

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

**GLENETTA KRAUSE**  
3245 Middleton Ave.  
Cincinnati, OH 45220

**KEVIN CAIN**  
6385 Conifer Lane  
Cincinnati, OH 45247

**BRAD DILLMAN**  
2918 Montana Avenue  
Cincinnati, OH 45211

**REBECCA BROWN**  
2862 Losantiridge Ave.  
Cincinnati, OH 43213

**SARAI HEDGES**  
3442 Lyleburn Place  
Cincinnati, OH 45220

**CALEB OCHS-NADERER**  
3065 Sidney Avenue  
Cincinnati, OH 45225

**Plaintiffs,**

**v.**

**STATE TEACHERS RETIREMENT BOARD**  
275 E. Broad Street  
Columbus, OH 43215

**RUDY FICHTENBAUM, in his official  
capacity as an Elected Board Member of the  
State Teachers Retirement System of Ohio**  
275 E. Broad Street  
Columbus, OH 43215

**ELIZABETH JONES, in her official capacity  
as an Elected Board Member of the State  
Teachers Retirement System of Ohio**

Case No.

**COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE  
RELIEF**

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**275 E. Broad Street  
Columbus, OH 43215**

**JONATHAN ALLISON, in his official capacity  
as an Appointed Board Member of the State  
Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**LYNN BEAL, in her official capacity  
as an Appointed Board Member of the State  
Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**STEPHEN DACKIN, in his official capacity  
as Director of the Ohio Department of  
Education and Ex Officio Board Member of the  
State Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**PAT DAVIDSON, in his official capacity  
as an Elected Board Member of the State  
Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**ALISON LANZA FALLS, in her official  
capacity as an Appointed Board Member of the  
State Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**MICHELLE FLANIGAN, in her official  
capacity as an Elected Board Member of the  
State Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**MICHAEL HARKNESS, in his official capacity  
as an Elected Board Member of the State  
Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**JULIE SELLERS, in her official capacity  
as an Elected Board Member of the State  
Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**CHAD SMITH, in his official capacity  
as an Elected Board Member of the State  
Teachers Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**STEVEN TOOLE, in his official capacity as  
Executive Director of the State Teachers  
Retirement System of Ohio  
275 E. Broad Street  
Columbus, OH 43215**

**STATE TEACHERS RETIREMENT  
SYSTEM OF OHIO  
275 E. Broad Street  
Columbus, OH 43215**

**MIKE DEWINE, in his official capacity as  
Governor of the State of Ohio  
Riffe Center, 30th Floor  
77 South High Street  
Columbus, OH 43215**

**DAVID YOST, in his official capacity as Ohio  
Attorney General  
30 E. Broad Street, 14<sup>th</sup> Floor  
Columbus, OH 43215**

**MATT HUFFMAN, in his official capacity as  
Speaker of the Ohio House of Representatives  
77 South High Street  
Columbus, OH 43215**

**ROB McCOLLEY, in his official capacity as  
President of the Ohio Senate  
1 Capitol Square, Second Floor 201  
Columbus, OH 43215**

**ROBERT SPRAGUE, in his official capacity as  
Treasurer of State**

**30 E. Broad Street - 9th Floor  
Columbus, OH 43215**

**MIKE DUFFEY, in his official capacity as  
Chancellor of Higher Education  
25 South Front Street  
Columbus, OH 43125**

**Defendants.**

1. Plaintiffs bring this action seeking declaratory and injunctive relief against the above-named Defendants, and state and aver as follows:

### **INTRODUCTION**

2. This case challenges the Ohio General Assembly's unconstitutional attempt to change the composition of the Ohio State Teachers Retirement System's ("STRS") board to deprive Ohio state teachers of their decades-long control over their retirement benefits.

3. STRS is one of the largest pension funds in the United States. It provides active, inactive and retired Ohio state teachers with well-earned financial stability in their senior years following decades of work educating Ohioans. It is funded solely through the contributions of Ohio state teachers and their employers, and investment income earned on those contributions. Active and retired Ohio state teachers are the sole participants in STRS and they and their beneficiaries are the only people to whom benefits are paid from STRS.

4. The STRS is managed by a board of elected and appointed persons ("the STRS Board"). For decades, a majority of the STRS Board has been elected by the very same active and retired Ohio state teachers who are participants in the STRS fund, and for decades, those elected STRS Board members could serve as Chair or Vice Chair of the STRS Board. Only

active and retired Ohio state teachers who participate in STRS may participate in the elections of STRS Board trustees.

