

English as a Second Language (ESL) Waiver Scenario Chain



Is our district (including charters and districts of innovation) required to provide an ESL program?

We serve one or more identified Emergent Bilingual (EB) Students district wide.

No. Therefore, our district is not required to offer an ESL program.

Yes. Therefore, per TAC 89.1205 (c), our district is required to offer an ESL program, regardless of the number of EB students' and grade levels and primary language.

If our district has 20 or more identified Emergent Bilingual (EB) students with the same language background and in the same grade level district-wide, a bilingual program is required at the elementary grade levels per TAC 89.1205 (a). See the Bilingual Exception Scenario Chain.



State-Approved ESL Program Models

Goal For emergent bilingual students to attain full proficiency in English in order to participate equitably in school.

ESL Content-Based

Instruction Targeted English language development in all content area instruction [English language arts and reading (ELAR), mathematics, social studies, and science.

CBLI methods: Second Language Acquisition, Culturally and Linguistically Sustaining Practices, and Diversified Supports

ESL certified teacher(s) in all content areas

ESL Pull-Out

Targeted English language development in English language arts and reading (ELAR)

CBLI methods: Second Language Acquisition, Culturally and Linguistically Sustaining Practices, and Diversified Supports

ESL certified teacher(s) in English language arts and reading

Pull-out or inclusionary delivery model



Over-Arching Questions to Inform Individual Emergent Bilingual Student Program Services

- How are the EB Students being supported in ELAR instruction?
- How are ESL teachers coordinating services with content teachers?
- How are the EB students being supported in all content area instruction?

Continue to [Serving EB Students in **Elementary** levels](#)

Continue to [Serving EB Students in **Secondary** levels](#)

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**Do we have appropriately certified teachers in elementary levels serving all our EB students?
Will an ESL Waiver need to be filed?**

ESL Programs at Elementary

Classroom Type	Teacher Certifications	ESL Waiver Needed*	Implemented Program Model	PEIMS Program Code**	PEIMS Parent Permission Code
Self-contained (one teacher for all content) at any grade level beginning in Pre-K	<ul style="list-style-type: none"> Certified in content/grade level; and Certified in ESL 	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program
	<ul style="list-style-type: none"> Certified in content/grade level; NOT certified in ESL; and EBs receive English Language Arts and Reading (ELAR) instruction by a teacher certified in ESL and ELAR through co-teaching (push-in) or through an additional ESL/ELAR class 	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	or A: Parent Denied Bilingual Program and Approved ESL
	<ul style="list-style-type: none"> Certified in content/grade level; and NOT certified in ESL 	Yes	Temporary Alternative Methods as described in district's ESL Waiver application that may include, but is not limited to, CBLI training	ESL: 0 BE: 0 ALT: 02	J: Parent Approved ESL, but the district*** is implementing temporary alternative methods approved by TEA due to the district's submission of an ESL Waiver for the current school year
Departmentalized (two or more teachers for all content) at any grade level beginning in Pre-K	<ul style="list-style-type: none"> Both/all certified in content/grade level; and Both/all certified in ESL 	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program
	<ul style="list-style-type: none"> Both/all certified in content/grade level; ELAR teacher certified in ESL; and NOT all other content area teachers of EBs certified in ESL 	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	
	<ul style="list-style-type: none"> Both/all certified in content/grade level; ELAR teacher NOT certified in ESL; NONE or some of other content teachers of EBs certified in ESL; and EBs receive ELAR instruction by a teacher certified in ESL and ELAR through co-teaching (push-in) or through an additional ESL/ELAR class 	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	or A: Parent Denied Bilingual Program and Approved ESL
	<ul style="list-style-type: none"> Both/all certified in content/grade level; ELAR teacher NOT certified in ESL; All other content area teachers (math, science, social studies) of EBs certified in ESL; and EBs receive ELAR instruction by a teacher certified in ESL and ELAR through co-teaching (push-in) or through an additional ESL/ELAR class 	No	Content-Based	ESL: 2 BE: 0 ALT: 00	J: Parent Approved ESL, but the district*** is implementing temporary alternative methods approved by TEA due to the district's submission of an ESL Waiver for the current school year
	<ul style="list-style-type: none"> Both/all certified in content/grade level; NONE or some content teachers certified in ESL; and ELAR teacher NOT certified in ESL 	Yes	Temporary Alternative Methods as described in district's ESL Waiver application that may include, but is not limited to, CBLI training	ESL: 0 BE: 0 ALT: 02	

* Submitting an ESL waiver is based on meeting minimum state requirements. District-level expectations may go beyond minimum state requirements.

