

THE CYCLICAL PROCESS FOR BILINGUAL EXCEPTIONS AND ESL WAIVERS MANUAL

Emergent Bilingual Support Division

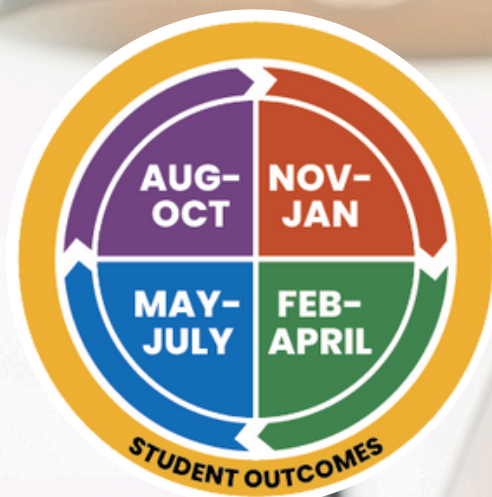






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High Impact of the Cyclical Process

The Texas Education Agency's (TEA) mission is for all students, including emergent bilingual (EB) students and students with special needs, enrolled in public schools to be college and career ready. The Emergent Bilingual Support Division's goal is to lead the state at the blueprint level for supports needed to bring intentionality and focus to properly equip our EB students on an individualized basis, because all students deserve access to the same programs and instruction that could lead to academic success.

All students are learning age/grade appropriate standards through content areas. Emergent bilingual students are leveraging their language and background assets to develop English and in bilingual programs their primary language to meet content mastery at all grade levels. Appropriately certified teachers are able to not only deliver high quality lessons that develop content and language but are equipped with second language acquisition practices that adds values to their toolbox in order to feel supported and ready to meet the affective, linguistic, and cognitive needs of all their EB students. Cardichon, Darling-Hammond, et al., (2020), state that fully certified and experienced teachers matter for student achievement, especially for students of color. Richman (2024) reported that a study conducted in Texas demonstrated students lose up to 4 months of learning when served by uncertified teachers.

When thinking of bilingual exceptions and ESL waivers in Texas schools, it is important to create a collective resolution to the current teacher shortage. Therefore, the Emergent Bilingual Support Division has developed a cyclical process in collaboration with stakeholders to create sustainable practices that will have systemic change in the way LEAs recruit, hire, retain and prepare teachers to better serve EB students and their families.

Purpose of Manual

This manual describes the cyclical process for bilingual exceptions and ESL waivers and aims to support campus and district leaders find innovative ways to recruit and retain the appropriate certified teachers serving emergent bilingual students in bilingual education environments. In addition, preparing and supporting teachers that are hired to serve EB students and are in the pathway to becoming bilingual or ESL certified during the current school year while under an approved bilingual exception or ESL waiver.

The manual describes each phase of the cycle and provides suggestions for key players to engage in ongoing collaboration to meet their action plan and roll out their comprehensive professional development plan for teachers under an exception or waiver. It provides actions of consideration along the way to ensure that instruction is

delivered with high quality and that EB students have little to no impact linguistically and academically through the process.

Statute and Rule

According to Texas Education Code (TEC) 29.054, an exception must be filed to the TEA for approval of alternative methods when the district is unable to hire sufficient teachers with appropriate certification in bilingual education instruction.

The application must provide:

- Documentation showing the district has taken all reasonable affirmative steps to secure appropriate certified teachers and have failed,
- Documentation showing the district has affirmative hiring policies and procedures consistent with the need to serve EB students,
- Documentation showing that, on the basis of district records, no teacher having a bilingual teaching certificate or emergency credentials has been unjustifiably denied employment the district within the past 12 months,
- A plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.

Bilingual Exception: Local Education Agencies (LEAs), including school districts, districts of innovation, and open-enrollment charter schools that are unable to provide the appropriately certified teachers to implement the bilingual education program must request from the commissioner of education an exception for the bilingual education program and approval to implement temporary alternative methods as per 19 TAC §89.1207(a).

ESL Waiver: Local Education Agencies (LEAs), including school districts, districts of innovation, and open-enrollment charter schools that are unable to provide the appropriately certified teachers to implement the ESL program must request from the commissioner of education a waiver for the ESL program and approval to implement temporary alternative methods as per 19 TAC §89.1207(b).

