

State Waivers Guidebook



*A Guide to State Waivers for
Districts and Charter Schools*

2024-2025

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WAIVERS & EXCEPTIONS

Under Chapter 7 of the Texas Education Code, districts and charter schools may apply to the Commissioner of Education for a waiver of a requirement, restriction, or prohibition imposed by education code or rule of the board or commissioner. **Approval or denial of a waiver is subject to commissioner discretion.**

The State Waivers Unit of the Texas Education Agency is responsible for the coordination of state waivers and class size exceptions. See Texas Education Code ([TEC](#)) [§7.056](#), Waivers & Exemptions, for parameters.

Texas Education Agency State Waivers Unit



512-463-9630



waivers@tea.texas.gov



tea.texas.gov/texas-schools/waivers/state-waivers

Waivers Application System

State waivers are submitted to the agency using the **Texas Education Agency Login (TEAL) Application**.

TEAL Waivers System Roles

If you do not have access to the Waiver application, you may apply for access to the waivers system for the following roles:

District Editor: responsible for creating waiver applications for submission to the district superintendent for review.

Superintendent: responsible for reviewing and submitting waiver applications to TEA (may also create waiver applications).

Note: The **Superintendent** role will be approved by agency staff only for the individual listed as the superintendent of record in the AskTED directory. Please visit the [AskTED Help Guide](#) for information on updating personnel information in AskTED.

Applying for TEAL Waivers Access

You must have a **TEAL** account in order to apply for access to the Waivers system.

TEA
Texas Education Agency

TEAL Login (TEAL)

NOTICE: TEA Web Applications will not be available each Sunday morning from 5:00am to 2:00pm due to routine maintenance. Please do not access your applications during this time period. **You could lose data.**

Don't have an account? [Request New User Account](#)

Username:

Password: [Show Password](#)

[Login](#)

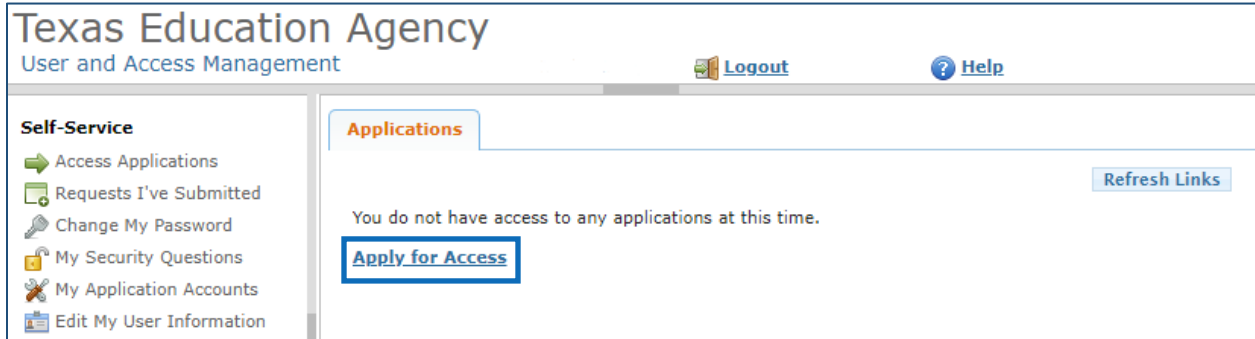
[Forgot your password?](#)
[Forgot your username?](#)

If you do not have a TEAL account, click the “Request New User Account” link located on the TEAL login page and enter the appropriate information to request one.

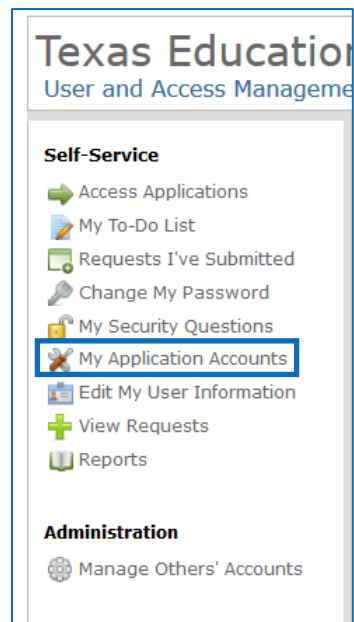
Once you have a TEAL account, use the following steps to request access to the TEAL Waivers system:

1. Log into [TEAL](#) with your username and password. The TEAL Home page appears. If you have not been granted access to any applications yet, there will not be any application links listed on the Applications tab.

- Click **Apply for Access**, as shown in the following screenshot:



Alternatively, if you already have access to some TEAL applications, click on the “My Application Accounts” link, instead.



The My Accounts tab opens.

- Click **Request New Account**, as shown in the following screenshot:

Applications **My Accounts** x

To apply for access to a TEA application or service, click the "Request New Account..." button below. To edit the details of one of your existing accounts, click on the Application name link in the list below.

Contact information for each application is listed below. APPLICATIONS ARE LISTED IN ALPHABETICAL ORDER. PLEASE SCROLL DOWN TO THE ONE YOU NEED. If the application is not displayed in the list, access the [Application Reference Page](#) to print a request form that can be faxed to TEA.

Request New Account... Delete Account Refresh Accounts

| <input type="checkbox"/> | Account Owne | Status | Application | Parameters |
|--------------------------|--------------|--------|-------------|------------|
| | | | | |














The Request New Account dialog box appears.

4. Scroll down and click the link for the **Waivers** application.

Request New Account

To request new access

1. Click the Application ID link OR
2. Double click the Application Name OR
3. Single click the Application Name and then click the "Go To Account Details Form" button

| Application ID | Application Name | Contact | Details |
|------------------------------------|--|--|---|
| PFAI | Physical Fitness Assessment Initiative | Email: Barney Fudge |  |
| PIRTS | Public Information Request Tracking System | |  |
| SPEARS | Special Education Adhoc Reporting System | |  |
| SPP | State Performance Plan Indicators | |  |
| TE | Time and Effort Reporting | Email: Jessica Haros (512-463-6346) |  |
| TPA | TPA TReX Participant Administration | |  |
| TReX | Texas Records Exchange | Email: Texas Records Exchange (512-463-7246) |  |
| TSDSPortal | Texas Student Data System Portal | |  |
| TSDSPortalTraining | TSDS Portal - Training | |  |
| TTA | TEA Test Application | Email: Laura Tapp |  |
| TWEDSAdmin | TWEDS Admin | |  |
| TxCHSE | Texas Certificate of High School Equivalency | |  |
| Waivers | Waivers | Email: Waivers (512-463-9630) |  |

[Go To Account Details Form](#)

5. When a page like the following appears, click **Add Access**.

The screenshot shows a web interface with two tabs: 'Applications' and 'My Accounts'. Below the tabs, there is a section titled 'To apply for new access' with three numbered instructions: 1. Click the 'Add Access' button. 2. Follow the instructions on the Application access details popup. 3. Click the 'Save Changes' button. This will submit your access request to TEAL. Below this, the 'Application Name' is 'Waivers' and the 'User ID' is empty. Under the heading '* Accesses:', there is a table with columns 'Access Status', 'Employing Organization', and 'Access Rights'. The 'Add Access' button is highlighted with a blue box. A 'Done' button is located at the bottom of the table.

6. Type the name (or CDN) of your organization (district/charter school). Once you begin typing, a list of authorized organizations appears. Select the name of your organization from the list.

The screenshot shows a 'My Accounts' page with a 'Application access details' popup window. The popup has a title bar with a close button. Inside, there is a section titled 'Steps for adding access' with five numbered instructions: 1. Enter your Employing Organization (name or organization number). 2. Click the checkbox/radio button for the role(s) that you are applying for. 3. If there are parameters for the role(s) selected, enter that information. 4. Click the 'Done' button to **queue** your request. This does not submit your request to TEAL. 5. Click the 'Save Changes' button. This will then submit your access request to TEAL. Below the instructions, there is a form field labeled 'Employing Organization'. Underneath this field, there is a red asterisk followed by the text '* Organization: Who do you work for? In other words, what organization employs you (e.g. district, ESC, charter school)?'. A blue box highlights the input field for the organization name.

7. Select the appropriate role ("District Editor" or "District Superintendent").

| Roles & Parameters | |
|--------------------------|------------------------------------|
| <input type="checkbox"/> | Academic Standards and Services |
| <input type="checkbox"/> | Student Assessment Reviewer |
| <input type="checkbox"/> | Charter School Admin Reviewer |
| <input type="checkbox"/> | CTE Reviewer |
| <input type="checkbox"/> | Curriculum Reviewer |
| <input type="checkbox"/> | Waivers Director |
| <input type="checkbox"/> | District Editor |
| <input type="checkbox"/> | District Superintendent |
| <input type="checkbox"/> | Educator Certifications Reviewer |
| <input type="checkbox"/> | State Funding Reviewer |
| <input type="checkbox"/> | K-12 Foundation Education Reviewer |
| <input type="checkbox"/> | Education Policy Reviewer |

8. Enter your organization (district/charter school) again, and then click "Done."

| | |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> | District Editor |
| Description: | |
| District Editor | |
| * Organization: | |
| <input type="text"/> | |
| Comments: | |
| <input type="text"/> | |
| <input type="checkbox"/> | District Superintendent |
| <input type="checkbox"/> | Educator Certifications Reviewer |
| <input type="checkbox"/> | State Funding Reviewer |
| <input type="button" value="Clear Roles"/> | |
| <input type="button" value="Done"/> | <input type="button" value="Cancel"/> |

9. Click **Save Changes**.

To apply for new access

1. Click the "Add Access" button.
2. Follow the instructions on the Application access details popup.
3. Click the "Save Changes" button. This will submit your access request to TEAL.

Application Name:
Waivers

User ID:

⚠️ A change has been requested but has not been submitted. To submit your request, click on the Save button located on the bottom of the screen.

* Accesses:

| Access Stat | Employing Organization | Access Rights |
|-------------|------------------------|---|
| New | | Role: District Editor Organization: |

Save Changes **Discard Changes and Return**

If the request was submitted successfully, a confirmation message appears, as shown in the following screenshot:



Requests to access the TEAL Waivers system must first be approved by the district's TEAL approver before agency staff is able to approve requests and make a user active.

In the instance your access to the Waivers system becomes suspended due to inactivity, Waivers agency staff are unable to reactive the account. The district's TEAL approver is able to reactivate district TEAL system accounts. Otherwise, users may navigate to the TEAL login page to access the link to the [TEA Help Desk](#) and select TEAL Access to submit a ticket for it to be restored.

TEA Login (TEAL)

NOTICE: TEA Web Applications will not be available each Sunday morning from 5:00am to 2:00pm due to routine maintenance. Please do not access your applications during this time period. **You could lose data.**

Don't have an account? [Request New User Account](#)

Username:

Password: [Show Password](#)

[Forgot your password?](#)
[Forgot your username?](#)

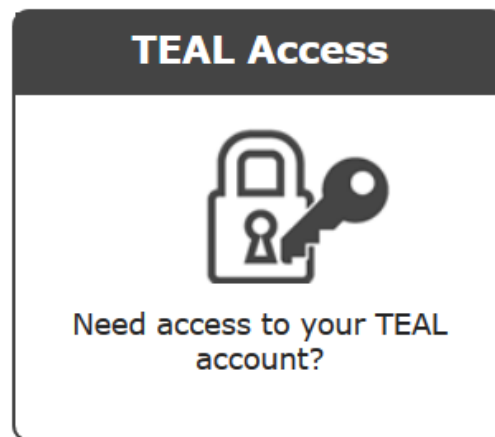
[Help for Request Process](#) | [Help for Educator Account Setup](#)
[Help with Password Reset](#)

WARNING: Unauthorized use of this system or its data is prohibited; usage may be subject to security testing and monitoring; misuse is subject to criminal prosecution; and users have no expectation of privacy except as otherwise provided by applicable privacy laws.

