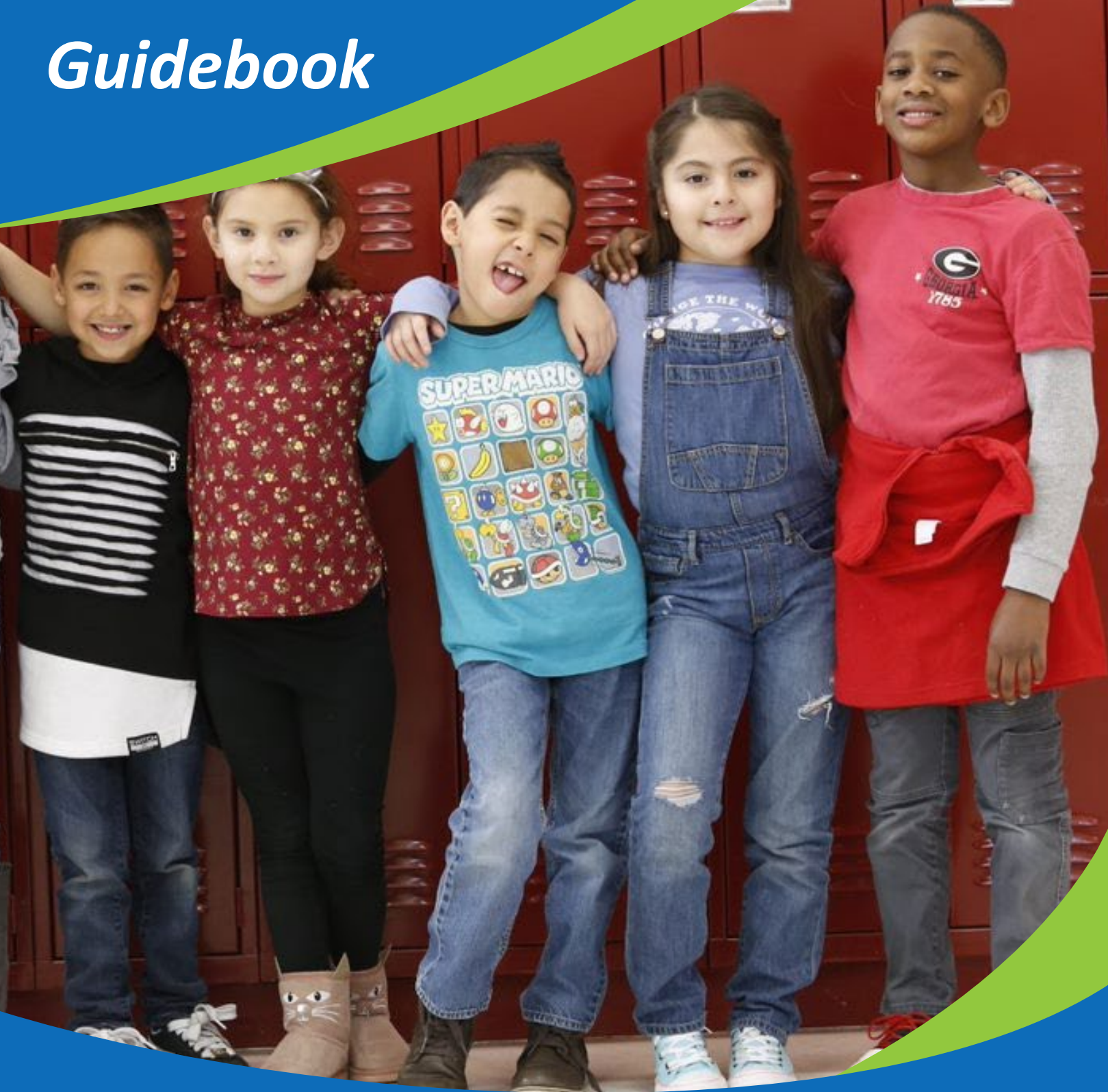


State Waivers Guidebook



*A Guide to State Waivers for
Districts and Charter Schools*

2020-2021

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WAIVERS & EXCEPTIONS

Under Chapter 7 of the Texas Education Code, districts and charter schools may apply to the Commissioner of Education for a waiver of a requirement, restriction, or prohibition imposed by education code or rule of the board or commissioner.

The State Waivers Unit of the Texas Education Agency is responsible for the coordination of state waivers and class size exceptions. See Texas Education Code [\(TEC\) §7.056](#), Waivers & Exemptions, for rules.

Texas Education Agency State Waivers Unit



512-463-9630



waivers@tea.texas.gov



tea.texas.gov/texas-schools/waivers/state-waivers

Waivers Application System

State waivers are submitted to the agency using the **Texas Education Agency Login (TEAL) Application**.

TEAL Waivers System Roles

If you do not have access to the Waiver application, you may apply for access to the waivers system for the following roles:

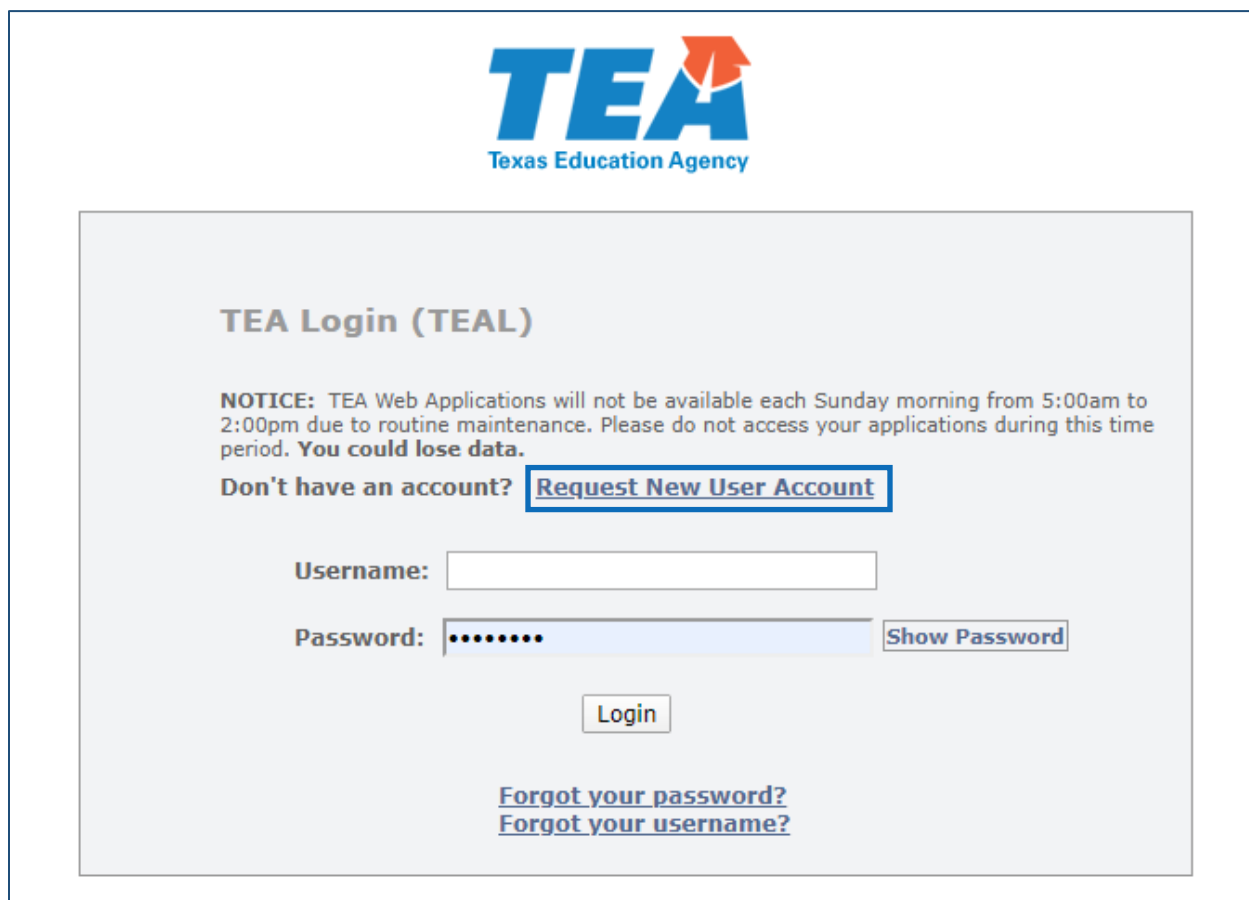
District Editor: responsible for creating waiver applications for submission to the district superintendent for review.

Superintendent: responsible for reviewing and submitting waiver applications to TEA (may also create waiver applications).

Note: The **Superintendent** role will be approved by agency staff only for the individual listed as the superintendent of record in the AskTED directory. Please visit the [AskTED Help Guide](#) for information on updating personnel information in AskTED.

Applying for TEAL Waivers Access

You must have a **TEAL** account in order to apply for access to the Waivers system.



TEA
Texas Education Agency

TEAL Login (TEAL)

NOTICE: TEA Web Applications will not be available each Sunday morning from 5:00am to 2:00pm due to routine maintenance. Please do not access your applications during this time period. **You could lose data.**

Don't have an account? [Request New User Account](#)

Username:

Password: [Show Password](#)

[Login](#)

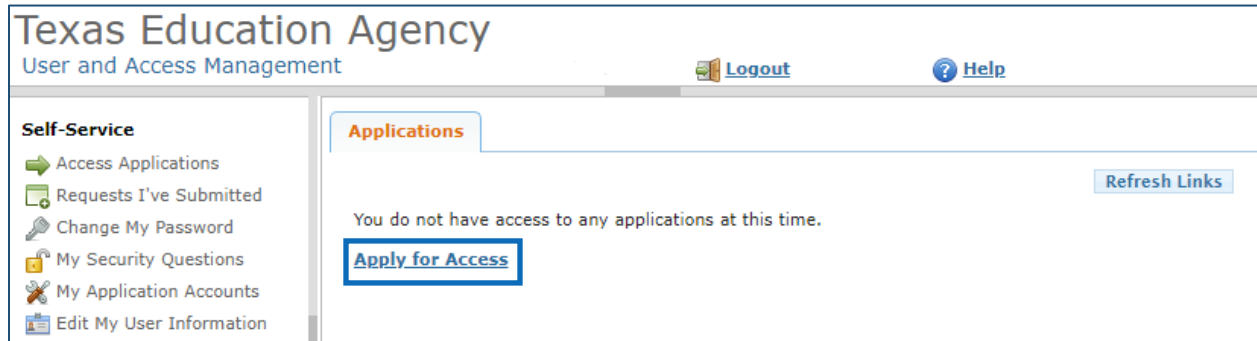
[Forgot your password?](#)
[Forgot your username?](#)

If you do not have a TEAL account, click the “Request New User Account” link located on the TEAL login page and enter the appropriate information to request one.

