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To: EnglishLearnerSupport <EnglishLearnerSupport@tea.texas.gov>
Subject: Questions

Good morning!

We have a few more questions related to Exceptions and Waivers. The majority already include answers based on the latest TETN, but I wanted to see if you could review them to see if I understood your guidance correctly. A couple of them have no answers, so we would truly appreciate if you can provide some guidance.

As always, thank you so much for all your hard work!

If a teacher is going through an **alternative certification** program and they are teaching an ELAR class for ESL students, do they have to be on a waiver if they don't have an ESL certification? **NO**, if they are recorded as Bilingual or ESL under the ACP. **The ACP program needs to be preparing them for both ELAR AND ESL in order for them to not have to file for the ESL waiver. If the ACP program is only preparing them form ELAR, then they DO need to have the waiver filed.**

If the teacher is on an **Emergency Permit** under HR, do they still need to be added to the Exceptions or Waivers? **NO**, if they are recorded as Bilingual or ESL under the permit. **As long as the permit indicates that the teacher is appropriately certified for grade level/content/and bilingual/ESL, they are good to go. If any of those pieces are missing, they do need to submit for the exception or waiver.**

If the ELAR teacher serving ESL students is not ESL certified, can a **part-time professional tutor who is ESL certified** co-teach with the ELAR teacher 100% of the time? Would the ELAR teacher still need to be on a waiver? Co-teacher capacity applies only to full-time or part-time teachers, not tutors. **Correct.**

Does the **self-contained or content resource SpEd teacher** need to have a bilingual or ESL certification or is it sufficient for them to plan with a certified classroom teacher? **If all the child's courses are with this SpEd teacher, that teacher needs to be certified. Correct for self-contained. For resource, there are many variable that the LPAC/ARD would consider to ensure that the English learner with special needs has equitable access to the curriculum. If the disability is in reading, for example, and the child receives all core reading instruction in Spanish from a bilingual certified classroom teacher, the LPAC/ARD would likely recommend placement with a special education teacher who is also bilingual certified so that the child continues to have access to the curriculum through Spanish literacy in resource (this is just an example). So ... LPAC/ARD decision.**

Can the **10% include recruitment efforts** (i.e. booths at conferences, travel expenses for recruitment...) or only staff development (consultant, materials, room, subs, stipends to attend sessions...)? **No, statute requires the 10% be used for PD. The comprehensive PD plan is an important component of the application for exception/waiver. However, BEA funds definitely may be used for recruiting purposes, just outside of the 10% reserved for PD (or 20% if submitting for both a BE exception and an ESL waiver).**

What happens if they **plan to spend 10% or 20%** for the BEA comprehensive plan, but for some reason they don't spend it all at the end of the year? **In the case that the district were to be audited, this would appear as a finding.**

Teacher on FMLA, does sub need to be certified? **As long as the teacher is appropriately certified, sub certification does not matter. For the purposes of an exception or waiver, a substitute for a teacher out on FMLA who is not appropriately certified does not need to be included on an application for an exception and/or waiver.**

ARD-LPAC Collaboration: Dual role acceptable for admin, but must add also an LPAC educator (ESL teacher or Bilingual teacher); LPAC parent is not required to participate in this collaborative meeting between the LPAC and the ARD. **Correct. One more point: the LPAC parent may only participate in the LPAC-ARD meeting if he or she is the actual parent or guardian of the child for whom the meeting is being held (confidentiality).**

Can administrator or paraprofessional training be added to the 10% or 20% of required PD? **No. The 10% or 20% applies only to teachers PD. Correct.**

Can the certification fee be paid with state bilingual funds, but outside the 10% or 20% required for PD? **No, only the cost of the actual test can be included under BEA and it can be part of the 10% or 20%. Correct.**

Can ELs be in the same classroom as General Ed students in transitional bilingual programs? What if we don't have enough ELs per grade level to make a class? **This is only allowable if the parents of the General Ed students approve (in writing) placement of their children in the bilingual education classroom. This is not recommended as a temporary measure, as English proficient students may not benefit from participation in bilingual education if they only do so for one year.**

On the Exceptions/Waivers Application, where it asks about the amount of ESL certified teachers currently instructing in the program and currently in the district, is this referring to only ELAR teachers (if Pull-Out) or to all content area teachers (if Content-Based) or to all staff in general? **This number includes all staff who are ESL certified.**

On the Exceptions/Waivers Application, where it asks about the amount of bilingual certified personnel, do they add teachers and administrators or just teachers? **The number includes all staff (teacher, administrator, etc) who are bilingual certified.**

On the Exceptions/Waivers Application, where it talks about "consecutive years applying for Exceptions and Waivers", if last year they didn't apply for one, they write "1", correct? **Correct.**

On the Exceptions/Waivers Application, are they required to add Recruitment Efforts even though they are fully staffed? All they are doing this year is training the teachers to become certified, but not necessarily recruiting. Should they? **Recruitment plan is required as part of the submission for an exception or waiver. While it may be true that the district has the staff but they just need to get them certified, the district must have a plan for the subsequent year, for example: What if a staff member is not successful on the certification exam? What if an ESL-certified staff member retires or leaves the district? What happens if the EL population grows? The recruiting plan demonstrates that the district is working proactively to ensure that they will have the staff and capacity to serve ELs in the present and in the future.**

I an LPAC Question:

We have two different Student History forms for LPACs under the Region 20 website. Are districts supposed to use both or could they be merged to add all required info into one form? If so, can we do it for them or would the state do it? **This is a local decision. Student history forms are not mandated by the state, just suggested.**

Mil gracias,

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