

State Waivers FAQ

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

- 1. How do I apply for a state waiver for the district?** Using the Texas Education Agency Login (TEAL) Application, a district may submit a waiver application. If you do not have access to the Waiver application, the waivers Editor or Superintendent may apply for access to the waivers system.

To add the waivers application, when you log into TEAL:

- Select “My Application Accounts” from the self-service menu on the left-hand side
- Select “Request New Account...” and select the “Waivers” application
- You will want to complete the form and add access as District Editor or Superintendent, as applicable. Please note that only the Superintendent of Record as indicated in AskTED may be approved as superintendent for waivers. If you are not the Superintendent, you may apply for Editor access.

Once your waiver access is approved, you will be able to use the TEAL link for Waivers to access the application and submit it for review.

For more detailed instructions, see the applicable school year’s State Waivers Guidebook located on the agency’s [State Waivers webpage](#).

- 2. Do state waivers require Board approval?** Yes, all state waiver applications requested by the district (excluding class size exceptions and bilingual education exceptions/ESL waivers) require Board approval and the application must include the date the Board approved the waiver request and the agenda from the meeting at which the request was approved. Additional documentation may be requested for board approval information that cannot be verified by agency staff.
- 3. How do I apply for the Educator Test limit waiver?** Please see the Educator Testing webpage (https://tea.texas.gov/Texas_Educators/Certification/Educator_Testing/Test-Limit_Waiver_Information/) 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 at <https://helpdesk.tea.texas.gov/EducatorTestingandPreparationProgramsDetails/>. Alternatively, you may contact the Educator Testing department at 512-936-9039.
- 4. 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* (SAAH) 3.8.2.

- 5. 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 SAAH 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.

- 6. Can the public view district waivers?** The Waivers Online Report (<https://tealprod.tea.state.tx.us/WaiversReports/Tea.WaiversReports.Web/>) 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.
- 7. 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, click on the “Search Waivers” section. You can also use the Search box to find a waiver.
- 8. What support is required for a Low Attendance 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* or 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.)

Your district must include the following items in its application:

- the reason and documentation for the low attendance (see question 9 for more information);
- documentation of the low attendance rate for the day (ADA report from district’s Student Information System); and

- the prior year’s PEIMS attendance report (PDM3-130-001), showing the overall average attendance rate for the year, for the district or applicable campus.
 - For a district or campus with multiple tracks, the overall average attendance rate for all tracks must be used.
 - 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.

(Student Attendance Accounting Handbook, 3.8.1.3 Low-Attendance Day Waivers)

9. 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.

10. 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.

11. 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.

- 12. Are there any TEC sections that may not be waived?** Yes, please refer to TEC §7.056(e) for the list of statutory requirements from which a district or campus may not receive an exemption or waiver.
- 13. 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*, 3.8.1.1 Makeup Days and 3.8.2 Closure for Bad Weather or Other Issues of Health or Safety for more information.
https://tea.texas.gov/Finance_and_Grants/Financial_Compliance/Student_Attendance_Accounting_Handbook/
- 14. 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.”
- 15. I (superintendent) submitted a waiver application 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.
- 16. 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.
- 17. 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.

- 18. 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”.
- 19. 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.
- 20. 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.
- 21. 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 “Search Waivers” section. Click on the Waiver ID to view the application. Refer to the “TEA Comments” section for applicable information.
- 22. 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 (or at <https://tealprod.tea.state.tx.us/WaiversReports/Tea.WaiversReports.Web/>)
- 23. 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.
- 24. I have already submitted a maximum class size exception request. There are new sections of prekindergarten through 4th 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 through 4th 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).

25. 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.