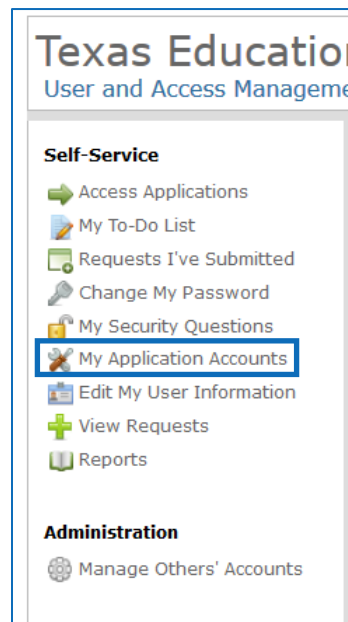
Once you have a TEAL account, use the following steps to request access to the TEAL Waivers system:

1. Log into [TEAL](#) with your user name and password. The TEAL Home page appears. If you have not been granted access to any applications yet, there will not be any application links listed on the Applications tab.

- Click **Apply for Access**, as shown in the following screenshot:



Alternatively, if you already have access to some TEAL applications, click on the “My Application Accounts” link, instead.



The My Accounts tab opens.

- Click **Request New Account**, as shown in the following screenshot:

Applications
My Accounts x

To apply for access to a TEA application or service, click the "Request New Account..." button below. To edit the details of one of your existing accounts, click on the Application name link in the list below.

Contact information for each application is listed below. APPLICATIONS ARE LISTED IN ALPHABETICAL ORDER. PLEASE SCROLL DOWN TO THE ONE YOU NEED. If the application is not displayed in the list, access the [Application Reference Page](#) to print a request form that can be faxed to TEA.

Request New Account...
Delete Account
Refresh Accounts

| <input type="checkbox"/> | Account Owne | Status | Application | Parameters |
|--------------------------|--------------|--------|-------------|------------|
| <input type="checkbox"/> | | | | |

The Request New Account dialog box appears.

4. Scroll down and click the link for the **Waivers** application.

Request New Account

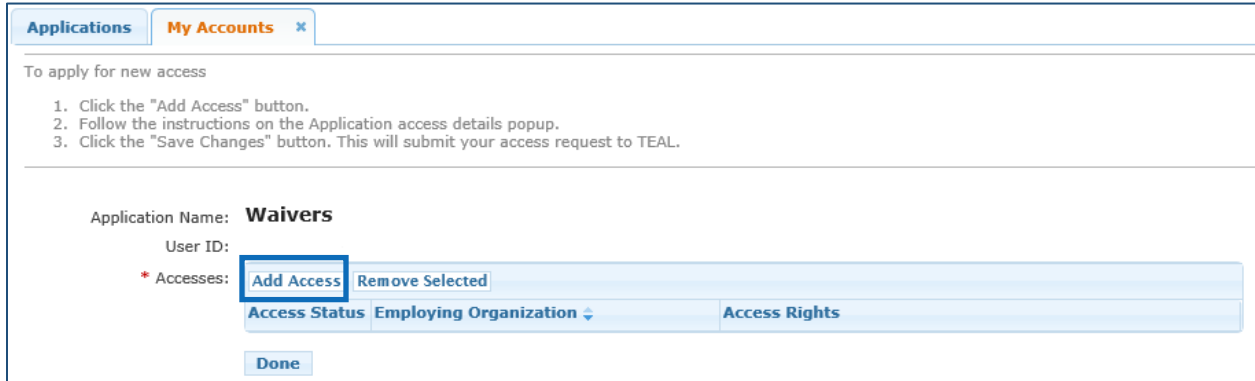
To request new access

1. Click the Application ID link OR
2. Double click the Application Name OR
3. Single click the Application Name and then click the "Go To Account Details Form" button

| Application ID | Application Name | Contact | Details |
|------------------------------------|--|--|---------|
| PFAI | Physical Fitness Assessment Initiative | Email: Barney Fudge | |
| PIRTS | Public Information Request Tracking System | | |
| SPEARS | Special Education Adhoc Reporting System | | |
| SPP | State Performance Plan Indicators | | |
| TE | Time and Effort Reporting | Email: Jessica Haros (512-463-6346) | |
| TPA | TPA TReX Participant Administration | | |
| TReX | Texas Records Exchange | Email: Texas Records Exchange (512-463-7246) | |
| TSDSPortal | Texas Student Data System Portal | | |
| TSDSPortalTraining | TSDS Portal - Training | | |
| TTA | TEA Test Application | Email: Laura Tapp | |
| TWEDSAdmin | TWEDS Admin | | |
| TxCHSE | Texas Certificate of High School Equivalency | | |
| Waivers | Waivers | Email: Waivers (512-463-9630) | |

Go To Account Details Form

- When a page like the following appears, click **Add Access**.



Applications **My Accounts** ✕

To apply for new access

- Click the "Add Access" button.
- Follow the instructions on the Application access details popup.
- Click the "Save Changes" button. This will submit your access request to TEAL.

Application Name: **Waivers**

User ID:

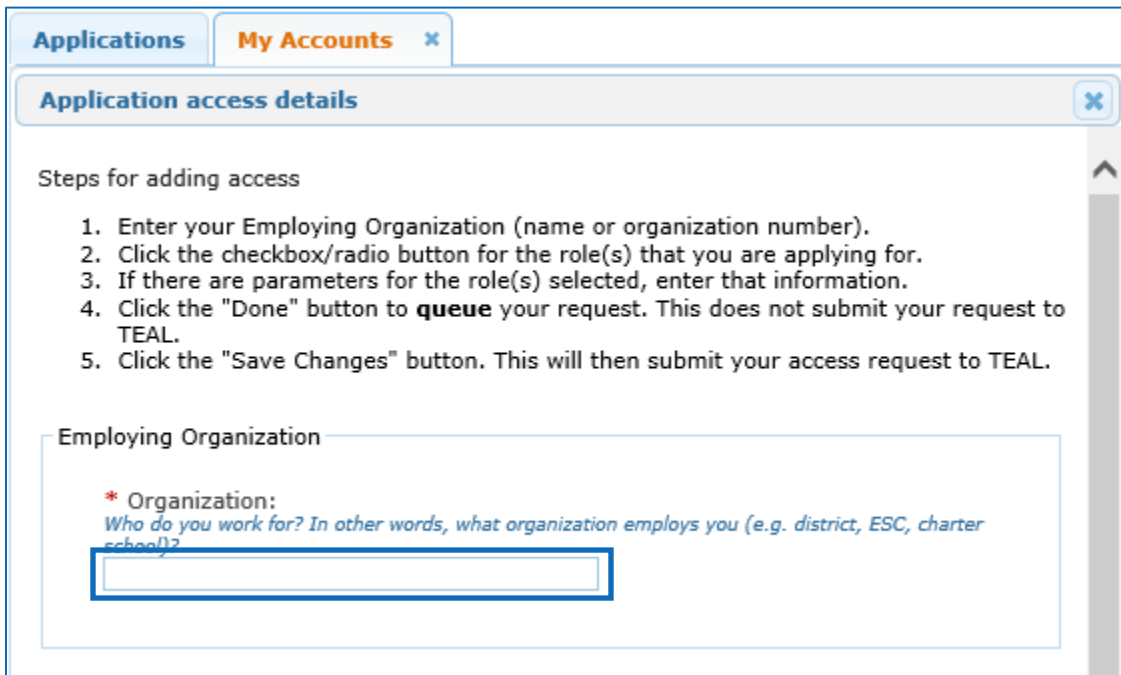
* Accesses:

| Access Status | Employing Organization | Access Rights |
|---------------|------------------------|---------------|
| | | |

Add Access Remove Selected

Done

- Type the name (or CDN) of your organization (district/charter school). Once you begin typing, a list of authorized organizations appears. Select the name of your organization from the list.



Applications **My Accounts** ✕

Application access details ✕

Steps for adding access

- Enter your Employing Organization (name or organization number).
- Click the checkbox/radio button for the role(s) that you are applying for.
- If there are parameters for the role(s) selected, enter that information.
- Click the "Done" button to **queue** your request. This does not submit your request to TEAL.
- Click the "Save Changes" button. This will then submit your access request to TEAL.

Employing Organization

* Organization:
Who do you work for? In other words, what organization employs you (e.g. district, ESC, charter school)?

- Select the appropriate role ("District Editor" or "District Superintendent").

| Roles & Parameters | |
|--------------------------|------------------------------------|
| <input type="checkbox"/> | Academic Standards and Services |
| <input type="checkbox"/> | Student Assessment Reviewer |
| <input type="checkbox"/> | Charter School Admin Reviewer |
| <input type="checkbox"/> | CTE Reviewer |
| <input type="checkbox"/> | Curriculum Reviewer |
| <input type="checkbox"/> | Waivers Director |
| <input type="checkbox"/> | District Editor |
| <input type="checkbox"/> | District Superintendent |
| <input type="checkbox"/> | Educator Certifications Reviewer |
| <input type="checkbox"/> | State Funding Reviewer |
| <input type="checkbox"/> | K-12 Foundation Education Reviewer |
| <input type="checkbox"/> | Education Policy Reviewer |

8. Enter your organization (district/charter school) again, and then click "Done."

| | |
|---|----------------------------------|
| <input checked="" type="checkbox"/> | District Editor |
| Description: <div>District Editor</div> | |
| * Organization: <div></div> | |
| Comments: <div></div> | |
| <input type="checkbox"/> | District Superintendent |
| <input type="checkbox"/> | Educator Certifications Reviewer |
| <input type="checkbox"/> | State Funding Reviewer |
| <div>Clear Roles</div> | |
| <div>Done Cancel</div> | |

9. Click **Save Changes**.

Applications

My Accounts x

To apply for new access

1. Click the "Add Access" button.
2. Follow the instructions on the Application access details popup.
3. Click the "Save Changes" button. This will submit your access request to TEAL.

