

The Texas Education Agency (TEA) adopts an amendment to §129.1031, concerning student attendance. The amendment is adopted without changes to the proposed text as published in the November 14, 2025 issue of the *Texas Register* (50 TexReg 7401) and will not be republished. The adopted amendment clarifies student eligibility and attendance reporting for off-campus programs and expands the list of entities that may provide those programs.

REASONED JUSTIFICATION: Section 129.1031 explains student and funding eligibility for off-campus programs.

The amendment to §129.1031(a) updates the statutory authority from Texas Education Code (TEC), §42.0052 to §48.005(g-1) and §48.007.

New subsection (b) expands the types of entities that can provide off-campus instructional programs eligible for course credit. In addition to existing provisions, it includes career and technical education providers, student internships, project-based research opportunities, work-based learning opportunities, private schools accredited by recognized accrediting entities, community-based child-care providers meeting criteria under TEC, §29.153, and other off-campus instructional entities approved by the school district.

New subsection (c) adds eligibility criteria required for a student to participate in an off-campus program.

New subsection (c)(1) adds eligibility criteria needed for students participating in an off-campus programs provided by institutions of higher education.

New subsection (c)(1)(A) states that eligible students must have parental approval for the specific program unless they are 18 or older.

New subsection (c)(2) adds criteria that students participating in an off-campus program not provided by an institution of higher education must meet.

New subsection (c)(2)(A) adds that students need to have parental approval for the specific program unless they are 18 or older.

New subsection (c)(2)(B) adds that students must meet the eligibility requirements adopted by a school district or an open-enrollment charter school for participation in off-campus programs.

The amendment to subsection (d)(1) clarifies language to include students participating part time in an off-campus program.

New subsection (d)(2) was added to explain that, for students enrolled full time in an off-campus program, the school district or charter school will set a specific time to take attendance in coordination with the program. The district or charter will also have the flexibility to choose a different attendance time for certain student groups separate from the district's usual schedule.

The amendment to subsection (d)(3) specifies that alternate attendance-taking times may not be changed once they are selected unless permitted by TEA.

The amendment to subsection (e) removes the term "college" and replaces it with broader language concerning any entity providing an off-campus program.

New subsection (e)(1) was added to state that the school district or charter school is responsible for ensuring that any approved off-campus program complies with all applicable requirements set by the TEC or other relevant authorities.

New subsection (e)(1)(A) was added to include student enrollment requirements.

New subsection (e)(1)(B) was added to include assessments required by provisions of TEC, Chapter 39.

New subsection (e)(2) was added to specify requirements for attendance and assessment and accountability purposes.

New subsection (e)(2)(A) was added to require a student participating part time in an off-campus program to remain enrolled in their district or charter school campus.

New subsection (e)(2)(B) was added to require a student participating full time in an off-campus program to be enrolled in a campus with a county district campus number (CDCN) established by the school district or charter school to fulfill serving full-time students under this section. A CDCN may be granted for one or more off-campus providers. An application for a new CDCN for a full-time off-campus program must meet all requirements for new CDCNs.

New subsection (e)(2)(B)(i) was added to indicate that, if performance of the full-time program results in the revocation of the CDCN for discretionary or mandatory reasons under TEC, Chapter 39A, and other statutes, a school district or charter school is not eligible for funding under this section under the revoked CDCN until TEA reauthorizes the school district or charter school to receive a CDCN for that off-campus provider to serve full-time students.

New subsection (e)(2)(B)(ii) was added to indicate that charter schools must also meet expansion criteria and receive approval for an additional campus prior to requesting a new CDCN for a full-time off-campus program.

New subsection (e)(2)(C) was added to authorize a full-time off-campus program to operate without a separate CDCN if the number of students enrolled in a full-time off-campus program will not meet the threshold to generate an accountability rating for the campus. A district or charter school operating a full-time off-campus program must enroll these students in an existing campus.

New subsection (e)(3) was added to address revocation of eligibility of district or charter school to receive funding if the commissioner determines the performance or health and safety of students participating in the program is no longer satisfactory.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began November 14, 2025, and ended December 15, 2025. Following is a summary of public comments received and agency responses.

Comment: An individual stated a student present at an approved off-campus program should be counted present and not have any attendance penalties.

Response: The agency agrees. The rule states that a student present at an approved off-campus program is to be counted present as prescribed by the rule and the Student Attendance Accounting Handbook (SAAH) adopted by reference under 19 TAC §129.1025.

Comment: Graduation Alliance proposed language to recognize the Optional Flexible School Day Program (OFSDP) within §129.1031(b)(8).

Response: The agency disagrees as OFSDP is a separate program.

Comment: Graduation Alliance suggested language to align with definitions and procedures currently outlined in the SAAH in §3.6.2.2 and §11.10.2.

Response: The agency disagrees with making the suggested change. The SAAH will be revised for the 2026-2027 school year to align with this rule.

