

TEXAS EDUCATION AGENCY  
STATE FUNDING DIVISION

APPLICATION TO PARTICIPATE IN OPTIONAL FLEXIBLE YEAR PROGRAM

**Chapter 129. School Districts Subchapter AA. Commissioner's Rules on School Finance**

**§129.1029 Optional Flexible Year Program.**

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Optional Flexible Year Program (OFYP)—An OFYP is a program authorized under the Texas Education Code (TEC), §29.0821, that is approved by the commissioner of education to provide a flexible year program to meet the educational needs of its students, including providing intensive instructional services. A school district approved by the commissioner of education to implement an OFYP may reduce the number of instructional minutes for certain students.

(2) School district—For the purposes of this section, the definition of a school district includes an open-enrollment charter school.

Please direct questions to Ashley Behnke, in the State Funding Division, at the phone number (512) 463-4834 or the email address [Ashley.Behnke@tea.texas.gov](mailto:Ashley.Behnke@tea.texas.gov).

(d) Approval process. To implement an OFYP, a school district must request prior approval from the commissioner of education.

(1) A school district must submit a letter to the Texas Education Agency (TEA) division responsible for state funding describing the proposed modifications to the instructional calendar, including a description of the OFYP that will be provided under TEC, §29.0821. The letter must indicate the date on which the board of trustees approved the modified instructional calendar. If the district is requesting a waiver of staff development days or teacher preparation days, the letter must also indicate that the request to waive staff development days or teacher preparation days has been approved by the campus site-based decision-making committee.

(2) A school district must submit to the TEA a copy of its modified instructional calendar. The instructional calendar must indicate the days and minutes scheduled as OFYP instructional days. No approval will be granted that reduces the number of instructional minutes to fewer than 71,400 minutes.

(3) Approval to modify the number of instructional days is limited to one year. Requests for a school district to operate an OFYP for subsequent years must be approved annually.

(4) The commissioner may require a school district to provide an evaluation that demonstrates the success of their approach as a condition of approval.

(e) Funding. For a school district that operates an OFYP, the calculation of average daily attendance is modified to reflect the approved instructional calendar. For students placed on a reduced instructional calendar, the reported number of days of instruction used as the divisor in calculating average daily attendance must reflect the reduced number of days. For eligible students served through the OFYP, the reported number of days of instruction used as the divisor in calculating average daily attendance must reflect the scheduled number of days in which instruction took place.

**NOTE:** Calendars reflecting instructional time in minutes (instead of days) should list the total number of instructional minutes for at-risk students and non-at-risk students. Example: At-risk students – 75,600 minutes, Non-at-risk students – 71,400 minutes.

Email the completed application to: [Ashley.Behnke@tea.texas.gov](mailto:Ashley.Behnke@tea.texas.gov)

APPLICATION TO PARTICIPATE IN  
OPTIONAL FLEXIBLE YEAR PROGRAM (OFYP)

Section 1. Please complete this section.

District Name: _____	County-District No. _____ - _____
Address: _____	Region: _____
_____	Telephone No. (____) _____ - _____
Contact Person: _____	Fax No. (____) _____ - _____
Contact Person Email: _____	Telephone No. (____) _____ - _____

Section 2. Has the school district or charter school submitted requests for any instructional or attendance waiver(s) for this school year? Yes \_\_\_\_ No \_\_\_\_

If yes, please list the waiver type and number of days below:

Waiver Type	Number of Minutes
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_ (Initial) I understand that the district will be required to rescind staff development waivers that reduce the number of instructional minutes below 75,600 in order to participate in the OFYP (For example: 74,340 instructional minutes plus 3 staff development days (1,260 minutes) does not meet the 75,600-minute requirement).

Section 3. The board approved the 75,600-minute calendar for at-risk students and a calendar with a minimum of 71,400 instructional minutes for non-at-risk students on \_\_\_\_\_ (Please attach copies of calendar(s) to this application).

(date)

Signature of Board President _____	Date _____
Signature of Superintendent _____	Date _____

**Note:** The instructional calendar for students who fall into the at-risk category must provide no fewer than 75,600 minutes. To provide intensive instructional services to those students with greater education needs, districts may request a reduction in the required minutes of attendance for students who do not fall into the at-risk category.