Application Name:

Waivers

User ID:

⚠ A change has been requested but has not been submitted. To submit your request, click on the Save button located on the bottom of the screen.

* Accesses:

Add Access

Remove Selected

| Access Stat | Employing Organization | Access Rights |
|-------------|------------------------|---|
| New | | Role: District Editor Organization: |

Save Changes

Discard Changes and Return

If the request was submitted successfully, a confirmation message appears, as shown in the following screenshot:

Applications

My Accounts x

✓ Add request was successfully submitted.

x

After you have access, please review the following [tutorial](#) on how to create/submit a waiver (best in Internet Explorer).

In the instance your access to the Waivers system becomes suspended due to inactivity, navigate to the TEAL login page to access the link to the [TEA Help Desk](#).

TEA Login (TEAL)

NOTICE: TEA Web Applications will not be available each Sunday morning from 5:00am to 2:00pm due to routine maintenance. Please do not access your applications during this time period. **You could lose data.**

Don't have an account? [Request New User Account](#)

Username:

Password:

[Show Password](#)

[Login](#)

[Forgot your password?](#)

[Forgot your username?](#)

[Help for Request Process](#) | [Help for Educator Account Setup](#)

[Help with Password Reset](#)

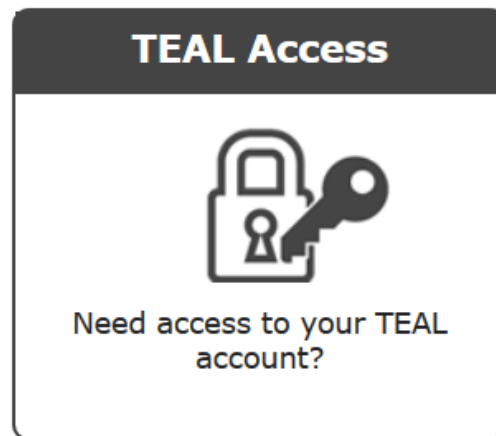
WARNING: Unauthorized use of this system or its data is prohibited; usage may be subject to security testing and monitoring; misuse is subject to criminal prosecution; and users have no expectation of privacy except as otherwise provided by applicable privacy laws.

[TEA Home Page](#) | [Web Policy and Accessibility](#)

For help with account access, please enter a request at the online [TEA Help Desk](#).

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From the homepage of the Help Desk, click on the TEAL Access card and then submit a request to have your access restored.



WAIVER TYPES

Categories of Waivers & Exceptions

The state waivers that are available fall under varying categories: **Expedited**, **General** (including **Other**), and **Attendance**. Additionally, there is an application for a **Maximum Class Size Exception** that is also available for districts. **All waiver requests, regardless of type, require board approval (excluding class size exceptions).**

Expedited Waivers are waivers that require basic information from the district.

General Waivers are waivers that require detailed information surrounding the district's waiver request.

Attendance Waivers are for excused absences or reduced attendance rates that are the result of inclement weather issues, health, safety-related, or other issues.

Other Waivers are specific requests that do not fall under any of the above categories.

Maximum Class Size Exception is required if any class for grades K-4 exceeds the allowable class size limit of 22 students per class.

| EXPEDITED | GENERAL | ATTENDANCE | OTHER | CLASS SIZE |
|---|---|-------------------------------------|---|--|
| Foreign Exchange Student (5 or More) | Certification for Superintendent/Teacher | Low Attendance Days | TXVSN Course Review | Maximum Class Size Exception |
| Modified Schedule State Assessment Testing Days | Course Requirement | Missed School Days | Out-of-District Transportation Interlocal Agreement | |
| Staff Development Minutes | Course Requirement Career & Technical Education (CTE) | | Remote Homebound Instruction | |
| Teacher Data Portal of the Texas Assessment Management System | Foreign Exchange Student (Less than 5) | | Dual Credit Courses at Institutions of Higher Education | |
| Timeline for Accelerated Instruction | Full-Day Prekindergarten | | Charter School Specific Waivers | |
| | Pregnancy Related Services On-Campus | | | |

EXPEDITED WAIVERS

Expedited Waivers are waivers that require basic information from the district and consist of the following types of waivers:

- **Foreign Exchange Student (Request 5 or More)**
- **Modified Schedule for State Assessment Testing Days**
- **Staff Development Minutes Waiver**
- **Teacher Data Portal of the Texas Assessment Management System**
- **Timeline for Accelerated Instruction**

Foreign Exchange Student Waiver (5 or More)

This waiver allows the districts or charter schools to limit the number of foreign exchange students to a number that is *5 or more* per high school under Texas Education Code §25.001 (e). *(A request to limit the number to less than five per high school must be submitted as a **general waiver** application.)*



Things to Consider:

- The approval of this waiver is not retroactive and takes effect on the date that the agency approves the application.
- The districts and charter schools must enroll foreign exchange students who arrive in the district or who have requested enrollment in the district prior to the waiver approval date.
- This waiver is permitted only for the following reasons (must be indicated on waiver application):
 - Creates a financial or staffing hardship for the district
 - Diminishes the district's ability to provide high quality educational services for the district's domestic students
 - Requires domestic students to compete with foreign exchange students for educational resources



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- Number of Students Requested (*5 or more*)

- Reason (*see permissible reasons above*)
- School Year(s) Requested (*up to 3*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved
- Local policies that impose limitations on foreign exchange student admission applications or requests (*If the district does not submit policies with the waiver application, the waiver will be reviewed based on the condition that the district accept foreign exchange students on a first come, first serve basis until the number of students stated in the waiver application is reached.*)



Resources:

- [Foreign Exchange Student Waiver Guidelines](#)
- [Foreign Exchange Student Waiver Frequently Asked Questions](#)
- [Texas Education Code §25.001 \(Admission\)](#)

Modified Schedule for State Assessment Testing Days Waiver

This waiver allows the district or charter school to modify the schedule of classes for students who are not being tested to report to and attend school after the state assessment testing period has ended, therefore reducing the interruptions during testing period.



Things to Consider:

- Students who are not being tested must still meet the maximum 2-through-4 hour requirement for funding (see Student Attendance Accounting Handbook 3.2.1.2 and 3.2.1.3).



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which waiver the application request was approved



Resources:

- [Student Attendance Accounting Handbook](#)
 - 3.2.1.2 Code 1 Eligible for Full-Day Attendance
 - 3.2.1.3 Code 2 Eligible for Half-Day Attendance
 - 3.6.6 Attendance Accounting During Testing Days

Staff Development Minutes Waiver

This waiver allows the district and charter schools to train staff on various educational strategies designed to improve student performance in lieu of student instruction during the school year. The waiver provides for a maximum of 2,100 total waiver minutes to use for professional development for districts and charter schools that provide operational and instructional minutes.

Each district and open-enrollment charter school may choose how to apply their approved waiver. For instance, schools may choose to offer early release, late start, all day staff development, or a combination. However, *the total waiver minutes for staff development shall not exceed 2,100 minutes per year.*

This waiver is for staff development in place of student instruction; therefore, the waiver minutes are only applicable to staff development provided instead of student instruction during the school year. *The waiver may not be used prior to the first day of student instruction or after the last day of student instruction.*



Things to Consider:

- Staff development *waiver* minutes may not exceed 2100 (5 days for charter schools operating before 1/1/2015 whose operational calendar is on days rather than minutes).
- Staff development *waiver* minutes may only be used during the school year.
- On staff development days when students are in attendance part of the day, the district or open-enrollment charter school must provide at least 120 minutes of student instruction to receive full ADA funding (see SAAH 3.8.1.5 Staff Development Waivers).
- Board approval of an academic calendar inclusive of staff development minutes/days *is not* tantamount to approval of a waiver application request; *each document must be board approved as separate agenda items.*

- Districts or charter schools must demonstrate that they are providing high quality staff development that will impact student outcomes.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year Requested (*2020-2021 only*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved



Resources:

- [Student Attendance Accounting Handbook](#)
 - 3.8.1.5 Staff Development Waivers

Teacher Data Portal of the Texas Assessment Management System Waiver

The assessment data portal of the Texas Assessment Management System became fully operational in October 2011 and complies with the requirements of Texas Education Code (TEC), §32.258, as enacted by House Bill 3, 81st Legislature. Districts that are interested in fulfilling the requirement of TEC, §32.258 to provide teacher access to student assessment data through a local student data system must apply for an expedited waiver from the Texas Education Agency (TEA).



Things to Consider:

- The local data portal must be accessible to all teachers in the core subject areas (reading/English Language Arts, mathematics, science, and social studies) and must allow teachers to view their own students' assessment data. (*It is a local decision whether to extend access to teachers outside of the four core subjects; however, districts must consider whether there exists a sound educational reason, allowable under the Family Educational Rights and Privacy Act (FERPA), for non-core teachers to have access to student-level data.*)
- Student data must be available from the 2007–2008 school year forward and include data indicating progress in student achievement.
- Student data must be available on or before the first instructional day of the year following the year in which the data were collected.

