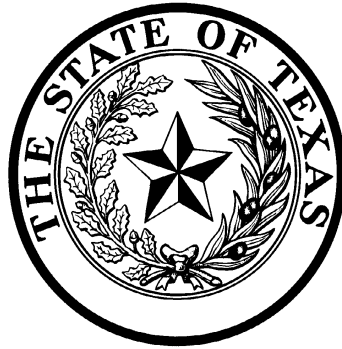


# Texas Education Agency



## APPLICATION

### Optional Flexible School Day Program (OFSDP)

2018-2019 School Year

**ELIGIBLE APPLICANTS:** The Texas Education Agency (TEA) will make available to eligible school districts and open-enrollment charter schools an application form that must be completed and submitted to the TEA for approval.

## Definition of Program Provisions

### Eligible Students

A student is eligible to participate in an optional flexible school day program (OFSDP) authorized under the Texas Education Code (TEC) §29.0822, if:

1. the student meets one of the following conditions:
  - the student is at risk of dropping out of school, as defined by the TEC, §29.081; or
  - the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled;
  - the student is attending a school with an approved early college high school program designation; or
  - the student is attending a school implementing an approved innovative campus plan; or
  - **the student is attending a community-based dropout recovery education program as defined by TEC, §29.081 (e-1) or (e-2).**

**and**

2. the student, if less than 18 years of age and not emancipated by marriage or court order, and the student's parent, or person standing in parental relation to the student, agree in writing to the student's participation.

### Assessment

The student must take the required state assessments specified under the TEC, §39.023, during the regularly scheduled assessment calendar.

### Participation in University Interscholastic League (UIL)

A student enrolled in an OFSDP under the TEC, §29.0822, may participate in a competition or other activity sanctioned or conducted under the authority of the University Interscholastic League (UIL) only if he or she meets all UIL eligibility criteria.

### Attendance Credit

A student attending an OFSDP under the TEC, §29.0822, may be counted in attendance for purposes of funding under the TEC, Chapters 41, 42, and 46, only for the actual number of contact hours the student receives, not to exceed 720 hours or 43,200 minutes per 12-month period. **Students in enrolled in the traditional program for part of the year and the OFSDP program for part of the year may not earn more than one ADA.**

### Public Hearings

The board of trustees of a school district or governing board of an open-enrollment charter school must hold a public hearing concerning the proposed application for an OFSDP before applying to operate an OFSDP under the TEC, §29.0822. In addition, the board of trustees of a school district or governing board of an open-enrollment charter school must hold a public hearing annually to review the performance of the OFSDP (see Appendix Two).

## **Continuation or Revocation of Program Authorization**

Applications are approved for a period of one (1) school year. Continuation of the approval for the OFSDP will be contingent on the demonstrated success of the program. Determination of success will include a review and analysis of data provided in the mandatory final progress report(s). The commissioner of education may revoke authorization for participation in the OFSDP after consideration of relevant factors, including performance of students participating in the program on assessment instruments required under the TEC, Chapter 39; the percentage of students participating in the program who graduate from high school; and other criteria agreed to in the application and adopted by the commissioner of education. A decision to revoke approval of the program by the commissioner of education is final and may not be appealed.

## **Reporting Requirements**

Following approval of the application, the applicant may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. When requested, reports will require applicants to disclose the overall progress of the students in the program, the number of students enrolled in the program (disaggregated by ethnicity, age, gender, and socioeconomic status), the number of students graduating from high school (disaggregated by ethnicity, age, gender, and socioeconomic status), and additional criteria selected by the applicant and agreed to by the commissioner. The TEA will provide notice to applicants and additional instructions for completion of reports at least 45 days before the date a report is due, or as soon as possible, in order to give school districts and charter schools adequate time to prepare and submit the reports to the TEA. The TEA may request additional reports as necessary to monitor and assess progress of students participating in the program.

# Provisions of Agreement

## Article I - Parties to Agreement

This agreement is entered into by and between the Texas Education Agency, an agency of the State of Texas, hereinafter referred to as the "TEA," and

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(Legal Name of School District or Open-Enrollment Charter School)

located at

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(Physical Address)

hereinafter referred to as "district."

