

<b>DATE:</b>	October 12, 2023
<b>SUBJECT:</b>	Bilingual Education Exceptions and ESL Waivers
<b>CATEGORY:</b>	Emergent Bilingual Support
<b>NEXT STEPS:</b>	Share with appropriate staff to ensure accurate filing of exceptions and waivers

The 2023-2024 Bilingual Education Exception/English as a Second Language (ESL) Waiver application, instructions, and additional resources, are now available on the [TEA Bilingual Exception and ESL Waiver Resources webpage](#).

All local educational agencies (LEAs), including all districts, charter schools, and districts of innovation, are required to identify and serve emergent bilingual (EB) students through bilingual education or ESL programs, per 19 Texas Administrative Code (TAC) §89.1205.

Pursuant to 19 TAC §89.1207(a)(1) and (b)(1), an LEA that does not have the appropriately certified teachers for their required bilingual education and/or ESL program(s) must apply to the Texas Education Agency (TEA) for a bilingual education exception and/or ESL waiver. The approval of an exception and/or a waiver shall be valid only during the school year for which it is granted. The application’s narrative responses require LEAs to explain how the students under the bilingual education exception and/or ESL waiver will temporarily be served with alternative methods to meet the students’ affective, linguistic, and cognitive needs and align as closely as possible to the required bilingual or ESL program.

LEAs that apply for a bilingual education exception and/or ESL waiver will complete the consolidated application form for the 2023-2024 school year. The consolidated application will require LEAs to complete both sections, Part 1 and Part 2 linked in this fillable PDF form.

- 1) **Part 1** is an Excel file with the LEA’s need for bilingual education exceptions and/or ESL waivers, with information including:
  - a. campus name;
  - b. affected grade levels;
  - c. teachers being placed under an exception/waiver;
  - d. the language of instruction in bilingual education programs; and
  - e. the number of students who will be served.
- 2) **Part 2** will require a narrative description of the following:
  - a. the alternative methods that will be closely aligned with the bilingual/ESL program and will meet the students’ needs.
  - b. an action plan that must include 3-5 documentable activities the LEA will complete during the year. The activities should:
    - i. demonstrate support for teachers seeking certification;
    - ii. reflect efforts to recruit certified teachers to the LEA; and
    - iii. strengthen program implementation by preparing teachers under the bilingual exception or ESL waiver to better serve the needs of the LEA’s EB students.
  - c. a comprehensive professional development plan, targeting the competencies needed to serve EB students. At least 10 percent of the total Bilingual Education Allotment (BEA) funds must be utilized to fund the professional development mentioned in the plan, regardless of whether the LEA is applying for a bilingual education exception, an ESL waiver, or both.

All applications are due on or before November 1, 2023. Both parts of the application, the

completed data submission (Excel file) and narrative responses (PDF), must be submitted to TEA as attachments to: [BilingualExceptions\\_ESLWaivers@tea.texas.gov](mailto:BilingualExceptions_ESLWaivers@tea.texas.gov). LEAs should anticipate communication from TEA staff in the weeks and months after submission for the following reasons: (a) a request for additional information is needed; (b) to discuss the action plan; supports and resources; and (c) for the final decision. Prior to filing a bilingual exception/ESL waiver, LEAs are encouraged to review the scenario chains for [bilingual programs](#) and [ESL programs](#) in order to calculate the need for an exception/waiver.

For answers to frequently asked questions, see the [Bilingual Exceptions/ESL Waivers FAQ](#). If you have additional questions or need additional information regarding bilingual education exceptions and/or ESL waivers, please contact the Emergent Bilingual Support Division at [Emergent BilingualSupport@tea.texas.gov](mailto:EmergentBilingualSupport@tea.texas.gov).