- The local data portal must permit comparisons of student performance at the classroom, campus, district, and state levels. Though it will not be necessary for local data portals to contain statewide data for comparisons of student performance, local portals must include a link (see below) to the TEA's webpage where statewide assessment reports are posted.
- As a condition to granting a waiver for teacher access to the state data portal, local systems must have all of the above data available to teachers.
- Districts and charter schools that receive a waiver from the requirement to provide teachers with access to the state data portal must still provide the teacher-student linking information in their summer PEIMS submissions. There is no waiver from the PEIMS submission requirement.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved



Resources:

- [TEA Student Assessment Results webpage](#)
- [Texas Education Code §32.258 \(Student Assessment Data; Data Portal\)](#)

Timeline for Accelerated Instruction

As part of the Student Success Initiative (SSI), districts and charter schools must provide accelerated instruction in the applicable subject area each time a student fails to perform satisfactorily on the STAAR® mathematics and/or reading assessments. An eligible student in grade 5 or 8 who does not demonstrate proficiency in these assessment areas may not be promoted to the next grade unless he or she completes accelerated instruction after each administration of the test, including the third administration. Students in grade 5 or 8 may advance to or be placed in the next grade level only if:

1. they complete all accelerated instruction required by the grade placement committee (GPC), and

2. the GPC determines, by unanimous decision, that the students are likely to perform at grade level at the end of the next school year given additional accelerated instruction during the course of the year.

To assist districts in meeting the accelerated instruction provision after the third administration of the test, the agency is allowing districts to apply for a waiver to adjust the timeline for providing accelerated instruction to students who fail the third administration.



Things to Consider:

Districts must:

- Identify and document the intensive instruction a student needs
- Target this instruction to the reporting categories on which the student was weak, and ensure that this instruction is completed during the first six weeks of school
- Develop an accelerated instruction plan that will provide the student with ongoing instructional support during the entire school year



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved



Resources:

- [TEA Student Success Initiative webpage](#)

GENERAL WAIVERS

General Waivers are waivers that require detailed information surrounding the district's waiver request and consist of the following types of waivers:

- **Certification for Superintendent/Teacher Waiver**
- **Course Requirement Waiver**
- **Course Requirement Career and Technical Education (CTE) Waiver**
- **Foreign Exchange Student Waiver (Less than 5)**
- **Full-Day Prekindergarten Waiver**
- **Pregnancy Related Services**

Certification for Superintendent/Teacher Waiver

This waiver allows an individual to serve without the necessary certification requirements.

Certification Waiver for Teachers

Allows an individual to serve as a teacher without the necessary certification requirements. Listed below are certification description types:

- Allows a person to teach without the necessary certification requirements
- Allows qualified individuals to teach outside their areas of certification in Career and Technical Education (CTE)
- Allows qualified individuals to teach outside their areas of certification in a subject or course for which no state assessment has been developed
- Allows qualified individuals to teach outside their areas of certification in Alternative Education
- Allows qualified individuals to teach ROTC classes outside their areas of certification

Certification Waiver for Superintendents

Allows an individual to serve as superintendent without the necessary certification requirements.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 1](#))

**Supporting Documentation (submitted with waiver application):**

- Board agenda from meeting in which the waiver application request was approved

Course Requirement Waiver

This waiver allows districts and charter schools to request a waiver to substitute a particular course or courses for state credit within the curriculum. The commissioner of education is prohibited from exempting essential knowledge and skills under Texas Education Code (TEC) §28.002 or minimum graduation requirements under TEC §28.025.

**Things to Consider:**

To determine if the course substitution is allowable:

- For career and technical education (CTE) courses, contact the **CTE unit** in the **Department of College, Career, and Military Preparation** at (512) 936-6060.
- For all other courses, contact the **Division of Curriculum** at (512) 463-9581.

**Required Information (entered on waiver application):**

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))

**Supporting Documentation (submitted with waiver application):**

- Board agenda from meeting in which the waiver application request was approved

**Resources:**

- [Texas Education Code §28.002 \(Required Curriculum\)](#)
- [Texas Education Code §28.025 \(High School Diploma and Certificate; Academic Achievement Record\)](#)

Course Requirement Career & Technical Education (CTE) Waiver

This waiver allows districts and charter schools to request a waiver of the Texas Administrative Code to offer a Career and Technical Education (CTE) course for a credit length other than that specified in the code.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved

Foreign Exchange Student Waiver (Less than 5)

This waiver allows districts and charter schools to limit the number of foreign exchange students to four or less per high school. (*A request to limit the number to five or more per high school must be submitted as an **expedited waiver** application.*)



Things to Consider:

- The approval of this waiver is not retroactive and takes effect on the date that the agency approves the application.
- The districts and charter schools must enroll foreign exchange students who arrive in the district or who have requested enrollment in the district prior to the waiver approval date.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- Number of Students Requested (*4 or fewer*)
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved
- Local policies that impose limitations on foreign exchange student admission applications or requests (*If the district does not submit policies with the waiver application, the waiver will be reviewed based on the condition that the district accept foreign exchange students on a first come, first serve basis until the number of students stated in the waiver application is reached.*)



Resources:

- [Foreign Exchange Student Waiver Guidelines](#)
- [Foreign Exchange Student Waiver Frequently Asked Questions](#)

Full-Day Prekindergarten Waiver

House Bill 3 requires that full-day prekindergarten be provided for all eligible four-year old students. Prekindergarten may be operated on a half-day basis for children under four years of age. The exemption from full-day prekindergarten also allows LEAs to waive one or more of the high-quality prekindergarten components.



Things to Consider:

An exemption will be granted if it is determined that:

- The local education agency (LEA) (a school district or open-enrollment charter school) would be required to construct classroom facilities in order to provide prekindergarten classes; or
- Implementation would result in fewer eligible children being enrolled in prekindergarten.

An LEA will not receive an exemption unless the LEA has solicited and considered at a public meeting the following:

- Proposals for partnerships with public or private entities regarding offering full-day prekindergarten for eligible four-year-old students.

(If the above conditions were met and an LEA was approved for a waiver in the 2019-20 school year, such LEAs may apply for a one-, two-, or three-year renewal in the 2020-21 school year. An exemption may not be granted for a period longer than three school years and may be renewed only once.)



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- Exemption Condition Met (*construction or fewer children served*)
- Date of Public Meeting
- Supplemental Information ([see appendix 3](#))



Supporting Documentation (submitted with (or in addition to) waiver application):

- Board agenda from meeting in which the waiver application request was approved
- Documentation to show your district has adhered to the Full-Day Prekindergarten Exemption Process
- Submission of a [High-Quality Prekindergarten Component Exemption](#), if applicable, following the exemption process document below



Resources:

- [TEA Full-Day Prekindergarten Exemption Process document](#)
- [To The Administrator Addressed Correspondence \(1/9/20\)](#)
- [To The Administrator Addressed Correspondence \(2/27/20\)](#)
- [Prekindergarten FAQs](#)

Pregnancy Related Services On-Campus (CEHI) Waiver

This waiver allows districts and charter schools to request a waiver to offer Pregnancy-Related Services Compensatory Education Home Instruction (CEHI) on a district's campus.



Things to Consider:

The requirements of the waiver are as follows:

- Provide transportation as needed.
- Serve students at home if medically indicated.
- Do not exceed student-teacher ratio of four students to one teacher.
- Do not use self-paced computer-based instruction to fulfill the four hours of CEHI.

**Required Information (entered on waiver application):**

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))

**Supporting Documentation (submitted with waiver application):**

- Board agenda from meeting in which the waiver application request was approved

**Resources:**

- [TEA Pregnancy Related Services Webpage](#)
- [Pregnancy Related Services Student Data Record Form Example](#)

ATTENDANCE WAIVERS

Your district must adopt a school calendar that is in accordance with the program type listed on the chart in the Student Attendance Accounting Handbook Section 3.8. Your district is encouraged to make sure that the adopted calendar includes additional minutes to account for *at least* two bad weather or other missed school days related to health and safety concerns.

If your district or charter school closes school on a scheduled school day, your district or charter school should have enough minutes built into its adopted calendar to make up for any missed minutes or your district's or charter school's FSP funding may be reduced proportionately.

If weather, health, or safety issues cause you to fall short of the required number of minutes/days in accordance with the program type listed on the chart in SAAH 3.8 beyond the additional minutes/days already built into the adopted school calendar for makeup minutes/days, districts and campus officials can request **Attendance Waivers** for excused absences or reduced attendance rates that are the result of inclement weather, health, safety-related, or other issues.

Low Attendance Day(s) Waiver

For a day when school was held but attendance was at least 10 percentage points below the overall average attendance rate for your district or the applicable campus for the prior year because of inclement weather*-related, health or safety issues, your district may apply for a waiver to have the day excluded from ADA and FSP funding calculations. (**Unusually cold or hot weather, alone, does not constitute an inclement weather-related issue.*)



Things to Consider:

- The number of minutes requested for a low attendance day and must be equivalent to the number of minutes a district/campus operated on that day. (*If the number of minutes of operation varies by campus on the date of low attendance for "All Campuses", please report the greatest number of minutes on the date of low attendance in the "Number of Min on the Low Attendance Day." Please note that in PEIMS you will claim the actual number of minutes in operation on the specific date by campus.*)
- For a district or campus with multiple tracks, the overall average attendance rate for all tracks must be used. For a campus that existed as two separate campuses the prior year, the overall average attendance rate for the district as a whole must be used.
- When determining if the 10-percentage point threshold is met, *district* attendance rates must be compared to the *district's* prior year average, whereas *campus* attendance rates must be compared to the applicable *campus'* prior year average.