Key Principles

The temporary alternative methods during an approved exception and/or waiver require the implementation to be closely aligned to the required bilingual and ESL program when serving EB students in PK-12th. In addition, the temporary alternative methods should meet the affective, linguistic, and cognitive needs of EB students when served by a teacher not appropriately certified. The following principles are meant to guide

teachers, instructional coaches, EB specialists, curriculum leaders, campus and district administrators as they work collaboratively to develop accountable check points to help teachers become appropriately certified during the approved current school year. The principles are to ensure teachers under an exception or waiver have access to appropriate professional learning sessions that will prepare them to take the certification exam and become appropriately certified as well as equip them with the evidence-based practices needed to deliver high quality lessons using second language acquisition methods.

The cyclical process principles are based on stakeholder input from the 2021-2022 SY through the 2023-2024 SY engagement opportunities. Stakeholders are driven from theory, practice, and professional experience related to serving EB students and the high impact outcomes when teachers have the linguistic skills and the pedagogical practices to develop language and attain content in bilingual education programs. Lever 3: Staffing and Professional Development from the [program implementation resources](#), including the Texas Effective Dual Language Immersion Framework (TxEDLIF), Transitional Bilingual Education (TBE) Rubric, and English as a Second Language (ESL) Rubric, focuses on what district and campus leaders should do to proactively recruit staff, plan professional development, and make data-driven decisions aligned to program goals.

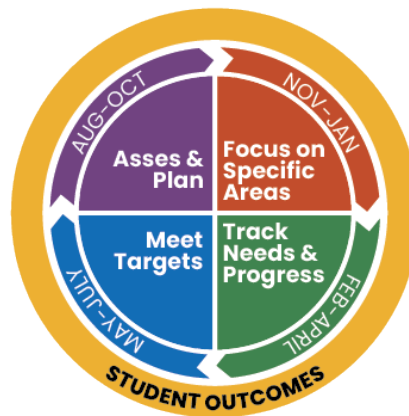
Principle 1: Access, Collaboration, and Planning leverages high quality instructional practices when serving EB students that focus on linguistic and academic outcomes to develop high-impact systems to meet the vision and mission of serving all students.

Principle 2: Focusing intentionally on high quality professional learning to address instructional delivery necessary to support EB students' language development and content attainment.

Principle 3: Tracking processes will identify teacher needs and student academic and linguistic outcomes to guide instructional practices in campus and district plans for high quality teaching and learning.

Principle 4: Meeting measurable targets provides the necessary accountability for all key players to ensure EB students are given access to opportunities to develop language and academic skills.

Figure 1: The Cyclical Process of Bilingual Exceptions and ESL Waivers



Note: Our goal is to impact educational outcomes for emergent bilingual students. Encourage collaboration among Human Resource Departments, Principals, District Leaders, Bilingual Departments, Finance Departments, and Teachers.

The Cyclical Process

To better serve emergent bilingual students, TAC Chapter 89.1207 provides bilingual exception and ESL waiver requirements for all Local Education Agencies (LEAs), which includes all school districts, districts of innovation, and open-enrollment charter schools. The purpose of filing an exception and waiver is to inform TEA of the needs for appropriately certified teachers in bilingual and ESL programs across the state. LEAs can use the filing of an exception and waiver as a year-long process of growth whether it be toward teacher certification or program implementation and improvement.

The cyclical process is intentionally broken down into quadrants to provide LEAs with incremental check points to monitor their current practices and progress in actively recruiting, hiring, and retaining appropriately certified teachers to serve EB students in bilingual and ESL programs effectively and eliminate the need to file for a subsequent year of alternative methods.