## Article II - Period of Agreement

The period of the agreement, as detailed by participating campus in **Appendix 5**, is for a maximum of one school year plus an additional 30 school days if the district is applying for credit recovery. **Please note that the agreement term is subject to annual renewal.**

## Article III - Purpose of Agreement

The district must perform all of the functions and duties set out in the agreement, the authorizing program statute, and applicable regulations.

## Article IV - Reporting Requirements

The district may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. The TEA may request additional reports as necessary to monitor and assess progress of students participating in the program.

## Article V - General and Special Provisions to the Agreement

Attached hereto and made a part hereof by reference is each of the provisions indicated below with an "X" beside it:

- [    ]      Appendix One, Assurances
- [    ]      Appendix Two, Public Hearings
- [    ]      Appendix Three, Narrative Description of Proposed Program
- [    ]      Appendix Four, Contact Sheet
- [    ]      **Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement (new)**
- [    ]      Attachment, Copy of articulation agreement between district and university/college if one or more participating campuses have an Early College High School Program designation

## Article VI - Application Process

For questions or assistance regarding this application, please contact Melani Escobar by telephone at (512) 463-4834 or by email at [Melani.Escobar@tea.texas.gov](mailto:Melani.Escobar@tea.texas.gov).

**EMAIL THE COMPLETED APPLICATION TO:** [Melani.Escobar@tea.texas.gov](mailto:Melani.Escobar@tea.texas.gov).

## Article VII - Agreement

AGREED and accepted on behalf of the school district or open-enrollment charter school to be effective on the earliest date written above by a person authorized to bind the district.

Typed Name \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

Typed Title \_\_\_\_\_

## Appendix One Assurances

**The definition of terms of the application applies to this Appendix One. Assurances. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement.**

**PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX ONE. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

The district agrees to enroll only eligible students to participate in an OFSDP authorized under this application. A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if:

1. the student meets one of the following conditions:
  - the student is at risk of dropping out of school, as defined by the TEC, §29.081; or
  - the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled;
  - the student is attending a school with an approved early college high school program designation; or
  - the student is attending a school implementing an approved innovative campus plan; or
  - the student is attending a community-based dropout recovery education program as defined by TEC, §29.081 (e-1) or (e-2).

**and**
2. the student, if less than 18 years of age and not emancipated by marriage or court order, and the student's parent, or person standing in parental relation to the student, agree in writing to the student's participation.

The district agrees:

1. to administer mandatory assessment instruments during the regular assessment cycle to students enrolled in OFSDPs;
2. All instructional materials and facilities must be comparable to or exceed the required standards for students in similar programs;
3. that the students participating in an OFSDP will not be isolated from other academic and vocational programs of the school district and that all students will have access to school counselors for pre- and post-entry counseling, academic or personal counseling, and career counseling;
4. to provide faculty and administrators with baccalaureate or advanced degrees and highly qualified staff for the program;
5. to adopt a policy that does not penalize students participating in an OFSDP in accordance with the 90% rule (TEC, §25.092[a]) or the 75% to 90% rule for class credit (TEC, §25.092[a-1]);
6. to adopt a policy to require students to attend regularly scheduled instruction for the OFSDP with penalties for nonattendance including filing truancy charges, if appropriate;
7. to track the number of minutes the student receives instruction each day and to comply with applicable sections of the [Student Attendance Accounting Handbook](#).

8. to comply with all reporting requirements established by the TEA;
9. not to discriminate based on disability, race, color, national origin, religion, or sex; and
10. to prohibit a student participating in an OFSDP from participating in a competition or other activity sanctioned or conducted under the authority of the UIL unless the student meets all UIL eligibility requirements.

**AGREED** and accepted terms and conditions of Appendix One on behalf of the school district or open-enrollment charter school by persons authorized to bind the district.