5. However, on June 25, 2025, literally in the middle of the night, the Ohio General Assembly belatedly tacked onto the state appropriations bill H.B. No. 96 a provision that would amend R.C. §3307.05, the statute that sets forth the composition of the STRS Board, and also amend R.C. §3307.11, the statute that sets forth the election of the chair and vice chair of the STRS Board (“the STRS Board Statutes”). The General Assembly amended the STRS Board Statutes to pack the STRS Board with four additional political appointees and reduce the number of elected STRS Board members from seven to three. Doing so wrests control of the STRS from Ohio state teachers, and deprives them of the ability to elect a majority of the STRS Board including electing STRS Board members who can serve as chair or vice chair of the STRS Board.

6. The General Assembly’s actions violated two cornerstones of the Ohio Constitution: the One-Subject Rule and the Three-Considerations Rule. Article II, §§ 15(C), (D).

7. The General Assembly’s actions also violated the Equal Protection clause of the Ohio Constitution because it singled out Ohio teachers for no rational reason. While every other state employee retirement board is also controlled by the employees who receive their pension benefits from those retirement systems, the General Assembly made no effort to deprive them of their ability to elect a majority of the board members who control their retirement benefits—only Ohio teachers suffered that indignity.

8. The STRS Board members elected by Ohio’s teachers and teacher retirees have not voted as some kind of monolithic bloc. To the contrary, when the Board does not make decisions unanimously, there are almost always elected STRS Board members voting on both

sides of a contested issue. Nonetheless, the contested legislation pretends that elected Board members are, by the nature of their service, a problem that must be fixed by eliminating many of them. The proposed changes are not based on reasoned analysis and cut far too broadly.

9. As a result, Ohio state teachers have been unconstitutionally stripped of their ability to elect a majority of STRS Board members and thus control the retirement benefit system they fund through their work and their contributions. This move leaves their pension benefits subject to the whims of political appointees who will have majority control over the STRS Board but who have no personal stake in making sure that STRS can fulfill the promises made to Ohio teachers regarding their retirement benefits. There is no explanation or justification for the disparate treatment they will suffer under the new law that is about to take effect.

10. The harm Plaintiffs and their fellow active and retired teachers will suffer is direct, concrete and particular to them. Only Plaintiffs and their fellow active and retired teachers—not the general public—elect STRS Board members. The amendments to the STRS Board Statutes will immediately strip them of the ability to elect a majority of the STRS Board; immediately strip them of the ability to elect STRS Board members who can serve as chair and vice chair of the STRS Board, and by extension representation on important Board committees; and prevent them from electing new, or voting out current, STRS Board members for several years, until the terms of the last remaining elected STRS Board members expire.

11. Six active and retired Ohio state teachers have brought this lawsuit to enjoin the amendments to the STRS Board Statutes. Absent injunctive relief, they will suffer irreparable harm for which there is no adequate remedy at law.

## **THE PARTIES**

12. Plaintiff Glenetta Krause is a 30-year teacher in the Cincinnati Public Schools (“CPS”) who resides in Hamilton County. Plaintiff Krause has been a contributing member to STRS since she was hired by CPS; she regularly votes in elections for teacher representation on the STRS Board and stays educated on the issues before the STRS Board.

13. Plaintiff Rebecca Brown is a retired member of STRS who worked for 45 years for the Princeton City School District and resides in Hamilton County. Plaintiff Brown contributed to STRS during the entire course of her teaching career and is now receiving pension benefits from STRS. Plaintiff Brown regularly votes in elections for teacher representation on the STRS Board and stays educated on the issues before the STRS Board.

14. Plaintiff Kevin Cain is a retired member of STRS who worked as an Ohio teacher and counselor for 34 years, most recently for the Northwest Local School District in Hamilton County. He resides in Hamilton County. Plaintiff Cain contributed to STRS during the entire course of his teaching career and is now receiving pension benefits from STRS. Plaintiff Cain regularly votes in elections for teacher representation on the STRS Board and stays educated on the issues before the STRS Board.

15. Plaintiff Brad Dillman is a 27-year teacher in CPS who resides in Hamilton County. Plaintiff Dillman has been a contributing member to STRS since he was hired by CPS. He regularly votes in elections for teacher representation on the STRS Board and stays educated on the issues before the STRS Board.

16. Plaintiff Sarai Hedges is a 32-year teacher at the University of Cincinnati who resides in Hamilton County. Plaintiff Hedges has been a contributing member to STRS and is

planning to retire soon. She regularly votes in elections for teacher representation on the STRS Board and stays educated on the issues before the STRS Board.