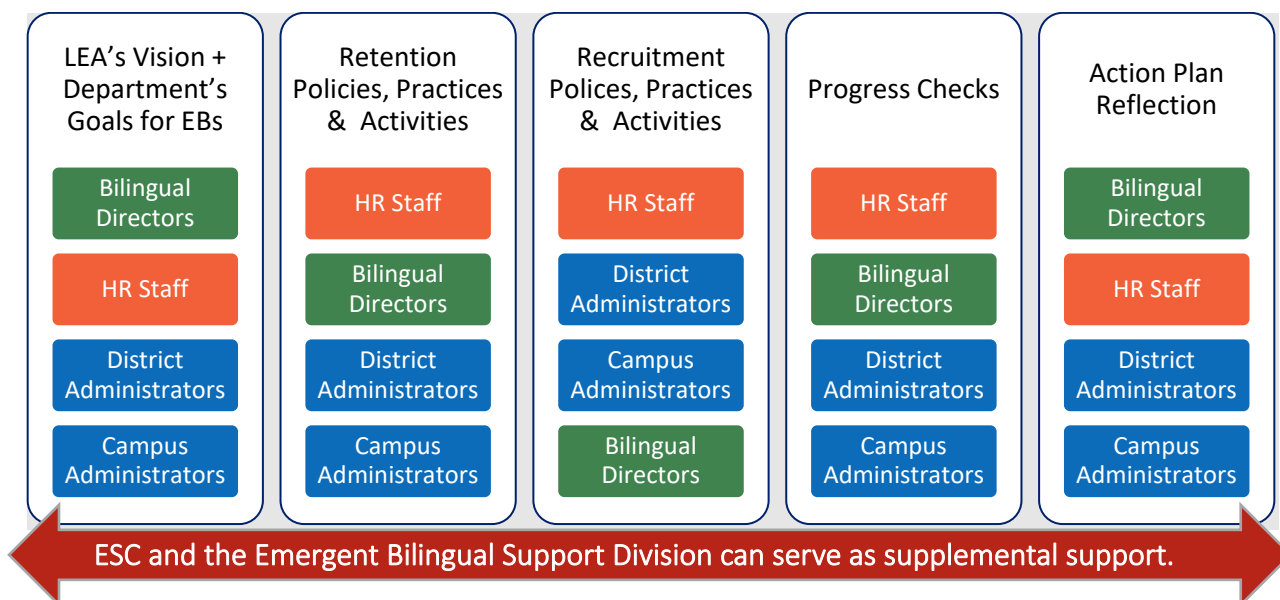
Each quadrant highlights key principles to allow key players to engage in collaborative conversations to support teachers and the EB students they serve. During each quarter, key players will find suggestions with a list of things to consider. The checklist is not an exhaustive list but rather an opportunity to reflect and strengthen practices that provide positive outcomes. Considerations may be recurring through the quadrants and hence making it a cyclical process.

A collective approach to:

- *Identifying* the teachers that will be placed under an exception or waiver,
- *Developing* a comprehensive professional learning plan to prepare teachers to become appropriately certified and have the second language acquisition skills to serve EB students,
- *Layering* support for teachers in various stages of their certification pathway,
- *Conducting* follow-up check-in points with campus leaders and teachers,
- *Monitoring* the success of the professional learning opportunities,
- *Progress monitoring* the academic and linguistic growth of EB students served by a teacher under an exception or waiver,
- *Tracking* effective recruiting and retention practices,
- *Keeping* families informed,
- *Building* a system of support for accountability of all key players.

Key Players

In response to the 87th legislative session of 2022, the EB support division team has partnered with Educational Service Centers (ESCs), campus and district leaders, teachers, and other stakeholders and engaged in dialogue on the agency's 5 calls to actions, one of which is to increase bilingual certified teachers. The cyclical process creates a need for LEAs to build systems for all stakeholders to cultivate a collaborative environment to support teachers that are not appropriately certified and serving EB students. Each key player has essential duties and responsibilities within their workstreams to enhance practice to recruit, hire, and retain appropriately certified teachers to serve EB students in bilingual education programs.



- **Bilingual department personnel** have the knowledge and skills to plan a comprehensive professional development plan in tandem with campus and district administrators. They work closely with Human Resources personnel to monitor progress and certification status.
- **Human Resources personnel** have the skills and opportunities to develop appropriate job descriptions that highlight the areas of certification needed for the bilingual/ESL vacancies. They work in tandem with the bilingual department to verify certification requirements. In addition, have an open line of communication with campus administrators to ensure they are posting job descriptions based on the need of the campus vacancies and creating a pool of possible candidates.
- **Campus administrators** have the most up to date status of the needs of their campus and are most appropriate to collaborate with human resources, bilingual

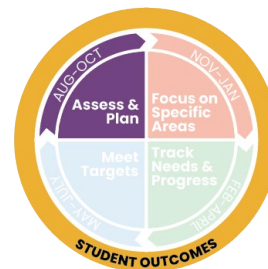
department and other district administrators to make PD accessible to their teachers in route to becoming appropriately certified. Campus administrators also observable data that informs teacher needs while instructing EB students.

