Texas Education Agency - Emergent Bilingual Support Division
Bilingual Exception and ESL Waiver Application

Description: All 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 and/or ESL program** must request from the commissioner of education an exception for the bilingual education program and/or an ESL waiver for the ESL program and approval to offer temporary alternative methods as per 19 TAC §89.1207(a)(b). This is a provisional measure taken to report the current needs of the district and to specify the actions to be taken in order to secure the appropriately certified staff, provide training and support to the teachers under the exception/waiver, and to verify the implementation of a temporary alternative methods (alternative language program code) that will continue to meet the affective, linguistic, and cognitive needs of the emergent bilingual (EB) students and aligns as closely as possible to the required bilingual or ESL program. The district's bilingual/ESL program contact and/or Human Resources contact may complete and submit the exception/waiver application. Additionally, the application includes a verification that the superintendent has reviewed and approved the application.
All Applications are due on or before November 1st for the current school year.

District Name:	**District ESC:**
County District Number (CDN):	**Bilingual Education Exception:** Yes ☐ No ☐
Superintendent Name:	**ESL Waiver:** Yes ☐ No ☐
Email:	
Bilingual/ESL Contact Name:	**Human Resources Contact Name:**
Email:	**Email:**

The Bilingual Education Exception/ESL Waiver Application has two parts:
1. **Part 1** – District Information/Data Dashboard Application (Excel file)
2. **Part 2** – Alternative Methods (Alternative Language Program Code) and Recruiting Activities (fillable PDF)

Completed applications must be submitted to TEA with both attachments and emailed to BilingualExceptions_ESLWaivers@tea.texas.gov. The file names must follow this format: Full District Name (no abbreviations) + Bilingual Education Exception and/or ESL Waiver (as applicable). The files must not be converted to a zip file, nor the Excel file converted to a PDF.

For answers to frequently-asked-questions, see the Bilingual Exceptions/ESL Waivers FAQ. For additional questions or clarification regarding bilingual education exceptions and/or ESL waivers, please contact the Emergent Bilingual Support Division inbox at EmergentBilingualSupport@tea.texas.gov.

Bilingual Education Program (If not applicable, please type N/A)

What is/are your bilingual education program model(s) (DLI one-way, two-way or TBE late-exit, early-exit) you are implementing? If your district is implementing multiple bilingual program models, what is the rationale for this?			
☐ Dual Language Immersion (DLI) One-Way	☐ Dual Language Immersion (DLI) Two-Way	☐ Transitional Bilingual Education (TBE) Late-Exit	☐ Transitional Bilingual Education (TBE) Early-Exit
Grade levels:	Grade levels:	Grade levels:	Grade levels:
Number of Campuses:	Number of Campuses:	Number of Campuses:	Number of Campuses:
Rationale for implementing multiple bilingual program models			

English as a Second Language Program (if applicable, if not applicable please type N/A)

What is/are your ESL program model(s) you are implementing? If your district is implementing both program models, what is the rationale for this? And which student data elements were used to make this decision?			
☐ Content-Based ESL		☐ Pull-Out ESL	
Grade levels:		Grade levels:	
Number of Campuses:		Number of Campuses:	
Rationale for implementing both program models:			
Student data elements used to make this decision:			

Part 1: District Information /Data Dashboard Submission Application (Excel File)

This part of the Bilingual Education Exception/ ESL Waiver Application is an Excel File and includes color-coded sections for completion. *§89.1207 (a)(b)*

Tabs 1, 4, and 5: Complete if submitting a bilingual education exception, ESL waiver, or both.

Tab 2: Complete only if submitting a bilingual education exception.

Tab 3: Complete only if submitting an ESL waiver.

Note: If submitting for both a bilingual education exception and an ESL waiver, all sections of the application must be completed.

Part 2: Alternative Methods – Alternative Language Program Code and Recruiting Activities

Alternative Methods - Alternative Language Program Code and Recruiting Activities
WHAT IS AN ALTERNATIVE LANGUAGE PROGRAM (ALP) CODE?
Students under the bilingual education exception or ESL waiver will temporarily be assigned to participate in the alternative methods and apply an alternative language program code, and their instructional environment is as described in the district's application (part 2) for the current school year. Teachers providing core content instruction to students with the ALP code will be supported by the district's comprehensive professional development plan. The instructional environment for students with the ALP code must   - align as closely as possible to the district's required bilingual or ESL program in which the student is participating,   - meet the affective, linguistic, and cognitive needs of the emergent bilingual (EB) students); and   - Provide students the opportunity to master the essential knowledge and skills of the required curriculum, including TEKS for foundation and enrichment areas, the English language proficiency standards (ELPS), and college and career readiness standards (CCRS) [19 TAC §89.1207(a)(1)(B) and §89.1207(b)(1)(B)] as they develop effective literacy and academic language skills in the program primary language (when applicable) and English).
WHAT ARE THE APPLICABLE ALTERNATIVE LANGUAGE PROGRAM (ALP) PEIMS CODES?
The PEIMS Alternative Language Program Code Table will only be utilized if a district submits a bilingual education exception and/or an ESL waiver and must be used in combination with the appropriate PEIMS Parental Permission codes as described below. The Code Guide for Bilingual and ESL Program Association for Bilingual and ESL Program Association provides further details on how to appropriately use these codes for participating students.   - If the parent of an EB student approves placement of the student in the bilingual education program but the teacher is under a **bilingual education exception**, the student's Parental Permission Code is **E**, the Alternative Language Program Code is **01**, and the Bilingual Education and ESL Program Codes are **0**.   - If the parent of an EB student approves placement of the student in the ESL program but the teacher is under an **ESL waiver**, the student's Parental Permission Code is **J**, the Alternative Language Program Code is **02**, and the Bilingual and ESL Program Codes are **0**.