17. Plaintiff Caleb Ochs-Naderer teaches at Cincinnati State and resides in Hamilton County. Plaintiff Ochs-Naderer has been and remains a contributing member to STRS. He stays educated on the issues before the STRS Board.

18. Defendant State Teachers Retirement Board is the board that manages Ohio's State Teachers Retirement System.

19. Defendant STRS is one of five retirement systems for Ohio public employees. STRS members include public school teachers and administrators and professors at Ohio's state colleges and universities. STRS provides statutorily defined current and long-term retirement benefits, health care coverage, and related services for Ohio teachers and their beneficiaries.

20. Defendant Rudy Fichtenbaum is sued in his official capacity as an Elected Member of the STRS Board and he currently serves as the Board's Chair.

21. Defendant Elizabeth Jones is sued in her official capacity as an Elected Member of the STRS Board and she currently serves as the Board's Vice Chair.

22. Defendant Jonathan Allison is sued in his official capacity as an Appointed Member of the STRS Board.

23. Defendant Lynn Beal is sued in her official capacity as an Appointed Member of the STRS Board.

24. Defendant Stephen Dackin is sued in his official capacity as the Director of the Department of Education and Workforce serving as the appointed *ex officio* STRS Board member.



25. Defendant Pat Davidson is sued in his official capacity as an elected STRS Board member. Mr. Davidson's term extends through August 31, 2027.

26. Defendant Alison Falls is sued in her official capacity as the STRS Board member appointed by the Ohio State Treasurer. Ms. Falls's term extends through February 9, 2027.

27. Defendant Michelle Flanagan is sued in her official capacity as an elected STRS Board member. Ms. Flanagan's term extends through August 31, 2028.

28. Defendant Michael Harkness is sued in his official capacity as an elected STRS Board member. Mr. Harkness's term extends through August 31, 2029.

29. Defendant Julie Sellers is sued in her official capacity as an elected STRS Board member. Ms. Sellers's term extends through August 31, 2026.

30. Defendant Chad Smith is sued in his official capacity as an elected STRS Board member. Mr. Smith's term extends through August 31, 2029.

31. Defendant Steven Toole is sued in his official capacity as the Executive Director of STRS. As Executive Director, Mr. Toole reports and is responsible to the STRS Board, is accountable for adherence to STRS Board policies, and develops, recommends and implements operation and investment policies and objectives of the STRS Board.

32. Defendant Mike DeWine is sued in his official capacity as Governor of Ohio. Pursuant to Article III, § 6 of the Ohio Constitution, Mr. DeWine, in his capacity as Governor, has the duty to "see that the laws are faithfully executed." Ohio Const. Art. III, § 6.

33. Defendant David Yost is sued in his official capacity as Ohio Attorney General. Pursuant to R.C. § 109.02, Mr. Yost, in his capacity as Attorney General, "when required by the governor or the general assembly, ... shall appear for the state in any court or tribunal in a cause in which the state is a party..."

34. Defendant Matt Duffey is sued in his official capacity as Chancellor of the Ohio Department of Higher Education.

35. Defendant Robert Sprague is sued in his official capacity as Ohio's Treasurer of State.

36. Under R.C. §3307.04, Defendants Fichtenbaum, Jones, Davidson, Flanigan, Harkness, Sellers and Smith (collectively, the "Elected STRS Board Member and Officer Defendants"), Allison, Beal, Dackin, and Falls (collectively, the "Appointed STRS Board Member Defendants" and, taken together with the Elected STRS Board Member and Officer Defendants, the "STRS Board Member Defendants"), are sued in their official capacities. They are responsible for the general administration and the management of the STRS.

#### **JURISDICTION AND VENUE**

37. This Court has jurisdiction to enter a declaratory judgment pursuant to R.C. §2721.02(A).

38. This Court has jurisdiction to provide preliminary and permanent injunctive relief pursuant to R.C. §2727.03.

39. Venue is proper in this Court pursuant to Civil Rules 3(C) and 3(F) and R.C. §3307.131 ("Any action brought against the state teachers retirement system or the state teachers retirement board or its officers, employees, or board members in their official capacities shall be brought in the appropriate court in Franklin county, Ohio.").

40. Federal question subject matter jurisdiction pursuant to 28 U.S.C. § 1331 is not invoked by this Complaint, as the Complaint exclusively sets forth viable state law claims against Defendants. Nowhere herein do Plaintiffs plead, expressly or implicitly, any cause of action or request any remedy that arises under federal law.