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Name, Title, and Telephone Number of School Board President

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Signature of School Board President

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Date

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Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

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Signature of Person Authorized to Bind the District or Charter School

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Date

## Appendix Two Public Hearings

**The definition of terms of the application applies to this Appendix Two, Public Hearings. The school district or open-enrollment charter school hereinafter called "district" does hereby certify and agree to the following conditions of the agreement.**

**PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX TWO. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

1. The board of trustees of the school district or the governing board of the open-enrollment charter school agrees to hold a public hearing concerning the proposed application for an OFSDP.
2. The board of trustees of the school district or the governing board of the open-enrollment charter school agrees to hold a public hearing annually to review the performance of the program proposed under this application.

**The pre-application public hearing was conducted on:**

Month: \_\_\_\_\_

Day: \_\_\_\_\_

Year: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

NOTE: The applicant will be required to include a copy of the posting of this public hearing in the final progress report.

**AGREED and accepted on behalf of the school district or open-enrollment charter school by persons authorized to bind the district.**

\_\_\_\_\_  
Name, Title, and Telephone Number of School Board President

\_\_\_\_\_  
Signature of School Board President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

\_\_\_\_\_  
Signature of Person Authorized to Bind the District or Charter School

\_\_\_\_\_  
Date



## **Appendix Three**

### **Narrative Description of Proposed Program**

**The definition of terms of the application applies to this Appendix Three, Narrative Description of Proposed Program. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement.**

**Appendix Three describes the school district or charter school proposed OFSDP. On 8 ½ x 11 inch paper, provide a concise description of the:**

1. program goals and objectives;
  - A. If students are attending a community-based dropout recovery education program offered **on a campus** as defined by TEC, §29.081 (e-1), **please indicate that one instructor will be provided for every 28 students.**
  - B. If students are attending a community-based dropout recovery education program offered online as defined by TEC, §29.081 (e-2), please include the following:
    1. describe the curriculum credentials, certifications, or other course offerings that relate directly to employment opportunities in the state.
    2. describe the individual learning plan or process used to monitor each student's progress.
    3. indicate how student will be served by an academic coach and local advocate.
    4. indicate the date of the month that monthly student progress reports will be provided to the student's school district.
2. staff positions and resource personnel (teachers, administrators, counselors, support staff, etc.) associated with the program. Include the contact hours the position and resource will be obligated to the program;
3. qualification standards established for each staff and resource position;
4. local procedures for identifying students, including how the school confirms and documents student eligibility;
5. procedures for obtaining student and parental consent for participation in the OFSDP;
6. process that will be implemented to maintain records of student eligibility, consent, and attendance;
7. process that will be implemented and software utilized to track the number of instructional minutes each student receives each day, to generate six-week student detail reports for audit purposes, and to certify attendance records;
8. procedure the district will establish to ensure all students enrolled in the OFSDP are administered the required assessment instruments in the timeline established by the TEA; and,
9. criteria selected to report the progress of students participating in the OFSDP.

## Appendix Four Contact Sheet

**The definition of terms of the application applies to this Appendix Four, Contact Sheet. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement:**

**PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX FOUR, CONTACT SHEET. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

### **District Contact for the Application**

Contact Name:	
District Superintendent or Charter School Chief Operations Officer:	
Mailing Address:	
City, State, Zip Code:	
Telephone Number:	
Alternate Telephone Number:	
Fax Number:	
Email Address:	

Contact Name:	
Email Address:	

Contact Name:	
Email Address:	

Contact Name:	
Email Address:	

*NOTE: The majority of the contact for the approved OFSDP is done via email. Please make sure that a valid email address or valid email addresses are submitted on this form. More than one email address may be submitted. Please provide the full name(s) of the person or persons who are the email contact(s) to ensure that the TEA has accurate information.*

## Appendix Five

### Participating Campuses, Student Eligibility, and Period of Agreement

**Please download and complete the template below:**

[2018-2019 Participating Campuses, Student Eligibility, and Period of Agreement Template.](#)

**Please email the completed MS Excel file with the application.**

## Applications and Templates

- [2018-2019 OFSDP Application](#)
- [2018-2019 Participating Campus, Student Eligibility, Period of Agreement Template \(Appendix Five\)](#)