INSTRUCTIONS

- If applying for
  - a **bilingual education exception only**, complete sections 1, 3, and 4.
  - an **ESL waiver only**, complete sections 2, 3, and 4.
  - **both** a bilingual education exception and an ESL waiver, complete all sections.
- Save a copy of this form prior to submission. Maintain all supporting documentation at the local level.

Section 1: BILINGUAL EDUCATION EXCEPTION ALTERNATIVE LANGUAGE PROGRAM CODE
Complete this section if applying for a bilingual education exception.

FEATURES OF AN INSTRUCTIONAL ENVIRONMENT WITH A BILINGUAL EDUCATION EXCEPTION ALP CODE

The temporary alternative language program code for a district's required bilingual education program may describe an instructional environment with of **one or more** of the following scenarios:

- **Aligned to Intended Bilingual Program Model –** The teacher follows the district's language allocation plan for the intended bilingual program model, including **delivery of primary language instruction.** The district's intended bilingual education program model, aligned to [TAC §89.1210(c)], is provided by a teacher who is expected to obtain bilingual certification within the current school year.
- **Supplemental Primary Language Support** – In addition to one or more of the above program features, EB students receive additional primary language support from other educators, including paraprofessionals. This support may not be sufficient to mirror the intended bilingual program model but adds the element of primary language development to the other three instructional scenarios described above.
- **Aligned to ESL Content Based Program Model [TAC §89.1210(d)(1)]** – Emergent bilingual (EB) students receive all of their content instruction in English reading and language arts, mathematics, science, and social studies by a teacher(s) who hold(s) a valid classroom teaching certification appropriate for grade level and subject area as well as an ESL certification.

Note: Content-Based Language Instruction (CBLI) practices will be part of the instructional environment. EB students will receive all content area instruction in reading language arts, mathematics, science, and social studies by a teacher(s) who is/are trained in CBLI instruction/ sheltered instruction.

BILINGUAL EDUCATION PROGRAM USING AN ALTERNATIVE LANGUAGE PROGRAM CODE DESCRIPTION

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:
	affective:		_____ Aug – Oct
	linguistic:		_____ Nov – Jan
			_____ Feb – Apr
	cognitive:		_____ May – Jul

SECTION 2: ESL WAIVER ALTERNATIVE LANGUAGE PROGRAM CODE
Complete this section if applying for an English as a second language (ESL) waiver.

FEATURES OF AN ESL ALP CODE
The temporary alternative language program code for a district's required ESL program may consist of **one or more** of the following activities:

- **Content-Based Language Instruction** – Emergent bilingual (EB) students/English learners (ELs) receive all of their content instruction in English reading and language arts, mathematics, science, and social studies by a teacher(s) who is/are trained in content-based language instruction/sheltered instruction.
- **Supplemental ELD Support** – In addition to one or more of the above program features, EB students/ELs receive additional English language development (ELD) support from other educators, including paraprofessionals.

ESL PROGRAM USING AN ALTERNATIVE LANGUAGE PROGRAM CODE DESCRIPTION

Strategy of Implementation

Provide a brief description on how the proposed temporary alternative language program code for the district's required **ESL program** will meet the affective, linguistic, and cognitive needs of EB students/ELs. Be sure to describe how the program may differ across campuses or grade levels but ensure the linguistic and content needs of students are met.

Activity: (Describes the Instructional Environment)	Goal of this activity:		Activity completion:
	affective:		_____ Aug – Oct
	linguistic:		_____ Nov – Jan
			_____ Feb – Apr
	cognitive:		_____ May – Jul

Section 3: ACTION PLAN WITH RECRUITING ACTIVITIES
Complete this section if applying for a bilingual education exception, ESL waiver, or both.

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:	Person Responsible for Implementation:

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:
Exception:	Exception:
Waiver:	Waiver:

Comprehensive Professional Development Plan* (§89.1207 (a)(2)(c) (b)(2)(c)).
- o The comprehensive professional development plan should include
  - ▪ The use of the 10% from the BEA funds to provide targeted PD for the teachers under an exception or waiver
    - a. To prepare for the certification exam before the end of the school year
    - b. To equip them with second language acquisition practices and evidence-based strategies that positively impact EB student outcomes
    - c. To build capacity with other teachers that may serve EB students

Type of PD: Language Acquisition/ Second Language Acquisition Literacy and Biliteracy Development Certification Preparation	Goal of PD Type:	Teachers Required to Attend:	Completion and Outcome:

***Comprehensive Professional Development Plan**

TEA Contact information

BilingualExceptions_ESLWaivers@tea.texas.gov

LEA Acknowledgements

☐ We certify that we have completed this application accurately and to the best of our knowledge.

☐ We certify that the Action Plan includes measurable targets for this school year and, if applicable, that we have reviewed the Action Plan from last year in developing the measurable targets for this school year.

☐ We agree to support teachers under a bilingual education exception and/or ESL waiver.

☐ We agree that if the Commissioner of Education approves the requested waiver, we will follow our action plan and comprehensive development plan.

Bilingual Education Contact: _____   Human Resources Contact: _____

Date: _____   Date: _____

Signature: _____   Signature: _____

☐ By signing below, I agree that all of the appropriately certified teachers available in the district will be assigned to grade levels beginning with prekindergarten followed successively by subsequent grade levels to ensure effective early literacy development and meet the linguistic and academic needs of the school system's EB students, required by (19 §89.1207(a)(1)(C) and (b)(1)(C). I further agree that all teachers included in this application will receive the appropriate professional development to better serve the EB students at the school system in all instructional environments and will also receive preparation to become appropriately certified.

Date:

Signature of Superintendent: