Refer to the Texas Education Agency (TEA) Curriculum Division for general information regarding *Foreign Exchange Students.*

1. Can a district request a waiver to limit the number of foreign exchange students (FES) admitted to the district?

The district can request a waiver, per Texas Education Code (TEC), §25.001(e), to limit the number of FES it admits to the district.

2. What criteria can be used to limit the number of FES?

According to TEC, §25.001(e), the district may only limit the number of FES if the commissioner determines that the admission of an FES would:

1) create a financial or staffing hardship for the district;
2) diminish the district's ability to provide high quality educational services for the district's domestic students; or
3) require domestic students to compete with foreign exchange students for educational resources.

3. What is the process for obtaining a waiver?

To obtain a waiver, a district must submit a Foreign Exchange Student waiver application using the TEA's automated waiver application system, which is available in the online TEA Login (TEAL) secure environment. The commissioner shall respond with an approval or denial no later than the 60th day after the date of receipt of the request.

4. What period of time may the FES waiver be requested/granted?

A waiver granted under TEC, §25.001(e) is effective for the period stated in the application, which may not exceed three years. The approval of an FES waiver is not retroactive and takes effect on the date that the agency approves the application.

5. What is the minimum number of FES that can be admitted to the district?

A district may choose a limit of five or more per high school. **Please be advised the district cannot deny admittance to an FES until the waiver process has been completed and the approved waiver is received by the district.** After the district receives the approved waiver, the district must admit FES until it reaches its approved limit, not counting those FES that have already been admitted. A district may not impose a limit less the number of students requested in the waiver application, however the limit may be exceeded.