

# Foreign Exchange Student Waiver Frequently Asked Questions

## Foreign Exchange Student Waiver (FESW) Frequently Asked Questions (FAQ)

(Update July 2022)

Refer to the Texas Education Agency (TEA) Curriculum Division for general information regarding Foreign Exchange Students. [\(Link\)](#)

### State Waiver General Information

1. Can a district request a waiver to limit the number of foreign exchange students (FES) admitted to the district?
2. What criteria can be used to limit the number of FES?
3. What is the process for obtaining a waiver?
4. What period of time may the FES waiver be requested/granted?
5. What is the minimum number of FES that can be admitted into a district?

### State Waiver General Information

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.

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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.

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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.

***All waiver requests must have local board approval before a district may submit the waiver application.***

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

A waiver granted under TEC, §7.056(d), 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.

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

A district may choose any number above zero as its limit. A limit of five or more per high school must be submitted as an expedited waiver application. If the limit is less than five per high school, a general waiver application must be submitted. Only in the most compelling circumstances will a waiver request for less than five per high school be considered. Failure to articulate a compelling circumstance in a waiver request for less than five may result in the denial of the waiver.