A BILL

To amend sections 3307.01 and 3309.01 and to enact section 3301.28 of the Revised Code to establish a tutoring and remedial instruction program and to make an appropriation.

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

Section 1. That sections 3307.01 and 3309.01 be amended and section 3301.28 of the Revised Code be enacted to read as follows:

Sec. 3301.28. (A) As used in this section:

(1) "Coordinating service center" means the educational service center of central Ohio or its successor organization.

(2) "Public school" means a school building operated by a school district or other public school, as defined in section 3301.0711 of the Revised Code, or a building operated by an educational service center.

(B) The superintendent of public instruction shall establish a program to provide tutoring and remedial education services in reading and English language arts, mathematics,
science, and social studies to students at public and chartered nonpublic schools that elect to participate in the program. Tutors shall not be considered employees of the public or chartered nonpublic school in which they provide tutoring services. Rather, the tutors shall be either employed or engaged as a volunteer by the coordinating service center. The coordinating service center shall be responsible for compensating each individual it employs as a tutor using funds transferred from the school at which the individual works as a tutor. The coordinating service center may coordinate placement of tutors with the sixteen regional educational service centers, selected under division (C)(4) of this section, and other service centers as determined necessary by the coordinating service center.

Individuals who wish to participate in the program as tutors shall submit an application to the coordinating service center. Not later than sixty days after the effective date of this section, the coordinating service center shall establish application procedures for individuals who wish to participate in the program as tutors.

To be eligible to participate as a tutor under the program, an individual shall be either of the following:

(1) A retired teacher or substitute teacher, regardless of whether the teacher holds a valid educator license, certificate, or permit issued under Chapter 3319. or section 3301.071 of the Revised Code, provided that the teacher has not had an educator license, certificate, or permit denied, suspended, or revoked by the state board of education under section 3319.31 of the Revised Code or entered into a consent agreement pursuant to division (E) of section 3319.311 of the Revised Code;
(2) An individual, not described in division (A)(1) of this section, who is determined to be eligible by the coordinating service center in accordance with standards established by the state superintendent.

(C) The state superintendent, with assistance from participating educational service centers, and in consultation with public and chartered nonpublic schools, shall administer and implement the program as follows:

(1) Not later than sixty days after the effective date of this section, the state superintendent shall establish standards for determining the eligibility of tutors under division (B)(2) of this section.

(2) Not later than sixty days after the effective date of this section, the coordinating service center, in consultation with the state superintendent, shall create a training course for tutors described in division (B) of this section who do not hold valid educator licenses, certificates, or permits issued under Chapter 3319. or section 3301.071 of the Revised Code. The coordinating service center and state superintendent may establish additional training requirements for tutors who provide tutoring services to students with special needs or students with an individualized education program, as that term is defined in section 3323.01 of the Revised Code. In addition, the coordinating service center and state superintendent may continue to provide training to tutors after their placement in schools.

(3) The department of education shall serve as the fiscal agent for the program. The department shall provide for administrative and implementation costs, costs of developing the training course described in division (C)(2) of this section,
and provide technical assistance at the request of the coordinating service center.

The department shall not compensate tutors under the program.

The department shall not charge any registration fee to individuals who wish to participate in the program as tutors.

(4) Educational service centers from each educational regional service system described in section 3312.02 of the Revised Code may select one educational service center to administer the training program for their region in conjunction with the coordinating service center. The educational service center selected for each region may cooperate with individual educational service centers to implement the training program.

(5) Each educational service center may coordinate the placement of tutors at the participating public and chartered nonpublic schools within its service territory.

(6) The coordinating service center shall require an individual employed or engaged as a volunteer as a tutor under this section to apply for and receive a registration from the department.

As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.39 or 3319.391 of the Revised Code, as appropriate. The individual shall request the criminal records check through the coordinating service center and shall submit the criminal records check to the department of education in a manner determined by the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under
section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

If the department receives notification of the arrest or conviction of an individual registered under division (C)(6) of this section, the department shall promptly notify the coordinating service center and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that the department considers appropriate. The department shall not accept the application of any individual under this section if the department learns that the individual has pleaded guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

The department shall reimburse the coordinating service center for both of the following:

(a) Any costs incurred by the coordinating service center when assisting with the registration of tutors with the department;

(b) The cost of the criminal records check required under this section.

