
section. 3385

Sec. 3307.694. On and after July 1, 1968, all allowances, 3386
pensions, or other benefits which were payable before July 1, 3387
1968, pursuant to the provisions of former sections 3307.26, 3388
3307.38, 3307.41, 3307.43, 3307.49, and 3307.50 of the Revised 3389
Code, shall be increased by the percentages determined by the 3390
effective date of the allowance, pension, or benefit, as follows: 3391

Effective Date of Benefit			3392
Calendar Year		Percentage of Increase	3393

1920 through 1955	24.3	3394
1956	22.5	3395
1957	18.4	3396
1958	15.2	3397
1959	14.3	3398
1960	12.5	3399
1961	11.3	3400
1962	10.1	3401
1963	8.7	3402
1964	7.3	3403
1965	5.6	3404
1966	2.6	3405
1967	2.0	3406
January 1, 1968, through June 30, 1968	2.0	3407

All increases determined by applying the percentages in the preceding table shall be reduced by the dollar amount of the increases granted in 1965 pursuant to divisions (D), (E), and (F) of former section 3307.401 of the Revised Code, except that no allowance, pension, or benefit shall be reduced below the amount due on June 30, 1968, and no allowance granted under this section shall be less than a total annual sum of thirty-six dollars.

The allowances increased by this section shall exclude any monthly amount payable by reason of any voluntary deposits made under the provisions of ~~sections~~ section 3307.26 and ~~3307.741~~ of the Revised Code, except for prior service purchased before June 25, 1945.

The increases provided by this section shall be granted notwithstanding the final average salary limitation in former sections 3307.38 and 3307.43 of the Revised Code.

The cost of the increases provided by this section shall be included in the employer's contribution rate provided by sections

3307.28, 3307.30, and 3307.31 of the Revised Code. Such employer's 3425
contribution rate shall not be increased until July 1, 1969, or 3426
later to reflect the increased costs created by this section. 3427

Sec. 3307.70. (A) A member of the state teachers retirement 3428
system who elects to purchase service credit described in section 3429
3307.73, 3307.74, 3307.751, 3307.76, 3307.771, or 3307.78 of the 3430
Revised Code shall do both of the following: 3431

(1) Submit an application to the state teachers retirement 3432
board in a manner or form approved by the board; 3433

(2)(a) If the purchase will be completed not later than 3434
December 31, 2013, for each year, or portion of a year, of credit 3435
purchased, pay to the employees' savings fund the amount specified 3436
by former section 3307.73, 3307.74, 3307.751, 3307.76, 3307.771, 3437
or 3307.78 of the Revised Code as the appropriate section existed 3438
immediately before the effective date of this section. 3439

(b) If the purchase will not be completed until on or after 3440
January 1, 2014, for each year, or portion of a year, of credit 3441
purchased, pay to the employees' savings fund an amount specified 3442
by the board that is equal to one hundred per cent of the 3443
additional liability resulting from the purchase of that year or 3444
portion of a year of credit as determined by an actuary employed 3445
by the board. 3446

(c) If, on the effective date of this amendment, the purchase 3447
is being made through a payroll deduction plan under section 3448
3307.701 of the Revised Code and at least one deduction has been 3449
made, pay to the employees' savings fund in a single payment the 3450
amount specified by former section 3307.73, 3307.74, 3307.751, 3451
3307.76, 3307.771, or 3307.78 of the Revised Code as the 3452
appropriate section existed immediately before the effective date 3453
of this section. 3454

(B)(1) A purchase shall be considered completed for purposes of division (A)(2)(a) of this section only if the member's application is received by the retirement system as completed not later than December 31, 2013, and all payments are received by the retirement system not later than June 30, 2014.

(C) Subject to board rules, a member may choose to purchase only part of any eligible service credit in any one payment.

(D) The board shall adopt rules establishing criteria for determining eligibility for purchases of service credit and procedures for purchases of credit under this section.

Any determination of the board under this section shall be final.

(E) Service credit purchased under this section shall be included in the member's total service credit.

If a member dies or withdraws from service, any payment made by the member under this section shall be considered as accumulated contributions of the member.

Sec. ~~3307.70~~ 3307.701. (A) The state teachers retirement board may establish by rule payroll deduction plans for payment of the following:

(1) The cost of restoring service credit under section 3307.71 or 3307.711 of the Revised Code or purchasing any service credit members of the state teachers retirement system are eligible to purchase under this chapter;

(2) Charges for participation in programs established under section 3307.391 of the Revised Code;

(3) Deposits under section 3307.393 of the Revised Code and any charges for participating in the program established under that section.

(B) In addition to any other matter considered relevant by 3484
the board, the rules adopted under this section shall specify all 3485
of the following: 3486

(1) The types of service credit that may be paid for through 3487
payroll deduction, including the section of the Revised Code that 3488
authorizes the purchase of each type of service credit for which 3489
payment may be made by payroll deduction; 3490

(2) The procedure for informing the member's employer and the 3491
system that the member wishes to use payroll deduction to purchase 3492
service credit or pay for participation in programs established 3493
under section 3307.391 of the Revised Code; 3494

(3) The procedure to be followed by the system and employers 3495
to determine for each request the amount to be deducted, the 3496
number of deductions to be made, and the interval at which 3497
deductions will be made. The rules may provide for a minimum 3498
amount for each deduction. They may also provide for a maximum 3499
number of deductions for the purchase of any type of service 3500
credit. 3501

(4) The procedure to be followed by employers in transmitting 3502
amounts deducted from the compensation of their employees to the 3503
system; 3504

(5) The procedure to be followed by the system in crediting 3505
service credit to members who choose to purchase it through 3506
payroll deduction; 3507

(6) The time period within which employers are required to 3508
transmit amounts deducted from payrolls to the system; 3509

(7) Procedures to be followed by the system and the member's 3510
employer for the member to pay in a single payment the balance of 3511
the cost of the credit when a member separates from service from 3512
the employer administering the member's payroll deduction plan. 3513

(C)(1) If the board establishes a payroll deduction plan 3514
under this section, it shall certify to the member's employer, for 3515
each member for whom deductions are to be made, the amount of each 3516
deduction and the payrolls from which deductions are to be made. 3517
The employer shall make the deductions as certified and transmit 3518
the amounts deducted in accordance with the rules established by 3519
the board under this section. 3520

(2) If an employer does not transmit amounts deducted from 3521
the compensation of an employee to the system within the time 3522
period specified in rules adopted under division (B)(6) of this 3523
section, the employer shall pay interest on the deducted amount 3524
compounded annually at a rate to be determined by the board from 3525
the date the amount is deducted to the date it is transmitted to 3526
the system. 3527

(D) Rules adopted under this section shall not affect any 3528
right to purchase service credit conferred by any other section of 3529
the Revised Code, including the right of a member under any such 3530
section to purchase only part of the service credit the member is 3531
eligible to purchase. 3532

(E) No payroll deduction made pursuant to this section may 3533
exceed the amount of a member's net compensation after all other 3534
deductions and withholdings required by law. 3535

(F) No payments made to the system under this section shall 3536
affect any contribution required by section 3307.26 or 3307.28 of 3537
the Revised Code. 3538

Sec. 3307.71. Except as provided in this section, section 3539
3305.05, or section 3305.051 of the Revised Code, a member or 3540
former member of the state teachers retirement system 3541
participating in the STRS defined benefit plan ~~described in~~ 3542
~~sections 3307.50 to 3307.79 of the Revised Code~~ who has at least 3543
one and one-half years of contributing service credit in this 3544

system, the public employees retirement system, the school 3545
employees retirement system, the Ohio police and fire pension 3546
fund, or the state highway patrol retirement system after the 3547
withdrawal and cancellation of service credit in this system may 3548
restore all or part of such service credit by repayment of the 3549
amount withdrawn. To this amount shall be added interest at a rate 3550
per annum, compounded annually, to be determined by the state 3551
teachers retirement board. Interest shall be payable from the 3552
first of the month of withdrawal through the month of repayment. A 3553
member may choose to purchase only part of such credit in any one 3554
payment. The cost for restoring partial service shall be 3555
calculated as the proportion that it bears to the total cost at 3556
the time of purchase and is subject to the rules established by 3557
the board. If a former member is eligible to buy the service 3558
credit as a member of the Ohio police and fire pension fund, the 3559
state highway patrol retirement system, or the city of Cincinnati 3560
Retirement System, the former member is ineligible to restore that 3561
service credit under this section. 3562

The total payment to restore canceled service credit shall be 3563
credited as follows: 3564

(A) The amount that equals contributions made pursuant to 3565
section 3307.26 of the Revised Code, plus any interest on the 3566
contributions paid by the member pursuant to this section, to the 3567
member's account in the teachers' savings fund; 3568

(B) The amount that equals the amount paid under section 3569
3307.563 of the Revised Code, to the employers trust fund; 3570

(C) The remainder of the payment to restore canceled service 3571
credit, to the guarantee fund. 3572

Sec. 3307.711. (A) A member of the state teachers retirement 3573
system who has at least eighteen months of contributing service 3574
credit in the system, the police and firemen's disability and 3575

pension fund, public employees retirement system, school employees 3576
retirement system, or state highway patrol retirement system, and 3577
is a former member of or no longer contributing to the public 3578
employees retirement system or school employees retirement system 3579
may restore service credit under section 145.31 or 3309.26 of the 3580
Revised Code by making payments pursuant to this section through a 3581
payroll deduction plan established under section ~~3307.70~~ 3307.701 3582
of the Revised Code. A member seeking to restore this service 3583
credit shall notify the state teachers retirement system on a form 3584
approved by the state teachers retirement board. After receiving 3585
the notice, the state teachers retirement system shall request 3586
that the former retirement system calculate under section 145.312 3587
or 3309.262 of the Revised Code the cost to the member to restore 3588
service credit for each year or portion of a year of service for 3589
which the member seeks to restore the service credit. The amount 3590
the former retirement system certifies as the cost of restoring 3591
the service credit, plus interest described in division (B) of 3592
this section, is the cost to the member of restoring the service 3593
credit. On receiving the certification from the former retirement 3594
system, the state teachers retirement system shall notify the 3595
member of the cost. 3596

(B) For each year or portion of a year of service credit 3597
restored under section 145.31 or 3309.26 of the Revised Code, a 3598
member shall pay to the state teachers retirement system the 3599
amount certified by the former retirement system plus interest at 3600
a rate specified by the former retirement system under section 3601
145.312 or 3309.262 of the Revised Code for the period during 3602
which deductions are made under section ~~3307.70~~ 3307.701 of the 3603
Revised Code. 3604

(C) The state teachers retirement board shall annually notify 3605
the former retirement system that a payment to restore service 3606
credit under section 145.31 or 3309.26 of the Revised Code has 3607

been made. At the time the payment is transferred under division 3608
(D) of this section, the former retirement system shall restore 3609
the service credit for the year or portion of a year for which the 3610
payment was made. 3611

(D) On application for a payment of accumulated contributions 3612
or an age and service retirement, disability, or survivor benefit 3613
under Chapter 145., 3307., or 3309. of the Revised Code by a 3614
member who made payments under this section to restore service 3615
credit in a former retirement system, the state teachers 3616
retirement system shall pay to the former retirement system an 3617
amount equal to the total amount paid by the member under this 3618
section. 3619

(E) The board shall adopt rules to implement this section. 3620

Sec. 3307.712. After receiving a request from the public 3621
employees retirement system under division (A) of section 145.311 3622
or the school employees retirement system under division (A) of 3623
section 3309.261 of the Revised Code, the state teachers 3624
retirement system shall do both of the following: 3625

(A) Calculate and certify to the requesting retirement system 3626
the cost to a former member to restore service credit under 3627
section 3307.71 of the Revised Code for each year or portion of a 3628
year for which the former member seeks to restore service credit 3629
under that section. 3630

(B) Inform the requesting retirement system of the rate of 3631
interest charged to a member under a payroll deduction plan 3632
authorized under section ~~3307.70~~ 3307.701 of the Revised Code. 3633

Sec. 3307.72. The state teachers retirement board shall 3634
credit years of service to a member participating in the STRS 3635
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 3636
~~the Revised Code~~ who was employed for teaching service by an 3637

employer who failed to make retirement contributions to the state 3638
teachers retirement system during any year or years beginning on 3639
or after September 1, 1920, if the member deposits in the 3640
teachers' savings fund a per cent of the member's annual 3641
compensation for such service, at the rate of contribution then in 3642
effect, plus interest compounded annually at a rate established by 3643
the board. The member may choose to purchase only part of such 3644
credit in any one payment, subject to board rules. 3645

The employer shall, upon the request of such member, certify 3646
the amount of compensation by years of employment to the secretary 3647
of the board. For teaching service on or after July 1, 1978, the 3648
employer shall pay an amount equal to the employer contributions 3649
due at the time the service occurred, plus compound interest at a 3650
rate determined by the board from the date the service began to 3651
the date of payment. 3652

Sec. 3307.73. (A)(1) Except as provided in division (A)(2) of 3653
this section, a member of the state teachers retirement system 3654
participating in the STRS defined benefit plan ~~described in~~ 3655
~~sections 3307.50 to 3307.79 of the Revised Code~~ who has at least 3656
eighteen months of contributing service in the system, the public 3657
employees retirement system, or school employees retirement system 3658
who chose to be exempted from membership in one or more of the 3659
systems pursuant to section 145.03, or 3309.23 of the Revised 3660
Code, or former section 3307.25 or 3309.25 of the Revised Code, or 3661
was exempt under section 3307.24 of the Revised Code, may purchase 3662
credit under section 3307.70 of the Revised Code for each year or 3663
portion of a year of service for which the member was exempted. 3664

(2) A member may not purchase credit ~~under this section~~ for 3665
service that was exempted from contribution under section 3307.24 3666
of the Revised Code and subject to the tax on wages imposed by the 3667
"Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 3668

U.S.C.A. 3101, as amended. 3669

~~(B) For each year or portion of a year of credit purchased 3670
under this section, a member shall pay to the state teachers 3671
retirement system an amount determined by multiplying the member's 3672
compensation for the twelve months of contributing service 3673
preceding the month in which the member applies to purchase the 3674
credit by a percentage rate established by rule of the state 3675
teachers retirement board adopted under division (F) of this 3676
section. 3677~~

~~(C) Subject to board rules, a member may purchase all or part 3678
of the credit the member is eligible to purchase under this 3679
section in one or more payments. If the member purchases the 3680
credit in more than one payment, compound interest at a rate 3681
specified by rule of the board shall be charged on the balance 3682
remaining after the first payment is made. 3683~~

~~(D) Credit purchasable under described in this section shall 3684
not exceed one year of service for any twelve-month period. If the 3685
period of service for which credit is purchasable ~~under this~~ 3686
~~section~~ is concurrent with a period of service that will be used 3687
to calculate a retirement benefit from this system, the public 3688
employees retirement system, or school employees retirement 3689
system, the amount of the credit shall be adjusted in accordance 3690
with rules adopted by the board. 3691~~

~~(C) A member who is also a member of the public employees 3692
retirement system or school employees retirement system shall 3693
purchase credit for any service for which the member exempted the 3694
member's self under section 145.03 or 3309.23 of the Revised Code, 3695
or former section 3307.25 or 3309.25 of the Revised Code, or was 3696
exempt under section 3307.24 of the Revised Code, from the 3697
retirement system in which the member has the greatest number of 3698
years of service credit. If the member receives benefits under 3699
section 3307.57 of the Revised Code, the state retirement system 3700~~

that determines and pays the retirement benefit shall receive from 3701
the other system or systems the amounts paid by the member for 3702
purchase of credit for exempt service plus interest at the 3703
actuarial assumption rate of the system paying that amount. The 3704
interest shall be for the period beginning on the date of the 3705
member's last payment for purchase of the credit and ending on the 3706
date of the member's retirement. 3707

~~(E) If a member dies or withdraws from service, any payment 3708
made by the member under this section shall be considered as 3709
accumulated contributions of the member. 3710~~

~~(F) The retirement board shall adopt rules to implement this 3711
section. 3712~~

Sec. 3307.74. (A) Service credit ~~purchased under this section 3713
shall be included in the member's total service credit. Credit may 3714
be purchased under section 3307.70 of the Revised Code by a member 3715
participating in the STRS defined benefit plan described in 3716
sections 3307.50 to 3307.79 of the Revised Code for the following: 3717~~

(1) Teaching service in a public or private school, college, 3719
or university of this or another state, and for teaching service 3720
in any school or entity operated ~~by or~~ primarily for ~~the~~ United 3721
States ~~government~~ citizens. Teaching credit ~~purchased under this 3722
section~~ shall be limited to service rendered in schools, colleges, 3723
or universities chartered or accredited by the appropriate 3724
governmental agency. 3725

(2) Public service with another state or the United States 3726
government, provided that such credit shall be limited to service 3727
that would have been covered by the state teachers retirement 3728
system, school employees retirement system, Ohio police and fire 3729
pension fund, state highway patrol retirement system, or public 3730
employees retirement system if served in a comparable public 3731

position in this state. 3732

(3) Service for which contributions were made by the member 3733
or on the member's behalf to a municipal retirement system in this 3734
state, except that if the conditions specified in section 3307.762 3735
of the Revised Code are met, service credit for this service may 3736
be purchased only in accordance with section 3307.763 of the 3737
Revised Code. 3738

The number of years of service ~~purchased under~~ credit for 3739
service described in this section shall not exceed the lesser of 3740
five years or the member's total accumulated number of years of 3741
Ohio service. 3742

~~(B)(1) Except as otherwise provided in division (B)(2) of~~ 3743
~~this section, for each year of service purchased under this~~ 3744
~~section, a member shall pay to the state teachers retirement~~ 3745
~~system for credit to the member's accumulated account an amount~~ 3746
~~equal to the member's retirement contribution for full time~~ 3747
~~employment for the first year of Ohio service following~~ 3748
~~termination of the service to be purchased. To this amount shall~~ 3749
~~be added an amount equal to compound interest at a rate~~ 3750
~~established by the state teachers retirement board from the date~~ 3751
~~of membership in the state teachers retirement system to the date~~ 3752
~~of payment.~~ 3753

~~(2) For each year of service described in division (A) of~~ 3754
~~this section that commenced on or after July 1, 1989, and, without~~ 3755
~~regard to when the service commenced, for each year of service~~ 3756
~~purchased under division (A) of this section by a member who first~~ 3757
~~established membership in the retirement system on or after July~~ 3758
~~1, 1989, the member shall pay to the retirement system for credit~~ 3759
~~to the member's individual account an amount specified by the~~ 3760
~~state teachers retirement board that shall be not less than fifty~~ 3761
~~per cent of the additional liability resulting from the purchase~~ 3762
~~of that year of service as determined by an actuary employed by~~ 3763

~~the board.~~ 3764

~~(3) A member may choose to purchase only part of the credit
the member is eligible to purchase under this section in any one
payment, subject to board rules Credit shall be purchased under
this section in accordance with section 3307.70 of the Revised
Code.~~ 3765
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(C) ~~A~~ With the exception of social security, a member is 3770
ineligible to purchase ~~under~~ credit for service described in this 3771
section ~~service~~ that is used in the calculation of any retirement 3772
benefit that has been paid, is currently being paid, or is payable 3773
in the future to such member under any other retirement program, 3774
~~except social security or service for five or more years for which~~ 3775
contributions were made to a defined contribution plan if the 3776
member has been paid all contributions standing to the member's 3777
credit or is not entitled to be paid any such contributions. At 3778
the time the credit is purchased, the member shall certify on a 3779
form furnished by the board that the member does and will conform 3780
to this requirement. 3781

(D) Credit ~~purchased under~~ for service described in this 3782
section may be combined pursuant to section 3307.57 of the Revised 3783
Code with credit purchased under sections 145.293 and 3309.31 of 3784
the Revised Code, except that not more than a total of five years' 3785
~~service credit purchased under~~ for service described in this 3786
section and sections 145.293 and 3309.31 of the Revised Code shall 3787
be used in determining retirement eligibility or calculating 3788
benefits under section 3307.57 of the Revised Code. 3789

~~(E) The retirement board shall establish a policy to
determine eligibility to purchase credit under this section, and
its decision shall be final.~~ 3790
3791
3792

Sec. 3307.75. (A) As used in this section, "armed forces" of 3793
the United States includes both: 3794

(1) Army, navy, air force, marine corps, coast guard, 3795
auxiliary corps as established by congress, army nurse corps, navy 3796
nurse corps, red cross nurse serving with the army, navy, air 3797
force, or hospital service of the United States, full-time service 3798
with the American red cross in a combat zone, and such other 3799
service as is designated by the congress as included therein; 3800

(2) Personnel of the Ohio national guard, the Ohio military 3801
reserve, the Ohio naval militia, and the reserve components of the 3802
armed forces enumerated in division (A)(1) of this section who are 3803
called to active duty pursuant to an executive order issued by the 3804
president of the United States or an act of congress. 3805

(B) Upon presentation of an honorable discharge or 3806
certificate of service, and subject to rules adopted by the state 3807
teachers retirement board, any member of the state teachers 3808
retirement system participating in the STRS defined benefit plan 3809
~~described in sections 3307.50 to 3307.79 of the Revised Code~~ who 3810
was or is out of active service as a teacher by reason of having 3811
become a member of the armed forces of the United States on active 3812
duty or service shall be considered as on indefinite leave of 3813
absence and shall have such service not in excess of ten years 3814
considered as the equivalent of prior service, provided the member 3815
returns to service as a teacher within two years after the 3816
effective date of discharge and establishes one year of service 3817
credit, or becomes a member of either the public employees 3818
retirement system or the school employees retirement system within 3819
such two-year period and establishes at least one year of service 3820
credit. The retirement board shall extend such two-year period an 3821
additional year if failure to return is due to continuous 3822
professional training as determined by said board. If such member, 3823
otherwise qualified for such credit, canceled membership by the 3824
withdrawal of the member's accumulated account, such military 3825
service credit shall be granted following the restoration of the 3826

member's canceled service credit as provided by section 3307.71 of 3827
the Revised Code. Any member of the state teachers retirement 3828
system or anyone who becomes a new entrant who is assigned or 3829
called to take charge of special training for essential national 3830
defense work or veterans' training courses in any of the public 3831
schools or universities of the state may make regular 3832
contributions to the state teachers retirement system even though 3833
the member's or new entrant's salary is paid from federal funds, 3834
provided the member's or new entrant's salary is disbursed by an 3835
employer. 3836

(C) A member of the state teachers retirement system is 3837
ineligible to receive service credit under this section for any 3838
year of military service credit used in the calculation of any 3839
retirement benefit currently being paid to the member or payable 3840
in the future under any other retirement program, except social 3841
security, or used to obtain service credit pursuant to section 3842
3307.751 or 3307.752 of the Revised Code. At the time such credit 3843
is requested, the member shall certify on a form supplied by the 3844
board that the member does and will conform to this requirement. 3845
This division does not cancel any military service credit earned 3846
prior to March 15, 1979. 3847

Sec. 3307.751. (A)(1) A member participating in the STRS 3848
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 3849
~~the Revised Code~~ may purchase service credit ~~that shall be~~ 3850
~~considered as the equivalent of Ohio service~~ under section 3307.70 3851
of the Revised Code for each year or portion of a year of service 3852
incurred by reason of having been on active duty as a member of 3853
the armed forces of the United States, as defined in section 3854
3307.75 of the Revised Code. 3855

(2) As used in division (A)(2) of this section, "reserves" 3856
means a reserve component of any of the armed forces of the United 3857

States enumerated in division (A)(1) of section 3307.75 of the Revised Code.

On presentation of documentation of the service and subject to state teachers retirement board rules, a member participating in the STRS defined benefit plan ~~described in sections 3307.50 to 3307.79 of the Revised Code~~ may purchase service credit ~~that shall be considered as the equivalent of Ohio service under section 3307.70 of the Revised Code~~ for each year or portion of a year of service incurred by reason of having been on active duty as a member of the Ohio national guard or reserves for which the member is not eligible to purchase credit under division (A)(1) of this section. For purposes of division (A)(2) of this section, active duty in the reserves or the Ohio national guard includes assembly for drill and instruction; training at encampments, maneuvers, outdoor target practice, or other exercises; and any training or duty in this state ordered by the governor.

(3) Credit shall not be granted for any period of duty during which the member was contributing to the retirement system.

The credit may be purchased at any time prior to the effective date of a benefit. The number of years purchased under this division shall not exceed five.

(B) For the purposes of this division, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the armed forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

A member participating in the STRS defined benefit plan ~~described in sections 3307.50 to 3307.79 of the Revised Code~~ may purchase service credit ~~that shall be considered as the equivalent of Ohio service under section 3307.70 of the Revised Code~~ for each year of service such member was a prisoner of war. The number of years purchased ~~under this division~~ shall not exceed five. Service

credit may be purchased ~~under this division~~ for the same years of 3889
service used to purchase service credit described in 3890
division (A) of this section. 3891

(C) The total number of years described in this section that 3892
may be purchased under this section shall not exceed the member's 3893
total accumulated number of years of Ohio service. 3894

~~(D)(1) Except as otherwise provided in division (D)(2) or (3)~~ 3895
~~of this section, for each year or portion of a year of service~~ 3896
~~purchased under division (A) or (B) of this section, the member~~ 3897
~~shall pay to the state teachers retirement system for credit to~~ 3898
~~the member's accumulated account an amount determined by the~~ 3899
~~member rate of contribution in effect at the time the military~~ 3900
~~service began multiplied by the member's annual compensation for~~ 3901
~~full-time employment during the first year of service in Ohio~~ 3902
~~following termination of military service. If, however, a limit on~~ 3903
~~maximum salary or maximum contribution was in effect at the time~~ 3904
~~the military service began, the limit shall be applied to the~~ 3905
~~salary received during the first year of service in Ohio to~~ 3906
~~calculate the amount of payment. To this amount shall be added an~~ 3907
~~amount equal to compound interest at a rate established by the~~ 3908
~~state teachers retirement board from the date active military~~ 3909
~~service terminated to date of payment.~~ 3910

~~(2) For each year of service purchased under division (A)(1)~~ 3911
~~or (B) of this section for military service that commenced on or~~ 3912
~~after July 1, 1989, and, without regard to when the military~~ 3913
~~service commenced, for each year of service purchased under~~ 3914
~~division (A) or (B) of this section by a member who first~~ 3915
~~established membership in the retirement system on or after July~~ 3916
~~1, 1989, the member shall pay to the retirement system for credit~~ 3917
~~to the member's individual account an amount specified by the~~ 3918
~~state teachers retirement board that shall be not less than fifty~~ 3919
~~per cent of the additional liability resulting from the purchase~~ 3920

~~of that year of service as determined by an actuary employed by
the board.~~ 3921
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~~(3) For each year or portion of a year of service in the
reserves or Ohio national guard purchased under division (A)(2) of
this section, the member shall pay to the retirement system for
credit to the member's individual account an amount equal to one
hundred per cent of the additional liability resulting from the
purchase of that year of service as determined by an actuary
employed by the board. The retirement system shall calculate the
number of years or portions of a year of credit the member is
eligible to purchase under division (A)(2) of this section by
dividing the number of days actually served by three hundred
sixty five.~~ 3923
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~~(4) A member may choose to purchase only part of the credit
the member is eligible to purchase under this section in any one
payment, subject to board rules.~~ 3934
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~~(E) A member of the state teachers retirement system is
ineligible to purchase service credit under described in this
section for any year of military service that was:~~ 3937
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3939

