

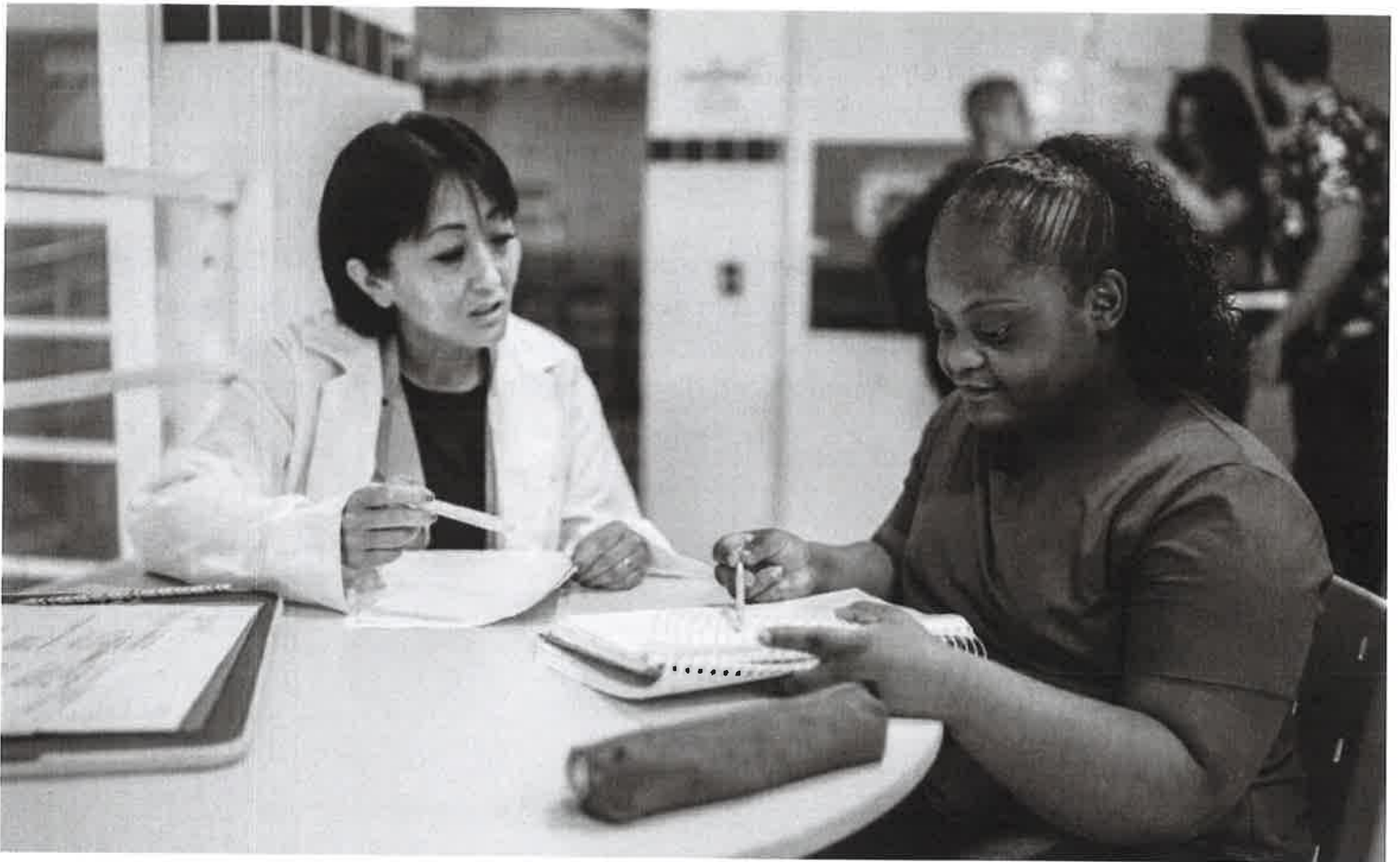


EDUCATION

## Schools hiring emergency teachers for special education, potentially violating federal law

More than 130 emergency licensed instructors who don't have to meet federally mandated standards are teaching students with disabilities

BY: **ALEX BAUMHARDT** - APRIL 13, 2023 6:00 AM



📷 Students with disabilities often need one-on-one help in the classroom. (Getty Images)

More than 130 emergency licensed teachers are filling in as special education instructors in Oregon this year, shortchanging thousands of students and potentially violating a federal law.

That law, the Individuals with Disabilities in Education Act, ensures that children with disabilities are given an appropriate public education equal to that of their peers without disabilities, including equal class time and access to qualified teachers.

