

Certification Requirements

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Do bilingual and ESL certification requirements apply to charter schools and districts of innovation (DOI)?

Yes, open-enrollment charter schools and DOIs must comply with bilingual and ESL program certification requirements even if their general certification requirements differ. TEC §29.061.



Resource(s)

[District of Innovation \(DOI\) FAQ Process FAQ](#)

Do all teachers of EB students need to be ESL-certified? Do all English Language Arts and Reading (ELAR) teachers need to be ESL-certified?

TAC §89.1210(d) provides the descriptions for the two state-approved ESL program models (ESL content-based and ESL pull-out), that apply to ESL programs in prekindergarten through twelfth grade. To meet compliance standards for an ESL content-based program, EB students need to receive all content instruction from an ESL-certified teacher(s), which includes ELAR, mathematics, science, and social studies. To meet compliance standards for an ESL pull-out program, EB students need to receive ELAR instruction by an ESL certified teacher(s). The ESL pull-out model can be met in the following three ways:

- The ELAR teacher is also ESL certified and provides the ESL program within the classroom.
- The ELAR teacher co-teaches with an ESL certified teacher who provides the full-time ESL program within the classroom
- If the ELAR teacher is not ESL certified, EB students have an additional ESL course/time period that provides ELAR instruction by a teacher who is certified in ELAR and ESL

For ESL pull-out and ESL content-based, when the ELAR TEKS are split between two teachers, an English language arts (ELA) teacher and a reading teacher, ESL certification is required for both the ELA teacher and the reading teacher if no other ESL support is provided through co-teaching by an ESL teacher or pull-out by an additional ESL course. This only applies when the required ELAR TEKS have been split and are taught by two teachers to meet the required

curriculum; this does not apply to additional reading intervention courses that are not part of the required curriculum. Specialized courses for EB students, such as English Learner Language Arts (ELLA), English to Speakers of Other Languages (ESOL) I and ESOL II, and English Language Development and Acquisition (ELDA) must be taught by ESL certified teachers. District-level expectations may go beyond minimum state requirements. Submitting an ESL waiver is based on meeting minimum state requirements.



Resource(s)

[ESL Waiver Scenario Chain](#)

[TxEL Program Implementation Video Series](#)

[TxEL Program Implementation Resources](#)



Best Practice Scenario

Areisy:

Areisy currently attends Budaful Charter School where she has participated in a dual-language immersion (DLI) program for the last six years. Budaful only has elementary schools and students must enroll in a district school for middle school, after 6th grade. Areisy's grandmother, Elena, really appreciated the academic growth Areisy was able to demonstrate in a school that supported her bilingualism and is sad that the options she has for middle school do not offer a DLI program. Fortunately, there are three schools that offer open enrollment and implement ESL programs. She wants to prioritize teacher expertise in serving emergent bilingual students to better offer a sense of continuity to Areisy as she transitions out of a DLI. As she looks at what program model will benefit Areisy the most given her options, Elena compares

Angelou, Neruda, and Dickinson Middle School.

At Angelou, where emergent bilingual students are served in an ESL content-based program model, Areisy would rotate each period and see an ESL certified teacher for each subject area, like history, math, ELAR, science, art, and P.E.

At Neruda, which offers an ESL pull-out program model, the English Language Arts and Reading TEKS are split into two separate classes, however, both classes are led by an ESL-certified teacher

At Dickinson, which also offers an ESL pull-out program model, the ELAR teacher is not ESL-certified, but they co-teach with an ESL-certified teacher. The teachers plan together, where the ESL-certified teacher provides input through the lens of her expertise to better support EB students in the classroom, like making recommendations for linguistic accommodations and intentional integration of the English Language Proficiency Standards (ELPS) in every lesson. The ESL-certified teacher also leads part of the class when teaching.

Elena decides that having a program where all teachers that instruct Areisy have a certification to educate Emergent Bilingual students is the best option for her grandchild. Therefore, she selects to enroll Areisy at Angelou Middle School.