- The maximum total number of minutes waived per academic year may not exceed 4,200. *(This includes low attendance day, missed school day, and staff development minute waivers.)*
- The agency does not grant waivers for low attendance on a makeup day.
- The agency does not round attendance rates when determining the 10-percentage point difference.
- If a waiver is granted, your district should not include the day exempted as a day of membership or instruction. Treat the day as a non-school day in your district's student attendance accounting system, and do not report the day as a school day in your district's TSDS PEIMS reporting.
- **Low Attendance Day(s) Waivers are due by the end of July for the current school year**



Required Information (entered on waiver application):

- LEA Contact *(First Name, Last Name, Phone, Email)*
- Date of Board Approval
- Campus(es) impacted *(select "All Campuses" if applying for the entire district)*
- Reason for Low Attendance *(Weather, Health, Safety, or Other)*
- Date(s) of Low Attendance
- % of Attendance for the Selected Date(s)
- Average % of Attendance for Previous Year
- Number of Minutes of Operation on the Low Attendance Day(s)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved
- Documentation for the reason for the low attendance rate *(Supporting documentation may be news articles, letter to parents, info shared with Board or district, etc.)*
- ADA or PEIMS report showing the attendance rate on the date of low attendance for the district or applicable campus ([see appendix 4.1 \(district\)](#) & [appendix 4.3 \(campus\)](#))
- PEIMS summary report showing the average attendance for the prior year for the district or applicable campus ([see appendix 4.2 \(district\)](#) & [appendix 4.4 \(campus\)](#))



Resources:

- [Student Attendance Accounting Handbook](#)
 - 3.8 Calendar Requirements for Funding
 - 3.8.1.4 Low Attendance Day Waivers

Missed School Day(s) Waiver

Districts or campuses may request a waiver for excused absences if instructional days are missed due to inclement weather* issues, health, safety-related, or other issues. (**Unusually cold or hot weather, alone, does not constitute an inclement weather-related issue.*)

If because of weather, safety, or health issues, your district misses additional instructional days **beyond the two days made up using built in or additional minutes or days**, your school district can apply to the TEA for a missed school day waiver.



Things to Consider:

- No waiver is necessary if the district/charter school has enough minutes in its calendar to accommodate missed school days and still meet the annual operational and instructional minute requirement outlined in Student Attendance Accounting Handbook 3.8.
- The first two days missed for any reason **must be made up** using either designated makeup days or additional minutes. See Student Attendance Accounting Handbook Section 3.8.1. (*Texas Education Code §25.081(c) allows a school district to add additional minutes to the end of the district's normal school hours as necessary to compensate for minutes of instruction lost due to school closure caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.*)
- Charter schools applying for a missed school day waiver must submit their applications as soon as possible after the missed school day so that FSP System calendars can be updated and FSP System six-week report submissions are accurate.
- The number of minutes requested for a missed school day waiver must be equivalent to the number of minutes a district/campus would have normally operated on that day. (*If the number of minutes of operation varies by campus on the missed school day for "All Campuses", please report the greatest number of minutes on the date school was missed in the "Number of Minutes per Day." Please note that in PEIMS you will claim the actual number of minutes your district was scheduled to operate on the specific date by campus.*)
- The maximum total number of minutes waived per academic year may not exceed 4,200. (*This includes low attendance day, missed school day, and staff development minute waivers.*)

- If a waiver is granted, your district should not include the day exempted as a day of membership or instruction. Treat the day as a non-school day in your district's student attendance accounting system, and do not report the day as a school day in your district's TSDS PEIMS reporting.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- Campus(es) impacted (*select "All Campuses" if applying for the entire district*)
- Reason for Missed School Day(s) (*Weather, Health, Safety, or Other*)
- Date of Missed School Day(s)
- Number of Minutes per Day
- Explanation of Reason for Missed School Day(s)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved
- Documentation for the reason for missed school day(s) (*Supporting documentation may be news articles, letter to parents, info shared with Board or district, etc.*)



Resources:

- [Student Attendance Accounting Handbook](#)
 - 3.8 Calendar Requirements for Funding
 - 3.8.1.3 Missed School Day Waivers
 - 3.8.2 Closures for Bad Weather or Other Issues of Health or Safety (*table providing information on what actions to take in certain situations related to school closure*)
- [Texas Education Code §25.081 \(Operation of Schools\)](#)

OTHER WAIVERS

Other Waivers are waivers that do not fit into any specific category but are considered **general waivers** that do require detailed information surrounding the district's waiver request. The following waivers may be submitted as an **Other Waiver**:

- **Texas Virtual School Network (TXVSN) Course Review Process Waiver**
- **Out-of-District Transportation Interlocal Agreement Waiver**
- **Remote Homebound Instruction Waiver**
- **Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs)**

Texas Virtual School Network (TXVSN) Course Review Process Waiver

All courses made available through the Texas Virtual School Network (TXVSN) must be reviewed and approved prior to being offered. Eligible school districts and open-enrollment charter schools may apply to the commissioner of education for a waiver from the TXVSN course review process that is administered by the Texas Education Agency (TEA).



Things to Consider:

- A waiver may be requested from the TXVSN course review *process* only.
- Each course is still required to meet all TXVSN course standards and requirements.
- To request a waiver to the TXVSN course review process, the district or charter school authorized official must certify that each course meets all TXVSN course standards and requirements.
- The commissioner of education must approve the request before the course may be offered through the TXVSN.
- To request a waiver from the TXVSN course review process, complete the steps located in the instructions below. (*Include all requested information in your waiver request. Do not send attachments as a separate communication. Your waiver request must comply with these requirements to be considered complete and ready for consideration by the commissioner of education.*)



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- Supplemental Information (see instructions below)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved
- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)
- The course list that was generated within the TXVSN ECSS system (see instructions below)
- The completed TXVSN Course Review Waiver Request Assurance Statements document (see document below)



Resources:

- [Instructions to Request a Waiver from the TXVSN Course Review Process](#)
- [TXVSN Course Review Waiver Request Assurance Statements](#)

Out-of-District Transportation Interlocal Agreement Waiver

Due to the apparent conflict between the enrollment statute Texas Education Code §25.036 which allows a student to “transfer annually from the child’s school district of residence to another district in [the] state if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer” and the transportation statute Texas Education Code §34.007 which does not authorize a public school transportation system outside of its boundaries without an interlocal cooperation contract, a district may apply for a waiver for the 2020-2021 school year from the requirement in TEC §34.007(a)(2) to enter into an interlocal agreement before providing transportation.



Things to Consider:

- The requirements of the waiver are that the district:

- Has made a good faith effort to enter into an interlocal agreement with an outside district to provide for transporting of transfer students;
- Has an adopted local policy for the 20-21 SY that bars the district from screening the approval of transfer enrollees on the basis of academics, discipline, or attendance, regardless of any related exemption under a local District of Innovation plan or authority under statute;
- Certifies that it has a 2019 academic accountability rating of A-C, if applicable, along with an overall score of 70 or higher; and
- Certifies that it received a 2019 district overall rating that is equal to or higher than the district from which it would be transporting students.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*2020-2021 only*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved
- Signed Attestation (see Attestation Statement document below)



Resources:

- [To The Administrator Addressed Correspondence \(5/19/20\)](#)
- [Attestation Statement](#)

Remote Homebound Instruction Waiver

Remote homebound instruction means remote instruction in which a student receives individualized instruction through the General Education Homebound (GEH) program or Compensatory Education Home Instruction (CEHI) program and in which all requirements of the program are met except for in-person instruction from the homebound teacher.

If your school district provides remote homebound instruction to an eligible *regular education student*, your district may, with the approval of a waiver request, count the student in attendance for FSP funding purposes provided that all requirements of the homebound program are met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in 3.7.3 GEH Funding Chart or 9.10 Confinement and Earning Eligible Days Present, as applicable.

If your school district provides remote homebound instruction to a *special education student*, your district may, with the approval of a waiver request, count the student in attendance for FSP funding purposes, including weighted funding purposes, provided that the following requirements are met:

- The student's ARD committee must have determined, in a manner consistent with state and federal law, that the remote homebound instruction to be provided meets the needs of the student.
- The ARD committee must have documented that determination in the student's IEP.
- All requirements related to the provision of special education homebound instruction must be met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in 4.7.2.5 Homebound Funding and Homebound Documentation Requirements.



Things to Consider:

- This waiver is granted on a per-student basis
- The documentation used to determine the student's need for remote homebound services should be maintained for audit purposes. (*Refer to Student Attendance Accounting Handbook Section 2.1 General Audit Requirements.*)



Required Information (entered on waiver application):

- When submitting a waiver request for a *regular education student*, cite the following requirement in item 3 of the General Questions section: the requirement that a homebound teacher serve a student in person at the student's home or hospital bedside in order for FSP funding to be generated, as required by 3.7.3 GEH Funding Chart or 9.10 Confinement and Earning Eligible Days Present of the handbook, which is adopted annually through 19 TAC §129.1025.
- When submitting a waiver request for a *special education student*, cite the following requirement in item 3 of the General Questions section: the requirement that a homebound teacher serve a student in person at the student's home or hospital bedside in order for FSP funding to be generated, as required by 4.7.2.5 Homebound Funding and Homebound Documentation Requirements of the handbook, which is adopted annually through 19 TAC §129.1025.
- LEA Contact (*First Name, Last Name, Phone, Email*)

- Date of Board Approval
- School Year(s) Requested (*only 1*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved



Resources:

- [Student Attendance Accounting Handbook](#)
 - 2.1 General Audit Requirements
 - 3.7 General Education Homebound (GEH) Program
 - 3.7.3 GEH Funding Chart
 - 4.7.2.5 Homebound Funding and Homebound Documentation Requirements
 - 9 Pregnancy Related Services
 - 9.1 Confinement and Earning Eligible Days Present

Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHE)

If district students are taking dual credit courses at an IHE with a calendar of fewer than 75,600 minutes, including intermissions and recesses, your district may apply for a waiver of the 75,600-minute calendar requirement.

If early college high school (ECHS), P-TECH, Industry Cluster Innovative Academy (ICIA), or Texas Science, Technology, Engineering, and Math (T-STEM) students and students take dual credit courses at an IHE with a calendar that begins before the fourth Monday in August, your district may apply for a waiver of the start date requirement.



Things to Consider:

- If the IHE's calendar is shorter than your school district's calendar, report the student's attendance in TSDS PEIMS with a different track to reflect the shorter calendar. Reporting the student with a separate track will prevent any reduction in state funding.
- The proper citation for this waiver in question #3 ([see appendix 2](#)) is TEC §25.081(a).