- **Finance department personnel** are the most suitable to support the appropriate use of 10% of the BEA funds and continued conversations with all key players to inform fiscally responsible decisions.
- **Professional Development personnel** have access to coordinate professional development sessions, scheduling PD, and help with contracting services.
- **PEIMS personnel** are instrumental in collecting and entering data related to student records, attendance, and program participation.
- **Teachers** under bilingual exception or ESL waiver identify possible pathways to fulfill their preparation to move in the pathway to becoming certified. In addition, teachers recognize the additional PD and job-embedded support to deliver high quality lessons that target language development and content knowledge in all core content areas and closely aligned to the required bilingual/ESL program.

The Quadrants

August – October

Principle 1: Access, Collaboration, and Planning leverages high quality instructional practices when serving EB students that focus on linguistic and academic outcomes to develop high-impact systems.



- Access:
 - ✓ Review progress on the previous year's Action Plan
 - ✓ PEIMS coding to reflect the alternative methods
 - ✓ Data collection for the current year's application for exceptions and waivers
- Collaborate:
 - ✓ District and Campus Leaders
 - ✓ Human Resources
 - ✓ Bilingual Department
 - ✓ Professional Development
 - ✓ PEIMS
 - ✓ Principal, Assist. Principal, Instructional Support Staff
- Plan:
 - ✓ Comprehensive Professional Development Plan for classroom teachers who will be under a bilingual exception or ESL waiver using the 10% of the BEA funds
 - ✓ Teacher actions for accountability to their pathway to certification and serving EB students
 - ✓ Actively continue recruiting for appropriately certified teachers
 - ✓ Communication to families

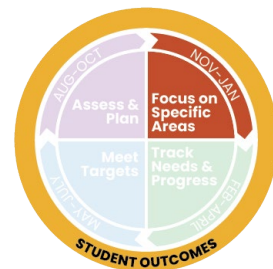
The Key Player Roles:

- Bilingual Department will:
 - Ascertain that all EB students are being placed with a Bilingually certified teacher at each campus
 - Collaborate with PEIMS and HR department to verify Bilingual teacher assignments
 - Collaborate with HR regarding teacher certification (i.e. permits, Alternative Certification, Certification Preparation trainings, etc.)
- Human Resources will:

- Ensure that all teachers assigned to a Bilingual classroom are bilingually certified
- Collaborate with campus administration, Bilingual Department and PEIMS to make sure that proper coding for Bilingual classroom assignments are updated
- Campus Principal will:
 - Ensure that all EB students are served by a Bilingually certified teacher
 - Collaborate with PEIMS department/clerk to run a report indicating that teachers assigned to a bilingual teaching assignment are coded as such
 - Collaborate with Bilingual Department and HR to assist non-appropriately certified teachers to prepare for certification and inquire about certification or Bilingual permit process
- Finance Department will:
 - Collaborate with Bilingual Department and Professional Development department to ensure that the Exceptions/Waivers 10% PD allotment is used as intended
 - Clarify with Bilingual and with Professional Development departments where the 10% allotment will be assigned to.
- PEIMS Department will:
 - Collaborate with Campuses, HR, and Bilingual Department to ensure that teachers servicing EBs are coded as such
- Teacher will:
 - Verify student rosters to ensure that if EB students are included, that they are served by a Bilingually certified teacher
- Professional Development Department
 - Collaborate with Bilingual Department and Finance to ensure that the Exceptions/Waivers 10% of the BEA allotment is used as intended

November – January

Principle 2: Focusing intentionally on high quality professional learning to address instructional delivery necessary to support EB students' language development and content attainment.



- Focus on specific areas with intentionality.
 - ✓ Determine the classrooms that have teachers in the pathway of becoming appropriately certified.