[TEA Home Page](#) | [Web Policy and Accessibility](#)
 For help with account access, please enter a request at the online [TEA Help Desk](#).

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From the homepage of the Help Desk, click on the TEAL Access card and then submit a request to have your access restored.



WAIVER TYPES

Categories of Waivers & Exceptions

The state waivers that are available fall under varying categories: **Expedited**, **General** (including **Other**), and **Attendance**. Additionally, there is an application for a **Maximum Class Size Exception** that is also available for districts. **All waiver requests, regardless of type, require board approval (excluding class size exceptions and bilingual education exceptions/ESL waivers).**

Expedited Waivers are waivers that require basic information from the district.

- Foreign Exchange Student (5 or more)
- Modified Schedule State Assessment Testing Days
- Staff Development Minutes
- Teacher Portal for Texas Assessment Program Data Waiver

General Waivers are waivers that require detailed information surrounding the district's waiver request.

- Accelerated Instruction
- Bilingual Ed Exception/English as a Second Language
- Certification for Superintendent/Teacher/Other than Classroom Teacher
- Course Requirement
- Course Requirement Career & Technical Education (CTE)
- Foreign Exchange Student (Less than 5)
- Pregnancy-Related Services On-Campus
- Remote Conferencing Instruction
- Remote Homebound Instruction
- School Safety

Attendance Waivers are for excused absences or reduced attendance rates that are the result of inclement weather, health, safety-related, or other issues.

- Additional Days School Year (ADSY)
- Low Attendance Days
- Missed School Days

Other Waivers are specific requests that do not fall under any of the above categories.

- Charter School Specific Waivers
- Dual Credit Courses at Institutions of Higher Education
- TXVSN Course Review

Maximum Class Size Exception is required if any class for grades PreK-4th that exceeds the allowable class size limit of 22 students per class.

EXPEDITED WAIVERS

Expedited Waivers are waivers that require basic information from the district and consist of the following types of waivers:

- **Foreign Exchange Student (Request 5 or More)**
- **Modified Schedule for State Assessment Testing Days**
- **Staff Development Minutes Waiver**
- **Teacher Portal for Texas Assessment Program Data Waiver**

Foreign Exchange Student Waiver (5 or More)

This waiver allows the districts or charter schools to limit the number of foreign exchange students to a number that is *5 or more* per high school under Texas Education Code §25.001 (e). *(A request to limit the number to less than five per high school must be submitted as a **general waiver** application.)*



Things to Consider:

- The approval of this waiver is not retroactive and takes effect on the date that the agency approves the application.
- The districts and charter schools must enroll foreign exchange students who arrive in the district or who have requested enrollment in the district prior to the waiver approval date.
- This waiver is permitted only for the following reasons (must be indicated on waiver application):
 - Creates a financial or staffing hardship for the district
 - Diminishes the district's ability to provide high quality educational services for the district's domestic students
 - Requires domestic students to compete with foreign exchange students for educational resources



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- Number of Students Requested (*5 or more*)
- Reason (*see permissible reasons above*)

- School Year(s) Requested (*up to 3*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved
- Local policies that impose limitations on foreign exchange student admission applications or requests (*If the district does not submit policies with the waiver application, the waiver will be reviewed based on the condition that the district accept foreign exchange students on a first come, first serve basis until the number of students stated in the waiver application is reached.*)



Resources:

- [Foreign Exchange Student Waiver Guidelines](#)
- [Foreign Exchange Student Waiver Frequently Asked Questions](#)
- [Texas Education Code §25.001 \(Admission\)](#)

Modified Schedule for State Assessment Testing Days Waiver

This waiver allows the district or charter school to modify the schedule of classes for students who are not being tested to report to and attend school after the state assessment testing period has ended, therefore reducing the interruptions during testing period.



Things to Consider:

- Students who are not being tested must still meet the maximum 2-through-4 hour requirement for funding (see Student Attendance Accounting Handbook, Section 3.2.1.2 and 3.2.1.3).
- The PSAT/SAT is not considered a state assessment.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*up to 3*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which waiver the application request was approved



Resources:

- [Student Attendance Accounting Handbook](#)
 - Section 3.2.1.2 Code 1 Eligible for Full-Day Attendance
 - Section 3.2.1.3 Code 2 Eligible for Half-Day Attendance
 - Section 3.6.6 Attendance Accounting During Testing Days

Staff Development Minutes Waiver

This waiver allows the district and charter schools to train staff on various educational strategies designed to improve student performance in lieu of student instruction during the school year. The waiver provides for a maximum of 2,100 total waiver minutes to use for professional development for districts and charter schools that provide operational and instructional minutes.

Each district and open-enrollment charter school may choose how to apply their approved waiver. For instance, schools may choose to offer early release, late start, all day staff development, or a combination of these options. The waiver minutes may also be utilized differently at different campuses.

This waiver is for staff development in place of student instruction; therefore, the waiver minutes are only applicable to staff development provided instead of student instruction during the school year.



Things to Consider:

- Staff development *waiver* minutes may not exceed 2,100 (5 days for charter schools operating before 1/1/2015 whose operational calendar is on days rather than minutes).
- Staff development *waiver* minutes may only be used during the school year and may not be used prior to the first day of student instruction or after the last day of student instruction.
- Staff development *waiver* minutes are applicable only to real-time staff development that all district staff participate in simultaneously in lieu of student instruction and are not applicable to “exchange/trade” days or professional development minutes that staff may accumulate on their own time “on demand” or outside of the school/workday.
- The maximum total number of minutes waived per academic year may not exceed 4,200. The minutes utilized as part of this waiver apply to the 4,200 waiver minutes cap. (*This*

includes low attendance day, missed school day, staff development, operational and instruction time for school safety training, and any other minute-related waivers.)

- Minutes utilized as part of this waiver apply toward the annual 75,600 operational minute requirement.
- On staff development days when students are in attendance part of the day, the district or open-enrollment charter school must provide at least 120 minutes of student instruction to receive full ADA funding (see Student Attendance Accounting Handbook (SAAH), Section 3.8.1.4 Staff Development Waivers).
- Any staff development *waiver* minutes reported must reflect actual staff development minutes provided.
- Board approval of an academic calendar inclusive of staff development minutes/days is *not* tantamount to approval of a waiver application request; *each document must be board approved as separate agenda items.*
- Districts or charter schools must demonstrate that they are providing high quality staff development that will impact student outcomes.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year Requested (*2024-2025 only*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved



Resources:

- [Student Attendance Accounting Handbook](#)
 - Section 3.8.1.4 Staff Development Waivers

Teacher Portal for Texas Assessment Program Data Waiver

The Texas Education Agency (TEA) provides a teacher portal for its assessment data that complies with the requirements of Texas Education Code (TEC), §32.258. Districts that are interested in fulfilling the requirement of TEC, §32.258 to provide teacher access to student assessment data through a local student data system must apply for an expedited waiver from TEA.



Things to Consider:

- The local data portal must be accessible to all teachers in the core subject areas (reading language arts, mathematics, science, and social studies) and must allow teachers to view their own students' assessment data. *(It is a local decision whether to extend access to teachers outside of the four core subjects; however, districts must consider whether there exists a sound educational reason, allowable under the Family Educational Rights and Privacy Act (FERPA), for non-core teachers to have access to student-level data.)*
- Student data must be available for the past 10 years and include data indicating progress in student achievement.
- Student data must be available on or before the first instructional day of the year following the year in which the data were collected.
- The local data portal must permit comparisons of student performance at the classroom, campus, district, and state levels. Though it will not be necessary for local data portals to contain statewide data for comparisons of student performance, local portals must include a link (see below) to the TEA webpage where statewide assessment reports are posted.
- As a condition to granting a waiver for teacher access to the state teacher portal, local systems must have all the above data available to teachers.
- Districts and charter schools that receive a waiver from the requirement to provide teachers with access to the state teacher portal must still provide the teacher-student linking information in their summer PEIMS submissions. There is no waiver from the PEIMS submission requirement.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*up to 3*)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved



Resources:

- [TEA Student Assessment Results webpage](#)
- [Texas Education Code §32.258 \(Student Assessment Data; Data Portal\)](#)

GENERAL WAIVERS

General Waivers are waivers that require detailed information surrounding the district's waiver request and consist of the following types of waivers:

- **Accelerated Instruction Waiver**
- **Bilingual Education Exception/English as a Second Language (ESL)**
- **Certification for Superintendent/Teacher/Other than Classroom Teacher Waiver**
- **Course Requirement Waiver**
- **Course Requirement Career and Technical Education (CTE) Waiver**
- **Foreign Exchange Student Waiver (Less than 5)**
- **Full-Day Prekindergarten Waiver**
- **Pregnancy Related Services**
- **Remote Conferencing Instruction Waiver**
- **Remote Homebound Instruction Waiver**
- **School Safety Waiver**

Accelerated Instruction Waiver

Texas law requires all students who do not achieve approaches or higher on STAAR grades 3 through 8 or EOC assessments be provided accelerated instruction.



Things to Consider:

- This one-year waiver of accelerated instruction applies to school districts or open enrollment charter schools listed on the Accelerated Instruction Waiver list located on the [Accelerated Instruction webpage](#).
- If your school district or open enrollment charter school is included on the waiver list, you have 45 days from the list release date to submit your Accelerated Instruction Waiver.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- Certification Statement (*I certify that my LEA meets the requirements to qualify for the accelerated instruction waiver as it meets the terms of the requirements outlined in TEC § 28.0211, and I have verified that my LEA is on the current agency published list of qualified LEAs (see special instructions section for link to qualified LEAs)*)
- Supplemental Information ([see appendix 2, question 6 only](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved



Resources:

- [Texas Education Code §28.0211 \(Accelerated Instruction; Modified Teacher Assignment\)](#)
- [19 Texas Administrative Code, §104.1001\(h\)\(3\)-\(7\) \(Commissioner's Rules Concerning Accelerated Instruction\)](#)
- [Accelerated Instruction Webpage](#)

Bilingual Education Exception and English as a Second Language (ESL) Waiver

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

Pursuant to 19 TAC §89.1207(a)(1) and (b)(1), an LEA 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 education exception and/or ESL waiver.

This is a provisional measure taken to report the current needs of the district and to specify the actions to be taken in order to secure the appropriately certified staff, provide training and support to the teachers under the exception/waiver, and to verify the implementation of a temporary alternative methods that meet the affective, linguistic, and cognitive needs of the emergent bilingual (EB) students and align as closely as possible to the required bilingual or ESL program.



Things to Consider:

- Requests for an exception and/or waiver must be submitted using the Bilingual Exception and ESL Waiver application on the TEAL Waivers system.
- The approval of an exception and/or a waiver shall be valid only during the school year for which it is granted.
- The application's narrative responses (*see appendix 3*) require LEAs to explain how the students under the bilingual education exception and/or ESL waiver will temporarily be served with alternative methods to meet the students' affective, linguistic, and cognitive needs and align as closely as possible to the required bilingual or ESL program.