(7) Participation by public and chartered nonpublic schools is voluntary. Public and chartered nonpublic schools that wish to participate in the tutoring and remedial education program shall notify the coordinating service center of their intention to do so.

Each participating school shall have the ultimate authority over how best to incorporate tutors into the school setting, but such determinations shall be made in cooperation
with the educational service center. Program activities may take place before, during, or after school as well as during breaks from school such as weekends, holidays, or summer vacation. Program activities may take place on an online platform or in person, including on school premises, at community-based youth development organizations, or in another public location the school's governing body and educational service center determine to be appropriate.

A participating school shall provide necessary materials, space, and equipment for tutors placed in the school. A participating school shall transfer funds to the coordinating service center to assist the service center in making payments to tutors placed in the school and paying the cost of other benefits for the tutors. The state superintendent, in consultation with the chancellor of higher education, shall create a list of benefits which a participant may receive.

Participating schools shall use their own funds to pay costs incurred from participating in the program.

(D) Upon the completion of each of the 2022-2023, 2023-2024, and 2024-2025 school years, the department shall conduct a review of the program's effectiveness in providing tutoring and remedial education to students. Based on each of those reviews, the department shall issue a report of its findings. The report also shall include the number of participating public and chartered nonpublic schools, tutors, and students, as well as whether tutoring in a particular school was provided on an online platform or in-person. The department may request and collect data from public or chartered nonpublic schools and from educational service centers for the report. The department shall, in accordance with section 101.68 of the Revised Code,
submit those reports to the general assembly, as follows:


(2) The report for the 2023-2024 school year shall be submitted not later than September 30, 2024.

(3) The report for the 2024-2025 school year shall be submitted not later than September 30, 2025.

(E) Nothing in this section shall be construed as prohibiting a public or chartered nonpublic school from contracting or partnering with another entity to provide tutoring services to the school's students.

Sec. 3307.01. As used in this chapter:

(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.

(B)(1) "Teacher" means all of the following:

(a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(b) Except as provided in division (B)(2)(b) or (c) of this section, any person employed as a teacher or faculty member
in a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;

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

(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(e) The educational employees of the department of education, as determined by the state superintendent of public instruction;

(f) Any person having a registration issued pursuant to section 3301.28 of the Revised Code and employed as a tutor by the coordinating service center as defined in that section.

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

(2) "Teacher" does not include any of the following:

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised
Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code;

(b) Any person employed by a community school operator, as defined in section 3314.02 of the Revised Code, if on or before February 1, 2016, the school's operator was withholding and paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for persons employed in the school as teachers, unless the person had contributing service in a community school in the state within one year prior to the later of February 1, 2016, or the date on which the operator for the first time withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for that person;

(c) Any person who would otherwise be a teacher under division (B)(2)(b) of this section who terminates employment with a community school operator and has no contributing service in a community school in the state for a period of at least one year from the date of termination of employment.

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

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

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

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


(5) The surviving spouse of a member or retirant if the surviving spouse's only connection to the retirement system is an account in an STRS defined contribution plan.

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

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

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

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

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

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

(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following:

1. A member of the American academy of actuaries;
2. A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the following:

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;
2. Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;
3. Has any discretionary authority or responsibility in the administration of the system.

(L)(1)(a) 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.

(b) Except as provided in division (L)(1)(c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:

(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;

(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year not subject to division (L)(1)(b)(i) of this section for which the board determines the teacher was improperly paid, regardless of the teacher's ability to recover on such amounts improperly paid.

(c) If any portion of an amount paid by an employer as a retroactive payment of earnings, damages, or back pay is for an amount, benefit, or payment described in division (L)(2) of this section, that portion of the amount is not compensation under this section.

(2) Compensation does not include any of the following:

(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;

(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;

(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter or Chapter 145. or 3309. of the Revised Code are paid;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;

(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;

(g) Payments by the employer for services not actually rendered;

(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

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

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

(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.
(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

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

(3) The retirement board shall determine both of the following:

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

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

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

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

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

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

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

(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.

(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.

(P) "Faculty" means the teaching staff of a university, college, or school, including any academic administrators.