But an emergency teacher in Oregon doesn't have to meet the high standards required by federal law for special education teachers, who must have a bachelor's degree and full state certification to teach special education, or be in the process of receiving certification while enrolled in a special education degree program.

The state is responsible for ensuring the law is followed. But Oregon education officials appear to be shirking that responsibility.

Officials at the Oregon Department of Education and the Teacher Standards and Practices Commission, which licenses teachers in the state, said they don't know whether the 131 emergency special education teachers working in schools are on a pathway to full licensure, the Oregon Capital Chronicle found. In a joint statement, the department and commission said school and district administrators are responsible for ensuring teachers are qualified. But the law states that state educational agencies must establish and maintain qualifications to ensure that teachers are appropriately and adequately prepared and trained, and that they have the knowledge and skills to serve children with disabilities.

Special education teachers in Oregon need a degree and proper training. Emergency teachers don't need either. They are supposed to fill gaps when administrators can't find a fully licensed teacher. And the state cannot waive special education requirements on an emergency basis, the law says.

The state has relied more heavily on emergency licensed teachers since COVID, the Capital Chronicle reported in August. The latest public records it obtained focus on emergency licensed teachers who are filling in as special education teachers. They show that the 131 emergency instructors teaching students with disabilities represent a quarter of all emergency teachers working in schools.

# Emergency licenced teachers in 2020-2021 school year and portion teaching special education

Total number of Emergency licensed teachers teaching in Oregon (524)

Number of emergency licensed teachers teaching special education (131)

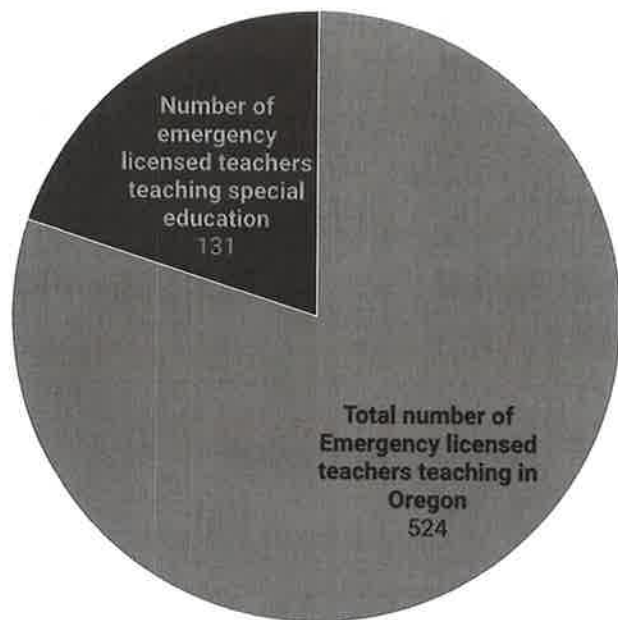


Chart: Alex Baumhardt • Source: Oregon Teacher Practices and Standards Commission • Get the data • Embed • Download image • Created with Datawrapper

The state has 2,005 full-time special education teachers who are assisted by 23,000 support staff. Most support staff are not required to have special training, and they are not supposed to substitute for licensed special education teachers.

With 80,000 students with disabilities in Oregon, it's possible that thousands of students with disabilities are not getting access to qualified educators equal to their peers without disabilities.

The students pay the price.

"High-quality teacher preparation matters for all students but it's doubly important for students with disabilities," said Jake Cornett, executive director and CEO of Disability Rights Oregon. "Teachers who are underprepared are two to three times as likely to leave the

classroom. This sort of high teacher turnover among special educators only makes a teacher shortage worse."

Leaving kids with the greatest needs with the least certified and least-trained teachers has contributed to achievement gaps. About 70% of fourth and eighth graders with disabilities in Oregon scored "below basic" in reading on the latest National Assessment of Educational Progress, the nation's report card.

At a public hearing of the state Senate Education Committee in February, parents testified in support of a legislative proposal to ensure students with disabilities get equal class time as their peers. Portland mom Sara Schultz told lawmakers her son with autism enrolled at two different Portland Public Schools and rarely spent time with a certified special education teacher. At Buckman Elementary, she said, paraprofessionals would check in on him while he spent hours alone in a classroom on an iPad watching YouTube videos. School staff at the Pioneer, an alternative school in Portland for students with disabilities and special needs, often restrained him and kept him isolated, she said.

"He was spending most of his days outside of the classroom with staff, not a qualified teacher," she said. Schultz decided to shift to part-time work so she could homeschool her son after his experience at the two schools.



GET THE MORNING HEADLINES DELIVERED TO YOUR INBOX

**SUBSCRIBE**

## **Underqualified teachers**

Low-income students, students with disabilities, and English language learners are the most likely to be taught by underqualified teachers, negatively impacting achievement, according to the Learning Policy Institute, a research and advocacy group based in Palo Alto, California.

