

October 25, 2016

Action Required:
Applications Due
November 1, 2016

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Bilingual Education Exceptions/Waivers for English as a Second Language

Districts and charter schools are required to identify and serve English Language Learners (ELLs) through bilingual education or English as a second language (ESL) programs ([Texas Education Code \(TEC\) Chapter 29, Subchapter B](#)).

A district or charter school that does not have the appropriately certified teachers to serve ELLs in accordance with [Texas Administrative Code \(TAC\) §89.1205](#) must apply to Texas Education Agency (TEA) for a bilingual exception and/or ESL waiver. This application must be made each year there is a need for an exception and/or waiver.

Bilingual Education Program Exception: Districts or charter schools that are *unable to provide bilingual certified teachers to implement the bilingual program* in the elementary grades are required by [19 TAC §89.1207\(a\)](#) to request from the commissioner of education an exception to the bilingual education program and approval to offer an alternative program.

ESL Program Waiver: Districts or charter schools that are *unable to provide ESL certified teachers to implement the ESL program* are required by [19 TAC §89.1207\(b\)](#) to request from the commissioner of education a waiver of the certification requirements for teachers who will provide ESL instruction.

The *2016-2017 Bilingual Education Exception/ESL Waiver Application* and instructions are now available on the TEA Bilingual and English as a Second Language Education Programs webpage at <http://tea.texas.gov/bilingual/esl/education/>.

All applications are due on or before November 1, 2016, and must be submitted to the TEA as an email attachment to BilingualExceptions_ESLWaivers@tea.texas.gov.

The district Bilingual/ESL contact person may complete the exception/waiver application, but all completed applications must be submitted to the TEA in an email directly from the superintendent.

If you have questions or need additional information regarding bilingual education exceptions and/or ESL waivers, please contact Susie Coultriss, State Director of Bilingual/ESL/Title III/Migrant Education, at (512) 463-9581.

Sincerely,

Monica Martinez
Associate Commissioner
Standards and Support Services