K-12 Exceptional Learners 2026

K-12 Exceptional Learners is the first of 3 reports examining different aspects of K-12 education. The purpose of these reports is to provide background information so that League of Women Voter members in Oregon can reach consensus on issues regarding

- Exceptional Learners,
- School Safety,
- Career and Technical Education.

The ultimate goal is to create positions which the League can use to advocate for or against legislation in the state.

Exceptional Learners Authors:

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Julee Wright (LWV of Umpqua Valley) earned her Bachelor's Degree in Elementary Education from Oregon State University. She spent 31 years as a classroom teacher and Title 1 reading specialist in Kindergarten through grade 3. As a reading specialist, she worked with small groups of children. There were some children who struggled to make progress. Those were always a focus of her attention as she searched for ways to help them learn.

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Introduction

Exceptional Students include those with disabilities, talented and gifted students, as well as English language learners. These are all students who have been designated by state and federal laws as needing services in addition to those provided to mainstream students. Mainstream students are those for whom the regular academic program is appropriate. In this report, we consider factors that help exceptional students learn: implementing evidence-based practices effectively, providing adequate staffing and resources, and funding. Finally, the report examines how districts are held accountable for educating exceptional learners.

At the time of writing this report, the future of federal funding and oversight for exceptional learners is very uncertain. With the dismantling of the Department of Education, we might not be able to count on funding and implementation of the Individuals with Disabilities Education Act (IDEA)[1]. This is very concerning because, according to the Council for Exceptional Children[2],

> Prior to IDEA becoming law, only 1 in 5 children with disabilities were educated in public schools, and schools were allowed to turn children with disabilities away without supporting families in finding other means of education

The question for Oregon is whether and how our state should step up to meet the needs of exceptional students.

Definitions

Exceptional Learners are found in one or more of the following categories:

- Students with disabilities
- English language learners
- Talented and gifted students

Federal and state laws define them as students who need accommodations to normal instruction to meet their learning needs. These modifications may include reducing or increasing the *pace* of instruction, reducing or increasing the *level* of instruction, or adapting the *method* of instruction to provide equitable and appropriate access to learning opportunities for every student. Educators need training to meet these special needs. The assessment of instructional needs is distinct from lists of traits and characteristics associated with a particular learning difference. These characteristics and traits may be helpful to parents and clinicians, but do not necessarily provide evidence of instructional need. For example, some psychologists report that gifted students may sleep less than other students or may be more susceptible to allergies.[3]

Children with disabilities are described by the Federal Individuals with disabilities Education Act (IDEA) which states that districts receiving Federal grants under the act must provide children ages 0-21 years covered by this act with a "Free and Appropriate Public Education" (FAPE). This act also supports early intervention services for infants and toddlers and their families. Students aged 5-21 served under IDEA receive an Individualized Education Plan (IEP) while families of children aged 0-5 are

eligible for an Individualized Family Service Plan.

IDEA defines these students[4] as follows: "the term 'child with a disability' means a child

(i) with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance... orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) who, by reason thereof, needs special education and related services."

Section 504 of the Rehabilitation Act of 1973[5] also applies to some students. It prohibits discrimination on the basis of disability including hidden disabilities. It defines disability as (1) a physical or mental impairment that substantially limits a major life activity; (2) a record of such an impairment; or (3) being regarded as having such an impairment. For instance, students served under Section 504 may need eyeglasses or front row seating. But they do not need an IEP for specialized instruction.

The 2008 amendments to this act[6] required that these definitions be interpreted broadly to prohibit all discrimination, and to require modifications and/or accommodations for students with any impairment that substantially limits a major life activity for more than six months when these are necessary to secure students' learning. A partial list of such impairments can be found in a guide published by the Pennsylvania State Education Association[7]

The Division of Civil Rights in the Oregon Department of Education has a webpage outlining Oregon's interpretation of students' rights under this act.[8]

English Learners (EL) - also called English Language Learners (ELL) – are students who meet the definition of Limited English Proficiency under Section 7801 of US Code Title 20 (25)[9]. This includes students aged from 3 to 21 born overseas whose native language is not English or who are Native Americans or Alaska Natives or residents of outlying areas who are migratory, whose environment has had an impact on their English proficiency, and **whose difficulties in English may impede their assessment performance**, deny them success in English classrooms, or affect their opportunity to participate fully in American society.

Federal law states that school districts must identify, assess, and assist EL students enable them to participate fully in all educational programs, communicate with their families, and oversee their academic progress using accurate data. They may not discriminate against EL students because of their language proficiency.[10]

Talented and Gifted (TAG) students were defined by the *Marland Report*[11] commissioned by Congress (1971) as follows:

"Gifted and talented children are those identified by professionally qualified persons who by virtue of outstanding abilities are capable of high performance. These are children who require differentiated educational programs and services beyond those normally provided by the regular school program in order to realize their contribution to self and society.

Children capable of high performance include those with demonstrated achievement and/or potential ability in any of the following areas.

1. General intellectual ability
2. Specific academic ability
3. Creative or productive thinking
4. Leadership ability
5. Visual and performing arts
6. Psychomotor ability"

Federal law does not require a Free and Appropriate Education for these students, but the *Every Student Succeeds Act (ESSA)*[12] (2015) required states to submit plans "… to identify gifted and talented students and provide instruction based on the students' needs." It also required districts receiving Title II professional development funds to address the needs of all students, including gifted and talented students."