The state is in charge of ensuring the quality of all students' education. Yet state officials declined to take responsibility for the large number of emergency licensed teachers staffing special education classrooms.

Officials with the Oregon Department of Education and the Teacher Standards and Practices Commission said Tuesday in email and during a phone interview they are not responsible for ensuring emergency licensed teachers are qualified to teach special education or are on a pathway to certification. Following questions by the Capital Chronicle, officials from the department and commission released a statement late Wednesday saying school administrators were responsible.

A spokesperson for the U.S. Department of Education's Office of Special Education Programs declined to comment, telling the Capital Chronicle the agency would discuss the issue with Oregon administrators.

## **Lack of teachers**

Districts leaning on emergency teachers to staff special education classrooms say they cannot find enough licensed teachers, and that emergency teachers are key to keeping special education classes and programs staffed so they can provide students with equal class time.

“Clackamas (Education Service District), like so many other ESDs and school districts, has been challenged in recruiting licensed special education teachers,” Larry Didmore, superintendent, said in an email. It serves 10 school districts in the south Portland area and has 34 licensed special education teachers.

For at least 25 years, Oregon schools have struggled with a shortage of licensed special education teachers, according to a 2021 report from the Oregon Education Association, the state’s largest teacher’s union. Nationwide, special education teachers have a turnover rate 46% higher than that of other educators, driven largely by a lack of administrative support, lack of collaboration and excessive paperwork, according to the National Center for Education Statistics.

The number of emergency licensed teachers employed by Oregon schools has more than doubled since the beginning of the pandemic from more than 230 during the 2019-20 school year to more than 520 today, according to data from the standards commission. And three times as many emergency teachers in Oregon are teaching special education since the 2019-20 school year.

## Growth in emergency teaching licenses and number of emergency education special education during last four years

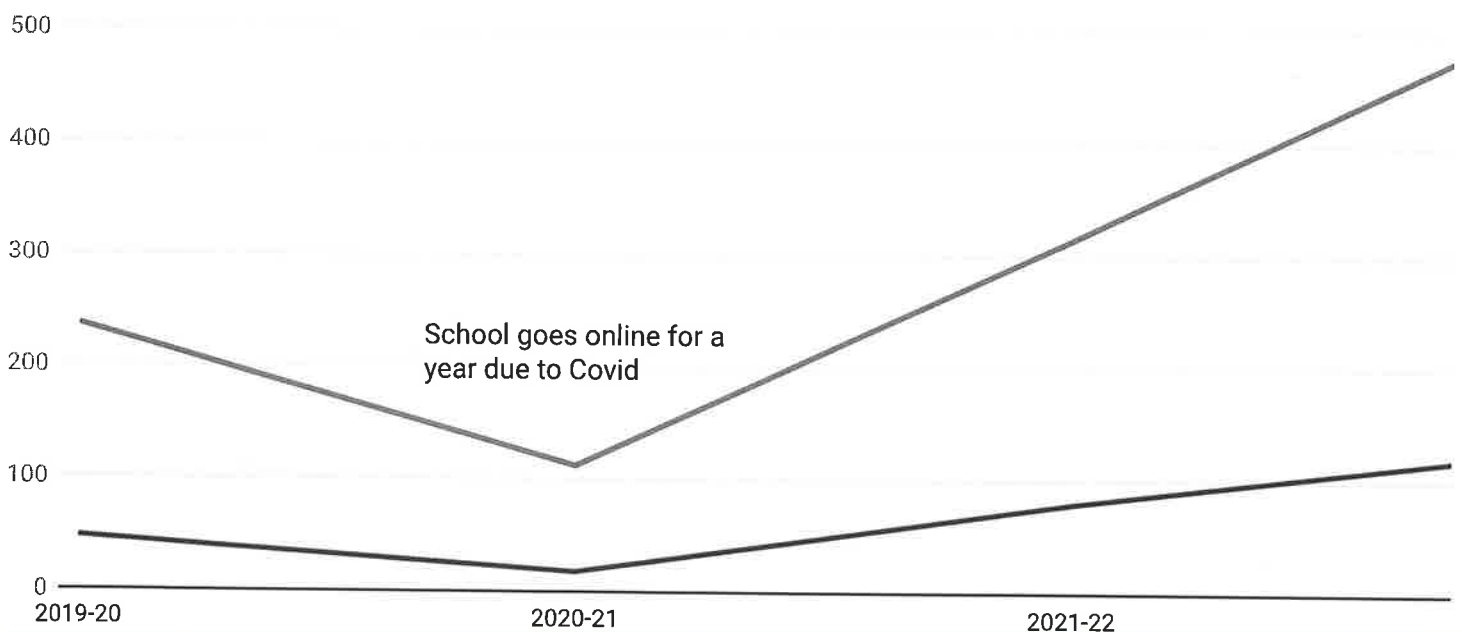


Chart: Alex Baumhardt • Source: Oregon Teacher Standards and Practices Commission • Get the data • Embed • Download image • Created with Dat

Other states are having similar staffing problems.

