Guidelines for utilizing flexibility of SB1119

The Oklahoma legislature passed SB1119 during the 2022 legislative session, which increases the number of hours an adjunct teacher may teach. Specifically, the bill repeals the 270-clock-hour limitation on the amount of time adjunct teachers – persons with distinguished qualifications in their field who do not hold a valid teaching certificate – may teach per semester. As a result, there is now no limit on the number of hours an adjunct teacher may teach. The measure specifies that adjunct teachers are not to be included in the statutory definition of "teacher." For purposes of the Teachers' Retirement System, adjunct teachers are to be considered "non-classified optional personnel."

› The bill will take effect July 1, 2022. As such, the Oklahoma State Department of Education (OSDE) is providing guidance for Frequently Asked Questions that have already been or are likely to be posed.

› Within this document, the term "adjunct" will be used in two forms:

1. A certified employee *adjuncting* to teach outside of their area of certification ("certified adjunct teacher").

2. A person who does *not* hold valid certification of any kind, including educators with an expired certificate who is serving as an *adjunct* teacher ("non-certified adjunct teacher").

What changes are now in effect after the signing of SB1119?

› The bill removes the former limitation of 270 clock hours (i.e., approximately three hours per day) of classroom teaching per semester. The bill also changes the classification for non-certified adjunct teachers to support personnel.

Who determines that an adjunct candidate possesses the level of expertise required to teach a subject area?

› Existing law requires adjunct teachers to be "persons with distinguished qualifications in their field." 70 O.S. § 6-122.3(G). Additionally, existing administrative rules provide that the local board of education determines the specific qualifications, duties and responsibilities of adjunct teachers and that such persons must be approved by the local board. OAC 210: 20-37-2.

Is the district required to notify the OSDE of an adjunct assignment?

› Yes, existing administrative rules require formal notification to be provided to the OSDE within thirty (30) days of the date of employment. OAC 210:20-37-2.

How does a district notify OSDE of an adjunct assignment?

› Districts will initiate an Adjunct Application request within the Oklahoma Educator Credentialing System (located within Single Sign-On).

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What documentation is required to submit the Adjunct Application request?

› The district must submit a copy of the approved board minutes reflecting the hire and adjunct assignment.

Will there be a fee for this application?

› Yes, the fee is $25.00 per application. NOTE: After a district submits a request, the adjunct teacher will be required to log in and pay the application fee before the assignment will be considered authorized.

Can a district request multiple endorsement areas for a single adjunct?

› Yes. There is no limitation.

Once an Adjunct Application request is finalized and the OSDE accepts the Adjunct Application and recognizes the assignment, is the adjunct considered "certified" in the adjuncting areas?

› No, the adjunct authorization simply allows a person not certified within the needed area to teach without penalty. See also page 1 differentiating how these terms "certified adjunct teacher" and "non-certified adjunct teacher" are defined.

Does an Adjunct Application request need to be renewed?

› Yes, an adjunct authorization is only valid for the school year in which the application is made, as assignments may change from year-to-year.

In what position(s) can an adjunct be utilized?

› The use of adjuncts should only be in traditional teacher of record (210 job class) roles. Exclusions include special education, Pre-K and Kindergarten.

What grades or content areas may NOT have adjunct teachers?

› **Special Education** - According to federal law (34 CFR § 300.156), an individual cannot be assigned to teach special education with an adjunct credential. However, a certified special education teacher can adjunct into other certification areas.

› **Early Childhood** - According to state statute, teachers of early childhood education must have a degree in early childhood education. 70 O.S. § 11-103.7.

› **Kindergarten** - According to state statute, teachers of kindergarten must have a degree in early childhood education. 70 O.S. § 10-105.

May adjunct teachers be used in a Title I school?

› If using an adjunct teacher in a Title I school, LEAs must follow guidelines set forth in ESEA Statute (Section 1112)(e)(1)(B)(ii), the "Parents' Right to Know" portion of reauthorized ESEA.

Will certified teachers who are adjuncting receive TRS credit and employee contribution offset for hour(s) they are teaching outside of their certification area(s)?

› Yes, certified teachers who are serving as an adjunct in another subject will continue to receive service credit for purposes of teachers' retirement and will receive the offset to the employee retirement contribution.

Will a non-certified adjunct be eligible to participate in TRS?

› Yes, an adjunct will be considered non-classified optional personnel starting July 1, 2022. As such, these individuals would be considered eligible to participate in TRS as optional members if they are "regularly employed for twenty (20) hours or more per week." 70 O.S. 17-103. From the time they are eligible to participate in TRS, non-certified adjuncts will have 30 days to make an irrevocable election to participate or opt-out of participation in TRS. Should they fail to make an election within 30 days, they will be deemed a participant in TRS and contributions will be owed on their compensation. The date of their eligibility may vary (particularly with adjuncts) depending on when they meet the hours requirement for eligibility. If the adjunct was previously employed at any TRS employer as an optional employee and has already made an irrevocable election under SB 267 (2021), their previous election will be binding on their employment as an adjunct eligible for TRS participation.

Can a non-certified adjunct qualify for the Flexible Benefit Allowance (FBA)?

› Yes. As a support employee, adjuncts qualify for FBA if the individual is full-time and is employed "a minimum of six (6) or more hours per day for a minimum of one hundred seventy-two (172) days, or one thousand thirty-two (1,032) hours per year." 70 O.S. § 26-103(4).

Are non-certified adjuncts subject to the requirements of the Teacher and Leader Evaluation (TLE) System?

› No, while evaluating all district employees is encouraged, there is no requirement to evaluate adjuncts.

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Is there a minimum salary requirement for an adjunct?

› Administrative regulations direct the salary for non-certified adjunct teachers to be established by the school district. Importantly, the Department of Labor's Fair Labor Standards Act regarding minimum wage, overtime, etc. must be met for adjunct teachers. For certified individuals serving as adjuncts, the state minimum salary will continue to be applicable during the adjuncting fraction of day (FOD) and adjunct hours may apply toward teaching experience under the accrual guidelines. OAC 210:20-37-2, 210:25-3-4(b).

How will a district code/report an adjunct in payroll/SPR?

› A new job class (218) will be added to OCAS for non-certified adjunct teachers serving in a support capacity. Support designated object codes should also be used for salary/ benefits.

How will an adjunct be identified with the Accreditation Application and/or Class Size Audit?

› The district will go through a similar process as they would for emergency certificate application and the adjunct will be assigned an adjunct number. This will act as an identifiable number to assign them subject codes (accreditation application) and students (class size application). It should be noted that the class size application will populate the teacher assignment page in the accreditation application moving forward.

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