In Texas, can a TESOL certification meet requirements to teach in an ESL program?

TESOL certification is not listed as an approved certification for teaching in an ESL program in Texas. Requirements for Public School Personnel Assignments that delineates the teacher assignments with allowable certificates for all grade levels and subject areas are outlined in the TAC §231.

Bilingual Exceptions and ESL Waivers

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How do we know if a bilingual exception, ESL Waiver or both, need(s) to be filed?

TAC §89.1207 provides the LEA requirements for bilingual exceptions and ESL waivers. The purpose of filing an exception/waiver is to inform the TEA on the needs for appropriately certified teachers in bilingual and ESL programs across the state.



Resource(s)

[TEA Bilingual Education Exception and ESL Waiver Application](#)

[Bilingual Education Exception Scenario Chain](#)

[English as a Second Language \(ESL\) Waiver Scenario Chain](#)

Do teachers who have an Intern or Probationary certification or Emergency Permit for the appropriate bilingual/ESL certification need to be included in the bilingual exception or ESL waiver?

Teachers who hold the necessary bilingual or ESL Probationary or Intern certificate or for whom an Emergency Permit has been obtained (by the district) are appropriately certified for the specified time period and should NOT be added to the respective bilingual exception or ESL Waiver.

Does a bilingual exception or ESL waiver need to be filed for a teacher who has the necessary bilingual or ESL certification but does not have the appropriate content/grade level certification?

Yes, a teacher is only appropriately certified to teach in the bilingual/ESL program if he/she has the necessary bilingual or ESL certification in addition to the appropriate content and grade level for the courses and students they instruct.

A teacher who was seeking the Bilingual or ESL certification has taken and passed the appropriate certification exam(s). Does the

district still need to include this teacher in their bilingual exception or ESL waiver application?

The appropriate bilingual or ESL certification must be posted to the teacher's certificate before the November 1st deadline for filing a bilingual exception or ESL waiver. If a teacher is in the process of obtaining the appropriate certification, such as participating in an alternative certification program, or has passed the exam but does not yet possess the appropriate certification and posted to the teacher's certificate, the teacher would have to be included in the bilingual exception or ESL waiver petition.

Where should EB students served in an Early Education (EE) setting be indicated on a bilingual exception or ESL waiver application?

If a bilingual exception or ESL waiver is needed for EB students served in an EE setting, this data will be included under the prekindergarten (PK) student, classroom, and teacher data on the application.

If our Dual Language Immersion (DLI) program in secondary grades does not have the appropriately certified teachers, do we need to file a bilingual exception for those teachers, classrooms, and students?

Yes. Districts required to provide a bilingual program, per TAC §89.1205(a) must offer the program through the elementary grades (including prekindergarten, and sixth grade if clustered with

elementary). If the district chooses to extend its Dual Language Immersion program into the secondary grade levels (middle and high school), the district is also responsible for providing the appropriately certified staff members for the program, per TAC§ 89.1205(g).

Do long term substitutes need to be added to the bilingual exception and/or ESL waiver?

If the long-term substitute is covering a vacant position that is supposed to have a bilingual or ESL certified teacher, the vacant position is counted within the district's bilingual exception or ESL waiver application. The students under this vacant position who are being instructed by the long-term substitute will be coded under alternative methods. If the long-term substitute is covering for a classroom teacher who is appropriately certified for the bilingual or ESL program but is currently on leave, the teacher's classroom and students are not added to the bilingual exception or ESL waiver. The students in this teacher's classroom who are being instructed by the long-term substitute will be coded under the appropriate bilingual or ESL program. If the long-term substitute is covering for a classroom teacher who is not appropriately certified for the bilingual or ESL program and is currently on leave, the full-time teacher's classroom and students are counted within the district's bilingual exception or ESL waiver. The students under this classroom teacher who are being

instructed by the long-term substitute will be coded under alternative methods. (TAC §89.1226(h))

Do we need to wait until our district submits the bilingual exception or ESL waiver on November 1st to code the students as served in alternative methods?