- Districts and charter schools shall submit an action plan with targeted recruiting activities planned for the school year and a comprehensive professional development plan of how 10% of the bilingual education allotment used to prepare the teachers under an exception or waiver.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- HR Contact (*First Name, Last Name, Phone, Email*)
- Campus(es) impacted and:
 - Waiver Type (*Bilingual Exception or ESL Waiver*)
 - Language (*for Bilingual Exception only*)
 - Number of Students/Classrooms/Teachers by grade level
 - Teacher name by grade level
- Supplemental Information ([see appendix 3](#))



Supporting Documentation (submitted with waiver application):

- District information on the TEA Dashboard
- Alternative Methods with a Comprehensible Professional Development Plan
- Action plan to actively recruit and retain bilingual/ESL teachers that eliminates the need to file for a Bilingual Education Exception and/or ESL Waiver in subsequent years



Resources:

- [19 Texas Administrative Code, Chapter 89, Subchapter BB \(Commissioner's Rules Concerning State Plan for Educating Emergent Bilingual Students\)](#)
- Scenario chains for [bilingual programs](#) and [ESL programs](#)
- For questions or additional information regarding bilingual education exceptions and/or ESL waivers, please contact the Emergent Bilingual Support Division at EmergentBilingualSupport@tea.texas.gov

Certification for Superintendent/Teacher/Other than Classroom Teacher Waiver

This waiver allows an individual to serve without the necessary certification requirements.

Certification Waiver for Teachers

Allows an individual to serve as a teacher without the necessary certification requirements. Listed below are certification description types:

- Allows a person to teach without the necessary certification requirements.
- Allows qualified individuals to teach outside their areas of certification in Career and Technical Education (CTE).
- Allows qualified individuals to teach outside their areas of certification in a subject or course for which no state assessment has been developed.
- Allows qualified individuals to teach outside their areas of certification in Alternative Education.
- Allows qualified individuals to teach ROTC classes outside their areas of certification.



Things to Consider:

- When requesting a certification waiver for a role other than a superintendent or classroom teacher (ex. Principal/Assistant Principal, School Counselor, School Librarian), select “Teacher Core Curriculum” in the “Area” dropdown in the Application for Certifications Waiver in TEAL. Be as specific as possible to the role for which the waiver is requested when completing the waiver application.
- Teacher certification waivers cannot be approved for individuals to serve in special education, bilingual education, or prekindergarten program assignments.
- Teacher certification waivers must be initiated by an employing school district. Individual candidates for certification cannot pursue a teacher certification waiver independently.
- For individuals enrolled in an Educator Preparation Program (EPP) or Alternative Certification Program (ACP), it is strongly encouraged that district personnel first have conversations with the EPP or ACP prior to initiating the teacher certification waiver as this could impact the candidate’s completion of program requirements. **District personnel will want to determine that the candidate is not currently eligible for an SBEC-issued credential and what the candidate lacks (deficiency plan) to obtain a certificate.**

Certification Waiver for Superintendents

Allows an individual to serve as superintendent without the necessary certification requirements.



Required Information for all areas requested (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*up to 3*)
- Certification Waiver Agreement
- Candidate Information (*First Name, Last Name, Date of Birth, Projected Certification Date*)
- Assignments (*Area, Grade Level*)
- Supplemental Information ([see appendix 1](#))



Supporting Documentation for all areas requested (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved

Course Requirement Waiver

This waiver allows districts and charter schools to request a waiver to substitute a particular course or courses for state credit within the curriculum. The commissioner of education is prohibited from exempting essential knowledge and skills under Texas Education Code (TEC) §28.002 or minimum graduation requirements under TEC §28.025.



Things to Consider:

To determine if the course substitution is allowable:

- For career and technical education (CTE) courses, contact the **CTE unit** in the **Department of College, Career, and Military Preparation** at CTE@tea.texas.gov.
- For all other courses, contact the **Division of Curriculum** at (512) 463-9581.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)

- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved



Resources:

- [Texas Education Code §28.002 \(Required Curriculum\)](#)
- [Texas Education Code §28.025 \(High School Diploma and Certificate; Academic Achievement Record\)](#)

Course Requirement Career & Technical Education (CTE) Waiver

This waiver allows districts and charter schools to request a waiver of the Texas Administrative Code related to Career and Technical Education (CTE), such as offering a CTE course for an amount of credit other than that specified in the code.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved

Foreign Exchange Student Waiver (Less than 5)

This waiver allows districts and charter schools to limit the number of foreign exchange students to four or less per high school. *(A request to limit the number to five or more per high school must be submitted as an **expedited waiver** application.)*



Things to Consider:

- The approval of this waiver is not retroactive and takes effect on the date that the agency approves the application.
- The districts and charter schools must enroll foreign exchange students who arrive in the district or who have requested enrollment in the district prior to the waiver approval date.
- Only in the most compelling circumstances will a waiver request for less than five per high school be considered. If your district doesn't have a compelling circumstance *beyond* the reasons permitted in TEC, §25.001(e)(1)-(3), your district may want to consider applying for the general [Foreign Exchange Student Waiver \(5 or more\)](#).



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- Number of Students Requested (*1 to 4*)
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved
- Local policies that impose limitations on foreign exchange student admission applications or requests (*If the district does not submit policies with the waiver application, the waiver will be reviewed based on the condition that the district accept foreign exchange students on a first come, first serve basis until the number of students stated in the waiver application is reached.*)



Resources:

- [Foreign Exchange Student Waiver Guidelines](#)
- [Foreign Exchange Student Waiver Frequently Asked Questions](#)

- [Texas Education Code §25.001 \(Admission\)](#)

Pregnancy-Related Services On-Campus (CEHI) Waiver

This waiver allows districts and charter schools to request a waiver to offer Pregnancy-Related Services Compensatory Education Home Instruction (CEHI) on a district's campus. Special education students who qualify for Pregnancy Related Services (PRS) may also receive homebound instruction on campus if the district has an approved on-campus instruction waiver. The waiver is not required for students receiving full-day instruction in a remote setting.



Things to Consider:

The requirements of the waiver are as follows:

- Provide transportation as needed.
- Serve students at home if medically indicated.
- Do not exceed student-teacher ratio of four students to one teacher.
- Do not use self-paced computer-based instruction to fulfill the four hours of CEHI.
- A PRS teacher serving special education students must have a certification in Special Education.
- How will you evaluate the effectiveness of the waiver?



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved or board meeting minutes with signatures from the meeting at which the waiver application was approved



Resources:

- [TEA Pregnancy-Related Services Webpage](#)

- [Pregnancy-Related Services Frequently Asked Questions](#)
- [Pregnancy-Related Services Student Data Record Form Example](#)
- [Student Attendance Accounting Handbook](#)
 - Section 9 – Pregnancy-Related Services (PRS)
- [Documentation End of Year Checklist](#)

Remote Conferencing Instruction Waiver

Per the Student Attendance Accounting Handbook, Section 12.3.1, if your school district provides instruction through remote conferencing to a **regular education student due to a temporary medical condition**, your district may, with approval of a waiver request, count that instruction as classroom time for FSP funding purposes and count the student in attendance for FSP funding purposes, provided certain requirements are met. [**Note:** *in the TEAL Waivers System, the requests for remote conferencing and remote homebound are both located on the same application “Application for Remote Conferencing and Remote Homebound Waiver.”*]

These requirements must be met:

- The student is unable to attend school because of a temporary medical condition (*Pregnancy, in and of itself, is not considered a medical condition. See SAAH, Section 12.3.3 Remote Homebound Instruction—Regular Education Students for information on remote PRS compensatory education home instruction*).
- The student’s temporary medical condition is documented by a physician licensed to practice in the United States. The documentation must include a statement from the physician that the student is to remain confined to their home or to a hospital.

Remote conferencing students will not be considered to be receiving homebound program instruction and will not be eligible to generate eligible days present through the GEH program.

If a student is eligible to be served through the GEH program, your district should evaluate whether it is more appropriate to serve the student through that program or through remote conferencing.

Per the Student Attendance Accounting Handbook, Section 12.3.2, if your school district provides instruction through remote conferencing to a **special education student** for all or part of the school day, your district may count that instruction as classroom time for FSP funding purposes, including in the calculation of contact hours.

The following conditions must be met:

- The student’s ARD committee must have determined, in a manner consistent with state and federal law (*including provisions related to least-restrictive environment (LRE) and FAPE requirements*), that the remote instruction to be provided is required for the provision of a Free and Appropriate Public Education (FAPE).

- The ARD committee must have documented that determination in the student's individualized education program.

Students participating through remote conferencing (*regular education and special education*) will generate attendance in the following ways:

- Students in grades pre-K to five must receive the equivalent of *four hours of instruction with at least two hours of synchronous instruction each school day*. This instruction does not need to be consecutive.
- Students in grades six to twelve must receive at least *four hours of instruction through synchronous instruction each school day*. This instruction does not need to be consecutive.



Things to Consider:

- This waiver is granted on a per-student basis. An application must be submitted for each individual student. **No identifiable student information should be submitted with the waiver request.**
- A waiver for Regular Education Students is not effective until it is granted by the Commissioner (*SAAH pg. 17*). Funding may be claimed beginning on the date the waiver is approved (*SAAH, Section 12.3.1*).
- If a waiver is approved, funding for remote conferencing for special education students may be retroactively claimed on the date services begin in accordance with ARD committee determination and proof of an approved waiver must be available for audit. (*SAAH, Section 12.3.2*).
- A waiver will not be granted if the student is unable to attend school for a reason other than a medical condition, such as confinement at home for disciplinary reasons. Any waiver request must include an explanation of the circumstances.
- Explain how any applicable program requirements will be satisfied if your district intends to claim weighted funding. (*See the applicable sections of the SAAH for specific program requirements.*)
- If a *special education* student's ARD committee determines that instruction through remote conferencing is required for the provision of FAPE, that determination does not necessarily mean that the student's instructional setting code will change with the provision of the instruction through remote conferencing. (*See section 12.3.2 of the SAAH for more information regarding instructional setting codes.*)
- The documentation used to determine the student's need for remote conferencing services should be maintained for audit purposes. (*Refer to Student Attendance Accounting Handbook, Section 2.1 General Audit Requirements.*) **No identifiable student information should be submitted with the waiver request.**



Required Information (entered on waiver application):

- The waiver request must include an explanation of the circumstances.
- When submitting a waiver request for a *regular or special education student*, cite the following requirement in item 3 of the General Questions section: 1) 19 TAC §129.1025; and 2) face-to-face instruction policy. *Only cite "19 TAC §129.1025" if the student is scheduled to be off campus at the official attendance-taking time.*
- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- Campus (*only 1*)
- Remote Conferencing or Remote Homebound (*select Remote Conferencing*)
- Certification Statement (*I certify that the information provided in this waiver application is in accordance with the applicable requirements in Section 12 of the SAAH.*)
- Supplemental Information ([see appendix 2, questions 1, 3, 4 and 6](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved
- Meeting minutes from the board meeting at which the waiver application request was approved indicating approval



Resources:

- [Student Attendance Accounting Handbook](#)
 - Section 2.1 General Audit Requirements
 - Section 12.3.1 Remote Conferencing-Regular Education Students
 - Section 12.3.2 Remote Conferencing-Students Receiving Special Education and Related Services
- [19 Texas Administrative Code §129.21 \(Requirements for Student Attendance Accounting for State Funding Purposes\)](#)

Remote Homebound Instruction Waiver

Remote homebound instruction means remote instruction in which a student receives individualized instruction through the General Education Homebound (GEH) program or Compensatory Education Home Instruction (CEHI) program and in which all requirements of the program are met except for in-person instruction from the homebound teacher. **[Note: in the TEAL Waivers System, the requests for remote conferencing and remote homebound are both located on the same application "Application for Remote Conferencing and Remote Homebound Wavier."]**

If your school district provides remote homebound instruction to an eligible *regular education student*, your district may, with the approval of a waiver request, count the student in attendance for FSP funding purposes provided that all requirements of the homebound program are met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in SAAH, Section 3.7.3 GEH Funding Chart or Section 9.10 Confinement and Earning Eligible Days Present, as applicable.