## **FACTUAL ALLEGATIONS**

### **Background on the State Teachers Retirement Board**

41. STRS was founded in 1920 and its current members are or were employed by 1,133 school districts, vocational schools, colleges and universities, county boards of developmental disabilities, and community and charter schools in Ohio.

42. Ohio statutes set forth how STRS is funded. Specifically, R.C. §3307.26 sets the percentage of compensation that participants in STRS must contribute (currently approximately 14 percent). R.C. §3307.26(A)(5). R.C. §3307.28 provides that employer contributions shall be determined by STRS's actuary on the basis of STRS's pension liabilities, and approved by the STRS Board.

43. The STRS Board manages STRS. Pursuant to R.C. § 3307.15, each of the STRS Board Member Defendants is a fiduciary to STRS, tasked with managing STRS for the exclusive purpose of providing pension benefits to STRS members and their beneficiaries, and discharging their duties with respect to STRS solely in the interest of its members and their beneficiaries. R.C. §3307.15.

44. Pursuant to R.C. §3307.181, each of the STRS Board Member Defendants is individually liable for their own breaches of fiduciary duty and have liability for the breaches of fiduciary duty of other STRS Board Member Defendants in certain circumstances.

45. Pursuant to R.C. §3307.061, STRS Board members who breach their fiduciary duties may be removed from office.

46. Prior to the adoption of H.B. No. 96, pursuant to R.C. §3307.05, the STRS Board was comprised of the following eleven people:

- Five contributing members (active teachers who are participating in the STRS)

- Two retired teacher members
- The Director of Education or his/her designee who meets certain requirements
- The state treasurer's designee
- Two investment experts, one appointed by the governor and the other jointly appointed by the Speaker of the House and Senate President

R.C. § 3307.05 (10/23/2023). STRS Board members receive no remuneration for their service.

47. STRS Board contributing members are elected by active members of STRS to a four-year term by STRS members. Retired teacher members are elected by retired members of STRS to a four-year term by retirees receiving benefits from STRS. Only active and retired Ohio teachers—not the general public—can elect STRS Board members.

48. Prior to the adoption of H.B. No. 96, pursuant to R.C. §3307.11, STRS Board members elect from their membership a Chair and Vice Chair, with no restriction on whether contributing and retired teacher members could serve as Chair and Vice Chair. R.C. §3307.11 (9/15/2004).

49. The Chair and Vice Chair of the STRS Board serve as ex officio members of Board committees, including the STRS Disability Committee. Among other tasks, they also appoint Board members to the various committees, and they determine the agenda for Board meetings.

50. STRS derives its funding from employee contributions and employer contributions, along with its own investment income. As with all Ohio state employee pension plans, there is no line item in the state budget for STRS because it receives no direct funding from the State of Ohio. All its operations are funded from its own revenue.

### Historic Organization of Public Employee Retirement Plans

51. For many years—until June 2025—Ohio organized all of its state employment retirement boards in a similar manner. The majority of board members are elected by active and retired workers in the particular group of state employees covered by the retirement system, while only a minority are appointed by state officials, as set forth in this chart:

<b>Employment Retirement Board</b>	<b>Elected Board Members</b>	<b>Appointed and Statutory Board Members</b>
State Teachers, R.C. §3307.05	7	4
School Employees, R.C. §3309.05	6	3
Public Employees, R.C. §145.04	7	4
Ohio Police & Fire, R.C. §742.03	6	3
State Highway Patrol, R.C. §5505.04	7	4

52. Further, each of these state employee retirement boards currently may elect from all their members the chair (and for some boards a vice chair), with no prohibition on active or retired state employees in the particular retirement system being eligible to serve in those roles:

<b>Employment Retirement Board</b>	<b>Active / Retired Employees May Be Elected Chair</b>	<b>Active / Retired Employees May Be Elected Vice Chair</b>
State Teachers, R.C. § 3307.11	Yes	Yes
School Employees, R.C. § 3309.11	Yes	N/A
Public Employees, R.C. § 145.09	Yes	N/A
Ohio Police & Fire, R.C. § 742	Yes	Yes
State Highway Patrol, R.C. § 5505.04	Yes	Yes

53. On information and belief, Plaintiffs allege that the General Assembly did not act to amend the statutes setting forth the composition of the other state employees' retirement boards, or to restrict other active and retired employees from being elected chair and vice chair of their retirement boards, during its 2025 session. The only such change occurred in the last-

minute, middle-of-the-night addition of amendments to the STRS Board Statutes tacked onto the state appropriations bill during a conference committee.