Many states, including Oregon, have their own mandates. In the absence of federal law, state definitions vary. Under Oregon statute 343.395[13], "Talented and gifted children" are defined as "children who require special educational programs or services, or both, beyond those normally provided by the regular school program in order to realize their contribution to self and society." Note: in this context "special educational programs" refers to adaptations, not to programs serving students with disabilities.)

a) General intellectual ability as commonly measured by measures of intelligence and aptitude.
b) Unusual academic ability in one or more academic areas.
c) Creative ability in using original or nontraditional methods in thinking and producing.
d) Leadership ability in motivating the performance of others either in educational or noneducational settings
e) Ability in the visual or performing arts such as dance, music, or art "

Oregon Administrative Rule 581-022-2325[14] Identification of Academically Talented and Intellgectually Gifted Students states that

(a) "This population of students demonstrates exceptional performance when compared to applicable developmental or learning progressions, with consideration given for variations in students' opportunity to learn and to culturally relevant indicators of ability
(b) Students identified as talented and gifted require differentiated instructional services and/or programs designed to address their strengths and needs. "

These definitions are close to those established in the *Marland Report* in 1973. Oregon rules only require districts to serve students with identified intellectual and/or academic ability; the other three categories (leadership, visual and performing arts, and psychomotor) are optional. Districts must create and submit general TAG plans, but written plans for individual students are not required. Identified TAG students enrolled in Oregon public schools have a right to instruction at their level and rate of learning.

Evidence-Based Practices

Evidence-based practices have been shown to have a positive effect on student outcomes in multiple high-quality studies. Their use with exceptional K-12 learners is required by state and federal law. Nevertheless, there are challenges regarding both the selection and implementation of these practices. Frequently teachers must receive training and support to adapt evidence-based practices to their students' needs.

Evidence-based practices have been shown to have a positive effect on student outcomes in multiple high-quality studies.

The U.S.Department of Education provides guidance[15] to help identify evidence-based Based programs. They use tiers to distinguish among the quality of research studies.

"Tier 1 (Strong Evidence) requires evidence from studies that have had a positive, statistically significant impact on student outcomes without any negative findings from well-designed, well-implemented experimental or quasi-experimental studies examining the same interventions and outcomes.

Tier 2 (Moderate Evidence) requires evidence from studies that have had a positive, statistically significant impact on student outcomes without any negative findings from well-designed, well-implemented experimental or quasi-experimental studies examining the same interventions and outcomes.

Tier 3 (Promising Evidence) requires evidence from at least one correlation study with statistical controls for selection bias, which generally includes a statistical model for determining the relationship between two factors or variables."

There are a number of clearing houses which provide guidance regarding selection of evidence-based practices and programs . According to a 2024 study[16], the What Works Clearinghouse is most visible because of its "combination of longevity, high funding level, clarity and justification of standards, number of programs rated, relative rapid updating of results, and promotion by the United States Office of Education and the way its use is mandated for various research and practice decisions".

From the What Works Clearinghouse Standards[17]:"For a study to meet What Works Clearinghouse (WWC) standards, it must have at least one eligible finding that was measured in a way that satisfies the WWC's outcome measure standards. The WWC has four standards for an outcome measure: It should have face validity (the measure appears to measure what it claims to measure), it should demonstrate reliability (the measure produces consistent findings), it should not be over aligned with the intervention (give unfair advantage to participants in one condition over another), and it should be measured consistently for the groups or participants being compared. The WWC also will examine the independence of outcome measures from study authors and from the developers of the intervention, who may have conflicts of interest regarding the success of the intervention. The Study Review Protocol specifies outcome domains in which the WWC will consider measure independence. Detailed information on how the WWC reviews outcome measures is available in Chapter III, Outcome measures."

Students with Disabilities

Requirements for Using Evidence-Based Practices with Students with Disabilities

Section 1400 of 20 U.S. Code[18] requires "the use of scientifically based instructional practices to the maximum extent possible…to facilitate systemic changes."

Section 1414 of the Individuals with Disabilities Education Act (IDEA)[19] mandates that Individualized Education Programs (IEPs) include special education and related services based on "peer-reviewed research" to improve student performance

The Council of Chief State School Officers and

the National Center for Systemic Improvement report that ESSA's key provisions require the use of evidence-based practices[20] when local educationagencies develop plans providing support for the lowest-performing 5 percent of schools.

Example of an Evidence-Based Practice with Special Education students:

Early Intervention is an evidence-based practice used to support very young children with developmental delays or disabilities. In a 2024 review of the effectiveness of early intervention[21], Pérez and Rios concluded, that these programs lead to significant cognitive, social, emotional, and physical growth. Early intervention is a whole-child approach, including not only developmentally-appropriate instruction but also support for families, assistive technology, and services provided by social workers, nutritionists, and healthcare professionals. All of this is individually tailored to each child and family and is evaluated with ongoing assessment.

English Language Learners

Requirements for Using Evidence-Based Practices with English Language Learners

At the national level, the *Every Student Succeeds Act*[22] requires states to use federal funds to ensure that English language learners achieve English proficiency. Use of evidence-based practices is a stipulated in *HB 3499*[23] (2015) required the Oregon Department of Education to create a plan for education K-12 English language learners. The purpose of the plan was to remedy inequities in education for these students by implementing "culturally competent practices."

