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Sec. 3309.40. Upon disability retirement, a member shall receive a retirement allowance in an annual amount which shall consist of:

(A) An annuity having a reserve equal to the amount of the member's accumulated contributions;

(B) A pension which shall be the difference between his annuity and an annual amount determined by multiplying the total service credit of such member, and in addition thereto, the number of years and fractions thereof between the effective date of his disability retirement and attained age sixty, assuming continuous service, by eighty-six dollars, or by two and one-tenth per cent of his final average salary, whichever is greater. Where the member does not retire for disability under the provisions of section 3309.35 of the Revised Code and is receiving a disability retirement allowance from either the public employees retirement system or the state teachers retirement system, then such member shall not be eligible for service credit based upon the number of years and fractions thereof between the effective date of disability retirement and attained age sixty as provided for in this division. Such disability retirement allowance shall not be less than thirty per cent nor more than seventy-five per cent of his final average salary, EXCEPT THAT THE ALLOWANCE SHALL NOT EXCEED ANY LIMIT TO WHICH THE RETIREMENT SYSTEM IS SUBJECT UNDER SECTION 415 OF THE "INTERNAL REVENUE CODE OF 1986," 100 STAT. 2085, 26 U.S.C.A. 415, AS AMENDED.

The school employees retirement board is the final authority in determining the eligibility of a member for such form of retirement.

Effective
7/24/90