In October, Valerie Williams, director of the Office of Special Education Programs at the U.S. Department of Education sent a memo to all state directors of special education reminding them to follow the federal law.

“Based on media reports and discussions with states and advocates, the Office of Special Education Programs is aware that some states currently have policies and procedures in place that may not be consistent with (the law’s) requirements,” she wrote.

Department officials declined to respond to the Capitol Chronicle’s questions about whether Oregon was breaking the law. A spokesperson said the department would contact state education officials before discussing any violations.

It’s unclear who’s responsible in Oregon.

An Oregon Department of Education official told the Capital Chronicle that it reports the state's implementation of the federal disability rights law to the federal government and provides details on the distribution to districts of the more than \$134 million in annual federal funds, but is not responsible for ensuring appropriate credentials.

“In Oregon, teacher licensure falls under the jurisdiction of the Teacher Standards and Practices Commission,” Marc Siegel, a spokesperson for the education department, said in an email.

At the Teacher Standards and Practices Commission, Director Anthony Rosiliez said it determines whether candidates meet emergency license requirements – not if they’re highly qualified or on a pathway to being certified to teach special education, as specified by the disability act.

“If you want to know about how a license is or isn't meeting an (act) requirement, you’ve got to contact ODE, because it’s their assurances that they submit in their annual reports to the feds,” he said.

### **‘Ignoring special ed for decades’**

Didmore, superintendent of the Clackamas Education Service District said emergency teachers help keep students with disabilities in school.

“We have successfully kept all of our special education classrooms operating in person full time throughout this school year, thanks to the great teamwork and flexibility exhibited by our teachers, educational assistants and other classroom professionals,” he said.

The district’s six emergency licensed teachers have bachelor’s degrees and are working toward qualifying for a special education license, according to Shirley Skidmore, the district’s communications director.

“Most of them serve as a classroom teacher with coaching and support from the special education department,” Skidmore wrote.

But state Sen. Sara Gelsler Blouin, D-Corvallis, who has been fighting to pass legislation to protect the education of students with disabilities, said if the state were doing its job districts would not be deciding between equal class time and ensuring students in special education have qualified teachers.

“This isn’t a problem that popped up overnight,” she said. “Ignoring special ed for decades is what led to this issue.”

To help with teacher recruitment and retention, the Legislature in February 2022 allocated nearly \$100 million for schools to spend on substitutes and instructional assistants for training costs through January 2024 following a work group convened by state Sen. Michael Dembrow, D-Portland. He recently proposed legislation to help expand the teacher workforce, including in special education. Senate Bill 283 would set statewide minimum teacher salaries, including for special education instructors that would be 20% above general education teachers. It would also initiate a public relations campaign to attract special education teachers and streamline some red tape.

The bill is in the Joint Committee on Ways and Means, which decides the budget.

“I hope that we’ll find the dollars to fully fund every part of this bill,” Dembrow said in his weekly newsletter.

---

## **Emergency teachers are not trained for special education**

An emergency licensed teacher in Oregon can fill a full-time role at one school in a single subject area for up to one year. They are not required to have a bachelor’s degree or any training, and the district hiring them needs to demonstrate that they struggled to find a fully-licensed teacher to fill the role.

By federal law, special education teachers have to be “highly qualified.” A fully-certified special education instructor must either have a special educator license or a teaching license with a special education endorsement, which can only be granted by the Teachers Standards and Practices Commission. Both require teaching degrees from a preparation program. Teachers cannot get an endorsement for teaching special education on an emergency teaching license.

Paraprofessionals and teaching assistants who are “appropriately trained and supervised, in accordance with state law, regulation, or written policy” can assist in special education services, according to the federal law, but are not considered highly qualified.

---



Oregon Capital Chronicle focuses on deep and useful reporting on Oregon state government, politics and policy. We help readers understand how those in government are using their power, what's happening to taxpayer dollars, and how citizens can stake a bigger role in big decisions.

[DEIJ Policy](#) | [Ethics Policy](#) | [Privacy Policy](#)

---

Our stories may be republished online or in print under Creative Commons license CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our web site.



---

© Oregon Capital Chronicle, 2023