### **Legislative History of H.B. 96**

54. The Short Title of H.B. No. 96 is: “Make state operating appropriations for FY 2026-2027.” H.B. No. 96 was introduced in the Ohio House of Representatives on February 11, 2025.

55. The version of H.B. No. 96 introduced on February 11, 2025 did not include any language amending the STRS Board Statutes.

56. Following H.B. No. 96’s introduction on February 11, Ohio House subcommittees held 58 official hearings in consideration of the bill, including the Medicaid, Natural Resources, Public Safety, Development, Health, Judiciary, Agriculture, Ways and Means, Children and Human Services, Education, Workforce and Higher Education, and Finance committees. Amendments to the STRS Board Statutes were not introduced at any of those hearings.

57. On April 8, 2025, the House Finance Committee voted H.B. No. 96 out of committee with amendments. The April 8, 2025 version of H.B. No. 96 did not include any language amending the STRS Board Statutes.

58. On April 9, 2025, the State House of Representatives passed H.B. No. 96. The April 9, 2025 version of H.B. No. 96 did not include any language amending the STRS Board Statutes. The April 9, 2025 version of H.B. No. 96 did not appropriate any money to STRS.

59. After the Ohio House of Representatives passed the April 9, 2025 version of H.B. No. 96, Ohio Senate subcommittees held 39 official hearings on H.B. No. 96, including the Education, Government Oversight and Reform, Medicaid, Higher Education, Agriculture and

Natural Resources, Health, and Finance committees. Amendments to the STRS Board Statutes were not introduced at any of those hearings.

60. On June 10, 2025, the Senate Finance Committee voted H.B. No. 96 out of committee with amendments. The June 10, 2025 version of H.B. No. 96 did not include any language amending the STRS Board Statutes.

61. On June 11, 2025, the State Senate passed H.B. No. 96. The June 11, 2025 version of H.B. No. 96 did not include any language amending the STRS Board Statutes. The June 11, 2025 version of H.B. No. 96 did not appropriate any money to STRS.

62. On the same day, the State House of Representatives refused to concur with the State Senate's June 11, 2025 version of H.B. No. 96 and voted against it.

63. On June 12, 2025, the State House of Representatives and Senate established a Conference Committee to reach a compromise on H.B. No. 96.

64. At approximately 1:00 am on June 25, 2025, a proposal to amend the STRS Board Statutes was submitted to and subsequently adopted by the Conference Committee. This was the first time that the General Assembly considered the amendments to the STRS Board Statutes regarding composition and leadership of the STRS Board as part of H.B. No. 96.

65. On June 25, 2025, the State House of Representatives and Senate voted to accept the Conference Committee version of H.B. No. 96. The legislation passed both chambers on that day.

66. No version of H.B. No. 96 that was considered by the House or the Senate appropriated any funds to STRS.

67. No suspension of the Three-Hearings Rule set forth in the Ohio Constitution, Article II Section 15(C), relating to the amendments to the STRS Board Statutes, was recorded in a journal of either the House or the Senate during consideration of H.B. No. 96.

68. The June 25, 2025 version of H.B. No. 96 amended R.C. § 3307.05 to change the composition of STRS Board such that the majority of board members would now be appointed by state officials, while only a minority would be elected by STRS contributing members and retirees. “[A]s soon as practicable after the effective date of this section,” STRS Board would instead be comprised of the following individuals:

- The Director of Education or his/her designee who meets certain requirements
- The Chancellor of Higher Education or his/her designee who meets certain requirements
- Two members appointed by the State Treasurer
- Four members to be appointed as follows:
  - One by the Governor
  - One jointly by the Speaker of the House and the President of the Senate
  - One by the Senate President
  - One by the Speaker of the House
- Two contributing (active) members (down from five). To reduce the current five seats to two, the current contributing members of the STRS Board will serve out their terms and then their seats will be abolished until only two seats remain
- One retiree member (down from two). To reduce the current two seats to one, the current retired teacher members will serve out their terms and the earlier-expiring seat will be abolished.

69. These changes would bring the composition of the STRS Board to 15 “as soon as practicable after the effective date of the statute;” drop it to 13 as of September 1, 2026; then to 12 as of September 1, 2027; and then to 11 as of September 1, 2028.

70. The June 25, 2025 version of H.B. No. 96 also amended R.C. §3307.11 to make it illegal for elected Board members to serve as chair or vice chair of the STRS Board.

71. No version of H.B. No. 96, including the June 25, 2025 version, amended any statute to change the composition of any other state employees’ retirement board.