Comment: The Graduation Alliance suggested clarification in subsection (e)(2) for enrollment and accountability structures for OFSDP Online Dropout Recovery Programs.

Response: The agency disagrees as OFSDP is a separate program and not an off-campus program.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §48.005(g-1), which requires the commissioner to adopt rules to calculate average daily attendance for students in a blended learning programs where instruction is supplemented with learning opportunities, including internships, externships, and apprenticeships; and TEC, §48.007, which requires the commissioner to adopt verification and reporting procedures concerning time spent by students participating in instructional programs provided off campus by an entity other than a school district or an open-enrollment charter school.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §48.005(g-1) and §48.007.

<rule>

§129.1031. Reporting Off-Campus Programs.

- (a) In accordance with Texas Education Code (TEC), §48.005(g-1) and §48.007, a board of trustees of a school district or a governing body of a charter holder may adopt a policy that allows a student to participate in an off-campus instructional program.
- (b) Off-campus instructional programs shall be provided by:
 - (1) an institution of higher education that is accredited by one of the regional accrediting associations specified in §74.25 of this title (relating to High School Credit for College Courses);
 - (2) an entity providing career and technical education courses;
 - (3) an entity providing student internships;
 - (4) an entity providing project-based research opportunities;
 - (5) an entity providing other work-based learning opportunities;
 - (6) a private school accredited by an entity recognized by the commissioner of education as an accrediting entity for private schools in Texas;
 - (7) a community-based child-care provider who meets criteria established in TEC, §29.153; or
 - (8) other off-campus education instruction entities that the district permits to provide course credit for students.
- (c) To be eligible to participate in an off-campus program, a student must meet the following eligibility criteria.
 - (1) Students participating in an off-campus program provided by an institution of higher education must:
 - (A) unless they are 18 years of age or older, have parental approval for the specific off-campus program;
 - (B) have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the student attendance accounting handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook);
 - (C) meet any eligibility requirements adopted by the institution of higher education specified in §74.25 of this title; and
 - (D) have the approval of the high school principal or other school official designated by the school district or open-enrollment charter school.
 - (2) Students participating in an off-campus program not provided by an institution of higher education must:

- (A) unless they are 18 years of age or older, have parental approval for the specific off-campus program; and
 - (B) meet any eligibility requirements adopted by the school district or open-enrollment charter school for participation in off-campus programs.
- (d) Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program.
 - (1) For students participating part time in an off-campus program, a campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment).
 - (2) For students participating full time in an off-campus program, a school district or open-enrollment charter school in collaboration with an off-campus program shall establish a regular attendance-taking time. The school district or charter school may choose an alternate attendance-taking time for a group of students that differs from the district or charter school's regular attendance-taking time.
 - (3) Unless otherwise permitted by the Texas Education Agency (TEA), this alternate attendance-taking time may not be changed once it is selected for a particular group of students.
 - (4) If attendance is taken at an off-campus location, the school district must ensure that attendance is taken in accordance with the student attendance accounting handbook adopted under §129.1025 of this title.
- (e) For a school district or an open-enrollment charter school to receive Foundation School Program funding for a student participating in an off-campus program under this section, the district or charter school must have documentation of an agreement between the district or charter school and the entity providing the off-campus program.
 - (1) The school district or open-enrollment charter school is responsible for ensuring the off-campus program approved under this section complies with any requirements that the TEC or other applicable authority requires that apply for an off-campus program, including, but not limited to:
 - (A) student enrollment requirements; and
 - (B) assessments as required by provisions of TEC, Chapter 39;
 - (2) For attendance and assessment and accountability purposes:
 - (A) students participating part time in an off-campus program shall remain enrolled in their district or charter school campus; and
 - (B) except as authorized by subparagraph (C) of this paragraph, students participating full time in an off-campus program shall be enrolled in a campus with a county district campus number (CDCN) established by the school district or charter school for the sole purpose of serving full-time students under this section. A CDCN may be granted for one or more off-campus providers. An application for a new CDCN for a full-time off-campus program must meet all requirements for new CDCNs set forth by TEA.
 - (i) If performance of the full-time program results in the revocation of the CDCN, for discretionary or mandatory reasons under TEC, Chapter 39A, and other statutes, a school district or charter school is not eligible for funding under this section under the revoked CDCN until TEA reauthorizes the school district or charter school to receive a CDCN for that off-campus provider to serve full-time students.
 - (ii) Charter schools must also meet expansion criteria and receive approval for an additional campus prior to requesting a new CDCN for a full-time off-campus program.

- (C) TEA may authorize a full-time off-campus program to operate without a separate CDCN as required by subparagraph (B) of this paragraph if the number of students enrolled in a full-time off-campus program will not meet the threshold to generate an accountability rating for the campus. A school district or charter school operating a full-time off-campus program must enroll these students in an existing campus.
- (3) The commissioner may revoke the eligibility of a school district or charter school to receive funding under this section if the commissioner determines the performance or health and safety of students participating in the off-campus program is no longer satisfactory.