

# Texas Education Agency



## APPLICATION

### Optional Flexible School Day Program (OFSDP)

2019-2020 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.

## Article I - Parties to Agreement

### Provisions of 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 **(Attach File)**
- [  ] **Appendix Three, Attendance and Compliance Procedures of Proposed Program (Attach File)**
- [  ] Appendix Four, Contact Sheet
- [  ] **Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement (Attach File)**
- [  ] Attachment, Copy of articulation agreement between district and university/college if one or more participating campuses have an **Early College High School** Program designation **(Attach file if applicable)**

## Article VI - Application Process

- For questions or assistance regarding this application, please email [opflex@tea.texas.gov](mailto:opflex@tea.texas.gov) or call 512-463-4834.
- Applications should be submitted 30 days prior to the start of the program, please make sure the start date(s) on Appendix 5 is 30 days or more after the application is submitted.
- Applications submitted by July 15th should be approved by August 15th.
- Please email the complete application and attachments to: [opflex@tea.texas.gov](mailto:opflex@tea.texas.gov) .
- Email subject line should indicate: 2019-2020 OFSDP Application - District Name, County District Number

## 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, highly qualified staff, and certified teachers as required by 19 Texas Administrative Code §129.1027 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 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 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.**

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:

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Day:

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Year:

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Time:

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Location:

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**NOTE: Please include a copy of the posting of this public hearing.**

**AGREED** and accepted 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

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

Date



## Appendix Three

### Attendance and Compliance Procedures of Proposed Program

**The definition of terms of the application applies to this Appendix Three. Attendance Procedures 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.**

**Concisely provide the information below on separate 8 ½” x 11” sheets of paper:**

1. Please indicate the number of OFSDP students that will be served per teacher.
2. **If** the OFSDP program will offer special education, career and technology education, pregnancy related services or bilingual education, please indicate how services will be provided, the teacher certification standards in each program area, and how services will comply with the [Student Attendance Accounting Handbook](#).
3. OFSDP requires a teacher of record to record the actual number of students’ instructional minutes on any given day. Please explain the following:
  - a. How the classroom teacher will verify the number of minutes of instruction a student receives each day.
  - b. How the district will make sure that minutes for students who did not attend a minimum of 45 minutes on a particular day are not reported for funding.
  - c. How the district will make sure that students transferring from the traditional program (ADA Codes 0-6) to OFSDP (ADA Codes 7-8) will not generate more than one ADA in total for the school year and that students will not receive more than 10,800 minutes per course. It is recommended that the district apply the following formula to determine the maximum OFSDP minutes a student is eligible = (180 - Traditional Days Present x 240).
  - d. How the district will ensure that attendance practices and records comply with Sections 2.2.3 and 11.6 of the [Student Attendance Accounting Handbook](#).
  - e. How Student Detail Audit reports for the OFSDP track will be reviewed and certified each six-weeks.
4. **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:
  - a. describe the curriculum credentials, certifications, or other course offerings that relate directly to employment opportunities in the state.
  - b. describe the individual learning plan or process used to monitor each student’s progress.
  - c. indicate how student will be served by an academic coach and local advocate.
  - d. indicate the date of the month that monthly student progress reports will be provided to the student’s school district.
  - e. describe the educational software utilized and explain how the software will track and certify the number of instructional minutes each student receives each day.

## 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

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

<b>Contact Name:</b>	
<b>Email Address:</b>	

<b>Contact Name:</b>	
<b>Email Address:</b>	

<b>Contact Name:</b>	
<b>Email Address:</b>	

***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:

[2019-2020 Participating Campuses, Student Eligibility, and Period of Agreement Template.](#)

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

### Applications and Templates

- [2019-2020 OFSDP Application \(PDF 589 KB\)](#)

2019-2020 Participating Campus Student Eligibility, Period of Agreement Template (Appendix Five) [\(MS Excel\)](#) [\(PDF\)](#)

- [OFSDP Sample Attendance Registers \(PDF 61 KB\)](#)

Please email the completed application to [opflex@tea.texas.gov](mailto:opflex@tea.texas.gov).