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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

TSPC 13-2021
CHAPTER 584
TEACHER STANDARDS AND PRACTICES COMMISSION

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Establishes the Emergency Substitute Teaching License.

EFFECTIVE DATE: 10/01/2021 THROUGH 03/29/2022

AGENCY APPROVED DATE: 09/27/2021

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NEED FOR THE RULE(S):

The Emergency Substitute License is created in response to severe staffing shortages reported by Oregon school districts, education service districts, and charter schools due to circumstances caused by COVID-19. The Emergency Substitute Teaching License is a license that permits a qualified individual to substitute teach in a sponsoring prekindergarten through grade 12 Oregon public school district, education service district, or charter school assignment.

JUSTIFICATION OF TEMPORARY FILING:

Adopting the license will help to alleviate the significant substitute teacher shortage in Oregon. In December 2019 (pre-COVID), Oregon had 8,290 licensed substitute teachers. As of September 18, 2021, that number is down to 4,738. Without additional teachers, classes will be combined to unacceptable levels or not offered at all, inflicting irreparable harm on schoolchildren. These rules significantly expand the pool of potential teachers districts may use to address the most critical shortages and give them desperately needed tools to fill openings that cannot be filled in any other way.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

ADOPT: 584-210-0145

RULE TITLE: Emergency Substitute License

RULE SUMMARY: The Emergency Substitute Teaching License allows an individual to substitute teach in a district. It is differentiated from the Emergency Teaching License by the ability to take any assignment within the district, as opposed to a specific one. It is differentiated from the Restricted, Substitute, and Restricted Substitute Teaching licenses in its qualifications of the licensee.

RULE TEXT:

(1) Purpose of the License: The Emergency Substitute License is created in response to severe staffing shortages

reported by Oregon school districts, education service districts, and charter schools due to circumstances caused by COVID-19. The Emergency Substitute Teaching License is a license that permits a qualified individual to substitute teach in a sponsoring prekindergarten through grade 12 Oregon public school district, education service district, or charter school assignment.

(2) District Sponsorship: The Emergency Substitute Teaching License requires a sponsoring district, which may be a school district, education service district, or charter school.

(a) The sponsoring district must cover the cost of obtaining the license either by assisting the applicant in submitting the application or reimbursing the applicant for expenses.

(b) The sponsoring district must submit a statement at the time of application for the license:

(A) Describing the extenuating circumstances preventing the district from hiring a teacher holding a Restricted Substitute, Substitute, or other non-provisional teaching license appropriate for the assignment and how the issuance of the emergency license will protect the district's programs or students;

(B) Explaining how the qualifications or services of the applicant will resolve the extenuating circumstances;

(C) Assuring the Commission that the district will obtain the license for the educator prior to assignment within the district or prior to the 91st day after the date of application for licensure;

(D) Assuring the Commission that a designated administrator will provide training, guidance, and supervision of the educator to support the educator's service in the assigned schools; and

(E) Assuring the Commission that the district will determine the educator's interest in pursuing a teaching career and provide guidance in this pursuit.

(F) Upon request of the Commission, the district shall submit documentation of the district's plan for administrator support of the educator, as required by this subsection, including the name of the administrator responsible for providing this support.

(3) Transfer of District Sponsorship: To transfer sponsorship of the Emergency Substitute Teaching License to another district, the new sponsoring district must:

(a) Submit a statement as provided in section (2);

(b) Submit a statement that the original sponsoring district has been informed of the transfer; and

(c) Require the applicant to submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(4) Assignment Authorization: The Emergency Substitute Teaching License qualifies the teacher to accept substitute teaching assignments only within the sponsoring district.

(a) If the holder of an Emergency Substitute License wishes to accept an assignment in a different district or charter school from the sponsoring district, the licensee must apply for a transfer as provided in section (3) of this rule.

(b) If the holder of an Emergency Substitute License wishes to accept assignments in districts, ESDs or charter schools in addition to the sponsoring district, the license holder must apply for, be sponsored by, and hold an Emergency Substitute License for each district, ESD or charter school.

(5) Granting and Term of License:

(a) The Emergency Substitute Teaching License shall be issued solely at the discretion of the Executive Director, or the Director of Licensure, for any length of time deemed necessary to protect the district's programs or students, not to exceed June 30 or six months following the date of application, whichever is later.

(b) The Executive Director or the Director of Licensure may consider efforts the educator has made in meeting teacher licensure requirements. Additionally, the Executive Director, or Director of Licensure, will consider any academic preparation or experience the proposed educator has had.

(6) Other Special Limitations: The Emergency Substitute Teaching License is not renewable and not subject to the 120-day grace period.

(7) Applying for the license: To be eligible to apply for an Emergency Substitute Teaching License, the applicant must:

(a) Provide a statement from the sponsoring district in accordance with subsection (2) of this rule;

(b) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing

good moral character and mental and physical health necessary for employment as an educator;

(c) An applicant may be asked to provide a resume, official transcripts or other evidence of qualifications if requested by the Executive Director;

(d) Satisfy the Commission requirement for knowledge of United States and Oregon civil rights and professional ethics in effect at the time of application;

(e) Complete a background clearance that includes:

(A) Furnishing fingerprints, if required;

(B) Providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(f) Submit a complete and correct application on or before March 31, 2022 in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

STATUTORY/OTHER AUTHORITY: ORS 342.165

STATUTES/OTHER IMPLEMENTED: ORS 342.165, ORS 342.125