The plan provided four years of coaching and funding to provide interventions for the EL students in 15 districts that had experienced challenges in meeting the needs of EL students. If the district continued to need help after four years, they would receive funding as needed up to three additional years.

Examples of Evidence-Based Practices with English Language Learners

The National Clearinghouse for English Language Acquisition provides examples of evidence-based practices shown to be effective with English Language Learners[24]:

1. "Provide (English Learners) ELs with opportunities to build content knowledge and language competence in tandem.

2. Leverage ELs' home language, prior knowledge, and cultural assets.

3. Engage Els in productive interactions with peers.

4. Provide direct and explicit instruction focusing on key aspects of literacy.

5. Incorporate regular opportunities to develop written language skills."

Talented and Gifted Learners

Requirements for Using Evidence-Based Practices with Talented and Gifted Learners

Oregon Administrative Rule 581-022-2325[25] requires every school district to create policies and procedures to identify talented and gifted students demonstrating general intellectual ability or an unusual academic ability in one or more areas. Further, they are required to use research-based best practices to target a diverse array of minority students, students from low-income families, as well as those with disabilities

Example of an Evidence Based Practice with Talented and Gifted Students

The use of acceleration with gifted students is an evidence-based practice that has been studied for many years and has been shown to have positive outcomes. The Acceleration Institute at the Belin-Blank Center has documented research providing strong justification for accelerating gifted students.

In A Nation Deceived[26] and A Nation Empowered[27], researchers provide strong evidence that this practice works. In 2003, Gross reported results of a longitudinal study[28] spanning 20 years which demonstrated that ignoring this evidence-based practice - not permitting exceptionally gifted students to accelerate their learning forces them to endure long-term exposure to an inappropriate curriculum while causing them to feel socially isolated.

One example in Oregon is the Hillsboro school district which lists a whole grade acceleration[29] option for TAG students.

Are Evidence-Based Practices Being Used Effectively with Exceptional Learners?

In 2024, Ginsburg et al[30] investigated whether ESSA assured the use of evidence-based educational practices in a large urban school district. They concluded, "42–51% of Title I funds are still invested in practices that are not supported by a wider body of evidence." They recommended that state or federal education agencies should research the effectiveness of the most commonly-used practices and, based on those results redirect funding to evidence-based practices.

Ginsburg's research points to the importance of holding districts accountable for the use of evidence-based practices. It is equally important to ensure that these practices are being implemented effectively.

Evidence-based practices in special education, English language learning, and gifted education may not be effective if teachers do not receive support for their implementation.

WestEd (2017))[31] has published a guide designed to help education agencies understand the evidence-related requirements of ESSA so that they can select and implement those practices effectively.

Torres, Farley, and Cook (2012)[32] describe how to create an implementation fidelity checklist to maked sure the EBP is being delivered correctly and with all the essential components.

Evidence-based practices in Special Education, English language learners, and Gifted Education may not be effective if teachers do not receive support for their implementation.

Greenhalgh et al. (2004)[33] noted the difference between: "letting it happen" and "making it happen" when using evidence-based practices in healthcare. Educational practices for instruction of students and especially those with exceptionalities is supported in the literature. However, the implementation of any change in education policies, programs and practices requires system planning and support for the classroom teacher, consultants, and specialized staff as well as the parents and the student about the goals and the roles of all involved.

Cook and Odom (2013)[34] have noted a number of reasons why evidence-based programs might not be implemented

correctly, including that schools might lack the resources, staffing, administrative support, and a culture supporting change

The HEDCO Institute[35] located at the University of Oregon is dedicated to working with educators to implement evidence-based practices in their classrooms. They identify research[36] to improve learning and instruction and offer professional development. For instance, the findings from a meta-analyses[37] of PreK – 12 STEM professional development and curriculum programs reveal best practices for the type, focus, and format of programming. Implementation of these findings was facilitated by improving teacher understanding of content knowledge and how students learn as well as the use of content-specific formative assessment. They recommended professional development that included teacher meetings to troubleshoot issues, summer workshops, and collaboration among colleagues

Foster (2014)[38] agrees with the need for professional development and teacher collaboration to ensure accurate implementation of evidence-based practices. When left to their own devices, teachers adapted evidence-based practices to their own instructional styles. When they worked with others, they became accountable to each other. Ongoing modeling, coaching, and support enable teachers to implement evidence-based practices effectively.

Darling Hammond et al[39] (2017) have gone a step farther and identified elements of effective professional development:

- Focuses on specific content within a teacher's classroom context
- Gives teachers opportunities to design ways to implement best practices
- Supports collaboration
- Models effective implementation
- Provides ongoing coaching
- Provides adequate time for the above

The Education Endowment Center has published a School's Guide to Implementation (2024)[40] which recommends that educators should

- Develop systems that support implementation; for example, time allocation or data systems
- Ensure people who enable change can support, lead, and positively advance implementation
- Use a structured process to apply the behaviors and contextual factors to day-to-day work
- Adopt a set of practical and tailored strategies organized into: Explore, Prepare, Deliver, and Sustain
- Treat implementation as a process of ongoing learning and improvement