If your school district provides remote homebound instruction to a *special education student*, your district may, with the approval of a waiver request, count the student in attendance for FSP funding purposes, including weighted funding purposes, provided that the following requirements are met:

- The student's ARD committee must have determined, in a manner consistent with state and federal law, that the remote homebound instruction to be provided meets the needs of the student.
- The ARD committee must have documented that determination in the student's IEP.
- All requirements related to the provision of special education homebound instruction must be met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in SAAH, Section 4.7.2.5 Homebound Funding and Homebound Documentation Requirements.



Things to Consider:

- This waiver is granted on a per-student basis. An application must be submitted for each individual student. **No identifiable student information should be submitted with the waiver request.**
- If the waiver is approved, funding may be claimed beginning on the date the ARD committee determined that remote homebound services began.
- The district should consider whether remote conferencing is an option before moving forward with remote homebound instruction and any applicable waiver requests.

Information regarding why remote conferencing is not an option should be included with the waiver request.

- The documentation used to determine the student’s need for remote homebound services should be maintained for audit purposes. (*Refer to SAAH, Section 2.1 General Audit Requirements.*)



Required Information (entered on waiver application):

- When submitting a waiver request for a *regular education student*, cite the following requirement in item 3 of the General Questions section: the requirement that a homebound teacher serve a student in person at the student’s home or hospital bedside in order for FSP funding to be generated, as required by 3.7.3 GEH Funding Chart or 9.10 Confinement and Earning Eligible Days Present, as applicable, of the handbook, which is adopted annually through 19 TAC §129.1025. *Due to character limits, citing “In person instruction per SAAH 3.7.3 Funding Chart” OR “In person instruction per SAAH 9.10” is sufficient.*
- When submitting a waiver request for a *special education student*, cite the following requirement in item 3 of the General Questions section: the requirement that a homebound teacher serve a student in person at the student’s home or hospital bedside in order for FSP funding to be generated, as required by 4.7.2.5 Homebound Funding and Homebound Documentation Requirements of the handbook, which is adopted annually through 19 TAC §129.1025. *Due to character limits, citing “In person instruction per SAAH 4.7.2.5” is sufficient.*
- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- Campus (*only 1*)
- Remote Conferencing or Remote Homebound (*select Remote Homebound*)
- Certification Statement (*I certify that the information provided in this waiver application is in accordance with the applicable requirements in Section 12 of the SAAH.*)
- Supplemental Information ([see appendix 2, questions 1, 3, 4 and 6](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved
- Meeting minutes from the board meeting at which the waiver application request was approved indicating approval

Resources:

- [Student Attendance Accounting Handbook](#)
 - Section 2.1 General Audit Requirements
 - Section 3.7 General Education Homebound (GEH) Program
 - Section 3.7.3 GEH Funding Chart
 - Section 4.7.2.5 Homebound Funding and Homebound Documentation Requirements
 - Section 9 Pregnancy-Related Services
 - Section 9.10 Confinement and Earning Eligible Days Present

School Safety Waiver

This waiver allows districts and charter schools to waive requirements related to the following school safety elements:

- Emergency Operations Plan
- Facilities Standards
- Operational and Instructional Time for School Safety Training
- Other (available if the district or charter school is seeking a school safety-related waiver that does not fit into the specific reasons listed above)

[Emergency Operations Plan Waiver](#)



Things to Consider:

- The district or charter school must meet one of the qualifying reasons and provide a brief narrative for the reason selected:
 - District is not open or has zero enrollment
 - All district students are under the care, custody, and control of a correctional facility
 - District only provides virtual instruction
 - District students only attend a higher education campus
 - Other (provide another specific reason as applicable)
- A printout of the approved waiver will need to be submitted to the Texas School Safety Center in place of the Emergency Operations Plan.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*up to 3*)
- Waiver Reason (*select Emergency Operation Plan (EOP)*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved



Resources:

- [Texas Education Code §37.108 \(Multihazard Emergency Operations Plan; Safety and Security Audit\)](#)

Facilities Waiver



Things to Consider:

- The Facilities Waiver will require a site visit and a letter of approval from the agency prior to waiver approval. The LEA should email safeschools@tea.texas.gov to initiate the process.
- An LEA may only apply for the waiver for up to the approved time as allowed by the agency within the Facilities Waiver Review Approval Letter.
- An LEA may only receive a waiver from the identified components outlined in its Facilities Review Waiver Approval Letter.
- An LEA may be required to submit a remediation plan explaining how it will become fully compliant within the required timeframe on the Facilities Waiver Review Approval Letter.
- If the application is submitted without the Facilities Waiver Review Approval Letter, the waiver will be denied.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)

- **Date of Board Approval** (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- **School Year(s) Requested** (*up to 3 as allowed in the Facilities Waiver Review Letter*)
- **Waiver Reason** (*select Facilities*)
- **Supplemental Information** ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved
- Facilities Waiver Review Approval Letter



Resources:

- [Texas Education Code §37.351 \(Facilities Standards Compliance\)](#)
- [19 Texas Administrative Code §61.1031 \(Commissioner's Rules Concerning School Facilities\)](#)

Operational and Instructional Time for School Safety Training Waiver



Things to Consider:

- The waiver only applies to school safety training provided during the school year (between the first and last instructional days).
- The waiver is limited to a maximum of 420 minutes but must reflect actual training minutes provided for a training course approved by the Texas School Safety Center.
- The maximum total number of minutes waived per academic year may not exceed 4,200. The minutes utilized as part of this waiver apply to the 4,200 waiver minutes cap. (*This includes low attendance day, missed school day, staff development, operational and instruction time for school safety training, and any other minute-related waivers.*)



Required Information (entered on waiver application):

- **LEA Contact** (*First Name, Last Name, Phone, Email*)
- **Date of Board Approval** (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- **School Year(s) Requested** (*2024-2025 only*)

- Waiver Reason (*select Instructional Minutes*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved



Resources:

- [Texas Education Code §25.0815 \(Operation and Instructional Time Waivers for School Safety Training\)](#)
- [2024 List of Approved Trainings for Operation and Instructional Time Waivers for School Safety Training](#)

Other



Things to Consider:

- Select this option if the LEA is seeking a school safety-related waiver that does not fit into the specific reasons listed above.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*2024-2025 only*)
- Waiver Reason (*select Other*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved

ATTENDANCE WAIVERS

Your district must adopt a school calendar that is in accordance with the program type listed on the chart in the Student Attendance Accounting Handbook (SAAH), Section 3.8. Your district is encouraged to make sure that the adopted calendar includes additional minutes to account for *at least* two bad weather or other missed school days related to health and safety concerns.

If your district or charter school closes school on a scheduled school day, your district or charter school should have enough minutes built into its adopted calendar to make up for any missed minutes or your district's or charter school's FSP funding may be reduced proportionately.

If weather, health, or safety issues cause you to fall short of the required number of minutes/days in accordance with the program type listed on the chart in SAAH, Section 3.8 beyond the additional minutes/days already built into the adopted school calendar for makeup minutes/days, districts and campus officials can request **Attendance Waivers** for excused absences or reduced attendance rates that are the result of inclement weather, health, safety-related, or other issues.

Additional Days School Year (ADSY) Waiver

Additional Days School Year adds half-day formula funding for school systems that add instructional days to any of their elementary schools (TEC, §48.0051). Districts will generate half-day funding for each instructional day after their 180th instructional day up to their 210th instructional day. ADSY funding is available at the campus level. Districts may implement an ADSY program that utilizes anywhere from one to 30 additional days with design flexibility as long as it meets certain requirements (SAAH, Section 11.5). Beginning in the 2023–2024 school year, participating campuses are eligible for up to five days of ADSY waivers for missed instructional days throughout the year due to weather, health, or safety reasons. These waiver days are for the purpose of ensuring compliance with the 180 days of instruction requirement and are distinct from the Missed School Day waiver.



Things to Consider:

- Professional/staff development waivers do not count towards the required 180 days of instruction.
- If an LEA applies for and receives a missed school day waiver, the day(s) will count towards the 180-day total under TEC, §48.0051(c).
- Depending on the situation, an LEA may need to apply for both the ADSY waiver and the Missed School Day waiver.

Should an LEA utilizing ADSY funding file for and receive a low attendance waiver as described in SAAH 3.8.1.3 (Low-Attendance Day Waivers), the granting of a low attendance waiver does not reduce the 180 days of instruction for ADSY purposes. As such, an LEA is

not required to apply for an ADSY waiver for an instructional day that has already been granted a low attendance day waiver.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- Campus(es) impacted (*only select the impacted ADSY eligible campuses that serve grade levels within Pre-K through 5th*)
- Reason for Missed School Day(s) (*Weather, Health, Safety, or Other*)
- Date of Missed School Day(s)
- Certification of Board-adopted 180 instructional day calendar for the current school year
- Explanation of Reason for Missed School Day(s)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved
- Documentation for the reason for missed school day(s) (*Supporting documentation may be news articles, letter to parents, information shared with the Board or district, etc. to specify what the weather/health/safety issue was*)
- Submission of evidence of a board-approved 180-day calendar via a survey that will open in fall of each year in order to be eligible for the ADSY waiver (must be submitted prior to applying for the waiver). The 2024-2025 survey will be launched via a “To the Administrator Addressed” letter that is issued in August of 2024.



Resources:

- [Student Attendance Accounting Handbook](#)
 - Section 11.5 Additional Days School Year (ADSY)
 - Section 11.5.1 ADSY Program Design
- [Texas Education Code §48.0051 \(Incentive for Additional Instructional Days\)](#)

Low Attendance Day(s) Waiver

For a day when school was held but attendance was at least 10 percentage points below the overall average attendance rate for your district or the applicable campus for the prior year because of inclement weather*-related, health, or safety issues, your district may apply for a waiver to have the day excluded from ADA and FSP funding calculations. (**Unusually cold or hot weather, alone, does not constitute an inclement weather-related issue.*)



Things to Consider:

- The number of minutes requested for a low attendance day must be equivalent to the number of minutes a district/campus operated on that day.
 - Example: If a regular day is 450 minutes and the day for which the waiver is requested was a regular day, enter 450 minutes. If the day for which the waiver is requested was a late start/early release day due to the event that caused the low attendance (ex: bad weather) or was a scheduled early release day and the day was only 320 minutes, enter only 320 minutes.
- If the number of minutes of operation varies by campus on the date of low attendance for "All Campuses", please report the greatest number of minutes on the date of low attendance in the "Number of Min on the Low Attendance Day." Please note that in PEIMS you will claim the actual number of minutes in operation on the specific date by campus.
- For a district or campus with multiple tracks, the overall average attendance rate for all tracks combined must be used.
- When determining if the 10-percentage point threshold is met, *district* attendance rates must be compared to the *district's* entire prior year (2023-2024) average, whereas *campus* attendance rates must be compared to the applicable *campus'* entire prior (2023-2024) year average.
 - This is not a date-to-date comparison for the prior year.
 - Example: If requesting a district-wide ("all campuses") waiver for low attendance for 10/21/24, use the overall attendance rate for all campuses (including all tracks) for the district on 10/21/24 and the entire prior year attendance (23-24 summary (PDM3-130-001)) for the district.
 - For a new campus or a campus that existed as two separate campuses the prior year, the overall entire prior year average attendance rate for the district as a whole must be used.
 - For a new charter school in its first year of operation, the overall attendance rate for the current year must be used.

