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 have one or more identified English learners (ELs) 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 students' grade levels and primary language, and regardless of the number of such students.

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

⬇

Which state-approved ESL program model do we offer?

ESL Programs	
ESL Content-Based	**ESL Pull-Out**
Goal	
Full proficiency in English to participate equitably in school	
Instruction	
• Targeted English language development in all content area instruction [English language arts and reading (ELAR), mathematics, science, and social studies] • Linguistically and culturally responsive teaching • ESL certified teacher(s) in all content areas	• Targeted English language development in English language arts and reading (ELAR) • Linguistically and culturally responsive teaching • ESL certified teacher(s) in English language arts and reading • Pull-out or inclusionary delivery model

⬇

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

Over-Arching Questions to Inform Individual English Learner Program Services

How is the EL being supported in ELAR instruction?

How are ESL teachers coordinating services with content teachers?

How is the EL being supported in all content area instruction?

⬇

Elementary Levels:
Continue to page 2

Secondary Levels:
Continue to page 3

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

ESL Programs at Elementary					
Classroom Type	Teacher Certifications *(Applies to teachers serving ELs)*	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	• Certified in content/grade level; and • Certified in ESL	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program or A: Parent Denied Bilingual Program and Approved ESL
	• Certified in content/grade level; • NOT certified in ESL; and • ELs 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	
	• Certified in content/grade level; and • NOT certified in ESL	Yes	Alternative Language Program 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 (Local Education Agency-LEA) is implementing an alternative language program 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	• 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 or A: Parent Denied Bilingual Program and Approved ESL
	• Both/all certified in content/grade level; • ELAR teacher certified in ESL; and • NOT all other content area teachers of ELs certified in ESL	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	
	• Both/all certified in content/grade level; • ELAR teacher NOT certified in ESL; • NONE or some of other content teachers of ELs certified in ESL; and • ELs 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	
	• Both/all certified in content/grade level; • ELAR teacher NOT certified in ESL; • All other content area teachers (math, science, social studies) of ELs certified in ESL; and • ELs 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	
	• Both/all certified in content/grade level; • NONE or some content teachers certified in ESL; and • ELAR teacher NOT certified in ESL	Yes	Alternative Language Program 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 an alternative language program approved by TEA due to the district's submission of an ESL Waiver for the current school year

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

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

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 English learner's schedule individually to determine if appropriately certified teachers are provided.

ESL Programs at Secondary					
ESL Support in English Language Arts & Reading[1]	Teacher Certifications in Other Content Areas (Math, Science, Social Studies) (*Applies to teachers serving ELs*)	ESL Waiver Needed[2]	Implemented Program Model	PEIMS Program Code[3]	PEIMS Parent Permission Code
• ELAR teacher(s)[4] of EL certified in ELAR/grade level; and • Certified in ESL	• All other content teachers of EL certified in content/grade level; and • All other content teachers of EL certified in ESL	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program
	• All other content teachers of EL certified in content/grade level; and • NONE or NOT all other content teachers of EL certified in ESL	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	
• ELAR teacher(s)[4] of EL certified in ELAR/grade level; • ELAR teacher(s) of EL NOT certified in ESL; and • ESL certified teacher co-teaches with ELAR teacher of EL (push-in)	• All other content teachers of EL certified in content/grade level; and • All other content teachers of EL certified in ESL	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program
	• All other content teachers of EL certified in content/grade level; and • NONE or NOT all other content teachers of EL certified in ESL	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	
• ELAR teacher(s)[4] of EL certified in ELAR/grade level; • ELAR teacher(s) of EL NOT certified in ESL; and • EL receives ELAR instruction by a teacher certified in ESL and ELAR through an additional ESL/ELAR class	• All other content teachers of EL certified in content/grade level; and • All other content teachers of EL certified in ESL	No	Content-Based	ESL: 2 BE: 0 ALT: 00	K: Parent Approved ESL Program
	• All other content teachers of EL certified in content/grade level; and • NONE or NOT all other content teachers of EL certified in ESL	No	Pull-Out	ESL: 3 BE: 0 ALT: 00	
• ELAR teacher(s)[4] of EL certified in ELAR/grade level; • ELAR teacher(s) of EL 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	• All other content teachers of EL certified in content/grade level; and • NONE, some, or all other content area teachers of EL certified in ESL	Yes	Alternative Language Program 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 an alternative language program approved by TEA due to the district's submission of an ESL Waiver for the current school year

[1] 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.

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

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

[4] Teachers who teach ESOL I or ESOL II must be appropriately ELAR and ESL certified per TAC §231.123.