Sec. 3309.01. As used in this chapter:

(A) "Employer" or "public employer" means boards of education, school districts, joint vocational districts, governing authorities of community schools established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, educational institutions, technical colleges, state, municipal, and community colleges, community college branches, universities, university branches, other educational institutions, or other agencies within the state by which an employee is employed and paid, including any organization using federal funds, provided the federal funds are disbursed by an employer as determined by the above. In all cases of doubt, the school employees retirement board shall determine whether any employer is an employer as defined in this chapter, and its decision shall be final.

(B) "Employee" means all of the following:

(1) Any person employed by a public employer in a position for which the person is not required to have a registration,
certificate, or license issued pursuant to section 3301.28 or sections 3319.22 to 3319.31 of the Revised Code;

(2) Any person who performs a service common to the normal daily operation of an educational unit even though the person is employed and paid by one who has contracted with an employer to perform the service, and the contracting board or educational unit shall be the employer for the purposes of administering the provisions of this chapter;

(3) Any person, not a faculty member, employed in any school or college or other institution wholly controlled and managed, and wholly or partly supported by the state or any political subdivision thereof, the board of trustees, or other managing body of which shall accept the requirements and obligations of this chapter.

In all cases of doubt, the school employees retirement board shall determine whether any person is an employee, as defined in this division, and its decision is final.

(C) "Prior service" means all service rendered prior to September 1, 1937:

(1) As an employee as defined in division (B) of this section;

(2) As an employee in a capacity covered by the public employees retirement system or the state teachers retirement system;

(3) As an employee of an institution in another state, service credit for which was procured by a member under the provisions of section 3309.31 of the Revised Code.

Prior service, for service as an employee in a capacity
covered by the public employees retirement system or the state
teachers retirement system, shall be granted a member under
qualifications identical to the laws and rules applicable to
service credit in those systems.

Prior service shall not be granted any member for service
rendered in a capacity covered by the public employees
retirement system, the state teachers retirement system, and
this system in the event the service credit has, in the
respective systems, been received, waived by exemption, or
forfeited by withdrawal of contributions, except as provided in
this chapter.

If a member who has been granted prior service should,
subsequent to September 16, 1957, and before retirement,
establish three years of contributing service in the public
employees retirement system, or one year in the state teachers
retirement system, then the prior service granted shall become,
at retirement, the liability of the other system, if the prior
service or employment was in a capacity that is covered by that
system.

The provisions of this division shall not cancel any prior
service granted a member by the school employees retirement
board prior to August 1, 1959.

(D) "Total service," "total service credit," or "Ohio
service credit" means all contributing service of a member of
the school employees retirement system, and all prior service,
computed as provided in this chapter, and all service
established pursuant to sections 3309.31, 3309.311, and 3309.33
of the Revised Code. In addition, "total service" includes any
period, not in excess of three years, during which a member was
out of service and receiving benefits from the state insurance
fund, provided the injury or incapacitation was the direct result of school employment.

(E) "Member" means any employee, except an SERS retirant or other system retirant as defined in section 3309.341 of the Revised Code, who has established membership in the school employees retirement system. "Member" includes a disability benefit recipient.

(F) "Contributor" means any person who has an account in the employees' savings fund. When used in the sections listed in division (B) of section 3309.82 of the Revised Code, "contributor" includes any person participating in a plan established under section 3309.81 of the Revised Code.

(G) "Retirant" means any former member who retired and is receiving a retirement allowance under section 3309.36 or 3309.381 or former section 3309.38 of the Revised Code.

(H) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a contributor or retirant, qualifies for or is receiving some right or benefit under this chapter.

(I) "Interest," as specified in division (E) of section 3309.60 of the Revised Code, means interest at the rates for the respective funds and accounts as the school employees retirement board may determine from time to time.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's account in the employees' savings fund together with any regular interest credited thereon at the rates approved by the retirement board prior to retirement.

(K) "Final average salary" means the sum of the annual
compensation for the three highest years of compensation for which contributions were made by the member, divided by three.

If the member has a partial year of contributing service in the year in which the member terminates employment and the partial year is at a rate of compensation that is higher than the rate of compensation for any one of the highest three years of annual earnings, the board shall substitute the compensation earned for the partial year for the compensation earned for a similar fractional portion in the lowest of the three high years of annual compensation before dividing by three. If a member has less than three years of contributing membership, the final average salary shall be the total compensation divided by the total number of years, including any fraction of a year, of contributing service.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M)(1) "Pension" means annual payments for life derived from appropriations made by an employer and paid from the employers' trust fund or the annuity and pension reserve fund. All pensions shall be paid in twelve equal monthly installments.

