

Allowable Use of Bilingual Education Allotment (BEA) Funds for Comprehensive Professional Development Plan (10%) When Applying for a Bilingual Education (BE) Exception and/or English as a Second Language (ESL) Waiver

Local education agencies (LEAs), including school districts, districts of innovation, and open-enrollment charter schools, must apply for a bilingual education (BE) exception and/or an English as a second language (ESL) waiver in cases where they have an insufficient number of appropriately certified staff to serve emergent bilingual (EB) students/English learners (ELs) in accordance with Texas Education Code (TEC) Chapter 29 and Title 19 of the Texas Administrative Code (TAC), Chapter 89. LEAs that apply for a BE exception and/or an ESL waiver must develop a comprehensive professional development (PD) plan targeting the competencies needed to serve the needs of EB students. Furthermore, LEAs applying for a BE exception and/or ESL waiver must assure that they will use a minimum of 10% of their bilingual education allotment (BEA) funds for PD provided through the comprehensive PD plan. In cases where an LEA has applied for both a BE exception and an ESL waiver for the current school year, the LEA must assure that a total of at least 10% of their BEA funds are utilized for PD provided through the comprehensive PD plans.

The table below details allowable use of BEA funds for fulfilling this minimum percentage requirement (at least 10% of the LEA’s total BEA funds). LEAs may select from the options in the table below when expending BEA funds to provide targeted PD in compliance with statutory requirements, which are provided for your reference at the end of this document. LEAs that are not applying for a BE Exception or an ESL Waiver may also use BEA funds for the purposes listed in the table below. NOTE: There are other allowable uses of BEA funds; this document only lists the allowable use of BEA funds in the area of professional development.

Examples of Allowable Use of Bilingual Education Allotment (BEA) Funds for Comprehensive PD Plan (10%) When Applying for a BE Exception and/or ESL Waiver	
Use	Examples
<p>Professional Development targeting competencies needed to serve the needs of EB students (including preparation for ESL and/or bilingual certification test) and included in the comprehensive PD plan. NOTE: BEA funds may be used to provide this PD to any staff serving EB students.</p>	<ul style="list-style-type: none"> • Staff salary for developing targeted PD materials. • Staff salary for delivering targeted PD. • Extra duty pay for staff participating in targeted PD (outside of regular school hours; i.e. evenings, weekends). • Substitute pay to cover for teaching staff participating in targeted PD during regular school hours. • Mileage reimbursement for staff travel to and from a Regional Education Service Center (ESC) or other off-site training location that is providing targeted PD paid for through BEA funds.
<p>Certification Testing Fee and associated expenses (for Texas ESL and/or bilingual certification tests only; teachers must have been provided training in preparation for these certification tests as part of the comprehensive PD plan)</p>	<ul style="list-style-type: none"> • Reimbursement for Texas ESL or bilingual certification testing fee (but no reimbursement provided for cost of posting to the staff member’s certificate); number of testing attempts for which a teacher may be reimbursed through the BEA is at the discretion of the LEA, not to exceed the state-allowable limit on test attempts. • Mileage reimbursement for staff travel to and from a testing center to take a Texas ESL and/or bilingual certification test paid for through BEA funds. NOTE: Staff already receiving a travel stipend are not eligible for reimbursement using BEA funds. • Substitute pay to cover teaching staff absent from school to take a Texas ESL and/or bilingual certification test paid for through BEA funds.

<p>Professional Conferences (specifically identified in the LEA’s comprehensive PD plan).</p>	<ul style="list-style-type: none"> • Registration fee for conferences held within the state of Texas, focusing on meeting the needs of EB students. • Travel costs, including mileage (in accordance with the Texas Comptroller and meals and lodging (as per Government Service Administration guidelines. NOTE: LEAs must follow local travel reimbursement policies when reimbursing for staff travel using BEA funds • Conferences may include (list not exclusive) ESC conferences and events, state association conferences and events, national association conferences and events (only if held in the state of Texas).
<p>Salary for EB Student Support Instructional Coach hired to provide ongoing PD and support targeting development of competencies needed to serve EB students and included in the comprehensive PD plan.</p>	<ul style="list-style-type: none"> • Instructional coach whose salary is funded through BEA must hold a valid Texas teacher certificate in ESL and/or bilingual education. NOTE: Coach’s teacher certificate must match work assignment, e.g. coach working with ESL teachers is ESL certified, coach working with bilingual teachers is bilingual certified. • Instructional coach must devote 100% of work time funded through BEA to coaching teaching staff that currently work with EB students. NOTE: BEA funds cannot be used to fund salary for a teacher in the classroom.
<p>Consulting fees for ESC Coach to provide ongoing PD and support targeting development of competencies needed to serve EB students as part of the comprehensive PD plan.</p>	<ul style="list-style-type: none"> • ESC coach contracted with BEA funds must hold a valid Texas teacher certificate in ESL and or bilingual education. NOTE: Coach’s teacher certificate must match work assignment, e.g. coach working with ESL teachers is ESL certified, coach working with bilingual teachers is bilingual certified. • ESC coaching services provided using BEA funds counting toward the 10% must coach teaching staff that currently work with EB students and must target the development of competencies needed to serve EB students.

Legal Authorities and Requirements

19 TAC §89.1207(a)(1)(E), pertaining to bilingual education exceptions and English as a Second Language waivers, states LEAs requesting from the commissioner of education a bilingual education exception because of an insufficient number of appropriately certified teachers shall assure that “at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph.”

19 TAC §89.1207(b)(1)(E), pertaining to bilingual education exceptions and English as a Second Language waivers, states LEAs requesting from the commissioner of education an ESL waiver because of an insufficient number of appropriately certified teachers shall assure that “at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph.”

19 TAC §§89.1207(a)(1)(D) and (b)(1)(D), pertaining to Bilingual Education Exceptions and English as a Second Language Waivers, state LEAs requesting from the commissioner of education a bilingual education exception or an ESL waiver because of an insufficient number of appropriately certified teachers shall provide the following:

(D) an assurance that the school district will implement a comprehensive professional development plan that:

- (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of English learners;
- (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
- (iii) may include additional teachers who work with English learners

TEC §48.105(b), pertaining to the bilingual education allotment, requires that “at least 55% of the funds allocated under this section must be used in providing bilingual education or second language programs [ESL]” and “a district’s bilingual education or special language allocation may be used only for program and student evaluation, instructional materials and equipment, staff development, supplemental staff expenses, salary supplements for teachers, incremental costs associated with providing smaller class sizes, and other supplies required for quality instruction.”

This [to the administrator addressed \(TAA\) letter](#) from June 2021 provides information on auditing BEA funds as well as compliance enforcement, particular to the 2021-2022 school year and subsequent school years. Keep in mind that BEA funds apply to both BE and ESL programs. NOTE: Under HB 3, the minimum spending requirement for BEA funds on provision of BE or ESL programs increased from 52% to 55%. If an LEA did not meet the spending requirements for the 2020-2021 school year because of these changes made to state funding, the LEA will be required to make up the difference in the 2021-2022 school year.