

Allowable Use of Bilingual Education Allotment (BEA) Funds for Comprehensive Professional Development Plan When Applying for a Bilingual Education (BE) Exception (10%) and/or English as a Second Language (ESL) Waiver (10%)

Local Education Agencies (LEAs), including school districts, districts of innovation, and open-enrollment charter schools, must apply for a bilingual education (BE) exception and/or an English as a Second Language (ESL) waiver in cases where they have an insufficient number of appropriately certified staff to serve English learners in accordance with Texas Education Code (TEC) Chapter 29 and Title 19 of the Texas Administrative Code (TAC), Chapter 89. LEAs that apply for a BE exception and/or an ESL waiver must develop a comprehensive professional development (PD) plan targeting the competencies needed to serve the needs of English learners. Furthermore, LEAs applying for a BE exception must assure that they will use a minimum of 10% of their BE allotment (BEA) funds for PD provided through the comprehensive PD plan. Similarly, LEAs applying for an ESL waiver must assure that they will use a minimum of 10% of their BEA funds for PD provided through the comprehensive PD plan. In cases where an LEA has applied for both a BE exception and an ESL waiver, the LEA must assure that it will use a minimum of 20% of BEA funds for PD provided through the comprehensive PD plans—10% in accordance with the BE exception and 10% in accordance with the ESL waiver.

The table below details allowable use of BEA funds for fulfilling this minimum percentage requirement (10% if applying for a BE Exception or an ESL Waiver, or 10% for each for a total of 20% if applying for both a BE Exception and an ESL Waiver). LEAs may select from the options in the table below when expending BEA funds to provide targeted PD in compliance with statutory requirements, which are provided for your reference at the end of this document. LEAs that are not applying for a BE Exception or an ESL Waiver may also use BEA funds for the purposes listed in the table below. NOTE: There are other allowable uses of BEA funds; this document only lists the allowable use of BEA funds in the area of professional development.

Examples of Allowable Use of Bilingual Education Allotment (BEA) Funds for Comprehensive PD Plan When Applying for a BE Exception (10%) and/or ESL Waiver (10%)	
Use	Examples
<p>Professional Development targeting competencies needed to serve the needs of English learners (including preparation for ESL and/or bilingual certification test) and included in the comprehensive PD plan. NOTE: BEA funds may be used to provide this PD to any staff serving English learners.</p>	<ul style="list-style-type: none"> • Staff salary for developing targeted PD materials. • Staff salary for delivering targeted PD. • Extra duty pay for staff participating in targeted PD (outside of regular school hours; i.e. evenings, weekends). • Substitute pay to cover for teaching staff participating in targeted PD during regular school hours. • Mileage reimbursement for staff travel to and from a Regional Education Service Center (ESC) or other off-site training location that is providing targeted PD paid for through BEA funds.
<p>Certification Testing Fee and associated expenses (for Texas ESL and/or bilingual certification tests only; teachers must have been provided training in preparation for these certification tests as part of the comprehensive PD plan)</p>	<ul style="list-style-type: none"> • Reimbursement for Texas ESL or bilingual certification testing fee (but no reimbursement provided for cost of posting to the staff member’s certificate); number of testing attempts for which a teacher may be reimbursed through the BEA is at the discretion of the LEA, not to exceed the state-allowable limit on test attempts. • Mileage reimbursement for staff travel to and from a testing center to take a Texas ESL and/or bilingual certification test paid for through BEA funds. NOTE: Staff already receiving a travel stipend are not eligible for reimbursement using BEA funds. • Substitute pay to cover teaching staff absent from school to take a Texas ESL and/or bilingual certification test paid for through BEA funds.

<p>Professional Conferences (specifically identified in the LEA's comprehensive PD plan).</p>	<ul style="list-style-type: none"> • Registration fee for conferences held within the state of Texas, focusing on meeting the needs of English learners. • Travel costs, including mileage (in accordance with the Texas Comptroller, at: https://fmx.cpa.texas.gov/fmx/travel/texttravel/rates/current.php), and meals and lodging (as per Government Service Administration guidelines, available at https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup). NOTE: LEAs must follow local travel reimbursement policies when reimbursing for staff travel using BEA funds • Conferences may include (list not exclusive) ESC conferences and events, state association conferences and events, national association conferences and events (only if held in the state of Texas).
<p>Salary for English Learner Support Instructional Coach hired to provide ongoing PD and support targeting development of competencies needed to serve English learners and included in the comprehensive PD plan.</p>	<ul style="list-style-type: none"> • Instructional coach whose salary is funded through BEA must hold a valid Texas teacher certificate in ESL and/or Bilingual Education. NOTE: Coach's teacher certificate must match work assignment, e.g. coach working with ESL teachers is ESL-certified, coach working with bilingual teachers is bilingual-certified. • Instructional coach must devote 100% of work time funded through BEA to coaching teaching staff that currently work with English learners. NOTE: BEA funds cannot be used to fund salary for a teacher in the classroom.
<p>Consulting fees for ESC Coach to provide ongoing PD and support targeting development of competencies needed to serve English learners as part of the comprehensive PD plan.</p>	<ul style="list-style-type: none"> • ESC coach contracted with BEA funds must hold a valid Texas teacher certificate in ESL and or Bilingual Education. NOTE: Coach's teacher certificate must match work assignment, e.g. coach working with ESL teachers is ESL-certified, coach working with bilingual teachers is bilingual-certified. • ESC coaching services provided using BEA funds counting toward the 10% (or 20%, as applicable) must coach teaching staff that currently work with English learners and must target the development of competencies needed to serve English learners.

Legal Authorities and Requirements

19 TAC §89.1207(a)(1)(E), pertaining to bilingual education exceptions and English as a Second Language waivers, states LEAs requesting from the commissioner of education a bilingual education exception because of an insufficient number of appropriately certified teachers shall assure that "at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph."

19 TAC §89.1207(b)(1)(E), pertaining to bilingual education exceptions and English as a Second Language waivers, states LEAs requesting from the commissioner of education an ESL waiver because of an insufficient number of appropriately certified teachers shall assure that "at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph."

19 TAC §§89.1207(a)(1)(D) and (b)(1)(D), pertaining to Bilingual Education Exceptions and English as a Second Language Waivers, state LEAs requesting from the commissioner of education a bilingual education exception or an ESL waiver because of an insufficient number of appropriately certified teachers shall provide the following:

(D) an assurance that the school district will implement a comprehensive professional development plan that:

- (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of English learners;
- (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
- (iii) may include additional teachers who work with English learners[.]

TEC §42.153(c), pertaining to the bilingual education allotment, requires that "a district's bilingual education or special language allocation may be used only for program and student evaluation, instructional materials and equipment, staff development, supplemental staff expenses, salary supplements for teachers, and other supplies required for quality instruction and smaller class size."