Evidence-Based Practices for Most Students – Including Exceptional Learners

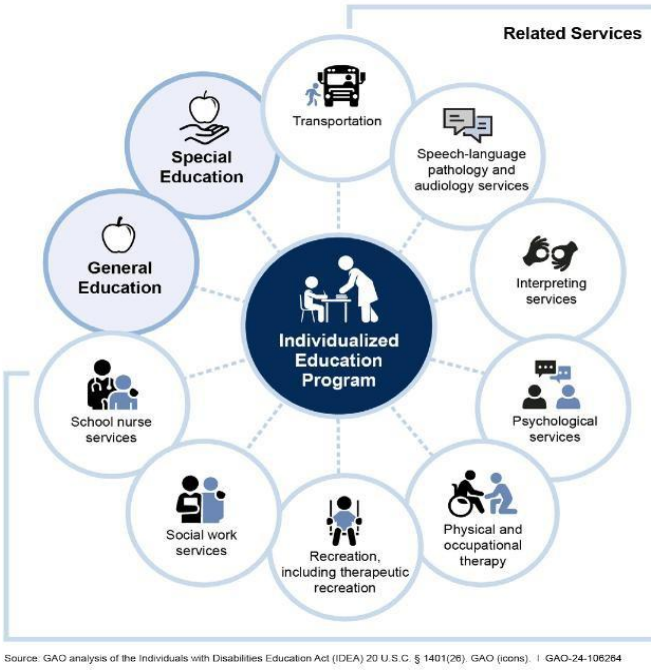
One example of an evidence-based practice that is effective for all students – including exceptional learners - is smaller class size, which permits teachers to individualize instruction. This would strengthen educational growth for all schools and all students by providing alternatives that fit student needs, while integrating our diverse population, and preparing young people with their civic roles in a democracy.

Chen (2025)[41] has observed that smaller classes and individualized instruction are foundational to high quality schools. Policymakers and legislators can support a quality education for all students by investing in leadership, staffing, time and funds for professional development, curriculum that has demonstrated success and community school models that provide health and social services needed by all students including exceptional students.

Staffing and Resources

Students with Disabilities

A Government Accounting Office (GAO) analysis[42] of staffing and resources required for special needs students includes a variety of resources needed for some Individual Educational Programs mandated by the Individuals with Disabilities Education Act as follows:



In addition to those services, special education often requires staff such as paraprofessionals who assist with physical and self-care tasks, behavioral needs, record-keeping, and tracking students' progress toward IEP goals.
They also provide direct instructional support.

Unfortunately, Oregon has a serious shortage of licensed special education teachers. Citing the Oregon Department of Education, an article from Southern Oregon University(SOU)[43] observed in October 2025, " hundreds of special education positions remain vacant each year, revealing a pressing demand for fully prepared educators." The SOU news article reported th at districts throughout southern Oregon are hiring teachers with emergency or restricted licenses to meet the demand.

The GAO report[44] cited previously listed a number of factors contributing to the nationwide shortage of special educators:

- A lack of sufficient certification and degree programs
- Barriers to hiring special education teachers trained out of state (In Oregon, these people are given a reciprocal license until they complete state-specific requirements)
- Higher education is expensive, and frequently special education requires an extra year of coursework (Only eight other states have higher average costs[45] than Oregon for in-state public postsecondary students.)
- Even though special educators usually earn more than mainstream educators, the salaries are relatively low. (The starting salary of special educators in Oregon is $51,442 [46]) A 2025 article[47] reported that only Hawaii provided enough incentive to attract more staff.
- High caseloads – with more students having high needs requiring services
- Insufficient professional development
- Difficulties communicating with parents
- Lack of support from administrators and lack of time for collaboration with mainstream education teachers.

The shortage of well-qualified special education teachers limits the services that can be provided and where they are available. In January 2025 the Oregon Education Association quoted special education teacher Venus Reeve [48] who observed, "We are required to include SPED students in Gen Ed classrooms as much as possible - but we don't have enough staffing, so oftentimes kids just get dropped into classrooms of 28 kids, when really they can't function with that much stimulus, and certainly not without an adult

helping them one-on-one. And while that seems like the “least restrictive” environment, it actually isn’t for them,” she reflects.

“I don't even have appropriate space to educate my children, where I can provide them the support they need. The classrooms that we have are loud and busy and filled with students who are not getting their needs met. And so we have teachers and support staff who are stressed, but we're asking them to be cool, and calm, and deliver all the instruction, while dealing with children who are also stressed to the limit because they aren't getting what they need.”

The classrooms that we have are loud and busy and filled with students who are not getting their needs met.

In the same article special education teacher Alejandra Saechao shared her experience: “My class has three students that need one-on-one [support due to medical needs. And I have behavior needs that require one-on-one. Then I have one student that needs two-on-one. So when all the students are here, those four students alone take up half of our staff. Today we’re down those instructional aides. I would say 80 percent of the time I don’t get a prep (time to prepare) or a lunch because I’m having to fill in for staff or having to jump in an support behavior issues, because our job is to keep students safe.”

Part of the problem in attracting and retaining special educators is that they are required to spend a lot of time completing paperwork and attending meetings. In fact, Vannest and Hagan-Burke[49] found that some special education teachers spent only 40% of their school day teaching.

In a 2024 analysis of evidence-based practices in special education[50], Bettini and Gilmore agreed that ”Special educators are frequently required to attend meetings, conduct assessments, and manage extensive paperwork, often without dedicated time to fulfill these responsibilities well.” They recommend that paraeducators could be trained to deliver highly scripted/structured interventions. In addition, paraeducators and administrative assistants could handle duties such as supervising lunch rooms and handling routine paperwork, which does not require professional expertise.