72. No version of H.B. No. 96, including the June 25, 2025 version, amended any statute to prohibit employee and retiree members of any other state employees' retirement board from serving as chair or vice chair of their board.

73. The Ohio General Assembly held no additional hearings on H.B. No. 96 after June 25, 2025. The respective journals of the Ohio House and Senate do not show that both houses voted by a 2/3 majority to suspend the three-considerations requirements of Article II, Section 15(C) of the Ohio Constitution.

74. Governor DeWine signed H.B. No. 96 into law on June 30, 2025. Operating appropriations became effective that day. Other provisions—including the amendments to the STRS Board Statutes—will become effective September 30, 2025.

75. Because STRS receives no direct state funding, and the STRS Board Statutes solely address the composition and leadership of the STRS Board, the STRS Board amendments in the appropriations bill created a second subject within H.B. No. 96 and disunity of subject matter. No sufficient explanation exists for how the composition and leadership of a board that manages an independently-funded state retirement board relates to the Ohio state budget.

76. Because the General Assembly held no additional hearings on H.B. No. 96 after the STRS Board Amendments were introduced on June 25, 2025, the Ohio House of Representatives and the Ohio State Senate did not each consider the amendments to the STRS Board Statutes on three separate days, as required by Article II, §15(c) of the Ohio Constitution. Neither is there evidence in their respective journals of proceedings that each house voted by a 2/3 majority to suspend that requirement.

77. The Ohio General Assembly amended the STRS Board Statutes through a shrouded process designed to avoid public knowledge and consideration of the amendment. The

change to the STRS Board—without similar changes to other state employee retirement boards—demonstrates that the General Assembly’s aim was to improperly target current and retired teachers.

78. Prior to June 2025, Ohio state teachers controlled their retirement system through their elected STRS Board members, with minimal state intervention. Because Ohio state teachers elected the majority of the STRS Board from their own membership, and those elected STRS Board members also participated in and received (or will in the future receive) benefits from STRS, the elected STRS Board members have a personal interest in making sure that the STRS Board is prudently and appropriately managed to ensure a fiscally-viable pension plan that can provide the retirement benefits promised to Ohio state teachers and their beneficiaries.

79. By contrast, politically-appointed STRS Board members have no personal interest in what happens to STRS or whether it can meet the promises made to Ohio state teachers regarding their retirement benefits.

80. Because the STRS is not funded through any direct state appropriations, but solely through member and employer contributions, and investment income on such contributions, Plaintiffs and Ohio state teachers have no means to shore up the fiscal integrity of STRS if it is not managed prudently and responsibly.

81. Elections of the teacher and retiree members to the STRS Board are governed by R.C. §§3307.06 through 3307.07, according to rules adopted pursuant to R.C. §3307.075. Only active and retired STRS members may participate in the election of both contributing and retired STRS Board members, which are held in May with the winning candidates taking their seats the following September, for a four-year term. R.C. §3307.06(A), (B). Nominating petitions must be signed by 500 or more STRS members (active members for contributing Board members, and

retired members for retired Board members), with at least 20 members from 10 different counties signing the petitions. R.C. §3307.07. If a vacancy of an elected STRS Board member occurs, the remaining STRS Board members elect a successor member. R.C. §3307.06(C).

82. The proposed changes to the STRS Board Statutes deprive teachers and retirees of the ability to elect any Board member for several years. That is because the existing seats will be reduced by attrition over the course of the coming years.

83. Further, the proposed changes to the STRS Board Statutes deprive teachers and retirees of the ability to elect STRS Board members who can serve in leadership positions on the STRS Board and sit on important Board committees such as the Disability Committee that hears appeals from teachers who request disability benefits.

84. Plaintiffs are already or soon will be receiving retirement benefits from STRS. They are counting on STRS to support them in their retirement and want to feel confident that the STRS Board is comprised of a majority of teacher and retiree representatives who are personally motivated to ensure that all active and retired teachers have a long, stable retirement. Plaintiffs are concerned that a Board composed of a majority of political appointees will not act in the best interest of Ohio's teachers or retirees, and that the prohibition on active and retired teacher representatives serving in leadership positions on the STRS Board diminishes teachers' voices in the management of their retirement system.

85. Plaintiffs will suffer irreparable harm if the Court does not prevent the amendments to the STRS Board Statutes from going into effect on September 30, 2025. Plaintiffs will suffer irreparable harm from these changes because they are unconstitutional, having passed the legislature in an unconstitutional manner, and because they violate the Ohio

Equal Protection Clause by failing to be narrowly tailored and instead broadly seek to discriminate without a valid basis for doing so.