** BE = Bilingual Program Code, ESL = English as a Second Language Program Code, ALT = Alternative Methods Code (only to be used when the district has filed a Bilingual Exception or English as a Second Language Waiver).

*** Local Education Agency (LEA)



Do we have the appropriately certified teachers in **secondary** levels? Will an ESL Waiver need to be filed?

Note: Particularly at the secondary level, it is important to consider each emergent bilingual student’s schedule individually to determine if appropriately certified teachers are provided.

ESL Programs at Secondary

ESL Support in English Language Arts & Reading	Teacher Certifications in Other Content Areas (Math, Science, Social Studies) <i>(Applies to teachers serving EBs)</i>	ESL Waiver Needed	Implemented Program Model	PEIMS Program Code	PEIMS Parent Permission Code
<ul style="list-style-type: none"> ELAR teacher(s) of EB certified in ELAR/grade level; and Certified in ESL 	<ul style="list-style-type: none"> All other content teachers of EB certified in content/grade level; and All other content teachers of EB certified in ESL 	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program
	<ul style="list-style-type: none"> All other content teachers of EB certified in content/grade level; and NONE or NOT all other content teachers of EB certified in ESL 	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	
<ul style="list-style-type: none"> ELAR teacher(s)⁴ of EB certified in ELAR/grade level; ELAR teacher(s) of EB NOT certified in ESL; and ESL certified teacher co-teaches with ELAR teacher of EB (push-in) 	<ul style="list-style-type: none"> All other content teachers of EB certified in content/grade level; and All other content teachers of EB certified in ESL 	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program
	<ul style="list-style-type: none"> All other content teachers of EB certified in content/grade level; and NONE or NOT all other content teachers of EB certified in ESL 	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	
<ul style="list-style-type: none"> ELAR teacher(s)⁴ of EB certified in ELAR/grade level; ELAR teacher(s) of EB NOT certified in ESL; and EL receives ELAR instruction by a teacher certified in ESL and ELAR through an additional ESL/ELAR class 	<ul style="list-style-type: none"> All other content teachers of EB certified in content/grade level; and All other content teachers of EB certified in ESL 	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program
	<ul style="list-style-type: none"> All other content teachers of EB certified in content/grade level; and NONE or NOT all other content teachers of EB certified in ESL 	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	
<ul style="list-style-type: none"> ELAR teacher(s)⁴ of EB certified in ELAR/grade level; ELAR teacher(s) of EB NOT certified in ESL; and EL receives no additional ELAR instruction by a teacher certified in ESL through co-teaching (push-in) or an additional ESL/ELAR class 	<ul style="list-style-type: none"> All other content teachers of EB certified in content/grade level; and NONE, some, or all other content area teachers of EB certified in ESL 	Yes	Temporary Alternative Methods as described in district’s ESL Waiver application that may include, but is not limited to, sheltered instruction training	ESL: 0 BE: 0 ALT: 02	J: Parent Approved ESL, but the district/LEA is implementing temporary alternative methods approved by TEA due to the district’s submission of an ESL Waiver for the current school year

- If ELAR TEKS are split among two teachers (such as one teaching Language Arts TEKS and one teaching Reading TEKS to provide the total required curriculum), both the Language Arts teacher and the Reading teacher of ELs would need to be ESL certified if no other ELAR instructional support is provided by an ESL teacher through co-teaching (push-in) or through an additional ESL/ELAR class.
- Submitting an ESL waiver is based on meeting minimum state requirements. District-level expectations may go beyond minimum state requirements.
- BE = Bilingual Program Code, ESL = English as a Second Language Program Code, ALT = Alternative Methods Code (only to be used when the district has filed a Bilingual Exception or English as a Second Language Waiver).
- Teachers who teach ESOL I or ESOL II must be appropriately ELAR and ESL certified per TAC §231.123.