Furthermore, Bettini and Gilmore noted that special educators often lack access to high-quality curricular materials, so they must find or create their own. The authors recommend including special educators in curriculum purchases so that they have the resources that they need.

English Language Learners

Data published in 2025[51] reveal that most states – including Oregon – do not give a bonus or stipend to attract ELL teachers. Further, Oregon is one of 46 states that do not require ELL teachers to pass a licensure test on best practices in reading instruction.

Unmet Needs of Students with Disabilities

In 2025, for the second year in a row, the U.S. Department of Education determined[52] that Oregon needed assistance in implementing IDEA requirements. Oregon self-reported that in 2023 the state had failed to meet its targets for

- Attaining proficiency in math and in reading,
- facilitating parent involvement, and for students with disabilities
- enrolling in higher education.

Unmet Needs of Talented and Gifted Students

According to the National Association for Gifted Children[53], 6% of American students are in gifted programs. Yet data supplied by the Oregon Department of Education reveal that 65 of the 197 school districts in Oregon report having no TAG students. Thirty- six other districts provide no funding for TAG programs.

In 2025 testimony to the Oregon Senate Education committee[54], DeLacy observed, "We do not expect our athletes to excel without adult coaching or even very talented musicians to succeed without guidance, but we often expect academically gifted students to teach themselves, and sometimes even to coach other students."

"We do not expect our athletes to excel without adult coaching, or even very talented musicians to succeed without guidance, but we often expect academically gifted students to teach themselves."

Unmet Needs of English Language Learners

Oregon schools have one of the highest student-teacher ratios (19.1 students per teacher[55]), which makes it difficult[56] for English language learners to receive the individualized assistance they need.

The Oregon Department of Education reported[56] that less than 1% of English Language Learners are identified as TAG.

Funding of Education for Exceptional Learners

Federal

The future of federal funding for Exceptional Learners is uncertain.

Funding for students with disabilities

The Individuals with Disabilities Education Act Part B (IDEA) provides funds to states and districts ensuring a free and appropriate public education (FAPE) for eligible disabled students aged 3-21.

In 1975, when the law was first enacted, the promise was that it would provide 40% of specialized education costs for students with Individual Education Plans. However, the actual money appropriated has never reached that level.

Part D includes funds for

- Training teachers of students with disabilities.
- Parent training information centers
- Assistance and training for accessible books and technology
- Training for positive behavior intervention support

The Trump administration has proposed merging Part D with Part B. Overall funding would remain at the current service level (approximately 10.9% of the national average per pupil cost for specialized instruction). However, critics of the plan contend that it would remove guaranteed funding for those programs. States would have discretion regarding how to spend that money.

Funding for English Learners

School districts with at least 77 current English learners may access federal Title III grants. These funds are managed through formula grants, meaning the Education Department has a legal obligation to distribute them according to a set formula established by Congress. In July, 2025, funding for Title III was temporarily halted by President Trump. After Attorneys General from 27 states – including Oregon - sued the administration, the funding was released. However, questions remain about the future of federal funding for the education of English learners.

Funding for Talented and Gifted Education

The only source of federal government funding for talented and gifted education is the Jacob Javits Gifted and Talented Education Act. It provides grants to large-scale projects that educate talented and gifted students who are traditionally underrepresented: historically marginalized, low income, English language learners, and students with disabilities. The grant has not funded any projects in Oregon in this century.

State and Districts

Students with Disabilities

According to the American Institutes for Research[57], states differ in the degree to which they provide funding for special education services - ranging from Wyoming, which reimburses districts for most of their special education expenses to Arkansas, which only pays for part of the services needed by children with high-cost disabilities.

Oregon has 3 programs providing state funding for special education:

1. A weighted amount from the State School Fund (SSF). Each student receiving special education services is counted as two students for each student up to 11% of a district's total enrollment. It so happens that 16% of Oregon students needed special education services in 2023-24. So many students receiving special education services in Oregon fall outside of the funding cap. A district may request a waiver to get additional funds. In 2022-23, 167 districts applied for waivers, and 151 were successful.

   Unfortunately, the waivers only provide 40% as much funding for the number of students above the 11% funding cap as for students below the cap. This means that schools are trying to meet the needs of more than 12,000 students with IEPs without any additional funding from the SSF.

   Oregon is one of only seven states with a funding cap[58], and our cap is the lowest.

2. High-Cost Disability Fund (HCDF): Districts can apply for HCDF if it costs more than $30,000 per school year to educate a specific student. For instance, students with severe autism, cerebral palsy, or multiple disabilities require the most intense services. Unfortunately, in 2022-23, only 41% of eligible district expenditures were reimbursed. Districts receive differing amounts of HCDF funding. with more funding going to rural districts and districts experiencing poverty. The percentage of high-needs students grew the most from school year 2018-19 to 2022-23.

3. Oregon's Education Service Districts (ESDs) get 5% of the total State School Funding for special

education each biennium. Some of that is passed through to school districts, and some is retained by the ESDs. For instance, in small rural districts, it is more cost effective for some teachers to be hired by the ESD to serve students in more than one district.

On the other side of the coin – spending - there are large differences in spending among districts, reflecting higher labor costs in some locations and poverty in others. The American Institutes for Research (AIR) noted[59] that districts experiencing the most poverty in the state spent $5,830 less for each student with disabilities than the highest income districts.

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Based on these data, AIR had three recommendations for policymakers:

1. Revise the existing SSF special education funding weight to:
   a. recalibrate the current single weight used in the SSF calculation to reflect the change in average additional expense of providing special education services,
   b. establish multiple weights that provide more funding for students with increasingly higher levels of need.
2. Eliminate the state's funding cap. It would be more efficient and potentially more equitable for the state to allocate funding using multiple weights that account for differences in costs of serving students with disabilities of varying levels of need. This approach would also be more predictable for both state and district budgeting.
3. Consider additional appropriations to meet the need for additional funding from the HCDF. Alternatively, if the state established a system of multiple weights, larger weights could be used to provide additional funding for moderate- and high-need students.

English Language Learners

In Oregon, districts receive half again as much for educating English Learners as they do for students with no exceptional needs. In addition to paying for instruction and interventions, these funds can be used for other supports such as interpretation services or transportation.

Researchers at the Learning Policy Institutefound[60] that "for the 2023– 24 school year, 49 states provide separate, additional funding for students who are English learners on top of base funding for schools. Thirty-three states funded EL students through an additional weight in their funding formula, with weights ranging from a high of 2.49 (249% additional funding) in Vermont to a low of 0.025 (2.5%) in Utah, with a median weight of 0.25 (25%)."

A 2020 study conducted by researchers at the University of Oregon[61] noted the importance of recognizing individual differences among English learners. For instance, most newcomers have low English proficiency

levels, and refugees may have a variety of acute needs due to trauma they have experienced.

In addition, the education of ELs has been characterized as a "revolving door" (Hopkins et al. 2013 [62]), with high proficiency students leaving the program and low proficiency students entering. States vary in the degree to which they consider individual differences when funding EL education. Eleven states use different weights[63], for instance, North Dakota and Ohio allocate more funding to educate students with less proficiency. It might be that Oregon should consider weighting the funding to account for differences among EL students.

In 2024, Chow reported[64] that Oregon was paying less per student for EL learners than other states. This could be because this population has grown in recent years, so it is difficult to know exactly how much is needed.In 2018-19, 8.9% of Oregon K-12 students were classified as current ELL. But this percentage grew to 11.5% in 2023-24

Talented and Gifted

There is no federal funding for talented and gifted education in Oregon. The only state funding for TAG has been $350,000 per biennium for one full-time TAG Specialist and one half-time administrative support position at the Department of Education. The fund also supports the responsibilities of the TAG specialist, such as office expenses, travel to districts, TAG corrective action monitoring and support, and response to parent and district requests for information.

Overall, between the 2004-5 school year and the 2022-23 school year, per capita TAG spending increased by only 36 cents, while per capita expenditures increased by $2,374 for English language learners, and by $9,906 for Special Education learners. These figures are not adjusted for inflation.

The minimal state funding of the TAG program, including associated staff positions, was totally eliminated in the spending cuts recommended in November 2025 by the Oregon Department of Education for the 2025- 2057 biennium.

Predictably, districts differ widely in the degree to which they fund TAG – ranging from no funding in 101 districts to $2939 per student in Morrow.[63]

Disinvestment in the education of talented and gifted students resulted in 5000 fewer TAG students being identified in Oregon in 2023-24 compared to 2004-5, and the Nation's Report Card[66] finds that Oregon trails the national average in the percentage of fourth and eighth-grade students performing at an advanced level in math and in reading.

The fact that Oregon does not seem to value the education of talented and gifted students has long-term negative repercussions for the state. Longitudinal research[67] studying 320 gifted students has shown that acceleration or receiving special programs is related to higher educational, vocational, and creative achievements after graduation. A subsequent study[68] of 203 of the students at the age of 38 showed that 44% held doctoral degrees (compared to 2% of the general U.S. population). Oregon appears to be missing an educational opportunity.

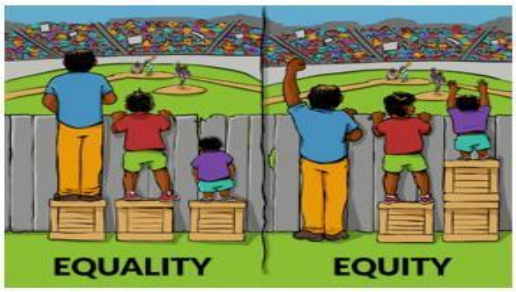
Accountability

Accountability for Federal Funding:

Students with Disabilities

The future of federal accountability for the education of exceptional learners seems to be uncertain. In 2025, the primary consideration of the Federal Government's focus on accountability for IDEA funds appears to relate to their definition of equal rights as opposed to equitable funding. At the time this report is

being written, programs which value diversity, equity, and inclusion seem to be in jeopardy of losing federal funding



"Interaction Institute for Social Change | Artist: Angus Maguire."

Furthermore, at the current time, the infrastructure which had been created for accountability to the federal government is being dismantled. On Oct. 10, 2025 the positions of most of the special education experts inthe Office of Special Education Programs (OSEP) were terminated[69], and though some of these terminations were halted by a federal judge, very few individuals remained to administer IDEA funding and oversee state compliance through the Department of Education (DOE). In the middle of November, 2025, many of those federal workers were reinstated, but only until January 30, 2026.

According to a position statement by the Council for Exceptional Children[70] (CEC), "Federal oversight ensures states and districts fulfill their legal obligations under IDEA. If a state fails to comply, the federal government can withhold funding or take corrective action. Without federal mandates and oversight, states could adopt widely varying special education policies, resulting in significant disparities in the services students receive. IDEA ensures that students receive a consistent standard of education and support, no matter where they live."

Below is a table from a fact sheet created by the CEC[71] which describes the fallout from losing OSEP.

Function	What Suffers?	Consequences
Grant Oversight & Management	Without personnel to review grant applications, monitor expenditures, and ensure compliance, funds may be delayed, misallocated, or misused	States and districts may lose access to vital funding, increasing the risk of misallocation or ineffective use of funds
Monitoring and Enforcement	States may not be subject to strict monitoring, which means that instances of noncompliance could go unnoticed or remain unaddressed.	Students might be denied their rights under IDEA without resources or notice.
Technical Assistance & Capacity Building	National centers, training programs, and resources may lose funding or support.	States, districts, and schools will struggle to implement evidence based practices, potentially leading to a decline in quality services and ineffective use of resources.

Function	What Suffers?	Consequences
Data Collection, Reporting, & Transparency	The delivery of timely and accurate data to Congress, the public, and stakeholders will be significantly impeded or halted entirely.	There are no visible metrics to assess how well children with disabilities are served, resulting in a loss of accountability for families.
Specialized Oversight	Organizations like the Described Captioned Media Program and the American Printing House for the Blind may lose federal oversight and coordination.	Programs designed for individuals with sensory disabilities may face reductions in support, potentially leading to a decline in quality or loss of resources.
Legal & Regulatory Guidance	Families, states, and schools will not have current clarifications, memos, or "Dear Colleague" letters interpreting new issues or nuances in IDEA.	Districts, schools, educators, and families will experience greater confusion, litigation, and inconsistent practices across states.
Equity & Civil Rights Safeguards	Disproportionality oversight could become insufficient, allowing systemic discrimination to go unaddressed.	Historically marginalized groups will face a greater risk of having their rights violated and their needs unmet.

Plans for housing OSEP are also uncertain. The Administration has announced that it plans to move the agency to Health and Human Services. Educators have expressed concerns [72] that educational services will be lost if special education is treated as an issue of healthcare. Congress is required to approve the move, and some Senators have signaled that they too oppose the shift.[73]

In addition, the Office of Civil Rights (OCR) in the Department of Education cut hundreds of employees in March of 2025 and closed seven out of 12 offices. Among other things, OCR receives complaints about discrimination from parents. Faced with a huge backlog of complaints, some of the OCR employees were ordered to return to work in the middle of December[74], though the administration insists that it still intends to downsize the office.

In Oregon, K-12 civil rights complaints can be filed with a school district or with the Oregon Department of Education.

In August 2025, the U.S. Department of Education proposed dropping a requirement that states identify and address racial inequities in special education[75] Public comments strongly opposed this action, saying that this accountability measure provides important transparency.

State and District Accountability: Students with Disabilities

According to the Oregon Department of Education (ODE)[76], "Oregon's General Supervision Framework incorporates "Integrated monitoring activities, including but not limited to, district, and program self-assessment, data collection, analysis and reporting, on- site visits, review of policies and procedures, review of the development and implementation of Individualized Educational Programs (IEPs) Individualized Family Service Plans (IFSPs), improvement planning, corrective action, and auditing federal fund use…Oregon's framework includes the means for corrective action planning and follow-up tracking of the correction and improvement. The state encourages program improvement for students experiencing disabilities through improvement planning and through incentivizing the inclusion of students experiencing disabilities in broader district improvement planning."

Annual accountability:

Each local education agency (LEA) is monitored annually as part of the ODE review process determining their eligibility for IDEA grants. Data are collected for child counts, disability categories, educational settings, and fiscal compliance.

In addition, each LEA submits an annual fiscal audit to ODE.

Further, each year the Office of Enhancing Student Opportunities (OESO) conducts a risk assessment for each LEA: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. These determinations are based on factors including secondary transition, disproportionate representation by race or ethnicity, fiscal risk, assessment results, post-school outcomes, staff qualifications, and others.

Cyclical accountability

Programs are also monitored every three years through either a self-assessment which is verified by OESO or through a process directed by OESO. These reviews may include policy & procedure reviews, classroom observations, staff interviews, and focus groups. They focus on at least two priority areas, including

- Least Restrictive Environment
- Individualized Education Programs
- Free Appropriate Public Education
- Discipline
- Transition to high school
- An OESO emergent or emergency priority area.

The cycle begins with a review of data disaggregated by race, ethnicity, disability category, and gender. Each LEA reviews a sample of their student files, ensuring that certain types of students are represented in the sample.