- What is the local district policy for teachers that are not appropriately certified?
- What are the local district retention policies?
- ✓ Plan for job postings for any vacancies and teachers that may not be in the pathway to becoming appropriately certified.
 - What are the current local district incentives to recruit, hire, and retain bilingual education teachers?
- ✓ Check progress for teachers serving EB students and students linguistic and academic impact.
 - What is the continuous comprehensive professional development plan and on-going job-embedded professional development for teachers under exceptions and waivers?
 - Does the professional development plan include teacher certification pathway preparation sessions as well as second language acquisition methods, including Content Based Language Instruction (CBLI) to deliver high quality lessons to develop language and content?

The Key Player Roles:

→ Bilingual Department will:

- Collaborate with campus principals to ensure that teachers under exception or waiver are scheduled and/or have attended the test preparation sessions the second language acquisition method, such as CBLI
- Monitor the delivery of test preparation and PD sessions,
- Ensure teachers have the necessary materials to prepare for test and or deliver lessons with CBLI methods
- Check-in with teachers and HR to track who has taken the test and passed or may need additional support
- Provide teachers with job-embedded support

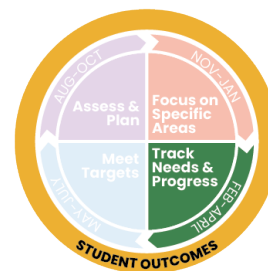
→ Human Resources will:

- Collaborate with campus administration, Bilingual Department to track the teachers taking certification tests
- Follow-up with teachers to ensure they know about registering for certification tests and to track outcomes
- Collaborate with Finance department to leverage any funding to reimburse teachers when they take and pass certification test
- Ensure that the action plan activities for recruiting, hiring, and retaining appropriately certified teachers are proactively calendarized and are being exercised

- Collaborate with campus administrators, Bilingual Department, and Finance department to participate in recruitment efforts, including Job Fairs, Conferences, Institutions of Higher Education
- Campus Principal will:
 - Monitor the linguistic and academic progress of EB students served a teacher under an exception or waiver
 - Monitor that the alternative methods are closely align to the required bilingual/ESL program
 - Collaborate with PEIMS department/clerk to run a report and update PEIMS code for students with teachers that passed the certification tests and have filed it with their content certificate to become appropriately certified
 - Continue to collaborate with Bilingual Department and HR to assist non-appropriately certified teachers as they prepare for certification
 - Ensure they support teachers under exception or waiver attend the professional development sessions to prepare for the certification test and receive CBLI practices
- Finance Department will:
 - Collaborate with Bilingual Department and Professional Development department to ensure that the Exceptions/Waivers 10% of BEA PD allotment is used as intended
 - Collaborate with HR department to continue tracking the effective use of the 10% of BEA funds to be used for teachers under exception or waiver prepare for certification and CBLI methods
 - Collaborate with Professional Development department on building capacity efforts with teachers that may teach in a bilingual or ESL classroom in subsequent years
- PEIMS Department will:
 - Collaborate with Campuses, HR, and Bilingual Department to ensure that teachers servicing EBs are coded as such
- Teacher will:
 - Verify student rosters to ensure that if EB students are coded appropriately
 - Monitor the linguistic and academic progress of students
 - Implement the alternative methods closely aligned to the required bilingual and/or ESL program
 - Ensure they are attending the professional development to prepare for the certification tests and learn CBLI methods
 - Calendarize when they will attempt the certification tests

February – April

Principle 3: Tracking processes will identify teacher needs and student academic and linguistic outcomes to guide instructional practices in campus and district plans.



- Track teacher needs and student linguistic & academic progress.
 - ✓ Follow-up with all teachers under an exception and waiver to identify any additional sessions they may need to prepare for the certification tests and practices that help them deliver effective lessons.
 - Determine the classroom needs for teachers and EB students.
 - Verify PEIMS coding is representative of the appropriate certified educator or alternate methods.
 - ✓ Check the progress of the comprehensive professional development sessions to ensure the data is meeting the action plan outcomes.
 - On-going collaboration from Human Resources, Finance Department, Bilingual Department, Campus leaders
 - Review progress of action plan goals stated on application and to structure upcoming goals.
 - ✓ Review student academic and linguistic data
 - Celebrate the successes.

