§ 512-a. Deferred retirement. 1. Any member, who discontinues service other than by death or retirement, and who is credited with at least fifteen years of teaching service rendered in the state, by written notice duly acknowledged and filed with the retirement board at any time before his membership would otherwise terminate pursuant to section five hundred three of this article, may elect, in lieu of the return of his accumulated contributions pursuant to section five hundred twelve of this article, to continue membership with the privilege of applying for retirement pursuant to this section on or after the date he would first be eligible for retirement had he remained in service but in no case prior to the date he attains age sixty. Any member, who discontinues service other than by death or retirement on or after June thirtieth, nineteen hundred sixty-five and who is credited with at least ten years of teaching service rendered in the state, by written notice duly acknowledged and filed with the retirement board at any time before his membership would otherwise terminate pursuant to section five hundred three of this article, may elect, in lieu of the return of his accumulated contributions pursuant to section five hundred twelve of this article, to continue membership with the privilege of applying for retirement pursuant to this section on or after the date he would first be eligible for retirement had he remained in service but in no case prior to the date he attains age fifty-five; provided, that in the case of persons who last became members on or after July first, nineteen hundred seventy-three, the provisions of this paragraph shall apply only until July first, nineteen hundred seventy-four.

2. The retirement allowance for a member who has made the election pursuant to subdivision one of this section shall consist of (a) an annuity which shall be the actuarial equivalent of such member's accumulated contributions at the time of retirement and (b) a pension of one-one hundred fortieth (1/140) of final average salary multiplied by the total number of years of credited service as of the date of discontinuing service.

3. Any member who discontinues service other than by death or retirement on or after June thirtieth, nineteen hundred seventy and who is credited with at least ten years of full time teaching service

rendered in the state, at least two of which were rendered since the date he last joined the retirement system and subsequent to June thirtieth, nineteen hundred sixty-seven, by written notice duly acknowledged and filed with the retirement board at any time before his membership would otherwise terminate pursuant to section five hundred three of this article, may elect, in lieu of the return of his accumulated contributions pursuant to section five hundred twelve of this article, to continue membership with the privilege of applying for retirement pursuant to this subdivision on or after the date he attains age fifty-five. The pension for a member who has made the election pursuant to this subdivision shall be computed in accordance with the procedures set forth in subdivision four of section five hundred thirty-five of this article, unless the member has been credited with at least twenty years of full time New York state service, in which event his pension shall be computed in accordance with subdivisions two and three of the aforementioned section. In no event, however, shall the pension so computed exceed seventy-five per cent of the member's final average salary. In addition to the pension provided by this subdivision, the member shall receive an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement. In the case of persons who last became members on or after July first, nineteen hundred seventy-three, the provisions of this subdivision shall apply only to those who discontinue service other than by death or retirement prior to July first, nineteen hundred seventy-four.

4. Any person who is a member on or after June thirtieth, nineteen hundred ninety-eight and who discontinues service other than by death or retirement and who is credited with five years or more of full-time teaching service rendered in the state, at least two of which were rendered since the date he or she last joined the retirement system, by written notice duly acknowledged and filed with the retirement board at any time before his or her membership would otherwise terminate pursuant to section five hundred three of this article, may elect, in lieu of the return of his or her accumulated contributions pursuant to section five hundred twelve of this article, to continue membership with the privilege of applying for retirement pursuant to this subdivision on or

after the date he or she attains age fifty-five. The pension for a member who has made the election pursuant to this subdivision shall be computed in accordance with the procedures set forth in paragraph b of subdivision five of section five hundred thirty-five of this article, unless the member has been credited with at least twenty years of full-time New York state service, in which event his or her pension shall be computed in accordance with paragraph a of subdivision five of the aforementioned section. In no event, however, shall the pension so computed exceed three-quarters of the member's final average salary. In addition to the pension provided by this subdivision, the member shall receive an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement.

5. Such member, when applying for retirement, may exercise the options pursuant to section five hundred thirteen of this article.

6. Interest on the contributions of such member after his membership otherwise would have been terminated pursuant to section five hundred three of this article shall be credited at the rate fixed for contributions by new entrants at the time of discontinuation of service.

7. If such member should die before the effective date of retirement, his accumulated contributions shall be paid to his estate or beneficiary in accordance with the provisions of paragraph one of subdivision b of section five hundred twelve of this article.

8. In the event that such member returns to service, such election shall be considered to be withdrawn as of the date upon which he returns to service and membership in the retirement system will continue pursuant to subdivision three of section five hundred three of this article.

9. Any other provision of law to the contrary notwithstanding, any member who fails to file the election pursuant to subdivisions one or three of this section and whose membership would otherwise cease pursuant to subdivision three of section five hundred three of this article, shall be deemed to have filed such election the day before his

membership shall have ceased.

10. Notwithstanding any provision of this section to the contrary, a person who has elected to continue membership pursuant to the provisions of this section, and who is qualified to transfer pursuant to the provisions of section five hundred twenty-two of this chapter or section forty-three of the retirement and social security law, shall be deemed eligible to transfer, pursuant to such sections of law.

11. Any other provision of law to the contrary notwithstanding, any former member who met all the eligibility requirements of subdivision one or three of this section, but failed to file the election required by such subdivisions, as a result of which his membership in the system was terminated because his service amounted to less than five years in a period of ten consecutive years, shall be deemed to have filed such election the day before membership ceased, provided such former member files an application with the system requesting that his membership be reinstated pursuant to this subdivision and deposits the accumulated contributions withdrawn from the system with regular interest; provided however that no such application shall be valid if (i) the service which would be credited thereunder is credited in any public retirement system in the United States, or (ii) a benefit is being received from any public retirement system based upon such credit.

12. Notwithstanding any other provision of this section a person who has elected to continue membership pursuant to the provisions of this section may withdraw from membership in the system in accordance with the provisions of this article.