(2) "Disability retirement" means retirement as provided in section 3309.40 of the Revised Code.

(N) "Retirement allowance" means the pension plus the annuity.

(O)(1) "Benefit" means a payment, other than a retirement allowance or the annuity paid under section 3309.344 of the Revised Code, payable from the accumulated contributions of the
member or the employer, or both, under this chapter and includes a disability allowance or disability benefit.

(2) "Disability allowance" means an allowance paid on account of disability under section 3309.401 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 3309.40 of the Revised Code, as a disability allowance under section 3309.401 of the Revised Code, or as a disability benefit under section 3309.35 of the Revised Code.

(P) "Annuity reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant.

(Q) "Pension reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any pension, or benefit in lieu of any pension, granted to a retirant or a beneficiary.

(R) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following.

(S) "Local district pension system" means any school employees' pension fund created in any school district of the state prior to September 1, 1937.

(T) "Employer contribution" means the amount paid by an employer as determined under section 3309.49 of the Revised Code.
(U) "Fiduciary" means a person who does any of the following:

(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;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(V)(1) Except as otherwise provided in this division, "compensation" means all salary, wages, and other earnings paid to a contributor by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 3309.47 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.

(2) Compensation does not include any of the following:

(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;

(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;

(c) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid or during which benefits are paid under this chapter;
(d) Amounts paid by the employer to provide life
insurance, sickness, accident, endowment, health, medical,
hospital, dental, or surgical coverage, or other insurance for
the contributor or the contributor's family, or amounts paid by
the employer to the contributor in lieu of providing the
insurance;

(e) Incidental benefits, including lodging, food, laundry,
parking, or services furnished by the employer, use of the
employer's property or equipment, and reimbursement for job-
related expenses authorized by the employer, including moving
and travel expenses and expenses related to professional
development;

(f) Payments made to or on behalf of a contributor that
are in excess of the annual compensation that may be taken into
account by the retirement system under division (a)(17) of
2085, 26 U.S.C.A. 401(a)(17), as amended. For a contributor who
first establishes membership before July 1, 1996, the annual
compensation that may be taken into account by the retirement
system shall be determined under division (d)(3) of section
L. No. 103-66, 107 Stat. 472;

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

(h) Anything of value received by the contributor that is
based on or attributable to retirement or an agreement to
retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in compensation if both of the following apply:

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986.

(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability from the payments.

(3) The retirement board shall determine by rule whether any form of earnings not enumerated in this division is to be included in compensation, and its decision shall be final.

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

(X) "Actuary" means an individual who satisfies all of the following requirements:

(1) Is a member of the American academy of actuaries;

(2) Is an associate or fellow of the society of actuaries;

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.

Section 2. That existing sections 3307.01 and 3309.01 of the Revised Code are hereby repealed.

Section 3. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2022 and those in the second column are for fiscal year 2023.
The operating appropriations made in this act are in addition to any other operating appropriations made for the FY 2022-FY 2023 biennium.

(A) The foregoing appropriation item 200640, Federal Coronavirus School Relief, shall be used by the Department of Education for the following purposes regarding the tutoring and remedial education services program established in section 3301.28 of the Revised Code:

(1) For purposes of division (C)(3) of section 3301.28 of the Revised Code;

(2) To reimburse the coordinating service center, as defined in section 3301.28 of the Revised Code, for the costs described in divisions (C)(6)(a) and (b) of that section and to pay costs associated with enrolling participating tutors in the retained applicant fingerprint database;

(3) Subject to available funds, to pay incidental costs of
training opportunities conducted by educational service centers under division (C)(4) of that section, in a manner determined by the Department.

(B) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 200640, Federal Coronavirus School Relief, at the end of fiscal year 2022 is hereby reappropriated to the Department to be used for the same purposes in fiscal year 2023.


Section 4. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in H.B. 110 of the 134th General Assembly. The operating appropriations made in this act are subject to all provisions of H.B. 110 of the 134th General Assembly that are generally applicable to such appropriations.