86. No monetary award could compensate Plaintiffs for losing the ability to elect contributing teachers and retirees to comprise the majority of the STRS Board, or from electing STRS Board members who can serve as the officers of the STRS Board. Plaintiffs will lose their decades-long ability to, along with their fellow teachers and retirees, control STRS through their elected representatives and thus ensure that STRS is well-managed—as it has been under the current teacher/retiree majority—so that it can meet the retirement promises made to them.

87. Unless Defendants are immediately enjoined and restrained from acting pursuant to the amended STRS Board Statutes, the amendments will take effect on September 30, 2025. The amendments will wrest control of STRS from Ohio teachers and put it in the hands of political appointees, destroying the democratic foundation and century-long structure of the STRS Board and imperiling the retirement income of current and retired Ohio teachers. It is apparent that the new majority will be tasked with making significant changes to STRS's investments and operations; it would be difficult (perhaps impossible) to undo those changes after the fact, at the conclusion of this lawsuit.

88. Moreover, Plaintiffs understand that the current STRS Board is set to vote on Thursday, September 18, 2025, on a new Chair and Vice Chair for the coming year. Plaintiffs further understand that the current Board members are preemptively disqualifying any current elected members from consideration for either of those leadership positions, because the

amendments from H.B. No. 96 would preclude them from serving after the amendments' effective date at the end of this month.

**COUNT I**  
**Violation of Article II, § 15(D) of the Ohio Constitution**  
**[The One-Subject Rule, Declaratory Judgment and Permanent Injunctions]**

89. Plaintiffs rely upon and incorporate by reference all paragraphs as though set forth herein in full.

90. A real and justiciable controversy exists between Plaintiffs and Defendants concerning whether the Ohio General Assembly's amendments to the STRS Board Statutes violated the Ohio Constitution's One-Subject Rule.

91. Article II, Section 15(D) of the Ohio Constitution requires that legislation must address only a single subject and serve a single purpose. It states: "No bill shall contain more than one subject, which shall be clearly expressed in its title. ..."

92. H.B. No. 96 is a state appropriations bill, the purpose of which is to set the state budget for fiscal year 2026-27.

93. STRS is not funded through any direct state appropriations. It is funded solely by member and employer contributions, and investment income on such contributions, such that the amendments to the STRS Board Statutes contained in H.B. No. 96 bear no relationship to the state budget or appropriations.

94. As a result, the amendments to the STRS Board Statutes destroy the unity of H.B. 96 and were adopted in flagrant disregard and violation of the One-Subject Rule set forth in Article II, § 15(D) of the Ohio Constitution.

95. Pursuant to Ohio R.C. §2721, Plaintiffs are entitled to a judgment declaring the amendments to the STRS Board Statutes void and unenforceable and stricken from the Ohio

statutes, and Defendants should be enjoined from enforcing or implementing the amendments to the STRS Board Statutes contained in H.B. No. 96.

96. Pursuant to Ohio R.C. § 2727.03, Defendants who are STRS Board members should be enjoined and prohibited from refusing to consider an elected STRS Board member for the position of Chair or Vice Chair of the Board, without regard for the purported amendment to R.C. §3307.11.

**COUNT II**  
**Violation of Article II, § 15(C) of the Ohio Constitution**  
**[The “Three Considerations” Rule, Declaratory Judgment and Permanent Injunctions]**

97. Plaintiffs rely upon and incorporate by reference all preceding as though set forth herein in full.

98. A real and justiciable controversy exists between Plaintiffs and Defendants concerning whether the Ohio General Assembly’s passage of the STRS Board Statutes’ amendment in H.B. No. 96 violated the Ohio Constitution’s “Three Considerations” Rule.

99. Article II, Section 15(C) of the Ohio Constitution provides, “Every bill shall be considered by each house on three different days ... and every individual consideration of a bill or action suspending the requirement shall be recorded in the journal of the respective house. No bill may be passed until the bill has been reproduced and distributed to members of the house in which it is pending and every amendment been made available upon a member’s request.”

100. An exception to the Three-Considerations Rule applies where two-thirds of the members in the body considering the bill vote to suspend this requirement. In 1973, Article II,

Section 15(C) was amended to add “and every individual consideration of a bill or action suspending the requirement shall be recorded in the journal of the respective house.”

101. On information and belief, Plaintiffs allege that the General Assembly did not record a vote suspending the Three-Considerations Rule for the amendments to the STRS Board Statutes in either the House or the Senate.