- The documentation of the agreement between the district/charter school and the IHE should be maintained for auditing purposes. (*Refer to Student Attendance Accounting Handbook Section 2.1 General Audit Requirements.*)



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting in which the waiver application request was approved



Resources:

- [Student Attendance Accounting Handbook](#)
 - 2.1 General Audit Requirements
 - 3.8.1.7 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) with Calendars of Fewer than 75,600 Minutes
 - 3.8.1.8 Waivers Related to Students Taking Dual Credit Courses at IHEs with Calendars Beginning before the Fourth Monday in August
 - 11.3.1.2 Reporting Dual Credit Attendance in TSDS PEIMS When the Higher Education Calendar Is Shorter Than the School District Calendar

Charter School Specific Waivers

While state law exempts charter schools from some laws, there are still many laws and rules that apply to these schools. In addition to the waivers applicable to charter schools above, the agency also accepts requests from charter schools to waive certain sections of the Commissioner's Rules Concerning Open-Enrollment Charter Schools (19 Texas Administrative Code, Chapter 100).

Often, these rules are criteria that must be met in order for a charter school to submit an expansion amendment for consideration or for a charter school to satisfy measures on the Charter School Performance Framework. These include, but are not limited to:

- 19 TAC §100.1033(b)(9)(A)(ii) which states the commissioner may approve an expansion amendment only if the request is received no earlier than the first day of February and no

later than the first day of April preceding the school year in which the expansion will be effective;

- 19 TAC §100.1033(b)(9)(A)(iii) which states the commissioner may approve an expansion amendment only if the most recent district rating for the charter school is "academically acceptable" and the most recent campus rating for at least 90% of the campuses operated under the charter school is "academically acceptable" as defined by §100.1001(26); and
- 19 TAC §100.1015(b)(3)(G) which states a charter school operator to commit to serving, by its third year of operation, at least as many students in grades assessed for state accountability purposes as those served in grades not assessed for state accountability purposes.



Things to Consider:

- Requests to waive sections of the Commissioner's Rules Concerning Open-Enrollment Charter Schools must be submitted using the **Other** waiver application in the TEAL Waivers system.
- The voluntary amendment of an existing contract for charter is not a matter of right or entitlement, but the commissioner is required to consider the factors set forth in Title 19, Texas Administrative Code (TAC), §100.1033(b). Considerations include the performance of the charter holder in carrying out its current public school obligations, including, but not limited to, student performance, the financial position of the charter, and compliance with all laws and rules governing charter schools.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*Should only be a single academic year; the majority of requested school year(s) should be the current academic year for consideration*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board resolution containing the signatures of the governing board majority members voting in favor of the submittal of the specific waiver.



Resources:

- [Commissioner's Rules Concerning Open-Enrollment Charter Schools \(19 Texas Administrative Code, Chapter 100\)](#)

- Questions regarding waiving the aforementioned commissioner rules may be directed the Charter School Authorizing and Administration Division by calling (512) 463-9575 or emailing Charteramendments@tea.texas.gov for individualized support and guidance.

MAXIMUM CLASS SIZE EXCEPTION

A district must submit a request for a class size exception for any classrooms in kindergarten - fourth grade that exceed the 22 students class size limit located in Texas Education Code §25.112. *(Class size limits do not apply to physical education classes or fine arts classes. Class size limits also do not apply to charter schools; however, charter schools are subject to any class size restrictions that may be in the approved charter contract.)*



Things to Consider:

- A district seeking an exemption must notify the commissioner and apply for the exemption not later than the later of:
 - October 1; or
 - the 30th day after the first school day the district exceeds the limit
- Class size limitations generally apply throughout the school year, with the exceptions noted below:
 - Any twelve-week period selected by the district with a significant percentage of migratory children (25.112(1)); or
 - The last twelve weeks of any school year for all other districts
- In considering whether to grant an exception, the commissioner must find that the class size limit creates an undue hardship on the district. The commissioner will consider:
 - unanticipated enrollment growth;
 - lack of facilities;
 - lack of teachers; or
 - financial hardships
- A campus or district that is granted a class size exception shall provide written notice of the exception to the parent (or person standing in parental relation to) of each student affected by the exception. The notice must be in bold or underlined print and must:
 - specify the particular class for which a class size exception was granted;
 - state the number of students in the class for which the exception was granted; and
 - be delivered through regular mail or other means of communication from the campus or district, such as information sent home with students

The notice described above must be provided no later than the 31st day after the first day of the school year, or the date the exception is granted, if the exception is granted after the beginning of the school year. The district must maintain documentation of the notices provided to parents, subject to a request for review by the TEA (Texas Education Code §25.113).

**Required Information (entered on waiver application):**

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Campus(es) impacted
- Number of Sections Over the Limit by Grade Level (*Enter only the number of classes/sections that exceeds the 22 class size limit. Do not enter number of students.*)
- Reason for the Class Size (*see undue hardships above*)

**Resources:**

- [Texas Education Code §25.112 \(Class Size\)](#)
- [Texas Education Code §25.113 \(Notice of Class Size\)](#)

FREQUENTLY ASKED QUESTIONS

Below is a list of frequently asked questions that may be of assistance related to the State Waivers and the TEAL application process.

1. Do state waivers require Board approval?

Yes, all state waiver applications requested by the district require Board approval and the application must include the date the Board approved the waiver request. Documentation may be requested for board approval dates that cannot be verified by agency staff. Additionally, all waivers also require review by the district-level and site-based decision-making committee established under TEC §11.251. The committee must first have the opportunity to review the waiver request and provide written comments prior to board approval.

2. How does the district apply for a Bilingual Education Exception and ESL waiver?

The [Bilingual/ESL Unit](#) in the Special Populations division creates an annual waiver application with specific requirements and annual deadlines. Please contact that division or access the application on the website.

3. How do I apply for the Educator Test limit waiver?

Please see the [Educator Testing webpage](#) for the test-limit waiver application and the associated FAQ document to answer common questions. If you have additional questions, please submit a [TEA Help Desk ticket request](#) at. Alternatively, you may contact the Educator Testing department at 512-463-9039.

4. May our school district or charter school apply for and receive waivers (of any kind, including staff development) such that the district or charter school has more than 4,200 minutes (or 10 days for charter schools that use days) waived?

No. Your district or charter school must not have more than 4,200 minutes (10 days for charter schools that use days) waived, unless otherwise authorized by the commissioner. See [Student Attendance Accounting Handbook](#) 3.8.2.

5. Is a Staff Development waiver available?

Yes, the Staff Development Minutes Waiver provides for a maximum of 2,100 total waiver minutes to use for professional development for districts and charter schools that provide operational and instructional minutes. Each district and open enrollment charter school may choose how to apply their approved Staff Development Minutes Waiver. For instance, schools may choose to offer early release, late start, all day staff development, or a combination. However, the total waiver minutes for staff development shall not exceed 2,100 minutes per year. This waiver is for staff development in place of student instruction; therefore, the waiver minutes are only applicable to staff development provided instead of student instruction during the school year. The Staff Development Minutes Waiver may not be used prior to the first day of student instruction or after

the last day of student instruction. On staff development days when students are in attendance part of the day, in order to receive full ADA funding, the district or open-enrollment charter school must provide at least 120 minutes of student instruction. Instructional minutes are defined in the Student Attendance Accounting Handbook as the portion of the school day in which instruction takes place along with other exceptions. In addition to the 120 minutes of student instruction, any staff development waiver minutes reported must reflect actual staff development minutes provided.

6. Can the public view district waivers?

[The Waivers Online Report](#) allows anyone to view the status of final district waivers by name, status, type and date. The report allows for multiselect features. Once a report is generated, it can also be printed or exported to Excel.

7. How can I see the waivers that I have created for the district?

In the Waivers application in TEAL, any waiver applications that you are either working on or need to approve will be visible in the **My Waivers** section. Click on the **Waiver ID** to view the application and take any action, as necessary. To view all waivers for your district, including the current status of a waiver, click on the **Search Waivers** section. You can also use the **Search** box to find a waiver.

8. Our district has multiple low attendance or missed school days we plan to apply for waivers for. Do I have to do a separate waiver for each campus and or day missed day?

For low attendance and missed school days, you may enter multiple district or campus days and multiple campuses on the same low attendance or missed school day waiver application. Following the entry of the campus detail, select **Save Campus** to add the information to the LEA Summary section of the waiver. To enter additional information, follow the same process to continue to save individual dates/campuses to the LEA summary as needed.

9. What type of waiver application do I use if I don't see an application specific to the area I wish to apply for?

If there is not a specific waiver application related to your request, please select the **Other** application for completion.

10. Are there any TEC sections that may not be waived?

Yes, please refer to [Texas Education Code §7.056\(e\)](#) for the list of statutory requirements from which a district or campus may not receive an exemption or waiver.

11. When can I apply for a missed school day waiver after the district is closed for a weather, health or safety issue?

Once a district has Board approval, it may apply for the missed school day waiver. Please note that prior to approval of a missed school day waiver for the district, the first two missed days must have been made up, either using additional built in minutes, bad weather make up days, or by adding additional minutes into the school year. See the [Student Attendance Accounting](#)

[Handbook](#), 3.8.1.2 Makeup Days and 3.8.2 Closure for Bad Weather or Other Issues of Health or Safety for more information.

12. I entered my information and saved, but the waiver is still showing draft – why?

For a *District Editor*, at the end of the waiver application you will find a **Complete & Route** button. This will route the application to your Superintendent for review and approval. For a *District Superintendent*, at the end of the waiver application you will find a **Review and Submit** button. When your application is ready, this button takes you to the review and submit details page. This page displays the information as entered and is read only. If you need to make any adjustments, select the **Return to Edit** button to take you back to the prior view. If the application is complete and ready for submission, select the **Submit to TEA** button. The waiver is then sent to TEA, and the original waiver creator and superintendent will receive a confirmation email. You may view and print a read only version of the submitted waiver by selecting the application within **Search Waivers**.

13. My waiver was returned to me by the agency. Why?

In the instance that a waiver request is missing information or needs corrections, the agency will reassign it to the district (the status of the waiver will be “reassigned to LEA”). Refer to the **TEA Comments** section of the waiver to review agency notes that indicate what information and/or corrections are needed. After making the edits, the district may resubmit the request to the agency for review.

14. The application does not allow enough characters within the questions for all of my information. What can I do?

You may upload an attachment in the **LEA Attachments** section to include any additional information that may be needed or helpful for the waiver request.

15. Can I save a waiver that I am working on to complete at a later time?

Yes, using the **Save** button at the bottom of the application, you can save the waiver you are working on. If the application has saved, you will see a success message in green at the top of the application.