Focused monitoring

In addition, 3-5 districts identified as needing substantial Intervention and those which do not submit reports must participate in focused monitoring activities. When OESO determines that an LEA is not complying with an accountability activity, the LEA is given up to one year to correct the problem. If a problem is not resolved in that time, OESO will provide technical assistance and may impose special conditions on an LEA's IDEA grant. With this system in place, according to the State Performance Plan/Annual Performance report for fiscal year 2023[77],"Graduation rates improved and dropout rates decreased, with 72.2% of students with disabilites exiting special education by graduating with a regular diploma in FFY 2023, an increase over 66.91% o\

students in FFY 2022. Another notable success was that the percentage of students with IEPs compliant concerning all secondary transition standards increased by 8% from FFY 2022. Data reported regarding assessment confirm the need for Oregon to continue focusing efforts on increasing outcomes for students experiencing disability."

Of course, with severely decreased staffing at the U.S. Department of Education and uncertainty about how IDEA grants will be funded, it is unclear whether annual reporting will continue

With severely decreased staffing at the U.S. Department of Education and uncertainty about how IDEA grants will be funded, it is unclear whether annual reporting will continue.

Accountability in Oregon: English Language Learners

School districts are required to report annually regarding allocations and expenditures for English language learner programs, including student demographics and progress.

According to the 2025 English Learners in Oregon report[78] (based on 2023-24 data) "Fewer than 10 percent of current English Learners meet state standards in English Language Arts or Mathematics, and their regular attendance and on-time graduation rates lag considerably behind those of other student groups. It is worth remembering that the federal definition of English Language Learners states difficulties in English may impede their assessment performance

Furthermore, English learners remain underrepresented in Talented and Gifted (TAG) programs and are more likely to receive modified diplomas, signaling inequities in both access and expectation. Another key concern is the overrepresentation of English learners in special education, raising questions about accurate identification practices."

However, a publication by the Institute of Education Sciences[79] citing Oregon educators noted that it is misleading to determine accountability based solely on the test scores of current EL students. This ignores the performance of students who tested out of the program with proficiency in reading, writing, listening, and speaking English. For instance, according to the annual English Learners in Oregon report[80], in 2024, only 68% of the students enrolled as EL learners in high school graduated, as opposed to 87.8 percent of students formerly enrolled. The graduation rate for all students in Oregon was 81.8%.

Accountability in Oregon: Talented and Gifted

Currently, Oregon has an unfunded mandate for districts to provide Talented and Gifted education. Legislation passed in 2025 purported to require a stronger focus on K-12 school accountability in general in Oregon. However, the bill did not mention the need for holding talented and gifted programs accountable. In fact, in 2022 the Oregon State Board of Education wrote that "lack of access to programs for academically gifted and high-achieving students does not constitute an academic disparity." This model reflects the state's focus on helping students to reach a basic level of proficiency while not prioritizing the needs of all students, including talented and gifted – to reach their potential. In 2024 the percentage of Oregon students performing at an advanced level in math and in reading is below the national average according to test results from a sample of districts by the National Assessment of Educational Progress[81]

How Exceptional Learners Affect State Test Scores

Recently, politicians and the media have expressed concerns[82] about declining student scores on high- stakes tests. Of course, this could be attributed in part to the inappropriate use of tests (measures of growth would be preferable to summative scores on high-stakes tests[83]). In addition, Wycoff[84] has observed that lower scores could be impacted in part by factors such as better methods of identifying students with special needs and increasing numbers of current EL learners. In Oregon, the number of high-needs special education students increased by 27.6% in the five years leading up to 2022-23.The number of foreign-born residents in Oregon grew from 289,702 in 2000 to approximately 407,000 in 2023. Almost eleven percent of students in Oregon are current English Learners. At the same time, the state is withholding educational support from TAG students.

Conclusion:

This report defines Exceptional Students as those with disabilities, talented and gifted students, as well as English language learners. By law, these students need services in addition to those provided to mainstream students. With the dismantling of the Department of Education, traditional sources of funding and requirements for accountability are not guaranteed.

Although the state recognizes that services SHOULD be provided for each of the populations, Oregon is not currently appropriating enough money to provide the education promised by the state to all students with disabilities. Nor is there ANY state OR federal funding being allocated to districts in Oregon for the education of talented and gifted students. Oregon is paying less per student for EL learners than other states. This could be because this population has grown in recent years, so it is difficult to predict exactly how much will be needed.

Federal funding requires that districts implement evidence-based or scientifically-based instructional practices, which have been shown to affect learning. And yet, these practices may not be effective unless teachers are provided professional development and support to adapt the practices to the students in their classrooms.

Acronyms

CEC – Council for Exceptional Children

DOE – Department of Education (federal)

EBP – Evidence-Based Program/Practice

EL-English Learner

ELL- English Language Learner

ESD-Education Service District

ESEA – Elementary and Secondary Education Act

ESSA = Every Student Succeeds Act

FAPE- Free and Appropriate Public Education

FFY-Federal Fiscal Year

GAO-Government Accounting Office

Gen Ed- General Education (aka Regular Education or Mainstreamed)

HCDF-High Cost Disability Fund

IDEA – Individuals with Disabilities Education Act

IEP-Individualized Education Plan

OFS{=Omdovodia;ozed Family Service Plan

LEA – Local Education Agency

OAR – Oregon Administrative Rule

OAS – Oregon Administrative Standard

OCR – Office of Civil Rights

ODE – Oregon Department of Education

OESO – Office of Enhancing Student Opportunities

OSEP – Office of Special Education Programs (federal)

SSF – State School Fund

STEM – Science, Technology, Engineering, Math

SOU – Southern Oregon University

SPED – Special Education

TAG – Talented and Gifted

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