102. The amendments to the STRS Board Statutes were added to H.B. No. 96 at the last minute, literally in the middle of the night on June 25, 2025, after which the General Assembly held no further hearings on H.B. No. 96, let alone on the amendments to the STRS Board Statutes.

103. The amendments to the STRS Board Statutes were not considered by each house on three different days. The amendments were only considered once by the House and once by the Senate when enacting the final version of H.B. No. 86.

104. The General Assembly adopted amendments to the STRS Board Statutes without complying with the Three-Reading Rule of Article II, §15(C).

105. Pursuant to Ohio R.C. § 2721, Plaintiffs are entitled to a judgment declaring the amendments to the STRS Board Statutes void and unenforceable, and stricken from the Ohio statutes, and Defendants should be enjoined from enforcing or implementing the amendments to the STRS Board Statutes contained in H.B. No. 96.

106. Pursuant to Ohio R.C. § 2727.03, Defendants who are STRS Board members should be enjoined and prohibited from refusing to consider an elected STRS Board member for the position of Chair or Vice Chair of the Board, without regard for the purported amendment to R.C. § 3307.11.

**COUNT III**  
**Violation of Article I, § 2 of the Ohio Constitution**  
**[The Equal Protection Clause, Declaratory Judgment and Permanent Injunctions]**

107. Plaintiffs rely upon and incorporate by reference all paragraphs as though set forth herein in full.

108. A real and justiciable controversy exists between Plaintiffs and Defendants concerning whether the Ohio General Assembly's passage of the STRS Board Statutes' amendments in H.B. No. 96 violated the Ohio Constitution's Equal Protection Clause.

109. Article I, Section 2 of the Ohio Constitution provides, "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall be granted, that may not be altered, revoked, or repealed by the General Assembly."

110. The General Assembly amended the STRS Board Statutes to, among other things, wrest control of the STRS Board from Ohio state teachers by reducing the number of elected STRS Board seats held by contributing members and retirees of the STRS below that of seats held by political appointees, and by denying Ohio teachers the ability to elect STRS Board members who can serve as the Chair and Vice Chair of the STRS Board.

111. The General Assembly did not deprive any other group of Ohio public employees of the ability to elect the majority of members on the boards managing their retirement plans, or change the composition of any other state employee retirement board to reduce the number of seats held by contributing members and retirees of those state employee retirement boards, or



prohibit active and retired members from serving as chair and vice chair of those state employee retirement boards.

112. The Ohio General Assembly had no legitimate state interest in or, were a legitimate interest to be found, a rational basis for depriving only Ohio public teachers of majority control of their retirement plan board or for altering the STRS Board while leaving untouched all other public employee retirement boards.

113. There are already methods in place to remove STRS Board members who do not adequately perform their duties. STRS participants and retirees can vote them off the Board, and they can be subject to removal under R.C. § 3307.061 if they breach their fiduciary duties.

114. The challenged amendments are over-inclusive in targeting all elected Board members. The Board often votes unanimously. There is no evidence that elected Board members all vote the same way on contested matters. To the contrary, elected Board members have recently voted on both sides of many important Board issues.

115. As such, the amendments to the STRS Board Statutes violate the Equal Protection Clause of the Ohio Constitution.

116. Pursuant to Ohio R.C. § 2721, the Court should issue a judgment declaring the amendments to the STRS Board Statutes void and unenforceable, and stricken from the Ohio statutes, and Defendants should be enjoined from enforcing or implementing the amendments to the STRS Board Statutes contained in H.B. No. 96.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for the following relief:

1. Declare the amendments to R.C. §§ 3307.05 and 3307.11 contained in H.B. No. 96 to be unconstitutional and void as violating the One-Subject Rule, the Three Considerations Rule, and the Equal Protection clause of the Ohio Constitution;

2. Preliminarily and permanently enjoin Defendants and all those acting in concert with them from implementing, enforcing or acting pursuant to the amendments to R.C. §§ 3307.05 and 3307.11 contained in H.B. No. 96;

3. Specific to those Defendants who serve on the STRS Board, preliminarily and permanently enjoin those Defendants to disregard the amendments to R.C. §§ 3307.05 and 3307.11 contained in H.B. No. 96, and to disregard votes purportedly cast by new, non-elected members appointed to the STRS Board pursuant to H.B. No. 96.

4. Award Plaintiffs their reasonable attorneys' fees and costs pursuant to R.C. §2335.39; and

5. Award any additional relief as this Court deems just and proper.

Dated September 16, 2025

Respectfully submitted,

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