16. How do I cancel a waiver application?

If you need to cancel an application you were working on, select the **Cancel Application** button at the bottom of the application. You will get a popup message confirming the cancellation request. If you want to continue and cancel the waiver, select OK, or Cancel if you want to save the application and end the cancellation process. Once canceled, the waiver will be removed from **My Waivers** and will be viewable as a canceled waiver within **Search Waivers**.

17. What does a “Partial-Approval” of a waiver mean?

This means that all of the items in the request were not approved as submitted but were approved in some form. For a multi-year request, this could mean that the waiver was requested for multiple years (2 or 3 years) but was approved for less (1 or 2 years). Additionally, for a waiver request for

multiple days or campuses, it would be that only a portion of all of the days or campuses requested was approved. By viewing a particular waiver in the **Search Waivers** section, you can view which portions of the waiver were approved or denied in creating a partial approval.

18. Why is a requested year unavailable to me on a multi-year waiver application?

If a year is grayed out and cannot be selected, the district has already been approved for this waiver type for that particular year. You may view the waivers you are currently approved for by using the **Search Waivers** section or the [waivers online report](#) on the State Waivers webpage.

19. I have already submitted a maximum class size exception request. There are new sections of K-4 classes in my district that now exceed the maximum class size established in TEC §25.112. Do I need to submit a new waiver request for these sections?

Yes. A new waiver request must be submitted each time newly identified sections of K-4 classes exceed the maximum class size limit. Class size exception requests are not required during the last 12 weeks of the district's school year or any 12-week period of the school year selected by the district, in the case of a district whose average daily attendance is adjusted under TEC Section 48.005(c).

APPENDIX 1

The following supplemental information is required as part of the **Certification for Superintendent/Teacher Waiver**.

1. Provide a brief description of the unique district circumstances/criteria requiring a State Waiver to allow a non-certified individual to be placed in the requested assignment. *(100 characters allowed)*
2. Did the district list Texas "certification" as one of the search criteria? (Yes/No)
3. Provide a brief description of the search process to fill the vacancy. Include the breadth of the search process; how long advertised; number of applicants; number of finalists. *(600 characters allowed)*
4. What qualifications did the Decision-Making Committee and district stakeholders identify as key district needs for filling this vacancy? *(300 characters allowed)*
5. How is this individual qualified to meet the key district needs? *(300 characters allowed)*
6. List SBEC certification areas issued: *(200 characters allowed)*
7. List Out-of-State certification areas issued: *(200 characters allowed)*
8. List any other professional licenses: *(200 characters allowed)*
9. List any Educational Degree(s) from an accredited University recognized by the THECB: *(200 characters allowed)*
10. Has this candidate been fingerprinted per SB9 law? (Yes/No)
11. What is this person lacking to obtain his/her Texas certification for the assignment (deficiency plan)? *(300 characters allowed)*
12. How will the district evaluate the candidate's performance during the waiver period? *(300 characters allowed)*
13. How will the district monitor the certification progress of the individual? Documentation must be maintained by the district. *(300 characters allowed)*

14. If this waiver is granted, what is the district's back-up plan to ensure that at the expiration of the waiver period, the district will have an individual with Texas certification appropriate for the assignment? *(300 characters allowed)*

APPENDIX 2

The following supplemental information is required as part of the following waivers:

- **Course Requirement Waiver**
- **Course Requirement Career & Technical Education (CTE) Waiver**
- **Foreign Exchange Student (Less than 5) Waiver**
- **Pregnancy Related Services On-Campus Waiver**
- **Remote Homebound Instruction (Other Waiver)**

1. Give a brief narrative description of the requested waiver. *(500 characters allowed)*
2. Does the district or campus plan reflect the need for this waiver? If yes, what is the specific objective impacted by the waiver? *(100 characters allowed)*
3. Cite the section(s) of the Texas Education Code or the Texas Administrative Code that the district or campus wishes to waive. *(100 characters allowed)*
4. Describe the plan to be implemented, if the waiver is granted. *(1000 characters allowed)*
5. How will granting this waiver help achieve the district's or campus' objective? *(200 characters allowed)*
6. Please explain how the school district or campus will evaluate the impact of the waiver towards meeting the district's or campus' goal. *(500 characters allowed)*

APPENDIX 3

The following supplemental information is required as part of the **Full-Day Prekindergarten Waiver**.

1. Exemption Condition per TEC §29.153 (*select one*)
 - LEA would be required to construct a classroom facility in order to provide prekindergarten classes
 - Implementation would result in fewer eligible children being enrolled in prekindergarten
2. Date of Public Meeting: (*To be considered a public meeting, the LEA must issue a public notice of the time, place and subject matter of the meeting. If LEA has had multiple meetings, use the most recent date.*)
3. Solicit and Consider Partnerships
 - Did your LEA solicit partnership opportunities? (Yes/No)
 - Did your LEA receive proposals for partnership? (Yes/No)
 - Did your LEA consider the proposals for partnership it received? (Yes/No)
4. If yes in response to questions 2 or 3, please specify the type of entity proposing partnership and number of proposals received. (*select all as applicable*)
 - Texas Rising Star, 3 Star Cert.
 - Nationally Accredited
 - Head Start
 - Texas School Ready!
 - Meet the requirement of TEC §29.1532
 - Other

APPENDIX 4.1 (DISTRICT REPORTING)

The following is an example of an ADA report showing the attendance rate on a date of low attendance for a **district** (If submitting a Low Attendance Day(s) Waiver for a campus, a campus report must be submitted. See Appendix 4.3.)

| | | | | | | | | | |
|---|--|--|---------|---------|---------|----------|----------|----------|---------------------|
| FAKE ISD | | Table I | | | | | | | 6/8/2021 08:13:03 |
| For Date Range: 09/18/2020 - 09/18/2020 | | District Summary Report - Student Attendance and Contact Hours by Date Range | | | | | | | 123-456-All |
| Campuses: 001,041,042,101 | | For School Year 2020-2021 | | | | | | | Track: ALL |
| Date of Low Attendance | | | | | | | | | ALL Calendar Tracks |
| ALL Campuses | | | | | | | | | |
| A Number of Days Taught - 1 | | EE | PK | KG | Grade 1 | Grade 2 | Grade 3 | Grade 4 | Grade 5 |
| B Tot Days Membership - All Students | | 1.00 | 0.00 | 72.00 | 53.00 | 59.00 | 63.00 | 81.00 | 63.00 |
| C Tot Days Absent - All Students | | 0.00 | 0.00 | 12.00 | 10.00 | 15.00 | 7.00 | 19.00 | 13.00 |
| D Tot Days Present - All Students (B-C) | | 1.00 | 0.00 | 60.00 | 43.00 | 44.00 | 56.00 | 62.00 | 50.00 |
| E Ineligible Days Present | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| F Total Eligible Days Present (D-E) | | 1.00 | 0.00 | 60.00 | 43.00 | 44.00 | 56.00 | 62.00 | 50.00 |
| G Eligible Days Bilingual/ESL | | 0.00 | 0.00 | 3.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 |
| H Eligible Days Pg Related Services | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| I Eligible Days Sp. Ed. Mainstream | | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 2.00 | 3.00 | 1.00 |
| Q Percent Attendance | | 100.00% | 0.00% | 83.33% | 81.13% | 74.58% | 88.89% | 76.54% | 79.37% |
| A Number of Days Taught - 1 | | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Grade 12 | Total |
| B Tot Days Membership - All Students | | 79.00 | 74.00 | 99.00 | 93.00 | 90.00 | 59.00 | 74.00 | 960.00 |
| C Tot Days Absent - All Students | | 20.00 | 17.00 | 24.00 | 32.00 | 32.00 | 23.00 | 28.00 | 252.00 |
| D Tot Days Present - All Students (B-C) | | 59.00 | 57.00 | 75.00 | 61.00 | 58.00 | 36.00 | 46.00 | 708.00 |
| E Ineligible Days Present | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| F Total Eligible Days Present (D-E) | | 59.00 | 57.00 | 75.00 | 61.00 | 58.00 | 36.00 | 46.00 | 708.00 |
| G Eligible Days Bilingual/ESL | | 1.00 | 3.00 | 1.00 | 2.00 | 0.00 | 0.00 | 0.00 | 13.00 |
| H Eligible Days Pg Related Services | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| I Eligible Days Sp. Ed. Mainstream | | 2.00 | 3.00 | 3.00 | 5.00 | 4.00 | 1.00 | 2.00 | 27.00 |
| Q Percent Attendance | | 74.68% | 77.03% | 75.76% | 65.59% | 64.44% | 61.02% | 62.16% | 73.75% |

Attendance Rate

APPENDIX 4.2 (DISTRICT REPORTING)

The following is an example of a PEIMS summary report showing the average attendance for the **prior year** for a **district** (If submitting a Low Attendance Day(s) Waiver for a campus, a campus report must be submitted. See Appendix 4.4.)