(1) Used in the calculation of any retirement benefit 3940
currently being paid to such member or payable in the future under 3941
any other retirement program, except for retired pay for 3942
non-regular service under Chapter 1223 of Section 1662 of Title 3943
XVI of the "National Defense Authorization Act for Fiscal Year 3944
1995," 108 Stat. 2998 (1994), 10 U.S.C.A. 12731 to 12739, or 3945
social security; 3946

(2) Used to obtain service credit pursuant to section 3307.75 3947
or 3307.752 of the Revised Code. 3948

At the time the credit is purchased, the member shall certify 3949
on a form furnished by the board that the member does and will 3950
conform to this requirement. 3951

~~(F)~~(E) Credit ~~purchased under~~ described in this section may 3952
be combined pursuant to section 3307.57 of the Revised Code with 3953
credit for military service purchased under sections 145.301 ~~and~~, 3954
742.52, 3309.021, and 5505.25 of the Revised Code or military 3955
service credit purchased in the Cincinnati retirement system, 3956
except that not more than a total of five years of credit 3957
~~purchased under~~ described in division (A) of this section, 3958
division (B) of section 145.301, ~~and~~ division (A) of section 3959
742.52, division (A) of section 3309.021, and division (A) of 3960
section 5505.25 of the Revised Code and not more than a total of 3961
five years of credit ~~purchased under~~ described in division (B) of 3962
this section, division (C) of section 145.301, ~~and~~ division (B) of 3963
section 742.52, division (B) of section 3309.021 and division (B) 3964
of section 5505.25 of the Revised Code or military service credit 3965
purchased in the Cincinnati retirement system shall be used in 3966
determining retirement eligibility or calculating benefits under 3967
section 3307.57 of the Revised Code. 3968

Sec. 3307.752. (A) As used in this section: 3969

(1) "Service in the uniformed services" means the performance 3970
of duty on a voluntary or involuntary basis in a uniformed service 3971
under competent authority and includes active duty, active duty 3972
for training, initial active duty for training, inactive duty 3973
training, full-time national guard duty, and a period for which a 3974
person is absent from a position of employment for the purpose of 3975
an examination to determine the fitness of the person to perform 3976
any such duty. 3977

(2) "Uniformed services" means the army, navy, air force, 3978
marine corps, coast guard, or any reserve components of such 3979
services; national guard; the commissioned corps of the United 3980
States public health service; service as a red cross nurse with 3981
the army, navy, air force, or hospital service of the United 3982

States, army nurse corps, navy nurse corps, or serving full-time 3983
with the American red cross in a combat zone; and any other 3984
category of persons designated by the president in time of war or 3985
emergency. 3986

(B) On the re-employment of a member participating in the 3987
~~STRS defined benefit plan described in sections 3307.50 to 3307.79~~ 3988
~~of the Revised Code~~ as a teacher by the same public employer that 3989
employed the member prior to the member's service in the uniformed 3990
services, the member may apply to the state teachers retirement 3991
system on a form provided by the system to purchase service credit 3992
for service in the uniformed services that shall be considered the 3993
equivalent of Ohio service credit. On receipt of the application, 3994
the system shall request from the employer that employed the 3995
member as a teacher prior to the military service a certification 3996
that the member was employed by the employer prior to, and 3997
returned to employment with the employer within three months of 3998
honorable discharge or release from, service in the uniformed 3999
services. If the employer can so certify, it shall do so and shall 4000
pay to the system the employer's contribution required by this 4001
section. The service credit shall be granted the member if all of 4002
the following requirements are met: 4003

(1) The member was a member of and maintained membership in 4004
the state teachers retirement system throughout service in the 4005
uniformed services; 4006

(2) The member was out of active service as a teacher by 4007
reason of service in the uniformed services; 4008

(3) The member was honorably discharged or released from 4009
service in the uniformed services; 4010

(4) The member pays contributions to the system in accordance 4011
with this section. 4012

(C) Credit may be purchased pursuant to this section at any 4013

time prior to receipt of a benefit. The member may choose to 4014
purchase only part of the credit in any one payment, subject to 4015
board rules. The system shall grant service credit under this 4016
section, not to exceed five years, for ~~each period of~~ service in 4017
the uniformed services for which contributions have been received. 4018

(D) For service purchased under this section, the member and 4019
the member's employer, subject to board rules, shall pay to the 4020
system for credit to the member's accumulated account an amount 4021
equal to the contributions that would have been paid pursuant to 4022
sections 3307.26 and 3307.28 of the Revised Code if the member had 4023
not been out of active service as a teacher by reason of service 4024
in the uniformed services. 4025

If a member pays all or any portion of the contributions 4026
required by section 3307.26 of the Revised Code later than the 4027
lesser of five years or a period that is three times the member's 4028
period of service in the uniformed services beginning from the 4029
later of the member's date of re-employment as a teacher or 4030
October 29, 1996, an amount equal to compound interest at a rate 4031
established by the board from the later of the member's date of 4032
re-employment as a teacher or October 29, 1996, to the date of 4033
payment shall be added to the remaining amount to be paid by the 4034
member to purchase service credit under this section. 4035

(E) This section does not cancel any military service credit 4036
or service in the uniformed services earned or granted under this 4037
chapter prior to October 29, 1996. 4038

(F) If a member purchased service credit under section 4039
3307.751 of the Revised Code prior to October 29, 1996, is not 4040
receiving a benefit, and would have been eligible to obtain 4041
service credit pursuant to this section had it been in effect at 4042
the time of purchase, the system shall refund the amounts paid by 4043
the member for the purchase if both of the following requirements 4044
are met: 4045

(1) The member makes a written request for a refund on a form 4046
provided by the system; 4047

(2) The member pays to the system the contributions required 4048
by this section. 4049

(G) If the member meets the requirements of division (F) of 4050
this section, the employer shall pay to the system the employer's 4051
contributions required by this section. 4052

Sec. 3307.76. ~~(A) A member of the state teachers retirement 4053
system participating in the STRS defined benefit plan described in 4054
~~sections 3307.50 to 3307.79 of the Revised Code shall, in 4055
computing years of total service, be given full credit for time 4056
served in the public employees retirement system under Chapter 4057
145. of the Revised Code or in the school employees retirement 4058
system under Chapter 3309. of the Revised Code, ~~provided that the 4059
member pays to the state teachers retirement system the amount 4060
specified in division (B) of this section. 4061~~~~~~

~~(B) For each year of service described in division (A) of 4062
this section, a member shall pay an amount specified by the state 4063
teachers retirement board, which shall be not less than fifty per 4064
cent of the additional liability resulting from the purchase of 4065
that year of service as determined by an actuary employed by the 4066
board. 4067~~

~~(C) A member may choose to purchase only part of the credit 4068
the member is eligible to purchase under this section in any one 4069
payment, subject to board rules if the member purchases the credit 4070
in accordance with section 3307.70 of the Revised Code. 4071~~

A member is ineligible to purchase credit ~~under~~ described in 4072
this section if credit for the service may be obtained from the 4073
public employees retirement system or school employees retirement 4074
system or if the credit is for service that is used in the 4075

calculation of any retirement benefit that has been paid, is 4076
currently being paid, or is payable in the future to the member. 4077

Sec. 3307.761. (A) As used in this section and section 4078
3307.765 of the Revised Code: 4079

(1) "Uniform retirement system" or "uniform system" means the 4080
Ohio police and fire pension fund or state highway patrol 4081
retirement system. 4082

(2) "Military service credit" means credit purchased or 4083
obtained under this chapter or Chapter 742. or 5505. of the 4084
Revised Code for service in the armed forces of the United States. 4085

(B) A member of the state teachers retirement system 4086
participating in the STRS defined benefit plan ~~described in~~ 4087
~~sections 3307.50 to 3307.79 of the Revised Code~~ who has 4088
contributions on deposit with a uniform retirement system shall, 4089
in computing years of total service, be given full credit for 4090
service credit earned under Chapter 742. or 5505. of the Revised 4091
Code or for military service credit if a transfer to the state 4092
teachers retirement system is made under this division. At the 4093
request of the member, the uniform system shall transfer to the 4094
state teachers retirement system, for each year of service, the 4095
sum of the following: 4096

(1) An amount equal to the member's accumulated contributions 4097
to the uniform system and any payments by the member for military 4098
service credit; 4099

(2) An amount equal to the lesser of the employer's 4100
contributions to the uniform system or the amount that would have 4101
been contributed by the employer for the service had the member 4102
been a member of the state teachers retirement system at the time 4103
the credit was earned; 4104

(3) Interest, determined as provided in division (F) of this 4105

section, on the amounts specified in divisions (B)(1) and (2) of
this section from the last day of the year for which the service
credit in the uniform system was earned or in which payment was
made for military service credit was purchased or obtained to the
date the transfer is made.

(C) A member participating in the STRS defined benefit plan
~~described in sections 3307.50 to 3307.79 of the Revised Code~~ who
has at least one and one-half years of contributing service with
the state teachers retirement system, is a former member of a
uniform retirement system, and has received a refund of
contributions to that uniform system shall, in computing years of
total service, be given full credit for service credit earned
under Chapter 742. or 5505. of the Revised Code or for military
service credit if, for each year of service, the state teachers
retirement system receives the sum of the following:

(1) An amount, which shall be paid by the member, equal to
the amount refunded by the uniform system to the member for that
year for accumulated contributions and payments for military
service credit, with interest at a rate established by the state
teachers retirement board on that amount from the date of the
refund to the date of the payment;

(2) Interest, which shall be transferred by the uniform
system, on the amount refunded to the member that is attributable
to the year of service from the last day of the year for which the
service credit was earned or in which payment was made for
military service credit to the date the refund was made;

(3) An amount, which shall be transferred by the uniform
system, equal to the lesser of the employer's contributions to the
uniform system or the amount that would have been contributed by
the employer for the service had the member been a member of the
state teachers retirement system at the time the credit was
earned, with interest on that amount from the last day of the year

for which the service credit was earned or in which payment was 4138
made for military service to the date of the transfer. 4139

On receipt of payment from the member, the state teachers 4140
retirement system shall notify the uniform system, which, on 4141
receipt of the notice, shall make the transfer required by this 4142
division. Interest shall be determined as provided in division (F) 4143
of this section. 4144

A member may choose to purchase only part of the credit the 4145
member is eligible to purchase under this division in any one 4146
payment, subject to rules of the state teachers retirement board. 4147

(D) A member is ineligible to obtain credit under this 4148
section for service that is used in the calculation of any 4149
retirement benefit currently being paid or payable in the future 4150
under any other retirement program or for service credit that may 4151
be transferred under section 3307.765 of the Revised Code. 4152

(E) If a member of the state teachers retirement system who 4153
is not a current contributor elects to obtain credit under section 4154
742.21 or 5505.40 of the Revised Code for service for which the 4155
member contributed to the system or purchased for military service 4156
credit, the system shall transfer to the uniform retirement 4157
system, as applicable, the amount specified in division (D) of 4158
section 742.21 or division (B)(2) of section 5505.40 of the 4159
Revised Code. 4160

(F) Interest charged under this section shall be calculated 4161
separately for each year of service credit. Unless otherwise 4162
specified in this section it shall be calculated at the lesser of 4163
the actuarial assumption rate for that year of the state teachers 4164
retirement system or of the uniform retirement system in which the 4165
credit was earned. The interest shall be compounded annually. 4166

(G) The state teachers retirement board shall credit to a 4167
member's account in the teachers' savings fund the amounts 4168

described in divisions (B)(1) and (C)(1) of this section, except 4169
that the interest paid by the member under division (C)(1) of this 4170
section shall be credited to the employers' trust fund. The board 4171
shall credit to the employers' trust fund the amounts described in 4172
divisions (B)(2) and (3) and (C)(2) and (3) of this section. 4173

(H) At the request of the state teachers retirement system, 4174
the Ohio police and fire pension fund or state highway patrol 4175
retirement system shall certify to the state teachers retirement 4176
system a copy of the records of the service and contributions of a 4177
state teachers retirement system member who seeks service credit 4178
under this section. 4179

Sec. 3307.763. (A) If the conditions described in division 4180
(B) of section 3307.762 of the Revised Code are met, a member of 4181
the state teachers retirement system who is not receiving a 4182
pension or benefit from the state teachers retirement system is 4183
eligible to obtain credit for service as a member of the 4184
Cincinnati retirement system under this section. 4185

(B) A member of the state teachers retirement system 4186
participating in the STRS defined benefit plan ~~described in~~ 4187
~~sections 3307.50 to 3307.79 of the Revised Code~~ who has 4188
contributions on deposit with, but is no longer contributing to, 4189
the Cincinnati retirement system shall, in computing years of 4190
service credit, be given credit for service credit earned under 4191
the Cincinnati retirement system or purchased or obtained as 4192
military service credit if, for each year of service, the 4193
Cincinnati retirement system transfers to the state teachers 4194
retirement system the sum of the following: 4195

(1) The amount contributed by the member, or, in the case of 4196
military service credit, paid by the member, that is attributable 4197
to the year of service; 4198

(2) An amount equal to the lesser of the employer's 4199

contributions to the Cincinnati retirement system or the amount 4200
that would have been contributed by the employer for the service 4201
had the member been a member of the state teachers retirement 4202
system at the time the credit was earned; 4203

(3) Interest on the amounts specified in divisions (B)(1) and 4204
(2) of this section from the last day of the year for which 4205
service credit was earned or in which payment was made for 4206
military service credit to the date the transfer is made. 4207

(C) A member of the state teachers retirement system with at 4208
least one and one-half years of contributing service credit with 4209
the state teachers retirement system who has received a refund of 4210
the member's contributions to the Cincinnati retirement system 4211
shall, in computing years of service, be given credit for service 4212
credit earned under the Cincinnati retirement system or purchased 4213
or obtained as military service credit if, for each year of 4214
service, the state teachers retirement system receives the sum of 4215
the following: 4216

(1) An amount, paid by the member, equal to the sum of the 4217
following: 4218

(a) The amount refunded by the Cincinnati retirement system 4219
to the member for that year for contributions and payments for 4220
military service credit, with interest at a rate established by 4221
the state teachers retirement board on that amount from the date 4222
of the refund to the date of payment; 4223

(b) The amount of interest, if any, the member received when 4224
the refund was made that is attributable to the year of service. 4225

(2) An amount, transferred by the Cincinnati retirement 4226
system to the state teachers retirement system, equal to the sum 4227
of the following: 4228

(a) Interest on the amount refunded to the member that is 4229
attributable to the year of service from the last day of the year 4230

for which the service credit was earned or in which payment was 4231
made for military service credit to the date the refund was made; 4232

(b) An amount equal to the lesser of the employer's 4233
contributions to the Cincinnati retirement system or the amount 4234
that would have been contributed by the employer for the service 4235
had the member been a member of the state teachers retirement 4236
system at the time the credit was earned, with interest on that 4237
amount from the last day of the year for which the service credit 4238
was earned to the date of the transfer. 4239

(D) The amount transferred under division (C)(2)(a) of this 4240
section shall not include any amount of interest the Cincinnati 4241
retirement system paid to the person when it made the refund. 4242

(E) On receipt of payment from the member under division 4243
(C)(1) of this section, the state teachers retirement system shall 4244
notify the Cincinnati retirement system. On receipt of the notice, 4245
the Cincinnati retirement system shall transfer the amount 4246
described in division (C)(2) of this section. 4247

(F) Interest charged under this section shall be calculated 4248
separately for each year of service credit. Unless otherwise 4249
specified in this section, it shall be calculated at the lesser of 4250
the actuarial assumption rate for that year of the state teachers 4251
retirement system or the Cincinnati retirement system. The 4252
interest shall be compounded annually. 4253

(G) At the request of the state teachers retirement system, 4254
the Cincinnati retirement system shall certify to the state 4255
teachers retirement system a copy of the records of the service 4256
and contributions of a state teachers retirement system member who 4257
seeks service credit under this section. 4258

(H) A member may choose to purchase only part of the credit 4259
the member is eligible to purchase under division (C) of this 4260
section in any one payment, subject to rules of the state teachers 4261

retirement board. 4262

(I) A member is ineligible to obtain credit under this 4263
section for service that is used in the calculation of any 4264
retirement benefit currently being paid or payable in the future. 4265

(J) The state teachers retirement board shall credit to the 4266
member's account in the teachers' savings fund the amounts 4267
described in divisions (B)(1) and (C)(1)(a) of this section, 4268
except that interest paid by the member under division (C)(1)(a) 4269
of this section shall be credited to the employers' trust fund. 4270
The board shall credit to the employers' trust fund the amounts 4271
described in divisions (B)(2), (B)(3), (C)(1)(b), and (C)(2) of 4272
this section. 4273

Sec. 3307.764. (A) If the conditions described in division 4274
(B) of section 3307.762 of the Revised Code are met and a person 4275
who is a member or former member of the state teachers retirement 4276
system through participation in the STRS defined benefit plan 4277
~~described in sections 3307.50 to 3307.79 of the Revised Code~~, but 4278
is not a current contributor and who is not receiving a pension or 4279
benefit from the state teachers retirement system elects to 4280
receive credit under the Cincinnati retirement system for service 4281
for which the person contributed to the state teachers retirement 4282
system or purchased or obtained as military service credit, the 4283
state teachers retirement system shall transfer the amounts 4284
specified in division (B) or (C) of this section to the Cincinnati 4285
retirement system. 4286

(B) If the person has contributions on deposit with the state 4287
teachers retirement system, the retirement system shall, for each 4288
year of service credit, transfer to the Cincinnati retirement 4289
system the sum of the following: 4290

(1) An amount equal to the person's contributions to the 4291
state teachers retirement system and payments made by the member 4292

for military service credit; 4293

(2) An amount equal to the lesser of the employer's 4294
contributions to the state teachers retirement system or the 4295
amount that would have been contributed by the employer for the 4296
service had the person been a member of the Cincinnati retirement 4297
system at the time the credit was earned; 4298

