



[Home](#) / [Texas Schools](#) / [Waivers](#) / [State Waivers](#)

# State Waiver Types - Expedited

This page outlines information on the various expedited waivers available through TEA. Certain waiver requests may be requested and approved for up to three years.

## Modified Schedule/State Assessment Testing Days

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. Students who are not being tested must still meet the maximum 2-through-4 hour requirement for funding (see SAAH 3.6.6 Attendance Accounting during Testing Days).

## Foreign Exchange Student

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.

- 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.

[Foreign Exchange Student Waiver Guidelines](#)

[Foreign Exchange Student Waiver FAQ's](#)

## Teacher Data Portal of the Texas Assessment Management System

The assessment data portal of the Texas Assessment Management System became fully operational in October 2011 and complies with the requirements of Texas Education Code (TEC), §32.258, as enacted by House Bill 3, 81st Legislature. 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 the Texas Education Agency (TEA). The local data portal must meet the following requirements:

- The local data portal must be accessible to all teachers in the core subject areas (reading/English 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 from the 2007–2008 school year forward 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 to the TEA's website where [statewide reports](#) are posted.
- As a condition to granting a waiver for teacher access to the state data portal, local systems must have all of the above data available to teachers.

Note that districts and charter schools that receive a waiver from the requirement to provide teachers with access to the state data portal must still provide the teacher-student linking information in their summer PEIMS submissions. There is no waiver from the PEIMS submission requirement.

The deadline for submitting an expedited waiver request to fulfill the requirements of TEC, §32.258 through a local student data portal is August.

## Timeline for Accelerated Instruction

As part of the Student Success Initiative (SSI), districts and charter schools must provide accelerated instruction to students in grades 5 and 8 who do not demonstrate proficiency on the STAAR reading and/or mathematics tests. This accelerated instruction must occur after each administration of the test, including the third administration. Students may advance to or be placed in the next grade level only if (1) they complete all accelerated instruction required by the grade placement committee (GPC), and (2) the GPC determines, by unanimous decision, that the students are likely to perform at grade level at the end of the next school year given additional accelerated instruction during the course of the year.

To assist districts in meeting the accelerated instruction provision after the third administration of the test, the agency is allowing districts to apply for a waiver to adjust the timeline for providing accelerated instruction to students who fail the third administration. The waiver will be granted if districts meet certain conditions, including identifying and documenting the intensive instruction a student needs, targeting this instruction to the reporting categories on which the student was weak, and ensuring that this instruction is completed during the first six weeks of school. In addition to this intensive accelerated instruction, districts must develop an accelerated instruction plan that will provide the student with ongoing instructional support during the entire school year.

## Staff Development

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.

**Effective with the 2018-2019 school year**, 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. The 2018-2019 school year *Staff*

*Development Minutes Waiver* currently available in the TEAL Waivers application is only applicable to the 2018-2019 school year. Districts and open-enrollment charter schools should have their waivers approved by TEA prior to adopting their 2018-2019 school calendars.

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. Effective with the 2018-2019 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.

There will be no change in the waiver application for staff development minutes for the 2019-2020 school year. A waiver will be available for the 2019-2020 school year and is anticipated to be available late in the fall semester of 2018. Districts and charter schools should continually seek to provide high-quality staff development that will impact student outcomes.

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