- The maximum total number of minutes waived per academic year may not exceed 4,200. The minutes utilized as part of this waiver apply to the 4,200 waiver minutes cap. *(This includes low attendance day, missed school day, staff development, operational and instruction time for school safety training, and any other minute-related waivers.)*
- The agency does not grant waivers for low attendance on a makeup day.
- The agency does not round attendance rates when determining the 10-percentage point difference.
- If a waiver is granted, your district should not include the day exempted as a day of membership or instruction. Treat the day as a non-school day in your district's student attendance accounting system, and do not report the day as a school day in your district's TSDS PEIMS reporting. *(An approved low attendance day waiver does not count against the district's 180-day requirement for ADSY purposes since schools were in operation and instruction was held for day. Subsequently, the district does not need to submit an ADSY waiver for a low attendance day.)*
- Local education agencies are responsible for submitting current, complete, and accurate data required for each PEIMS and TSDS collection. Each person entering data into the attendance accounting system must attest that the data he or she has entered are true and correct to the best of his or her knowledge. The superintendent must affirm that he or she has taken measures to verify the accuracy and authenticity of the attendance data (see SAAH, Section 3.1 Responsibility).
- **Low Attendance Day(s) Waivers are due by the end of July for the current school year. See the [State Waivers webpage](#) for specific dates.**



Required Information (entered on waiver application):

- LEA Contact *(First Name, Last Name, Phone, Email)*
- Date of Board Approval *(This date should match the date the board approved the waiver per the agenda attached as supporting documentation)*
- Campus(es) impacted *(select "All Campuses" if applying for the entire district)*
- Reason for Low Attendance *(Weather, Health, Safety, or Other)*
- Date(s) of Low Attendance
- % of Attendance for the Selected Date(s)
- % of Attendance for Entire Previous Year
- Number of Minutes of Operation on the Low Attendance Day(s)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved
- Documentation for the reason for the low attendance rate (*Supporting documentation may be news articles, letter to parents, information shared with the Board or district, etc. to specify what the weather/health/safety issue was that caused the low attendance on that specific date. If any student identifiable information is included, it must be redacted.*)
 - Documentation provided for dates of low attendance on shortened days, federal/state holidays, days that fall immediately before or after a district/student holiday, or on the last days of school must clearly support that the low attendance was attributed primarily to a weather, health, or safety issue
- ADA report showing the attendance rate on the date of low attendance for the district or applicable campus ([see appendix 4.1 \(district\)](#) & [appendix 4.3 \(campus\)](#))
 - The ADA report should come directly from the LEA's Student Information System (SIS), and the attendance rate entered on the application should exactly match the attendance rate on the applicable ADA report. **Do not round.**
 - The ADA report should show the attendance rate for **all calendar tracks combined** rather than separated by individual track.
- PEIMS summary report (PDM3-130-001) showing the average attendance for the entire prior year for the district or applicable campus ([see appendix 4.2 \(district\)](#) & [appendix 4.4 \(campus\)](#))
 - The PEIMS report (PDM3-130-001) should come directly from PEIMS, and the attendance rate entered on the application should exactly match the attendance rate on the applicable PEIMS report. **Do not round.**



Resources:

- [Student Attendance Accounting Handbook](#)
 - Section 3.1 Responsibility
 - Section 3.8 Calendar Requirements for Funding
 - Section 3.8.1.3 Low Attendance Day Waivers

Missed School Day(s) Waiver

Districts or campuses may request a waiver for excused absences if full instructional days are missed due to unanticipated issues related to inclement weather*, health, safety, or other unanticipated situations. (**Unusually cold or hot weather, alone, does not constitute an inclement weather-related issue.*)

If because of unanticipated issues due to weather, health, or safety, your district misses additional instructional days **beyond the two days made up using built in or additional minutes or days**, your school district can apply to the TEA for a missed school day waiver.



Things to Consider:

- No waiver is necessary if the district/charter school has enough minutes in its calendar to accommodate missed school days and still meet the annual operational and instructional minute requirement outlined in Student Attendance Accounting Handbook, Section 3.8.
- The first two full days missed for any reason (weather, health, or safety) **must be made up** using either designated makeup days or additional minutes. See Student Attendance Accounting Handbook, Section 3.8.1.
 - *Days missed for reasons other than weather, health, or safety do not count toward the first two days missed for the purposes of qualifying for a missed school day waiver.*
 - *Missing the equivalent of two full days in minutes due to early releases/late starts or a combination of one full missed school day and early releases/late starts does not constitute missing two full days for the purposes of qualifying for a missed school day waiver.*
 - *Texas Education Code §25.081(c) allows a school district to add additional minutes to the end of the district's normal school hours as necessary to compensate for minutes of instruction lost due to school closure caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.*
 - *If a charter school is one with campuses that are in different regions of the state, each campus that closed must make up the missed day or days as if all campuses were closed. For a charter school with campuses in different regions of the state, TEA evaluates each campus separately for purposes of determining whether missed days must be made up and whether waivers will be granted.*
- Charter schools applying for a missed school day waiver must submit their applications as soon as possible after the missed school day so that FSP System calendars can be updated and FSP System six-week report submissions are accurate.
- The number of minutes requested for a missed school day waiver must be equivalent to the number of minutes a district/campus would have normally operated on that day. *(If the number of minutes of operation varies by campus on the missed school day for "All Campuses", please report the greatest number of minutes on the date school was missed in the "Number of Minutes per Day." Please note that in PEIMS you will claim the actual number of minutes your district was scheduled to operate on the specific date by campus.)*
- The maximum total number of minutes waived per academic year may not exceed 4,200. The minutes utilized as part of this waiver apply to the 4,200 waiver minutes cap. *(This*

includes low attendance day, missed school day, staff development, operational and instruction time for school safety training, and any other minute-related waivers.)

- If a waiver is granted, your district should not include the day exempted as a day of membership or instruction. Treat the day as a non-school day in your district's student attendance accounting system, and do not report the day as a school day in your district's TSDS PEIMS reporting.
- The agency does not grant missed school day waivers for partial days missed.
- The agency does not grant missed school day waivers for instruction missed on a utilized make-up day.
- The agency does not grant missed school day waivers for instruction missed on a day when the district/campus makes the determination to cancel or delay school for a portion of an otherwise scheduled whole day.
- The agency does not grant missed school day waivers for only specific campuses on a day when the entire district is closed.
- The agency does not grant missed school day waivers for individual instructional tracks regardless of physical site location.
- The agency does not grant missed school day waivers on scheduled staff development days.
- The agency does not grant missed school day waivers for UIL activities.
- **Missed School Day Waivers are due by the end of July for the current school year. See the [State Waivers webpage](#) for specific dates.**



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- Campus(es) impacted (*select "All Campuses" if applying for the entire district*)
- Reason for Missed School Day(s) (*Weather, Health, Safety, or Other*)
- Date of Missed School Day(s)
- Number of Minutes per Day
- Explanation of Reason for Missed School Day(s)



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved
- Documentation for the reason for missed school day(s) (*Supporting documentation may be news articles, letter to parents, information shared with the Board or district, social media posts etc. to specify what the weather/health/safety issue was*)
- Information (specific dates and reason) regarding the first 2 days missed for the school year and the days/minutes used to make them up (*this information is required only with the first missed school day waiver request for the school year*)



Resources:

- [Student Attendance Accounting Handbook](#)
 - Section 3.8 Calendar Requirements for Funding
 - Section 3.8.1.2 Missed School Day Waivers
 - Section 3.8.2 Closures for Bad Weather or Other Issues of Health or Safety (*table providing information on what actions to take in certain situations related to school closure*)
- [Texas Education Code §25.081 \(Operation of Schools\)](#)

OTHER WAIVERS

Other Waivers are waivers that do not fit into any specific category but are considered **general waivers** that do require detailed information surrounding the district's waiver request. The following waivers may be submitted as an **Other Waiver**:

- **Waivers Specific to Charter Schools**
- **Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs)**
- **Texas Virtual School Network (TXVSN) Course Review Process Waiver**
- **Any other waiver request that does not fit into any specific category**

Charter School Specific Waivers

While state law exempts charter schools from some laws, many laws and rules apply to these schools. In addition to the waivers applicable to charter schools above, the agency also accepts requests from charter schools to waive certain sections of the Commissioner's Rules Concerning Open-Enrollment Charter Schools (19 Texas Administrative Code (TAC), Chapter 100).

Often, these rules are criteria that must be met for a charter school to submit an expansion amendment for consideration. These include, but are not limited to:

- 19 TAC §100.1033(b)(9)(A) (i) which states that the expansion will be effective no earlier than the start of the fourth full school year at the affected charter school;
- 19 TAC §100.1033(b)(9)(A)(ii) which states the commissioner may approve an expansion amendment only if the request is received no earlier than the first day of January and no later than the first day of March, not to exceed 18 months preceding the effective date of the expansion; and
- 19 TAC §100.1033(b)(9)(A)(iii) which states the commissioner may approve an expansion amendment only if the most recent district rating for the charter school is "academically acceptable" and the most recent campus rating for at least 90% of the campuses operated under the charter school is "academically acceptable" as defined by §100.1001(26).



Things to Consider:

- Requests to waive sections of the Commissioner's Rules Concerning Open-Enrollment Charter Schools must be submitted using the **Other** waiver application in the TEAL Waivers system.

- The voluntary amendment of an existing contract for charter is not a matter of right or entitlement. However, the commissioner is required to consider the factors outlined in Title 19, TAC §100.1033(b). Considerations include the performance of the charter holder in carrying out its current public school obligations, including, but not limited to, student performance, the financial position of the charter, and compliance with all laws and rules governing charter schools.



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*Will always be for the single academic year in which the waiver is requested. Charter-specific waivers cannot be requested for multiple academic years*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board resolution containing the signatures of a majority of governing board members voting in favor of the submittal of the specific waiver in a duly-called public meeting of the governing board of the charter.



Resources:

- [19 Texas Administrative Code, Chapter 100 \(Commissioner's Rules Concerning Open-Enrollment Charter Schools\)](#)
- Questions regarding waiving the commissioner rules above may be directed to your portfolio coordinator in the Division of Authorizing or by emailing Charteramendments@tea.texas.gov for individualized support and guidance.

Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHE)

If district students are taking dual credit courses at an IHE with a calendar of fewer than 75,600 minutes, including intermissions and recesses, your district may apply for a waiver of the 75,600-minute calendar requirement.

If early college high school (ECHS), P-TECH, Industry Cluster Innovative Academy (ICIA), or Texas Science, Technology, Engineering, and Math (T-STEM) students and students take dual credit

courses at an IHE with a calendar that begins before the fourth Monday in August, your district may apply for a waiver of the start date requirement.