(3) Interest on the amounts specified in divisions (B)(1) and 4299
(2) of this section for the period from the last day of the year 4300
for which the service credit was earned or in which payment was 4301
made for military service credit to the date the transfer was 4302
made. 4303

(C)(1) If the person has received a refund of accumulated 4304
contributions to the state teachers retirement system, the state 4305
teachers retirement system shall, for each year of service credit, 4306
transfer to the Cincinnati retirement system the sum of the 4307
following: 4308

(a) Interest on the amount refunded to the former member that 4309
is attributable to the year of service from the last day of the 4310
year for which the service credit was earned or in which payment 4311
was made for military service credit to the date the refund was 4312
made; 4313

(b) An amount equal to the lesser of the employer's 4314
contributions to the state teachers retirement system or the 4315
amount that would have been contributed by the employer for the 4316
service had the person been a member of the Cincinnati retirement 4317
system at the time the credit was earned, with interest on that 4318
amount from the last day of the year for which the service credit 4319
was earned to the date of the transfer. 4320

(2) The amount transferred under division (C)(1) of this 4321
section shall not include any amount added to the member's 4322
accumulated contributions under section 3307.563 of the Revised 4323

Code and paid under section 3307.56 or 3307.562 of the Revised Code. 4324
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(3) On receipt of notice from the Cincinnati retirement system that the Cincinnati retirement system has received payment from a person described in division (C)(1) of this section, the state teachers retirement system shall transfer the amount described in that division. 4326
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(D) Interest charged under this section shall be calculated separately for each year of service credit. Unless otherwise specified in this section, it shall be calculated at the lesser of the actuarial assumption rate for that year of the state teachers retirement system or the Cincinnati retirement system. The interest shall be compounded annually. 4331
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(E) The transfer of any amount under this section cancels an equivalent amount of service credit. 4337
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(F) At the request of the Cincinnati retirement system, the state teachers retirement system shall certify to the Cincinnati retirement system a copy of the records of the service and contributions of a member or former member of the state teachers retirement system who elects to receive service credit under the Cincinnati retirement system. 4339
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Sec. 3307.77. (A) As used in this section, "employer" means the employer employing a member of the state teachers retirement system at the time the member commences an absence, or is granted a leave described in this section. 4345
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(B) Any member of the state teachers retirement system participating in the STRS defined benefit plan ~~described in sections 3307.50 to 3307.79 of the Revised Code~~ or the STRS combined plan who is, or has been, prevented from making contributions under section 3307.26 of the Revised Code because of 4349
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an absence due to the member's own illness or injury, or who is, 4354
or has been, granted a leave for educational, professional, or 4355
other purposes pursuant to section 3319.13, 3319.131, or 3345.28 4356
of the Revised Code or for any other reason approved by the state 4357
teachers retirement board, may purchase service credit, not to 4358
exceed two years for each such period of absence or leave, either 4359
by having deductions made in accordance with division (C) of this 4360
section or by making the payment required by division (D) ~~or (E)~~ 4361
of this section. 4362

(C) If the absence or leave begins and ends in the same year, 4363
the member may purchase credit for the absence or leave by having 4364
the employer deduct and transmit to the system from payrolls in 4365
that year employee contributions on the amount certified by the 4366
employer as the compensation the member would have received had 4367
the member remained employed in the position held when the absence 4368
or leave commenced. The deductions may be made even though the 4369
minimum compensation provided by law for the member is reduced 4370
thereby, unless the amount to be deducted exceeds the compensation 4371
to be paid the member from the time deductions begin until the end 4372
of the year, in which case credit may not be purchased under this 4373
division. The employer shall pay the system the employer 4374
contributions on the compensation amount certified under this 4375
division. Employee and employer contributions shall be made at the 4376
rates in effect at the time the absence or leave occurred. If the 4377
employee or employer rates in effect change during the absence or 4378
leave, the contributions for each month of the absence or leave 4379
shall be made at the rate in effect for that month. 4380

~~(D) During or following the absence or leave, but no later 4381
than two years following the last day of the year in which the 4382
absence or leave terminates, a member may purchase credit for the 4383
absence or leave by paying to the employer, and the employer 4384
transmitting to the system, employee contributions on the amount 4385~~

~~certified by the employer as the compensation the member would 4386
have received had the member remained employed in the position 4387
held when the absence or leave commenced. The employer shall pay 4388
the system the employer contributions on the compensation amount 4389
certified under this division. Employee and employer contributions 4390
shall be made at the rates in effect at the time the absence or 4391
leave occurred. If the employee or employer rates in effect change 4392
during the absence or leave, the contributions for each month of 4393
an absence or leave shall be made at the rate in effect for that 4394
month. 4395~~

~~(E) After two years following the last day of the year in 4396
which an absence or leave terminated If the absence or leave does 4397
not begin and end in the same year or the member does not purchase 4398
the credit under division (C) of this section, a member may 4399
purchase credit for the absence or leave by paying the employer, 4400
and the employer transmitting to the system, the sum of the 4401
following for each year of credit purchased: 4402~~

~~(1) An amount determined by multiplying the employee rate of 4403
contribution in effect at the time the absence or leave commenced 4404
by the member's annual compensation for the member's last full 4405
year of service prior to the commencement of the absence or leave, 4406
or, if the member has not had a full year of service, the 4407
compensation the member would have received for the year the 4408
absence or leave commenced had the member continued in service for 4409
a full year; 4410~~

~~(2) Interest compounded annually, at a rate determined by the 4411
board, on the amount determined under division ~~(E)~~(D)(1) of this 4412
section ~~for the period commencing two years from the day~~ following 4413
the last day of the year in which the absence or leave terminated 4414
~~and ending on~~ to the date of payment; 4415~~

~~(3) Interest compounded annually, at a rate determined by the 4416
board, on an amount equal to the employer's contribution required 4417~~

by this division ~~for the period commencing two years~~ from the day 4418
following the last day of the year in which the absence or leave 4419
terminated ~~and ending on~~ to the date of payment. 4420

The employer shall pay to the system for each year of credit 4421
purchased under this division an amount determined by multiplying 4422
the employer contribution rate in effect at the time the absence 4423
or leave commenced by the member's annual compensation for the 4424
member's last full year of service prior to the commencement of 4425
the absence or leave, or, if the member has not had a full year of 4426
service, the compensation the member would have received for the 4427
year the absence or leave commenced had the member continued in 4428
service for a full year. 4429

~~(F)~~(E) A member who chooses to purchase service credit under 4430
division (D) ~~or (E)~~ of this section may choose to purchase only 4431
part of the credit for which the member is eligible in any one 4432
payment, ~~but payments made more than two years following the last~~ 4433
~~day of the year in which the absence or leave terminated shall be~~ 4434
~~made in accordance with division (E) of this section.~~ 4435

~~(G)~~(F) The state teachers retirement board may adopt rules to 4436
implement this section. 4437

Sec. 3307.771. As used in this section, "regular employment" 4438
means a consistent pattern of employment for twelve or more 4439
consecutive weeks by the same employer during the year. 4440

A member of the state teachers retirement system 4441
participating in the STRS defined benefit plan described in 4442
~~sections 3307.50 to 3307.79 of the Revised Code~~ who prior to July 4443
1, 1982, was granted a leave of absence for pregnancy or resigned 4444
due to pregnancy or adoption of a child may purchase service 4445
credit under section 3307.70 of the Revised Code for a period for 4446
which the member did not make contributions under section 3307.26 4447
of the Revised Code. ~~Service~~ The service credit ~~purchased under~~ 4448

~~this section~~ shall not exceed the lesser of two years or the 4449
period from the day the leave commenced or the effective date of 4450
resignation to the date of the member's return to regular 4451
employment as a contributor to the retirement system. A member may 4452
purchase credit for more than one period of absence due to 4453
pregnancy or adoption, but the total service credit and credit 4454
purchased under ~~this section~~, former section 3307.513, and former 4455
section 3307.514 of the Revised Code shall not exceed two years. 4456
The member shall submit evidence satisfactory to the retirement 4457
board documenting that the leave or resignation was due to 4458
pregnancy or adoption of a child. 4459

~~For each year of service credit purchased under this section,~~ 4460
~~the member shall pay to the system for credit to the member's~~ 4461
~~accumulated account an amount determined by multiplying the~~ 4462
~~employee rate of contribution in effect at the time the leave or~~ 4463
~~absence commenced by the member's annual compensation for~~ 4464
~~full-time employment during the first year of service in Ohio~~ 4465
~~following termination of the absence or leave and adding to that~~ 4466
~~amount interest compounded annually, at a rate established by the~~ 4467
~~board, from the date the absence or leave terminated to the date~~ 4468
~~of payment.~~ 4469

A member may purchase all or part of the credit for which the 4470
member is eligible in one or more payments. A member who purchases 4471
service credit for an absence or leave under described in this 4472
section may not purchase credit for that absence or leave under 4473
section 3307.77 of the Revised Code. A member who has purchased 4474
service credit for an absence or leave under former section 4475
3307.513 or 3307.514 or section 3307.77 of the Revised Code may 4476
not purchase credit under described in this section for the same 4477
period of absence or leave. 4478

~~The state teachers retirement board may adopt rules to~~ 4479
~~implement this section.~~ 4480

Sec. 3307.78. (A) As used in this section, "school board member" means a member of a city, local, exempted village, or joint vocational school district board of education and "governing board member" means a member of an educational service center governing board.

