

DATE:	October 9, 2025
SUBJECT:	Filing of Bilingual Exceptions and/or ESL Waivers
CATEGORY:	Emergent Bilingual Student Programs
NEXT STEPS:	Share with appropriate staff to ensure accurate filing of exceptions and/or waivers

The purpose of this communication is to inform school systems that the window to file this year's Bilingual Exceptions and English as a Second Language (ESL) Waivers is now open, effective August 1, 2025, on the Texas Education Agency Login (TEAL). The instructions and additional resources are now available in the [TEA State Waivers Guidebook: A Guide to State Waivers for Districts and Charter Schools 2025-2026](#) (see page 24) and on the Bilingual Exception and ESL Waiver tab in the Emergent Bilingual portal.

Overview

All school systems, including districts, charter schools, and districts of innovation, are required to identify and serve emergent bilingual (EB) students through bilingual education, including Bilingual or ESL programs, per 19 Texas Administrative Code (TAC) §89.1205.

Pursuant to 19 TAC §89.1207(a), a school system that does not have the appropriately certified teachers for their required bilingual and/or ESL program(s) must apply to the Texas Education Agency (TEA) for a bilingual exception and/or ESL waiver. One application per school system is recommended. The approval of a bilingual exception and/or an ESL waiver shall be valid only during the school year for which it is granted. The application's narrative responses require school systems to explain how teachers under the bilingual exception and/or ESL waiver will temporarily serve EB students with alternative methods to meet their affective, linguistic, and cognitive needs and align as closely as possible to the required bilingual or ESL program.

Additional Information

School systems that apply for a bilingual exception and/or ESL waiver for school year 2025-2026 will require access to the TEAL waivers system for the following roles:

- **District Editor:** responsible for creating the exception and waiver application for submission to the district superintendent for review.
- **Superintendent:** responsible for reviewing and submitting the bilingual exception and/or ESL waiver applications to TEA (may also create a bilingual exception and/or ESL waiver application).

All applications shall include:

1. **Demographics:**
 - a. School system contact information, including Bilingual Director and Human Resources Director
 - b. Campus name with waiver type (bilingual exception or ESL waiver)
 - i. affected grade levels
 - ii. affected language of instruction
 - iii. number of students / Classrooms

- c. Teachers being placed under a bilingual exception/ ESL waiver with the date of expected test completion
 - d. Bilingual and/or ESL program of implementation
- 2. **Alternative Methods Description:** will require a narrative describing the following:
 - a. The alternative methods that will be closely aligned with the bilingual/ESL program and will meet the students' needs, and
 - b. Describe the activities to meet the affective, linguistic, and cognitive needs of EB students during the cyclical process for the current exceptions and waivers process.
- 3. **An Action Plan:** that must include 3-5 documentable activities the school system will complete during the year. The activities should:
 - a. Demonstrate support for teachers seeking certification through professional development.
 - b. Reflect efforts to recruit, hire, and retain appropriately certified teachers.
 - c. Describe the activities and the goals with the expected completion date during the cyclical process; and
 - d. Strengthen program implementation by preparing teachers under the bilingual exception and/or ESL waiver to better serve the needs of the EB students.
- 4. **A Comprehensive Professional Development Plan:** targeting the competencies needed to serve EB students.
 - a. At least 10 percent of the **total** Bilingual Education Allotment (BEA) funds must be utilized to fund the professional development mentioned in the plan, regardless of whether the school system is applying for a bilingual exception, an ESL waiver, or both.
 - b. List and describe the activities that will impact the professional learning opportunities during this year's cyclical process.

All applications are due on or before November 1, 2025, in TEAL. School systems should anticipate communication from TEA staff in the weeks and months after submission for the following reasons: (a) a request for additional information; (b) to discuss the action plan, support and resources, and (c) for the final decision. Prior to filing a bilingual exception/ESL waiver, school systems are encouraged to review the scenario chains for bilingual and ESL programs found in the [Emergent Bilingual Portal](#) in order to calculate the need for a bilingual exception/ESL waiver.

Contact Information

If you have additional questions or need additional information regarding bilingual education exceptions and/or ESL waivers, please contact the Emergent Bilingual Support Division at EmergentBilingualSupport@tea.texas.gov.