The Key Player Roles:

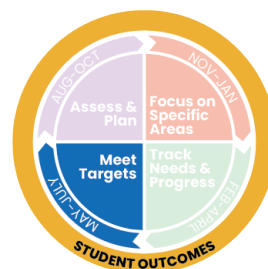
- Bilingual Department will:
 - Continue to collaborate with campus principals to ensure that teachers under exception or waiver are scheduled and/or have attended the test preparation sessions the second language acquisition method, such as CBLI
 - Monitor the action plan progress and the test preparation sessions based on the comprehensive professional development
 - Ensure teachers receive the necessary PD and job-embedded support for test preparation and delivery of CBLI methods
 - Review the feedback of PD sessions and review certification outcomes with HR department
- Human Resources will:
 - Continue to collaborate with campus administration, Bilingual Department to track the teachers taking certification tests and attending preparation sessions

- Follow-up with teachers on their progress to becoming appropriately certified
 - Collaborate with campus administrators to identify teachers that have become appropriately certified, and which job postings will be advertised to continue recruiting appropriate certified teachers
 - Monitor the progress of the action plan activities for recruiting, hiring, and retaining appropriately certified teachers to eliminate or reduce the need to file for exemptions and waivers in the subsequent years
 - Collaborate with campus administrators, Bilingual Department, and Finance department to plan any new recruitment efforts
- Campus Principal will:
- Monitor the linguistic and academic progress of EB students served by a teacher under an exception or waiver
 - Monitor that the alternative methods are closely align to the required bilingual/ESL program
 - Collaborate with PEIMS department/clerk to run a report and update PEIMS code for students with teachers that passed the certification tests and have filed it with their content certificate to become appropriately certified
 - Continue to collaborate with Bilingual Department and HR to assist non-appropriately certified teachers as they prepare for certification
 - Support teachers under exception or waiver attend the professional development sessions to prepare for the certification test and receive CBLI practices
- Finance Department will:
- Collaborate with Bilingual Department and Professional Development department to ensure that the Exceptions/Waivers 10% of BEA PD allotment is used as intended
 - Collaborate with HR department to continue tracking the effective use of the 10% of BEA funds to be used for teachers under exception or waiver prepare for certification and CBLI methods
 - Collaborate with Professional Development department on building capacity efforts with teachers that may teach in a bilingual or ESL classroom in subsequent years
- PEIMS Department will:
- Collaborate with Campus administrators, HR Department, and Bilingual Department to ensure that students are coded accordingly
- Teacher will:

- Verify student rosters to ensure that if EB students are coded appropriately based on program model and parental consent, and teacher certification
- Monitor the linguistic and academic progress of students
- Implement the alternative methods closely aligned to the required bilingual and/or ESL program
- Ensure they are attending the professional development to prepare them for the certification tests and learn CBLI methods
- Calendarize when they will attempt the certification tests and follow up with campus administrator and HR Department

May – July

Principle 4: Meeting measurable targets provides the necessary accountability for all key players to ensure EB students are given access to opportunities to develop language and academic skills.



- Meet measurable targets.
 - ✓ Measure certification success rate from the PD Plan,
 - ✓ Evaluate the tentative classroom allocations for the current and subsequent school years (student: teacher ratio, recruitment needs),
 - ✓ Progress Monitor the linguistic and academic growth of EB students served by a teacher under an exception or waiver,
 - ✓ Collaborate with Bilingual Department, HR Department, Campus Principals, Financial Officers, Academic and Curriculum team leaders to plan for upcoming school year based on the updated needs assessment for teachers and students,
 - ✓ Measure the success of your action plan's recruiting and retention goals.

The Key Player Roles:

→ Bilingual Department will:

- Continue to collaborate with campus principals to ensure that teachers under exception or waiver have completed their preparation PD and taken certification tests
- Measure the outcomes of teachers taking their certification tests to measure the success of the PD sessions