No. In anticipation of filing the bilingual exception or ESL waiver, LEAs may enter the participating students' program code based on the instructional arrangement, which are the students being served through the district's alternative methods as the district works to fulfill the appropriate certification requirements of the teacher(s) under the exception/waiver.



Resource(s)

Code Guide for Bilingual and ESL Program Association

If a teacher is under a bilingual exception and is also not ESL certified, what TSDS PEIMS Parental Permission code should the campus use for this teacher's students? Should this teacher be under both a bilingual exception and an ESL waiver?

If a teacher is under a bilingual exception, they would not also be under an ESL waiver. The fact that the teacher is not ESL certified would be mentioned on the bilingual exception application as part of the information on the district's alternative methods plan. The students' Parental Permission codes would be (E) since the district has filed a bilingual exception, and the program codes would be Alternative Language Program (01) since the students are in an alternative plan from a bilingual exception. The Program Type codes for Bilingual and ESL would be (0).



Resource(s)

[TSDS Web-Enabled Data Standards](#)

If a teacher who was included in the bilingual exception or ESL waiver application on or before November 1st obtains their appropriate certification during the school year, should the PEIMS codes of their students participating in the bilingual or ESL program be changed immediately or at the start of the next school year?

At the time that the teacher becomes appropriately certified for the bilingual or ESL program, the district will adjust the students' [SDS PEIMS codes](#) accordingly.

What if our district is filing a bilingual exception and has not yet begun development of the bilingual program, particularly when applying for an exception for languages other than Spanish?

- An LEA has a bilingual program (in any language) and is missing one or more of the appropriately certified teacher(s).
- The district has met the requirement for providing a bilingual program (in any language) but has not yet implemented the bilingual program in the district at any grade level.

In the second scenario above, the district is planning for the number of classrooms and teachers that would be needed to provide the bilingual program for EB students/ELs with that language classification. In any language for which the district meets the minimum requirement to provide the bilingual program but does not

have the appropriately certified teachers to provide the program, a bilingual exception is filed for that language. It is recognized that there are many languages for which an LEA may meet this requirement that a bilingual certification is not yet available.

Below is a list of the languages for which there are currently bilingual certification exams per TAC §233.6:

- Spanish
- American Sign Language
- Arabic
- Chinese
- Japanese
- Vietnamese

Please note, regarding the submission of the bilingual exception and TSDS PEIMS coding as it relates to Spanish and languages other than Spanish:

As stated above, the bilingual exception will be filed regardless of language classification or availability of a bilingual certification exam.

- For Spanish, if the district has not yet established the bilingual program for which they are now required, the EB students who would be eligible for the Spanish/English bilingual program will be coded as an E for Parental Permission (indicating that the exception was filed) and 01 for Alternative Language Program to the bilingual program.
- For languages other than Spanish, if the district has not yet established the bilingual program for which they are now

required, the EB students who would be eligible for that language's bilingual program will be placed in an ESL program and coded in PEIMS as such (K for Parental Permission and either 2 or 3 for ESL Program based on the district's implementation of a content-based or pull-out model).

If our district applies for a bilingual exception and/or ESL waiver and the EB students are served under alternative methods, are Bilingual Education Allotment (BEA) funds still generated?

Yes. EB students are individually coded 01 or 02 (Alternative Language Program) because of the temporary setting whereby they are receiving alternative methods due to the need for an appropriately certified teacher. In this case, these students generate BEA funds at a 0.1 weight. Program participation codes are reported for individual students, and only those in classrooms under an exception/waiver are coded as participating in alternative methods. So, program participation and the associated BEA funds are based on each student's instructional arrangement and teacher's certification. (TAC §89.1207(a)(1)) (TAC §89.1207(b)(1)) EB students participating in an Alternative Language Program (01 or 02) generate BEA funds at a 0.1 weight. Keep in mind that program participation codes are reported for individual students, and only those who are in classrooms under an exception/waiver are coded as participating in alternative methods. So, program participation and the associated BEA funds are based on each student's instructional arrangement and teacher's certification. (TAC §89.1207(a)(1)) (TAC §89.1207(b)(1))



Resource(s)

[ESL Waiver Scenario Chain](#)



Best Practice Scenario

Edgar and Eric:

Edgar and his cousin Eric attend the two schools operated by Hope ISD. Edgar's campus runs a Dual Language Two-Way program and all teachers are bilingual certified.

