

<b>DATE:</b>	<b>October 1, 2020</b>
<b>SUBJECT:</b>	<b>Bilingual Education Exceptions and English as a Second Language (ESL) Waivers</b>
<b>CATEGORY:</b>	<b>Special Populations</b>
<b>NEXT STEPS:</b>	<b>Apply and/or share with relevant staff including English Learner Directors/Coordinators and Human Resources Directors.</b>

Pursuant to TAC §89.1207(a)(1), (b)(1), any district or charter school that does not have the appropriately certified teachers to serve English Learners (ELs) in Texas must apply to the Texas Education Agency (TEA) for a bilingual exception and/or ESL waiver. School districts with a ***District of Innovation*** designation are not exempt from this requirement. The approval of an exception and/or a waiver shall be valid only during the school year for which it was granted.

The 2020-2021 Bilingual Education Exception/English as a Second Language (ESL) Waiver application and instructions are now available on the [TEA Bilingual Exception and ESL Waiver Resources webpage](#). All applications are due on or before **Sunday, November 1, 2020**, and must be emailed to the Texas Education Agency as an attachment to [BilingualExceptions\\_ESLWaivers@tea.texas.gov](mailto:BilingualExceptions_ESLWaivers@tea.texas.gov).

Districts and charter schools that apply for a bilingual exception and/or ESL waiver must develop a comprehensive professional development plan targeting the competencies needed to serve English learners. At least 10% of the total Bilingual Education Allotment (BEA) funds shall be utilized to fund the professional development mentioned in the plan, regardless if the district or charter school is applying for a bilingual exception, ESL waiver, or both.

**Bilingual Education Program Exception:** Districts or charter schools that are ***unable to provide bilingual certified teachers to implement the bilingual program either in-person or during remote instruction*** in the elementary and/or secondary grades are required to request from the commissioner of education an exception to the bilingual education program and approval to offer an alternative program. It is recommended to review the [Bilingual Education Scenario Chain](#) prior to filling out the exception application.

**ESL Program Waiver:** Districts or charter schools that are ***unable to provide ESL certified teachers to implement the ESL program either in-person or during remote instruction*** in the elementary and/or secondary grades are required to request from the commissioner of education a waiver of the certification requirements for teachers who will provide ESL instruction. It is recommended to review the [ESL Waiver Scenario Chain](#) prior to filling out the waiver application.

For answers to frequently-asked-questions, see the [Bilingual Exceptions/ESL Waivers FAQ](#). For additional questions or clarification regarding Bilingual Education Exceptions and/or ESL Waivers, please call (512) 463-9414 or email the English Learner Support Inbox at [EnglishLearnerSupport@tea.texas.gov](mailto:EnglishLearnerSupport@tea.texas.gov).

Please visit the [English Learner Web Portal](#) for more information and updates related to ELs.