(B) A member of the state teachers retirement system participating in the STRS defined benefit plan ~~described in sections 3307.50 to 3307.79 of the Revised Code~~ who does both of the following may purchase credit under section 3307.70 of the Revised Code for service as a school board or governing board member, other than service subject to the tax on wages imposed by the "Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as amended, if the member is eligible to retire under this chapter or will become eligible to retire as a result of purchasing the credit:

(1) Agrees to retire within ninety days after receiving notice of the additional liability under division (C) of this section;

(2) Provides evidence satisfactory to the state teachers retirement board of service as a school board or governing board member during the years for which the member wishes to purchase credit.

Credit may be purchased for service as a school board or governing board member between September 1, 1920, and the first day of January of the year in which the credit is purchased. A member is eligible to purchase one-quarter of a year's credit for each year of service as a school board or governing board member.

~~Credit purchased under this section shall be included in the member's total service credit for the purposes of section 3307.52 of the Revised Code.~~

(C) On receipt of a request from a member eligible to 4511
purchase credit ~~under~~ described in this section, the system shall 4512
obtain from its actuary certification of the additional liability 4513
to the system for each quarter year of credit the member is 4514
eligible to purchase and shall notify the member of such 4515
additional liability. Within ninety days after receiving notice of 4516
the additional liability, the member may purchase in quarter-year 4517
increments any portion of the credit the member is eligible to 4518
purchase. ~~For each quarter year of credit purchased, the member~~ 4519
~~shall pay to the system an amount equal to the additional~~ 4520
~~liability resulting from the purchase.~~ Payment shall be made in 4521
full at the time of purchase. 4522

~~(D) The board shall adopt rules in accordance with section 4523
111.15 of the Revised Code concerning the purchase of credit under 4524
this section. In addition to any other matters considered relevant 4525
by the board, the rules shall specify the procedure to be followed 4526
to inform the system that a member wishes to purchase credit for 4527
service as a school board or governing board member. 4528~~

~~(E) If the member does not retire within ninety days after 4529
purchasing credit ~~under~~ described in this section, the system 4530
shall withdraw the credit and refund the amount paid by the 4531
member. 4532~~

Sec. 3307.79. (A) A member whose death occurred prior to July 4533
1, 1973, who at the time of death had more than thirty-four but 4534
less than thirty-five years of service credit shall be presumed to 4535
have completed thirty-five years of such credit. Any member whose 4536
death occurred on or after July 1, 1973, but prior to August 20, 4537
1976, and who at the time of death had more than thirty-one but 4538
less than thirty-two years of service credit shall be presumed to 4539
have completed thirty-two years of such credit. Any member 4540
participating in the STRS defined benefit plan ~~described in~~ 4541

~~sections 3307.50 to 3307.79 of the Revised Code~~ whose death occurs 4542
on or after August 20, 1976, but prior to July 1, 2015, and who at 4543
the time of death has more than twenty-nine but less than thirty 4544
years of service credit shall be presumed to have completed thirty 4545
years of such credit. 4546

(B) On the death of a member who is participating in the STRS 4547
defined benefit plan ~~described in sections 3307.50 to 3307.79 of~~ 4548
~~the Revised Code~~ prior to service retirement, the surviving spouse 4549
or dependents of the deceased member shall have the right to 4550
~~purchase~~ obtain any service credit the member, had the member not 4551
died, would have been eligible to ~~purchase~~ obtain pursuant to 4552
sections ~~3307.71, 3307.72, 3307.73, 3307.74, 3307.741, 3307.751,~~ 4553
~~3307.752, 3307.76, 3307.761,~~ and 3307.763, ~~3307.77, and 3307.771~~ 4554
of the Revised Code upon the same terms and conditions which the 4555
deceased member could have ~~purchased~~ obtained such service credit 4556
had the deceased member not died. Any service credit ~~purchased~~ 4557
obtained under this section shall be applied under the provisions 4558
of this chapter in the same manner as it would have been applied 4559
had it been ~~purchased~~ obtained by the deceased member during the 4560
deceased member's lifetime. 4561

Sec. 3307.80. The state teachers retirement board shall adopt 4562
rules to implement ~~the plans~~ any STRS defined contribution plan 4563
established under section 3307.81 of the Revised Code. 4564

Sec. 3307.81. The state teachers retirement board shall 4565
establish one or more defined contribution plans consisting of 4566
benefit options that provide for an individual account for each 4567
participating member and under which benefits are based solely on 4568
the amounts that have accumulated in the account. The plans may 4569
include options under which a member participating in a plan may 4570
receive definitely determinable benefits. 4571

~~Each~~ An STRS defined contribution plan established under this 4572
section shall meet the requirements of sections 3307.81 to 3307.89 4573
of the Revised Code. It may include life insurance, annuities, 4574
variable annuities, regulated investment trusts, pooled investment 4575
funds, or other forms of investment. 4576

The board may administer the plans, enter into contracts with 4577
other entities to administer the plans, or both. The board may 4578
contract with another entity to administer the plans if the entity 4579
agrees to meet all requirements of this chapter applicable to the 4580
plans. 4581

Sec. 3307.811. ~~Each~~ An STRS defined contribution plan 4582
~~established under section 3307.81 of the Revised Code~~ shall meet 4583
the requirements necessary to qualify as a retirement system 4584
maintained by a state or local government entity under division 4585
(b)(7)(F) of section 3121 of the "Internal Revenue Code of 1986," 4586
100 Stat. 2085, 26 U.S.C.A. 3121(b)(7)(F), as amended. Each 4587
participant in a plan shall qualify as a member of that system. 4588

Sec. 3307.812. In establishing a an STRS defined contribution 4589
~~plan under section 3307.81 of the Revised Code~~, the state teachers 4590
retirement board may do all things necessary to avoid the system 4591
being required to pay federal or state income taxes on 4592
contributions to the plan or amounts earned under the plan and, to 4593
the extent permitted under federal or state law, to allow members 4594
participating in the plan to make tax deferred contributions for 4595
periods of interrupted or prior service. 4596

Sec. 3307.83. The right of each member participating in a an 4597
STRS defined contribution plan ~~established under section 3307.81~~ 4598
~~of the Revised Code~~ to a retirement, disability, or survivor 4599
benefit, to health care insurance coverage, or to a withdrawal of 4600
contributions shall be governed by the plan selected by the member 4601

under section 3307.25 or 3307.251 of the Revised Code. 4602

Sec. 3307.84. For each member participating in a an STRS 4603
defined contribution plan ~~established under section 3307.81 of the~~ 4604
~~Revised Code~~, the state teachers retirement system ~~shall~~ may 4605
transfer to the employers' trust fund a portion of the employer 4606
contribution required under section 3307.28 of the Revised Code 4607
~~that is equal to. If the state teachers retirement board elects to~~ 4608
make a transfer under this section, the portion transferred shall 4609
not exceed the percentage of compensation of members described in 4610
this section for whom the contributions are being made that is 4611
determined by the board's actuary to be necessary to mitigate any 4612
negative financial impact on the state teachers retirement system 4613
of the participation of members in a an STRS defined contribution 4614
plan ~~established under section 3307.81 of the Revised Code~~. The 4615
remainder shall be credited as provided in section 3307.28 of the 4616
Revised Code. 4617

The state teachers retirement board ~~shall~~ may have prepared 4618
~~annually, at intervals determined by the board,~~ an actuarial study 4619
to determine whether ~~the percentage transferred~~ a transfer under 4620
this section ~~should be changed~~ is necessary to reflect a change in 4621
the level of the negative financial impact resulting from 4622
participation of members in a an STRS defined contribution plan 4623
~~established under section 3307.81 of the Revised Code~~. The board 4624
shall increase or decrease the percentage transferred, if any, 4625
under this section to reflect the amount needed to mitigate the 4626
negative financial impact, if any, on the system based on the 4627
actuarial study. An increase or decrease in the percentage 4628
transferred shall take effect on ~~the first day of the month~~ 4629
~~following the date the conclusions of the actuarial study are~~ 4630
~~reported to~~ a date determined by the board. 4631

~~The~~ If a transfer under this section is made, the system 4632

shall make the transfer ~~required under this section~~ until the 4633
unfunded actuarial accrued liability for all benefits, except 4634
health care benefits provided under section 3307.39 ~~or 3307.61~~ of 4635
the Revised Code and benefit increases provided to members and 4636
former members participating in the STRS defined benefit plan 4637
~~described in sections 3307.50 to 3307.79 of the Revised Code~~ after 4638
July 13, 2000, is fully amortized, as determined by the annual 4639
actuarial valuation prepared under section 3307.51 of the Revised 4640
Code. 4641

Sec. 3307.86. The state teachers retirement system may 4642
require members participating in a an STRS defined contribution 4643
~~plan established under section 3307.81 of the Revised Code~~ and 4644
their employers to furnish the contributions and information 4645
required under this chapter at more frequent intervals than those 4646
required for members participating in the STRS defined benefit 4647
~~plan described in sections 3307.50 to 3307.79 of the Revised Code.~~ 4648
The system has no duty to accept contributions by or on behalf of 4649
a member if a contribution or information is not furnished at such 4650
intervals. 4651