Things to Consider:

- If the IHE's calendar is shorter than your school district's calendar, report the student's attendance in TSDS PEIMS with a different track to reflect the shorter calendar. Reporting the student with a separate track will prevent any reduction in state funding.
- The proper citation for this waiver in question #3 (*see appendix 2*) is TEC §25.081(a).
- The documentation of the agreement between the district/charter school and the IHE should be maintained for auditing purposes. (*Refer to Student Attendance Accounting Handbook, Section 2.1 General Audit Requirements.*)



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year(s) Requested (*up to 3*)
- Supplemental Information ([see appendix 2](#))



Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the waiver application request was approved



Resources:

- [Student Attendance Accounting Handbook](#)
 - Section 2.1 General Audit Requirements
 - Section 3.8.1.6 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) with Calendars of Fewer than 75,600 Minutes
 - Section 3.8.1.7 Waivers Related to Students Taking Dual Credit Courses at IHEs with Calendars Beginning before the Fourth Monday in August
 - Section 11.3.1.2 Reporting Dual Credit Attendance in TSDS PEIMS When the Higher Education Calendar Is Shorter Than the School District Calendar

Texas Virtual School Network (TXVSN) Course Review Waiver

All courses made available through the Texas Virtual School Network (TXVSN) must be reviewed and approved prior to being offered. Eligible school districts and open-enrollment charter schools may apply to the commissioner of education for a waiver from the TXVSN course review process that is administered by the Texas Education Agency (TEA).



Things to Consider:

- A waiver may be requested from the TXVSN course review *process* only.
- Each course is still required to meet all TXVSN course standards and requirements.
- To request a waiver to the TXVSN course review process, the district or charter school authorized official must certify that each course meets all TXVSN course standards and requirements.
- The commissioner of education must approve the request before the course may be offered through the TXVSN.
- To request a waiver from the TXVSN course review process, complete the steps located in the instructions below. (*Include all requested information in your waiver request. Do not send attachments as a separate communication. Your waiver request must comply with these requirements to be considered complete and ready for consideration by the commissioner of education.*)



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- Supplemental Information (see instructions below)



Supporting Documentation (submitted with waiver application):

- Copy of official board minutes showing approval to submit the TXVSN course review waiver request or the official agenda clearly showing the request for board action regarding the TXVSN course review waiver request, if minutes are not yet available
- LEA Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval
- School Year(s) Requested (*up to 3*)

- The final course list that was generated within the TXVSN ECSS system (see instructions below)
- The completed TXVSN Course Review Waiver Request Assurance Statements document (see document below)
- Supplemental Information ([see appendix 2](#))

Resources:

- [Instructions to Request a Waiver from the TXVSN Course Review Process](#)
- [TXVSN Course Review Waiver Request Assurance Statements](#)

MAXIMUM CLASS SIZE EXCEPTION

A district must submit a request for a class size exception for any classrooms in prekindergarten - fourth grade that exceed the 22 students class size limit located in Texas Education Code §25.112. *(Class size limits do not apply to physical education classes or fine arts classes. Class size limits also do not apply to charter schools; however, charter schools are subject to any class size restrictions that may be in the approved charter contract.)*



Things to Consider:

- Per TEC §25.112(e), a district seeking an exemption must notify the commissioner and apply for the exemption not later than the later of:
 - October 1*; or
 - the 30th day after the first school day the district exceeds the limit
- Class size limitations generally apply throughout the school year, with the exceptions noted below:
 - Any twelve-week period selected by the district with a significant percentage of migratory children (25.112(1)); or
 - The last twelve weeks of any school year for all other districts
- The maximum class size limit in TEC §25.112 is not a ratio of students to teachers/adults; it is strictly based on the size of the class. If a PreK through 4th grade class exceeds this limit, regardless of how many adults are in the room, an exception request is required.
- In considering whether to grant an exception, the commissioner must find that the class size limit creates an undue hardship on the district. The commissioner will consider:
 - unanticipated enrollment growth;
 - lack of facilities;
 - lack of teachers; or
 - financial hardships
- A campus or district that is granted a class size exception shall provide written notice of the exception to the parent (or person standing in parental relation to) of each student affected by the exception. The notice must be in bold or underlined print and must:
 - specify the particular class for which a class size exception was granted;
 - state the number of students in the class for which the exception was granted; and

- be delivered through regular mail or other means of communication from the campus or district, such as information sent home with students

The notice described above must be provided no later than the 31st day after the first day of the school year, or the date the exception is granted, if the exception is granted after the beginning of the school year. The district must maintain documentation of the notices provided to parents, subject to a request for review by the TEA (Texas Education Code §25.113).



Required Information (entered on waiver application):

- LEA Contact (*First Name, Last Name, Phone, Email*)
- Campus(es) impacted
- Number of Sections Over the Limit by Grade Level (*Enter only the number of classes/sections that exceeds the 22 class size limit. Do not enter number of students.*)
- Reason for the Class Size (*see undue hardships above*)



Resources:

- [Texas Education Code §25.112 \(Class Size\)](#)
- [Texas Education Code §25.113 \(Notice of Class Size\)](#)

FREQUENTLY ASKED QUESTIONS

Below is a list of frequently asked questions that may be of assistance related to the State Waivers and the TEAL application process.

1. Do state waivers require Board approval?

Yes, all state waiver applications (excluding class size exceptions and bilingual education exceptions/ESL waivers) requested by the district require Board approval and the application must include the date the Board approved the waiver request. Documentation may be requested for board approval dates that cannot be verified by agency staff. Additionally, all waivers also require review by the district-level and site-based decision-making committee established under TEC §11.251. The committee must first have the opportunity to review the waiver request and provide written comments prior to board approval.

2. How do I apply for the Educator Test limit waiver?

Please see the [Educator Testing webpage](#) for the test-limit waiver application and the associated FAQ document to answer common questions. If you have additional questions, please submit a [TEA Help Desk ticket request](#). Alternatively, you may contact the Educator Testing department at 512-463-9039.

3. May our school district or charter school apply for and receive waivers (of any kind, including staff development) such that the district or charter school has more than 4,200 minutes (or 10 days for charter schools that use days) waived?

No. Your district or charter school must not have more than 4,200 minutes (10 days for charter schools that use days) waived, unless otherwise authorized by the commissioner. See [Student Attendance Accounting Handbook](#), Section 3.8.2.

4. Is a Staff Development waiver available?

Yes, the Staff Development Minutes Waiver provides for a maximum of 2,100 total waiver minutes to use for professional development for districts and charter schools that provide operational and instructional minutes. Each district and open enrollment charter school may choose how to apply their approved Staff Development Minutes Waiver. For instance, schools may choose to offer early release, late start, all day staff development, or a combination. However, the total waiver minutes for staff development shall not exceed 2,100 minutes per year. This waiver is for staff development in place of student instruction; therefore, the waiver minutes are only applicable to staff development provided instead of student instruction during the school year. The Staff Development Minutes Waiver may not be used prior to the first day of student instruction or after the last day of student instruction. On staff development days when students are in attendance part of the day, in order to receive full ADA funding, the district or open-enrollment charter school must provide at least 120 minutes of student instruction. Instructional minutes are defined in the Student Attendance Accounting Handbook as the portion of the school day in which instruction

takes place along with other exceptions. In addition to the 120 minutes of student instruction, any staff development waiver minutes reported must reflect actual staff development minutes provided.

The Staff Development Minutes waiver may be applied for only on an annual basis.

5. Can the public view district waivers?

[The Waivers Online Report](#) allows anyone to view the status of final district waivers by name, status, type and date. The report allows for multiselect features. Once a report is generated, it can also be printed or exported to Excel.

6. How can I see the waivers that I have created for the district?

In the Waivers application in TEAL, any waiver applications that you are either working on or need to approve will be visible in the **My Waivers** section. Click on the **Waiver ID** to view the application and take any action, as necessary. To view all waivers for your district, including the current status of a waiver, click on the **Search Waivers** section. You can also use the **Search** box to find a waiver.

7. Our district has multiple low attendance or missed school days we plan to apply for waivers for. Do I have to do a separate waiver for each campus and or day missed day?

For low attendance and missed school days, you may enter multiple district or campus days and multiple campuses on the same low attendance or missed school day waiver application. Following the entry of the campus detail, select **Save Campus** to add the information to the LEA Summary section of the waiver. To enter additional information, follow the same process to continue to save individual dates/campuses to the LEA summary as needed.

8. What type of waiver application do I use if I don't see an application specific to the area I wish to apply for?

If there is not a specific waiver application related to your request, please select the **Other** application for completion.

9. Are there any TEC sections that may not be waived?

Yes, please refer to [Texas Education Code §7.056\(e\)](#) for the list of statutory requirements from which a district or campus may not receive an exemption or waiver.

10. When can I apply for a missed school day waiver after the district is closed for a weather, health or safety issue?

Once a district has Board approval, it may apply for the missed school day waiver. Please note that prior to approval of a missed school day waiver for the district, the first two missed days must have been made up, either using additional built in minutes, bad weather make up days, or by adding additional minutes into the school year. See the [Student Attendance Accounting Handbook](#), Section 3.8.1.1 Makeup Days and 3.8.2 Closure for Bad Weather or Other Issues of Health or Safety for more information.

11. What documentation is required for support as it relates to the reason for a missed and/or low attendance day?

Documentation should be specific to the local conditions that support the request. This could be emails from the city or service providers, state/city declarations, news articles, social media posts, reports, etc. related to issues that resulted in closure or low attendance.

More specific to health, documentation should include the information LEA staff relied upon to conclude that the closure or low attendance was directly attributed to health reasons. This could be information from parents (a summary of notes, documented phone calls, etc. indicating absence due to health along with their relative volume), reports from campus nurse/office staff that indicate the absences were due to health, news articles, and/or reports from local health authorities or a statement from campus/district administration that provides an account of the circumstances as they relate to the health issue that resulted in low attendance. Documentation should show that the reason for closure or low attendance was specifically due to a health reason and not simply assumed because no other explanation was available. All student identifiable information should be redacted.

12. I entered my information and saved, but the waiver is still showing draft – why?

For a *District Editor*, at the end of the waiver application you will find a **Complete & Route** button. This will route the application to your Superintendent for review and approval. For a *District Superintendent*, at the end of the waiver application you will find a **Review and Submit** button. When your application is ready, this button takes you to the review and submit details page. This page displays the information as entered and is read only. If you need to make any adjustments, select the **Return to Edit** button to take you back to the prior view. If the application is complete and ready for submission, select the **Submit to TEA** button. The waiver is then sent to TEA, and the original waiver creator and superintendent will receive a confirmation email. You may view and print a read only version of the submitted waiver by selecting the application within **Search Waivers**.

13. I (superintendent) submitted a waiver application to the agency for review, but I did not receive a confirmation email-why?

At the end of the waiver application you will find a **Review and Submit** button. When selected, this button takes you to the review and submit details page. This page displays the information as entered and is read only. The **Submit to TEA** button must then be pushed in order for the application to be routed to agency staff. Only after both of these actions are taken will the application be routed to the agency and a confirmation email be sent. After submission, the **My Waivers** page will load and a **Success/Waiver application submitted successfully** message will appear.

14. My waiver was returned to me by the agency. Why?

In the instance that a waiver request is missing information or needs corrections, the agency will reassign it to the district (the status of the waiver will be "reassigned to LEA"). Refer to the **TEA Comments** section of the waiver to review agency notes that indicate what information and/or

corrections are needed. After making the edits, the district may resubmit the request to the agency for review.

15. The application does not allow enough characters within the questions for all of my information. What can I do?

You may upload an attachment in the **LEA Attachments** section to include any additional information that may be needed or helpful for the waiver request.

16. Can I save a waiver that I am working on to complete at a later time?

Yes, using the **Save** button at the bottom of the application, you can save the waiver you are working on. If the application has saved, you will see a success message in green at the top of the application.

17. How do I cancel a waiver application?

If you need to cancel an application you were working on, select the **Cancel Application** button at the bottom of the application. You will get a popup message confirming the cancellation request. If you want to continue and cancel the waiver, select OK, or Cancel if you want to save the application and end the cancellation process. Once canceled, the waiver will be removed from **My Waivers** and will be viewable as a canceled waiver within **Search Waivers**.

18. What does a “Partial-Approval” of a waiver mean?

This means that all of the items in the request were not approved as submitted but were approved in some form. For a multi-year request, this could mean that the waiver was requested for multiple years (2 or 3 years) but was approved for less (1 or 2 years). Additionally, for a waiver request for multiple days or campuses, it would be that only a portion of all of the days or campuses requested was approved. By viewing a particular waiver in the **Search Waivers** section, you can view which portions of the waiver were approved or denied in creating a partial approval.

19. I got an email stating that my waiver application was reassigned to me. How do I find out why?

In the Waivers application in TEAL, click on the **My Waivers** section. Click on the **Waiver ID** to view the application. Refer to the **TEA Comments** section for applicable information.

20. I got an email stating that my waiver application was denied. How do I find out why?

In the Waivers application in TEAL, click on the **My Waivers** section. Click on the **Waiver ID** to view the application. Refer to the **TEA Comments** section for applicable information.

21. Why is a requested year unavailable to me on a multi-year waiver application?

If a year is grayed out and cannot be selected, the district has already been approved for this waiver type for that particular year. You may view the waivers you are currently approved for by using the **Search Waivers** section or the [waivers online report](#) on the State Waivers webpage.

22. Can a district assign a paraprofessional to a classroom that exceeds the maximum class size in lieu of submitting a class size exception request?

A district may assign a paraprofessional to assist in any classroom, however this cannot be done in lieu of submitting a class size exception request for a class that exceeds the class size limit. The maximum class size limit in TEC §25.112 is not a ratio of students to teachers/adults; it is a limit based solely on the size of the class. If a PreK through 4th grade class exceeds this limit, regardless of how many adults are in the room, an exception request is required.

23. I have already submitted a maximum class size exception request. There are new sections of prekindergarten-fourth grade classes in my district that now exceed the maximum class size established in TEC §25.112. Do I need to submit a new waiver request for these sections?

Yes. A new waiver request must be submitted each time newly identified sections of prekindergarten-fourth grade classes exceed the maximum class size limit. Class size exception requests are not required during the last 12 weeks of the district's school year or any 12-week period of the school year selected by the district, in the case of a district whose average daily attendance is adjusted under TEC Section 48.005(c).

24. Can an individual candidate for certification apply directly for a teacher certification waiver?

The state teacher certification waiver is a credential that must be initiated by an employing school district interested in hiring a qualified individual. Candidates for certification cannot pursue a teacher certification waiver on their own. Any district in Texas has the option to pursue temporary credentials if interested in doing so. You may contact the human resources department of a district of interest to explore options and receive further guidance on the process.

APPENDIX 1

The following supplemental information is required as part of the **Certification for Superintendent/Teacher Waiver**.

1. Provide a brief description of the unique district circumstances/criteria requiring a State Waiver to allow a non-certified individual to be placed in the requested assignment. *(100 characters allowed)*
2. Did the district list Texas "certification" as one of the search criteria? (Yes/No)
3. Provide a description of the assignment and grade level for this waiver, as well as a brief description of the search process to fill the vacancy. Include the breadth of the search process; how long advertised; number of applicants; number of finalists. (Teacher certification waivers cannot be approved for individuals to serve in special education, bilingual education, or prekindergarten (PK-3) program assignments.) *(600 characters allowed)*
4. What qualifications did the Decision-Making Committee and district stakeholders identify as key district needs for filling this vacancy? *(300 characters allowed)*
5. How is this individual qualified to meet the key district needs? *(300 characters allowed)*
6. List SBEC certification areas issued and TEA ID number, if applicable: *(200 characters allowed)*
7. List Out-of-State certification areas issued: *(200 characters allowed)*
8. List any other professional licenses: *(200 characters allowed)*
9. List any Educational Degree(s) and the university name that were earned at an accredited University recognized by the Texas Higher Education Coordinating Board (THECB). For out-of-country credentials, please list the out-of-country university name. *(200 characters allowed)*
10. Has this candidate been fingerprinted per SB9 law? (Yes/No)
11. What is this person lacking to obtain his/her Texas certification for the assignment (deficiency plan)? *(300 characters allowed)*
12. How will the district evaluate the candidate's performance during the waiver period? *(300 characters allowed)*
13. How will the district monitor the certification progress of the individual? Documentation must be maintained by the district. *(300 characters allowed)*

14. If this waiver is granted, what is the district's back-up plan to ensure that at the expiration of the waiver period, the district will have an individual with Texas certification appropriate for the assignment? *(300 characters allowed)*

APPENDIX 2

The following supplemental information is required as part of the following waivers:

- **Accelerated Instruction** (*question 6 only*)
- **Charter School Specific Waivers (Other Waiver)**
- **Course Requirement Waiver**
- **Course Requirement Career & Technical Education (CTE) Waiver**
- **Foreign Exchange Student (Less than 5) Waiver**
- **Pregnancy Related Services On-Campus Waiver**
- **Remote Conferencing Instruction** (*questions 1, 3, 4, and 6 only*)
- **Remote Homebound Instruction** (*questions 1, 3, 4, and 6 only*)
- **School Safety Waiver**
- **Texas Virtual School Network (TXVSN) Course Review Process (Other Waiver)**

1. Give a brief narrative description of the requested waiver. (*500 characters allowed*)
2. Does the district or campus plan reflect the need for this waiver? If yes, what is the specific objective impacted by the waiver? (*100 characters allowed*)
3. Cite the section(s) of the Texas Education Code or the Texas Administrative Code that the district or campus wishes to waive. (*100 characters allowed*)
4. Describe the plan to be implemented, if the waiver is granted. (*1000 characters allowed*)
5. How will granting this waiver help achieve the district's or campus' objective? (*200 characters allowed*)
6. Please explain how the school district or campus will evaluate the impact of the waiver towards meeting the district's or campus' goal. (*500 characters allowed*)

APPENDIX 3

The following supplemental information is required as part of the following waivers:

➤ **Bilingual Exception/ESL Waiver**

1. **BILINGUAL EDUCATION ALTERNATIVE LANGUAGE PROGRAM CODE DESCRIPTION.**

Based on one or more of the ALP Code features described above, provide a brief description on how the proposed temporary alternative language program code for the district's required bilingual education program will meet the affective, linguistic, and cognitive needs of EB students/ELs. Be sure to describe how the program may differ across campuses or grade levels but ensure the linguistic and content needs of students are met. *(2500 characters allowed)*

2. **ESL ALTERNATIVE LANGUAGE PROGRAM CODE DESCRIPTION.**

Based on one or more of the ALP Code features described above, provide a brief description on how the proposed temporary alternative language program code for the district's required ESL program will meet the affective, linguistic, and cognitive needs of EB students/ELs. Be sure to describe how the program may differ across campuses or grade levels but ensure the linguistic and content needs of students are met. *(2500 characters allowed)*

3. **TARGETED RECRUITING ACTIVITIES PLANNED NARRATIVE RESPONSE.**

Provide the district's action plan for the current school year. The plan should include 3-5 documentable activities the district will complete during the year. The activities should (1) demonstrate support for teachers seeking certification (2) reflect efforts to recruit certified teachers to the district, and (3) strengthen program implementation by preparing teachers under the bilingual exception or ESL waiver to better serve the needs of the district's emergent bilingual students. *(2500 characters allowed)*

APPENDIX 4.1 (DISTRICT REPORTING)

The following is an example of an ADA report showing the attendance rate on a date of low attendance for a **district** (If submitting a Low Attendance Day(s) Waiver for a campus, a campus report must be submitted. See Appendix 4.3.)

| FAKE ISD For Date Range: 02/13/2025 - 02/13/2025 Campuses: 001,003,004,041,101,102,103 | | Table I District Summary Report - Student Attendance and Contact Hours by Date Range For School Year 2024-2025 | | | | | | | | 123-456-All Track: ALL |
|--|--------|--|---------|---------|---------|----------|----------|----------|---------|---------------------------|
| of Days Taught - 1 | | Date of Low Attendance | | | | | | | | ALL Calendar Tracks |
| | | EE | PK | KG | Grade 1 | Grade 2 | Grade 3 | Grade 4 | Grade 5 | |
| B Tot Days Membership - All Students | 4.50 | 0.00 | 327.00 | 330.00 | 267.00 | 319.00 | 307.00 | 320.00 | | |
| C Tot Days Absent - All Students | 2.00 | 0.00 | 69.00 | 44.00 | 60.00 | 71.00 | 51.00 | 56.00 | | |
| D Tot Days Present - All Students (B-C) E | 2.50 | 0.00 | 258.00 | 286.00 | 207.00 | 248.00 | 256.00 | 264.00 | | |
| Ineligible Days Present | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |
| F Total Eligible Days Present (D-E) | 2.50 | 0.00 | 258.00 | 286.00 | 207.00 | 248.00 | 256.00 | 264.00 | | |
| G Eligible Days Bilingual/ESL | 0.00 | 0.00 | 107.00 | 104.00 | 93.00 | 105.00 | 92.00 | 133.00 | | |
| H Eligible Days Pg Related Services | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |
| I Eligible Days Sp. Ed. Mainstream | 0.00 | 0.00 | 2.00 | 1.00 | 2.00 | 4.00 | 2.00 | 2.00 | | |
| Q Percent Attendance | 55.56% | 0.00% | 78.90% | 86.67% | 77.53% | 77.74% | 83.39% | 82.50% | | |
| A Number of Days Taught - 1 | | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Grade 12 | Total | |
| B Tot Days Membership - All Students | 350.00 | 363.00 | 366.00 | 335.00 | 314.00 | 248.00 | 268.00 | 4,118.50 | | |
| C Tot Days Absent - All Students | 73.00 | 85.00 | 62.00 | 73.00 | 68.00 | 69.00 | 97.00 | 880.00 | | |
| D Tot Days Present - All Students (B-C) E | 277.00 | 278.00 | 304.00 | 262.00 | 246.00 | 179.00 | 171.00 | 3,238.50 | | |
| Ineligible Days Present | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |
| F Total Eligible Days Present (D-E) | 277.00 | 278.00 | 304.00 | 262.00 | 246.00 | 179.00 | 171.00 | 3,238.50 | | |
| G Eligible Days Bilingual/ESL | 117.00 | 126.00 | 109.00 | 55.00 | 55.00 | 32.00 | 16.00 | 1,144.00 | | |
| H Eligible Days Pg Related Services | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 1.00 | | |
| I Eligible Days Sp. Ed. Mainstream | 16.00 | 16.00 | 21.00 | 24.00 | 24.00 | 13.00 | 9.00 | 136.00 | | |
| Q Percent Attendance | 79.14% | 76.58% | 83.06% | 78.21% | 78.34% | 72.18% | 63.81% | 78.63% | | |

ALL Campuses

Date of Low Attendance

ALL Calendar Tracks

Attendance Rate

APPENDIX 4.2 (DISTRICT REPORTING)

The following is an example of a PEIMS summary report showing the average attendance for the **prior year** for a **district** (If submitting a Low Attendance Day(s) Waiver for a campus, a campus report must be submitted. See Appendix 4.4.)