Eric's campus serves emergent bilingual students by temporary use of alternative methods until the teachers can become bilingual certified by the end of the school year.

At Dickinson, which also offers an ESL pull-out program model, the ELAR teacher is not ESL-certified, but they co-teach with an ESL-certified teacher. The teachers plan together, where the ESL-certified teacher provides input through the lens of her expertise to better support EB students in the classroom, like making recommendations for linguistic accommodations and intentional integration of the English Language Proficiency Standards (ELPS) in every lesson. The ESL-certified teacher also leads part of the class when teaching.

This year, Hope ISD will receive a total BEA allocation of \$100,000. Of this amount, 55%, in other words, \$55,000, are for direct cost, and 45%, or \$45,000, are for indirect costs. Because Hope ISD has teachers on bilingual exceptions, a minimum of 10% of the \$55,000 for direct costs, in other words \$10,000, must be spent on professional development for all teachers as outlined in the Comprehensive Professional Development plan.

Because Edgar's campus operates a dual language two-way program with fully certified teachers, they generate 0.05 additional per student

funding for EB and non-EB students. Eric's campus is receiving the basic allotment of 0.01 per student funding but is unable to generate the additional funding due to operating a temporary alternative language methods program. The campus is eager to get students in front of appropriately certified teachers and will leverage the Comprehensive Professional Development Plan to ensure teachers are positioned to become certified.

What is the Comprehensive Professional Development (PD) Plan, and how is it funded?

TAC §89.1207(a)(1)(D) and TAC §89.1207(b)(1)(D) explain the assurance for districts who file a bilingual exception and/or ESL waiver to implement a comprehensive PD plan. This plan is part of the application process for a bilingual exception or ESL waiver and shall be maintained at the district level. Although the target audience of the comprehensive PD plan is the teacher(s) under the bilingual exception and/or ESL waiver, additional teachers can participate in the professional development activities as available. TAC

§89.1207(a)(1)(E) and TAC §89.1207(b)(1)(E) explain the assurance for districts who file a bilingual exception and/or ESL waiver to utilize at least 10% of the Bilingual Education Allotment (BEA) to fund their comprehensive PD plan, whether applying for the exception, waiver, or both.

- The 10% to fund the comprehensive PD plan is taken from the total BEA funds that the district generates.
- The 10% of BEA funds for the comprehensive PD plan does not include recruitment efforts.

10% of the total BEA Allocation is Reserved per (BE) Exception and/or ESL Waiver

Example: A district has a total BEA Allocation of \$100,000. Therefore, \$10,000 is required for a comprehensive PD plan

District Costs:

- Direct Costs (55%) of \$100,000 are \$55,000
- Indirect Costs (45%) of \$100,000 are \$45,000

Of the \$55,000 for Direct Costs, a *minimum* of \$10,000 has to be spent on the Comprehensive Professional Development Plan. Other Direct Costs include:

- Program and student evaluation
- Instructional materials and equipment
- Supplemental Staff expenses
- Salary supplements for teachers
- Incremental costs associated with providing smaller class sizes
- Other supplies required for quality instruction



Resource(s)

[Comprehensive Professional Development Plan and Allowable Use of Bilingual Education \(BEA\) Allotment Funds](#)

If our district is filing an application for both a bilingual exception and an ESL waiver, can we consolidate the comprehensive professional development (PD) plan into one combined document, or do we have to have a separate plan for each?

Districts that have submitted a bilingual exception and an ESL waiver can consolidate the comprehensive PD plan into one document as long as the district clearly differentiates the plan for teachers under the exception and the plan for teachers under the waiver.