Sec. 3307.87. (A)(1) If a member participating in a an STRS 4652
defined contribution ~~plan established under section 3307.81 of the~~ 4653
~~Revised Code~~ is married at the time any benefits under the plan 4654
commence, benefits shall be paid in accordance with division 4655
(A)(2) of this section, unless the spouse has consented under 4656
division (C) of this section to a different form of payment or the 4657
spouse's consent is waived under that division. 4658

(2) The benefits described in division (A)(1) of this section 4659
shall be paid in the form of an annuity, which shall consist of 4660
the actuarial equivalent of the member's benefits, in an amount 4661
that is payable for the life of the member and one-half of the 4662
amount continuing after the member's death to the spouse for the 4663

life of the spouse. 4664

(B) If a member participating in a an STRS defined 4665
contribution plan ~~established under section 3307.81 of the Revised~~ 4666
~~Code~~ is married at the time of the member's death, any benefits 4667
that are payable to the member shall be paid to the member's 4668
spouse, unless the spouse has consented under division (C) of this 4669
section to the designation of a different beneficiary or the 4670
spouse's consent is waived under that division. 4671

(C) Consent is valid only if it is evidenced by a signed 4672
statement that is witnessed by a notary public. Each plan may 4673
waive the requirement of consent if the spouse is incapacitated or 4674
cannot be located or for any other reason specified by the plan or 4675
in rules adopted by the state teachers retirement board. A plan 4676
shall waive the requirement of consent if a plan of payment that 4677
provides for payment in a specified amount continuing after the 4678
member's death to a former spouse is required by a court order 4679
issued prior to the effective date of the member's retirement 4680
under section 3105.171 or 3105.65 of the Revised Code or laws of 4681
another state regarding division of marital property. 4682

Consent or waiver is effective only with regard to the spouse 4683
who is the subject of the consent or waiver. 4684

Sec. 3307.89. The state teachers retirement board may offer 4685
to members participating in the STRS defined benefit plan 4686
~~described in sections 3307.50 to 3307.79 of the Revised Code~~ the 4687
opportunity to also participate in one or more of the benefit 4688
options available under a an STRS defined contribution plan 4689
~~established under section 3307.81 of the Revised Code.~~ A member's 4690
contributions to an option shall be credited to an individual 4691
account established for the member in the defined contribution 4692
fund. 4693

Sec. 3307.98. The increasing contribution determined as 4694
provided in sections 3307.96 and 3307.97 of the Revised Code by 4695
the actuary shall be paid by the employer. In the event of merger, 4696
the moneys and securities to the credit of the local district 4697
pension system, not exceeding an aggregate amount equal to the 4698
present value of the payments to be made on account of all 4699
pensions to the pensioners on the rolls of the local district 4700
pension system, shall be transferred to the employers' 4701
accumulation fund and the pensions then payable by the local 4702
district pension system shall thereafter be paid from the 4703
employers' accumulation fund until the reserves on these pensions 4704
with the other pensions payable from the employers' accumulation 4705
fund have been accumulated and shall be transferred to the annuity 4706
and pension reserve fund, from which fund they shall thereafter be 4707
payable. The pensions of the active members of the local district 4708
pension system and of the new entrants shall thereafter be payable 4709
as are the pensions of other members of the state teachers 4710
retirement system. The amount of the excess of the moneys and 4711
securities of the local district pension system over and above the 4712
present value of the payments to be made on account of all 4713
pensions to the pensioners of the rolls of the local district 4714
pension system shall be transferred to the teachers' savings fund 4715
and shall be credited pro rata to the active teachers of such 4716
local district pension system on the basis of the amounts of their 4717
previous contributions to the local district pension system. In 4718
case such method of distribution is not found practicable by the 4719
state teachers retirement board, the board may use such other 4720
method of apportionment as seems fair and equitable to such board. 4721
The amount so credited in any case shall be considered as a part 4722
of the teacher's accumulated contributions, as defined in section 4723
3307.50 of the Revised Code, for all purposes except in the case 4724
of retirement under the STRS defined benefit plan ~~described in~~ 4725

~~sections 3307.50 to 3307.79 of the Revised Code~~ in which it shall 4726
be considered as an amount in excess of the teacher's accumulated 4727
contributions and shall be used in purchasing from the annuity and 4728
pension reserve fund an annuity, in addition to any other annuity 4729
or pension benefit otherwise provided by this chapter. 4730

After the moneys and securities of any local district pension 4731
system have been transferred to the employers' accumulation fund 4732
or to the teachers' savings fund, such local district pension 4733
system shall cease to exist. 4734

Sec. 3313.975. As used in this section and in sections 4735
3313.975 to 3313.979 of the Revised Code, "the pilot project 4736
school district" or "the district" means any school district 4737
included in the pilot project scholarship program pursuant to this 4738
section. 4739

(A) The superintendent of public instruction shall establish 4740
a pilot project scholarship program and shall include in such 4741
program any school districts that are or have ever been under 4742
federal court order requiring supervision and operational 4743
management of the district by the state superintendent. The 4744
program shall provide for a number of students residing in any 4745
such district to receive scholarships to attend alternative 4746
schools, and for an equal number of students to receive tutorial 4747
assistance grants while attending public school in any such 4748
district. 4749

(B) The state superintendent shall establish an application 4750
process and deadline for accepting applications from students 4751
residing in the district to participate in the scholarship 4752
program. In the initial year of the program students may only use 4753
a scholarship to attend school in grades kindergarten through 4754
third. 4755

The state superintendent shall award as many scholarships and 4756

tutorial assistance grants as can be funded given the amount 4757
appropriated for the program. In no case, however, shall more than 4758
fifty per cent of all scholarships awarded be used by students who 4759
were enrolled in a nonpublic school during the school year of 4760
application for a scholarship. 4761

(C)(1) The pilot project program shall continue in effect 4762
each year that the general assembly has appropriated sufficient 4763
money to fund scholarships and tutorial assistance grants. In each 4764
year the program continues, new students may receive scholarships 4765
in grades kindergarten to twelve. A student who has received a 4766
scholarship may continue to receive one until the student has 4767
completed grade twelve. 4768

(2) If the general assembly discontinues the scholarship 4769
program, all students who are attending an alternative school 4770
under the pilot project shall be entitled to continued admittance 4771
to that specific school through all grades that are provided in 4772
such school, under the same conditions as when they were 4773
participating in the pilot project. The state superintendent shall 4774
continue to make scholarship payments in accordance with division 4775
(A) or (B) of section 3313.979 of the Revised Code for students 4776
who remain enrolled in an alternative school under this provision 4777
in any year that funds have been appropriated for this purpose. 4778

If funds are not appropriated, the tuition charged to the 4779
parents of a student who remains enrolled in an alternative school 4780
under this provision shall not be increased beyond the amount 4781
equal to the amount of the scholarship plus any additional amount 4782
charged that student's parent in the most recent year of 4783
attendance as a participant in the pilot project, except that 4784
tuition for all the students enrolled in such school may be 4785
increased by the same percentage. 4786

(D) Notwithstanding sections 124.39, ~~3307.54~~, and 3319.17 of 4787
the Revised Code, if the pilot project school district experiences 4788

a decrease in enrollment due to participation in a state-sponsored 4789
scholarship program pursuant to sections 3313.974 to 3313.979 of 4790
the Revised Code, the district board of education may enter into 4791
an agreement with any teacher it employs to provide to that 4792
teacher severance pay or early retirement incentives, or both, if 4793
the teacher agrees to terminate the employment contract with the 4794
district board, provided any collective bargaining agreement in 4795
force pursuant to Chapter 4117. of the Revised Code does not 4796
prohibit such an agreement for termination of a teacher's 4797
employment contract. 4798

Section 2. That existing sections 3305.06, 3307.01, 3307.031, 4799
3307.04, 3307.14, 3307.142, 3307.20, 3307.214, 3307.25, 3307.251, 4800
3307.252, 3307.26, 3307.28, 3307.33, 3307.35, 3307.351, 3307.352, 4801
3307.371, 3307.39, 3307.391, 3307.42, 3307.46, 3307.47, 3307.50, 4802
3307.501, 3307.51, 3307.512, 3307.52, 3307.53, 3307.56, 3307.561, 4803
3307.562, 3307.563, 3307.57, 3307.58, 3307.59, 3307.60, 3307.62, 4804
3307.63, 3307.631, 3307.64, 3307.66, 3307.661, 3307.67, 3307.671, 4805
3307.694, 3307.71, 3307.711, 3307.712, 3307.72, 3307.73, 3307.74, 4806
3307.75, 3307.751, 3307.752, 3307.76, 3307.761, 3307.763, 4807
3307.764, 3307.77, 3307.771, 3307.78, 3307.79, 3307.80, 3307.81, 4808
3307.811, 3307.812, 3307.83, 3307.84, 3307.86, 3307.87, 3307.89, 4809
3307.98, and 3313.975 and sections 3307.54, 3307.61, 3307.741, 4810
3307.88, 3307.881, and 3307.882 of the Revised Code are hereby 4811
repealed. 4812