| | | | | | | | | | | |
|---|----------|--|----------|----------|----------|----------|----------|-----------|---|--|
| Texas Education Agency PDM3-130-001 v19.3.1 | | TSDS PEIMS SUPERINTENDENT'S REPORT OF STUDENT ATTENDANCE | | | | | | | Monday 06/08/2021 11:06 AM Page 7 of 7 | |
| LEA: 123456 -FAKE ISD | | 2019 - 2020 Summer Collection, Accepted Submission | | | | | | | ALL Campuses | |
| Total Grade Summary | | Prior Year | | | | | | | | |
| | | EE | PK | KG | 01 | 02 | 03 | 04 | 05 | |
| B. Days Membership | 693.0 | 3,747.0 | 11,411.5 | 8,613.0 | 11,393.0 | 13,687.0 | 10,155.0 | 13,350.0 | | |
| C. Total Days Absent | 84.0 | 217.0 | 650.5 | 373.0 | 343.0 | 525.0 | 282.0 | 546.0 | | |
| D. Total Days Present | 609.0 | 3,530.0 | 10,761.0 | 8,240.0 | 11,050.0 | 13,162.0 | 9,873.0 | 12,804.0 | | |
| E. Total Ineligible Days | 0.0 | 165.0 | 167.5 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | | |
| F. Total Eligible Days | 609.0 | 3,365.0 | 10,593.5 | 8,240.0 | 11,050.0 | 13,162.0 | 9,873.0 | 12,804.0 | | |
| G. Elig Days Bilingual/ESL | 0.0 | 413.5 | 0.0 | 169.0 | 327.0 | 1,008.0 | 0.0 | 338.0 | | |
| H. Elig Days Preg Rel Serv | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | | |
| I. Elig Days SpecEd Main | 0.0 | 0.0 | 0.0 | 115.0 | 328.0 | 355.0 | 264.0 | 141.0 | | |
| J. Biling/ESL Refined ADA | 0.000 | 2.393 | 0.000 | 0.977 | 1.892 | 5.826 | 0.000 | 1.955 | | |
| K. SpecEd Main Refined ADA | 0.000 | 0.000 | 0.000 | 0.622 | 1.888 | 1.975 | 1.569 | 0.807 | | |
| L. Preg Related Serv FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |
| M. Career & Technical Ed FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |
| N. Special Education FTE | 1.51 | 1.01 | 0.88 | 0.82 | 1.52 | 1.71 | 4.03 | 4.86 | | |
| O. Regular Program Ref ADA | 1.952 | 18.437 | 60.323 | 46.735 | 62.364 | 74.282 | 53.021 | 69.085 | | |
| P. Total Refined ADA | 3.466 | 19.446 | 61.202 | 47.553 | 63.888 | 75.994 | 57.048 | 73.948 | | |
| Q. Percent in Attendance | 87.88% | 94.21% | 94.30% | 95.67% | 96.99% | 96.16% | 97.22% | 95.91% | | |
| | | 06 | 07 | 08 | 09 | 10 | 11 | 12 | Total | |
| B. Days Membership | 12,269.0 | 16,784.0 | 15,152.0 | 14,862.0 | 10,931.0 | 13,025.0 | 11,541.0 | 167,613.5 | | |
| C. Total Days Absent | 421.0 | 651.0 | 547.0 | 467.0 | 360.0 | 587.0 | 505.0 | 6,558.5 | | |
| D. Total Days Present | 11,848.0 | 16,133.0 | 14,605.0 | 14,395.0 | 10,571.0 | 12,438.0 | 11,036.0 | 161,055.0 | | |
| E. Total Ineligible Days | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 332.5 | | |
| F. Total Eligible Days | 11,848.0 | 16,133.0 | 14,605.0 | 14,395.0 | 10,571.0 | 12,438.0 | 11,036.0 | 160,722.5 | | |
| G. Elig Days Bilingual/ESL | 750.0 | 124.0 | 292.0 | 167.0 | 0.0 | 337.0 | 169.0 | 4,094.5 | | |
| H. Elig Days Preg Rel Serv | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | | |
| I. Elig Days SpecEd Main | 395.0 | 241.0 | 1,255.0 | 509.0 | 0.0 | 492.0 | 241.0 | 4,336.0 | | |
| J. Biling/ESL Refined ADA | 4.378 | 0.693 | 1.666 | 0.967 | 0.000 | 1.948 | 0.977 | 23.672 | | |
| K. SpecEd Main Refined ADA | 2.255 | 1.361 | 7.167 | 2.941 | 0.000 | 2.842 | 1.356 | 24.783 | | |
| L. Preg Related Serv FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |
| M. Career & Technical Ed FTE | 0.00 | 0.00 | 0.00 | 28.86 | 17.95 | 33.03 | 42.31 | 122.16 | | |
| N. Special Education FTE | 3.35 | 4.98 | 1.93 | 4.58 | 4.37 | 3.30 | 0.78 | 39.65 | | |
| O. Regular Program Ref ADA | 65.234 | 88.177 | 82.530 | 49.718 | 38.809 | 35.655 | 20.935 | 767.258 | | |
| P. Total Refined ADA | 68.587 | 93.158 | 84.464 | 83.161 | 61.126 | 71.992 | 64.030 | 929.064 | | |
| Q. Percent in Attendance | 96.57% | 96.12% | 96.39% | 96.86% | 96.71% | 95.49% | 95.62% | 96.09% | | |

Attendance Rate

APPENDIX 4.3 (CAMPUS REPORTING)

The following is an example of an ADA report showing the attendance rate on a date of low attendance for a **campus** (If submitting a Low Attendance Day(s) Waiver for a district, a district report must be submitted. See Appendix 4.1.)

Date of Low Attendance

1txatn02.p 20-4
05.20.02.00.00

FAKE ISD
ADA Report for 01/24/2021 thru 01/24/2021

02/19/21 Page:2
4:59 PM

| Entity | Name | Cal | Operational Days | Grade Level | Total Days Membership | Total Ineligible Days Present | Total Eligible Days Present | Refined ADA | Percentage Of Attendance |
|----------------|---------|-----|------------------|-------------|-----------------------|-------------------------------|-----------------------------|-------------|--------------------------|
| 101 | FAKE EL | 101 | 1 | 01 | 106.0 | 0.0 | 88.0 | 88.00 | 83.02 |
| | | | 1 | 02 | 111.0 | 0.0 | 99.0 | 99.00 | 89.19 |
| | | | 1 | 03 | 129.0 | 0.0 | 106.0 | 106.00 | 82.17 |
| | | | 1 | 04 | 130.0 | 0.0 | 114.0 | 114.00 | 87.69 |
| | | | 1 | EE | 0.0 | 0.0 | 0.0 | 0.00 | 0.00 |
| | | | 1 | KG | 102.0 | 0.0 | 78.0 | 78.00 | 76.47 |
| | | | 1 | ALL | 578.0 | 0.0 | 485.0 | 485.00 | 83.91 |
| | | PAD | 1 | PK | 44.0 | 0.0 | 37.0 | 37.00 | 84.09 |
| | | | 1 | ALL | 44.0 | 0.0 | 37.0 | 37.00 | 84.09 |
| REPORT TOTALS: | | | | | 622.0 | 0.0 | 522.0 | 522.00 | 83.92 |

***** End of report *****

Attendance Rate

Campus Number

Campus Name

Calendar Tracks

APPENDIX 4.4 (CAMPUS REPORTING)

The following is an example of a PEIMS summary report showing the average attendance for the **prior year** for a **campus** (if submitting a Low Attendance Day(s) Waiver for a district, a district report must be submitted. See Appendix 4.2)

Texas Education Agency
PDM3-130-001
v19.3.1

TSDS PEIMS SUPERINTENDENT'S REPORT OF STUDENT ATTENDANCE

LEA-level Data

Campuses: 101

Campus Number

Friday 01/17/2021 8:49 AM
Page 7 of 7

LEA: 123456 - FAKE ISD

2019 - 2020 Summer Collection, Accepted Submission

Prior Year

Total Grade Summary

All Reporting Periods

| | EE | PK | KG | 01 | 02 | 03 | 04 | 05 |
|------------------------------|--------|---------|----------|----------|----------|----------|-------|-------|
| B. Days Membership | 589.0 | 5,886.0 | 21,295.0 | 21,272.0 | 18,233.0 | 21,579.0 | 0.0 | 0.0 |
| C. Total Days Absent | 82.5 | 482.0 | 1,004.0 | 983.0 | 919.0 | 797.0 | 0.0 | 0.0 |
| D. Total Days Present | 506.5 | 5,404.0 | 20,291.0 | 20,289.0 | 17,314.0 | 20,782.0 | 0.0 | 0.0 |
| E. Total Ineligible Days | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| F. Total Eligible Days | 506.5 | 5,404.0 | 20,291.0 | 20,289.0 | 17,314.0 | 20,782.0 | 0.0 | 0.0 |
| G. Elig Days Bilingual/ESL | 0.0 | 1,285.5 | 2,910.0 | 3,302.0 | 1,830.0 | 3,146.0 | 0.0 | 0.0 |
| H. Elig Days Preg Rel Serv | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| I. Elig Days SpecEd Main | 440.5 | 0.0 | 0.0 | 4.0 | 338.0 | 438.0 | 0.0 | 0.0 |
| J. Biling/ESL Refined ADA | 0.000 | 7.406 | 16.750 | 18.990 | 10.516 | 18.111 | 0.000 | 0.000 |
| K. SpecEd Main Refined ADA | 2.535 | 0.000 | 0.000 | 0.020 | 1.940 | 2.473 | 0.000 | 0.000 |
| L. Preg Related Serv FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| M. Career & Technical Ed FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| N. Special Education FTE | 0.29 | 0.06 | 1.87 | 3.42 | 4.23 | 2.11 | 0.00 | 0.00 |
| O. Regular Program Ref ADA | 2.600 | 31.085 | 114.714 | 113.166 | 95.297 | 117.264 | 0.000 | 0.000 |
| P. Total Refined ADA | 2.889 | 31.148 | 116.583 | 116.585 | 99.528 | 119.377 | 0.000 | 0.000 |
| Q. Percent in Attendance | 85.99% | 91.81% | 95.29% | 95.38% | 94.96% | 96.31% | 0.00% | 0.00% |

| | 06 | 07 | 08 | 09 | 10 | 11 | 12 | Total |
|------------------------------|-------|-------|-------|-------|-------|-------|-------|----------|
| B. Days Membership | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 88,854.0 |
| C. Total Days Absent | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 4,267.5 |
| D. Total Days Present | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 84,586.5 |
| E. Total Ineligible Days | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| F. Total Eligible Days | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 84,586.5 |
| G. Elig Days Bilingual/ESL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 12,473.5 |
| H. Elig Days Preg Rel Serv | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| I. Elig Days SpecEd Main | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 1,220.5 |
| J. Biling/ESL Refined ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 71.773 |
| K. SpecEd Main Refined ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 6.968 |
| L. Preg Related Serv FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| M. Career & Technical Ed FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| N. Special Education FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 11.98 |
| O. Regular Program Ref ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 474.126 |
| P. Total Refined ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 486.109 |
| Q. Percent in Attendance | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 95.20% |