- Monitor the outcomes of the action plan and the comprehensive professional development
 - Continue to collaborate with HR Department to re-evaluate, a) the number of teachers under exceptions and waivers and b) the number of teachers that will need to be filed the following year
- Human Resources will:
- Collaborate with campus administration, Bilingual Department and verify the number of teachers that have completed their certification pathway
 - Follow-up with teachers that have not yet passed the certification test and any discuss next steps
 - Monitor the outcome of the current year's action plan activities for recruiting, hiring, and retaining appropriately certified teachers to eliminate or reduce the need to file for exemptions and waivers in subsequent years
 - Plan with campus administrators, Bilingual Department, and Finance department to plan any new recruitment efforts and identify areas of focus
- Campus Principal will:
- Monitor the year's linguistic and academic progress of EB students served by a teacher under an exception or waiver
 - Measure the impact of the alternative methods on the implementation of the bilingual/ESL program
 - Collaborate with PEIMS department/clerk to run a report and update PEIMS code for students with teachers that passed the certification tests and have filed it with their content certificate to become appropriately certified
 - Collaborate with Bilingual Department, HR Department, and PD Department to assess the need for the subsequent year to ensure a plan is in place for job postings, recruitment, and PD
- Finance Department will:
- Collaborate with HR Department, Campus Administrators, and Bilingual Department to track the use of 10% BEA funds to prepare teachers become appropriately certified
 - Evaluate what other funds can be leveraged to continue recruiting appropriate bilingual/ESL certified teachers (stipends, retention bonuses, sign-in bonuses, etc.)
 - Collaborate with Professional Development Department to plan continuous high quality professional learning plans for teachers serving EB students
- PEIMS Department will:
- Collaborate with Campus administrators, HR Department, and Bilingual Department to ensure that students are coded accordingly

→ Teacher will:

- Communicate with Campus Administrators, Bilingual Department, and HR Department on their certification status
- Monitor the linguistic and academic progress of students
- Ensure they have attended all required preparation sessions to become appropriately certified

Ongoing Collaboration and Accountability

The ongoing collaboration in the cyclical process provides all stakeholders with key practices to hold everyone accountable to ensure EB students are served through HQIM and delivery of high-quality instructional practices to be successful through their educational experiences. Having quarterly checkpoints keeps the vision and mission of the LEA at the forefront to ensure teachers have the tools to better serve EB students to become college and career-ready.

Filing November 1st

All LEAs file their bilingual exception and ESL waiver on November 1st of every year and report to the agency their need of appropriately certified teachers to serve their EB students in the required bilingual education program.

Things to consider when filing for a bilingual exception and/or ESL waiver:

- Request for an exception and/or waiver must be submitting the Bilingual Exception and ESL Waiver application on the agency TEAL Waiver Systems.
- Include a *Description of the Alternative Methods* that provide narrative responses to explain how the students under the bilingual exception and ESL waiver will temporarily be served with alternative methods to meet the students' affective, linguistic, and cognitive needs and aligned as closely as possible to the required bilingual and ESL program.
- An *Action Plan* with 3-5 measurable targeted activities planned for the current school year to recruit, hire, and retain appropriately certified teachers.
- A detailed *Comprehensive Professional Development Plan* assuring the use of a minimum of 10% of their BEA funds.

The Description of the Alternative Methods

Strategy of Implementation: Provide a brief description on how the proposed instructional environment with a temporary alternative language program code for the district's required bilingual education program will meet the affective, linguistic, and cognitive needs of EB students. Include a description of how the program may differ across campuses or grade levels.

Activity: (Describes the Instructional Environment)	Goal of this Activity:	Activity Completion Date: (The cyclical process and Key Player completing activity.)
	Affective:	August- October November – January February – April May - June
	Linguistic:	August- October November – January February – April May - June
	Cognitive:	August- October November – January February – April May - June

Action Plan

Targeted Recruiting Activities Planned for the Current School Year

Provide the district's action plan for the current school year. The plan should include 3-5 documentable activities the district will complete during the year.

The activities should:

- (1) demonstrate support for teachers seeking certification,
- (2) reflect efforts to recruit certified teachers to the district, and
- (3) strengthen program implementation by preparing teachers under the bilingual exception or ESL waiver to better serve the needs of the district's emergent bilingual students.

Annual Plan									
Activity:	Goal for the Activity:	Activity Tracking: (quarter from the cyclical process)				Person Responsible for Implementation:			
1.		Aug-Oct	Nov-Jan	Feb-Apr	May-July				
2.		Aug-Oct	Nov-Jan	Feb-Apr	May-July				
3.		Aug-Oct	Nov-Jan	Feb-Apr	May-July				
4.		Aug-Oct	Nov-Jan	Feb-Apr	May-July				
5.		Aug-Oct	Nov-Jan	Feb-Apr	May-July				

TEA TEAL Wavier Platform

The agency's yearly [State Wavier Guidebook](#) provides users a step-by-step process on how to obtain the appropriate credentials to log onto the TEAL platform and file for waivers, including the Bilingual Exception and ESL Waivers. All LEAs will file for an exception and/or waiver on the agency [TEAL platform](#) starting 24-25 school year. District representatives responsible to file waivers for the LEA will need the appropriate credentials to submit the application on the online platform every November 1st as needed. For additional information, see the Applying for TEAL Waivers Access in the Waiver Guidebook.