| Texas Education Agency PDM3-130-001 v23.3.4 | | SUPERINTENDENT'S REPORT OF STUDENT ATTENDANCE | | | | | | | |
|---|---|---|-----------|-----------|-----------|-----------|-----------|-----------|-------------|
| LEA: 123456 - FAKE ISD | | LEA-level Data All Methods (Combined) Campuses: All Campuses | | | | | | | |
| Instruction Method: All Methods (Combined) Total Grade Summary | | 2023-2024 Summer Collection, Accepted Submission | | | | | | | |
| Prior Year | | ALL Campuses | | | | | | | |
| All Reporting Periods | | 06 | 07 | 08 | 09 | 10 | 11 | 12 | Total |
| B. | Days Membership | 273,859.0 | 271,071.5 | 284,939.0 | 330,321.5 | 296,731.0 | 276,150.5 | 250,364.0 | 3,614,801.0 |
| C. | Total Days Absent | 16,199.0 | 17,491.0 | 19,589.0 | 27,724.0 | 26,589.0 | 25,150.0 | 25,269.5 | 261,268.0 |
| D. | Total Days Present | 257,660.0 | 253,580.5 | 265,350.0 | 302,597.5 | 270,142.0 | 251,000.5 | 225,094.5 | 3,353,533.0 |
| E. | Total Ineligible Days | 4.0 | 8.5 | 2.0 | 0.0 | 3.0 | 0.0 | 1.0 | 15,817.0 |
| F. | Total Eligible Days | 257,656.0 | 253,572.0 | 265,348.0 | 302,597.5 | 270,139.0 | 251,000.5 | 225,093.5 | 3,337,716.0 |
| G.1 | BE - Elig Days Bilingual/ESL | 50,063.0 | 56,281.0 | 54,284.0 | 59,925.0 | 48,335.0 | 35,666.0 | 24,307.0 | 639,295.5 |
| G.2 | D1 - Elig Days Bil Dual Lang | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 189.0 |
| G.3 | D2 (EB) - Elig Days Bil Dual Lang | 15.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 27,358.0 |
| G.4 | D2 (Non-EB) - Elig Days Bil Dual Lang | 11.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 11,396.0 |
| H.1 | Early Ed Eco Dis Elig Days | X | X | X | X | X | X | X | 486,263.0 |
| H.2 | Early Ed Lang Elig Days | X | X | X | X | X | X | X | 208,721.0 |
| I. | Eligible Days In Res Fac | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| J. | Elig Days Preg Rel Serv | 0.0 | 0.0 | 0.0 | 138.0 | 54.0 | 106.0 | 86.0 | 384.0 |
| K. | Elig Days SpecEd main | 21,517.0 | 17,280.0 | 19,459.0 | 22,868.0 | 15,761.0 | 15,310.5 | 12,945.0 | 184,673.0 |
| L.1 | BE - Bil/ESL Refined ADA | 300.606 | 338.590 | 326.444 | 361.105 | 291.457 | 214.970 | 146.162 | 3,846.018 |
| L.2 | D1 - Bil Dual Lang Refined ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 1.113 |
| L.3 | D2 (EB) - Bil Dual Lang Refined ADA | 0.093 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 164.554 |
| L.4 | D2 (Non-EB) - Bil Dual Lang Refined ADA | 0.068 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 68.606 |
| M. | Res Fac Refined ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| N. | SpecEd Main Refined ADA | 129.588 | 104.173 | 117.087 | 137.977 | 95.125 | 92.378 | 77.982 | 1,109.426 |
| O.1 | Early Ed Eco Dis Refined ADA | X | X | X | X | X | X | X | 2,924.794 |
| O.2 | Early Ed Lang Refined ADA | X | X | X | X | X | X | X | 1,255.462 |
| P. | Preg Related Serv FTE | 0.000 | 0.000 | 0.000 | 0.241 | 0.097 | 0.193 | 0.149 | 0.680 |
| Q.1 | Career & Technical Ed FTE - Tier 1 | 0.000 | 59.892 | 42.392 | 0.044 | 0.565 | 0.129 | 0.809 | 103.831 |
| Q.2 | Career & Technical Ed FTE - Tier 2 | 0.000 | 19.614 | 80.211 | 306.279 | 271.719 | 209.554 | 141.787 | 1,029.575 |
| Q.3 | Career & Technical Ed FTE - Tier 3 | 0.000 | 62.194 | 43.862 | 13.027 | 64.485 | 240.853 | 268.304 | 692.705 |
| R. | Special Education FTE | 57.283 | 59.369 | 57.424 | 45.982 | 35.195 | 30.491 | 35.034 | 661.278 |
| S. | Regular Program Ref ADA | 1,494.383 | 1,326.212 | 1,373.687 | 1,460.580 | 1,257.677 | 1,032.563 | 911.428 | 17,619.839 |
| T. | Total Refined ADA | 1,551.666 | 1,527.281 | 1,597.576 | 1,825.912 | 1,629.640 | 1,513.592 | 1,357.363 | 20,106.820 |
| U. | Percent in Attendance | 94.085% | 93.547% | 93.125% | 91.607% | 91.039% | 90.893% | 89.907% | 92.772% |

Attendance Rate

APPENDIX 4.3 (CAMPUS REPORTING)

The following is an example of an ADA report showing the attendance rate on a date of low attendance for a **campus** (If submitting a Low Attendance Day(s) Waiver for a district, a district report must be submitted. See Appendix 4.1.)

Fake ISD
ADA Report for 01/23/2025 thru 01/23/2025

| Entity | Name | Cal | Operational Days | Grade Level | Total Days Membership | Total Ineligible Days Present | Total Eligible Days Present | Refined ADA | Percentage Of Attendance |
|-----------------------|---------|-----|------------------|-------------|-----------------------|-------------------------------|-----------------------------|-------------|--------------------------|
| 107 | FAKE EL | 107 | 1 | 01 | 107.0 | 0.0 | 87.0 | 87.00 | 81.31 |
| | | | 1 | 02 | 111.0 | 0.0 | 98.0 | 98.00 | 88.29 |
| | | | 1 | 03 | 129.0 | 0.0 | 110.0 | 110.00 | 85.27 |
| | | | 1 | 04 | 130.0 | 0.0 | 113.0 | 113.00 | 86.92 |
| | | | 1 | EE | 0.0 | 0.0 | 0.0 | 0.00 | 0.00 |
| | | | 1 | KG | 102.0 | 0.0 | 81.0 | 81.00 | 79.41 |
| | | | 1 | ALL | 579.0 | 0.0 | 489.0 | 489.00 | 84.46 |
| | | PAD | 1 | PK | 44.0 | 0.0 | 36.0 | 36.00 | 81.82 |
| | | | 1 | ALL | 44.0 | 0.0 | 36.0 | 36.00 | 81.82 |
| REPORT TOTALS: | | | | | 623.0 | 0.0 | 525.0 | 525.00 | 84.27 |

Campus Number

Date of Low Attendance

Campus Name

Calendar Tracks

Attendance Rate

APPENDIX 4.4 (CAMPUS REPORTING)

The following is an example of a PEIMS summary report showing the average attendance for the **prior year** for a **campus** (if submitting a *Low Attendance Day(s) Waiver for a district, a district report must be submitted. See Appendix 4.2*)

Texas Education Agency
PDM3-130-001
v23.3.4

PRINCIPAL'S REPORT OF STUDENT ATTENDANCE
Campus-level Data | All Methods (Combined)
Campuses: 107

2023 - 2024 Summer Collection, Accepted Submission

LEA: 123456 - FAKE ISD
Campus: 123456107 - FAKE EL

Instruction Method: All Methods (Combined)
Total Grade Summary

| | | PK | KG | 01 | 02 | 03 | 04 | 05 | Total |
|-----|---|--------|----------|----------|----------|----------|----------|----------|----------|
| B. | Days Membership | 0.0 | 15,644.0 | 15,165.0 | 15,317.0 | 15,871.0 | 15,285.0 | 16,308.0 | 93,590.0 |
| C. | Total Days Absent | 0.0 | 972.0 | 795.0 | 696.0 | 608.0 | 584.0 | 745.0 | 4,400.0 |
| D. | Total Days Present | 0.0 | 14,672.0 | 14,370.0 | 14,621.0 | 15,263.0 | 14,701.0 | 15,563.0 | 89,190.0 |
| E. | Total Ineligible Days | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| F. | Total Eligible Days | 0.0 | 14,672.0 | 14,370.0 | 14,621.0 | 15,263.0 | 14,701.0 | 15,563.0 | 89,190.0 |
| G.1 | BE - Elig Days Bilingual/ESL | 0.0 | 167.0 | 334.0 | 755.0 | 0.0 | 504.0 | 825.0 | 2,585.0 |
| G.2 | D1 - Elig Days Bil Dual Lang | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| G.3 | D2 (EB) - Elig Days Bil Dual Lang | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| G.4 | D2 (Non-EB) - Elig Days Bil Dual Lang | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| H.1 | Early Ed Eco Dis Elig Days | X | 8,937.0 | 6,763.0 | 8,280.0 | 6,691.0 | X | X | 30,671.0 |
| H.2 | Early Ed Lang Elig Days | X | 167.0 | 334.0 | 755.0 | 0.0 | X | X | 1,256.0 |
| I. | Eligible Days In Res Fac | 0.0 | 0.0 | 8.0 | 0.0 | 0.0 | 0.0 | 0.0 | 8.0 |
| J. | Elig Days Preg Rel Serv | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| K. | Elig Days SpecEd main | 0.0 | 307.0 | 542.0 | 661.0 | 243.0 | 439.0 | 973.0 | 3,165.0 |
| L.1 | BE - Bil/ESL Refined ADA | 0.000 | 0.966 | 1.928 | 4.386 | 0.000 | 2.912 | 4.769 | 14.961 |
| L.2 | D1 - Bil Dual Lang Refined ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| L.3 | D2 (EB) - Bil Dual Lang Refined ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| L.4 | D2 (Non-EB) - Bil Dual Lang Refined ADA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| M. | Res Fac Refined ADA | 0.000 | 0.000 | 0.053 | 0.000 | 0.000 | 0.000 | 0.000 | 0.053 |
| N. | SpecEd Main Refined ADA | 0.000 | 1.729 | 3.079 | 3.762 | 1.377 | 2.511 | 5.613 | 18.072 |
| O.1 | Early Ed Eco Dis Refined ADA | X | 51.684 | 39.073 | 47.873 | 38.676 | X | X | 177.306 |
| O.2 | Early Ed Lang Refined ADA | X | 0.966 | 1.928 | 4.386 | 0.000 | X | X | 7.280 |
| P. | Preg Related Serv FTE | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Q.1 | Career & Technical Ed FTE - Tier 1 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Q.2 | Career & Technical Ed FTE - Tier 2 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Q.3 | Career & Technical Ed FTE - Tier 3 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| R. | Special Education FTE | 0.000 | 3.708 | 1.844 | 1.798 | 2.428 | 1.665 | 2.576 | |
| S. | Regular Program Ref ADA | 0.000 | 81.142 | 81.213 | 82.724 | 85.833 | 83.283 | 87.337 | 501.531 |
| T. | Total Refined ADA | 0.000 | 84.849 | 83.057 | 84.522 | 88.261 | 84.947 | 89.912 | 515.549 |
| U. | Percent in Attendance | 0.000% | 93.787% | 94.758% | 95.456% | 96.169% | 96.179% | 95.432% | 95.299% |