Texas Education Agency State Waivers Unit
512-463-9630
waivers@tea.texas.gov
tea.texas.gov/texas-schools/waivers/state-waivers

Evaluating the Bilingual/ESL Program Implementation

Program Evaluation and Comprehensive Professional Development Plan

Comply with the following reporting requirements by maintaining supporting documentation as described in this section when applying for a bilingual education exception, ESL waiver, or both.

Program evaluation documentation Include the following in the annual district report on educational performance of the bilingual education and/or ESL program, as described in TAC §89.1265(c). • the number of teachers for whom an exception or waiver was/is being filed, • the number of teachers for whom an exception or waiver was filed in the previous year who successfully obtained appropriate certification; and • the frequency and scope of a comprehensive professional development plan, implemented as required under 19 TAC §89.1207(a)(1)(D) or §89.1207(b)(1)(D), and results of such plan if an exception and/or waiver was filed in the previous school year.

District Report	
Number of teachers for current school year:	Number of teachers in the previous school year:
Under an Exception:	Under an Exception:
Under an ESL Waiver:	Under an ESL Waiver:

Ensuring Access to Opportunities: LPAC Guidance

Language Proficiency Assessment Committee (LPAC) is designated group of committee members as described in §89.1220 of this title (relating to Language Proficiency Assessment Committee) that ensures the appropriate identification, placement, assessment, services, reclassification, and monitoring of emergent bilingual students. The LPAC also meets in conjunction with all other committees related to programs and services for which an emergent bilingual student qualifies. The LPAC ensures that all Emergent Bilingual students' progress and outcomes are documented and discussed during LPAC meetings during each school year. It is critical that the LPAC monitors the linguistic and academic achievement data of all EB students in all classroom environments. Students being served by a teacher under an exception and waiver are to be closely monitored to document the impact while the teacher is in the process of becoming appropriately certified and learning second language acquisition practices with alternative methods closely aligned to the required bilingual/ESL program.

- **LPAC Guidance: Beginning of the Year** provides procedures for initial identification of students new to Texas public schools, transferring students from within Texas, transferring students from outside Texas, and transferring students with disabilities. Identification and recommendation of program placement are important to ensure that EB students are given access to the language programs to develop language and master content standards.
- **LPAC Guidance: Middle of the Year** provide procedures to make appropriate assessment decisions for EB students that include language of assessment for 3rd-5th grade, designated supports, and any other accommodations that give students the opportunity to best demonstrate their knowledge.
- **LPAC Guidance: End of the Year** provide procedures to evaluate the linguistic and academic achievement data for mastery of the current year STAAR and TELPAS standards of each EB student. The data will help LPAC determine if the student benefits for another year in language program or may be eligible to reclassify.

Conclusion

In conclusion, the Cyclical Process of Exceptions and Waivers is important when serving EB students in bilingual/ESL programs. Effective teaching and learning are integral for student readiness, especially for EB students that are acquiring English as they develop content area mastery. Appropriately certified teachers bring the pedagogical knowledge to deliver high-impact lessons that make content comprehensible for EB students while they develop language/s. Teachers in the pathway of becoming appropriately certified benefit from preparation certification sessions and about foundations of bilingual education to deliver second language acquisition practices during instruction to yield positive student outcomes. However, this is a year-round effort with multiple key players to ensure that teachers are given the necessary tools to successfully impact the educational experience of their students and families.

Resources

- [FAQ Hub: Bilingual Exceptions and ESL Waivers](#)
- [Bilingual Exception and ESL Waivers: Comprehensive Professional Development Plan](#)
- [Bilingual Scenario Chain](#)
- [ESL Scenario Chain](#)
- LPAC Guidance Documents: [Beginning of the Year](#), [Middle of the Year](#), [End of the Year](#)