

## Chapter 105. Foundation School Program

### Subchapter AA. Commissioner's Rules Concerning Optional Extended Year Program

#### §105.1001. Optional Extended Year Program.

- (a) Each school district seeking funding for an optional extended year program under the Texas Education Code, §29.082, must submit an application in a format prescribed by the commissioner of education. Once funded, the program shall comply with the provisions of the Texas Education Code, §29.082.
- (b) An optional extended year program may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional days, which may include intercessions for year-round programs.
- (c) A student is eligible for services in accordance with the Texas Education Code, §29.082(a)(1)-(2). A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services.
- (d) School districts shall be funded annually based on the most recent district data available to the Texas Education Agency through the Public Education Information Management System (PEIMS). Funding shall be based on the following:
  - (1) Eligibility. School districts in which at least 40% of the students in Kindergarten through Grade 12 are from economically disadvantaged families will be eligible for funding.
  - (2) Maximum entitlement. Funding for an eligible school district under this section shall be based on the amount necessary to provide extended year instructional services to at least 5.0% of the at-risk student population in Kindergarten through Grade 12.
  - (3) Per capita amount. The per capita amount will be determined by dividing the total program allocation by the sum of the maximum entitlement populations in Kindergarten through Grade 12 in eligible school districts.
  - (4) Reallocation. Program funds not requested by eligible school districts will be reallocated to school districts identified in paragraph (1) of this subsection that requested funding.
- (e) At a minimum, school districts will be required to provide services to the number of students identified on the school district's entitlement notice used for funding. School districts that have fewer students participating in the optional extended year program than identified for calculating the school district's maximum entitlement (including reallocation, if applicable) will have their entitlement reduced on a per-capita basis.
- (f) A school district receiving funds under the Texas Education Code, §29.082, that is also receiving funds for an optional extended year program for students in Kindergarten through Grade 12 under the Option 4 wealth equalization agreement authorized under the Texas Education Code, Chapter 41, must adjust its Option 4 equalization agreement. The district must adjust the agreement to redirect the use of funds to a qualifying activity other than an optional extended year program for students in Kindergarten through Grade 12 to the extent necessary to avoid duplicate funding of optional extended year programs.
- (g) A school district receiving funds for the accelerated reading instruction program authorized under the Texas Education Code, §28.006(g), is eligible to use funds authorized under the Texas Education Code, §29.082, to serve students in Kindergarten through Grade 2. Each optional extended year program must have auditable funding documentation linking direct service expenditures and optional extended year program funds used to identify eligible students.
- (h) All costs under the optional extended year program must be necessary and reasonable for carrying out the objectives of the program and for the proper and efficient performance and administration of the program.

- (i) Teacher training required under the Texas Education Code, §29.082(d), shall address the provisions set forth in this subsection. Training is to occur prior to the implementation of the program. Additional training may be provided throughout the implementation of the program. The required training shall provide teachers with the following:
  - (1) knowledge and skills needed to help students in the program meet challenging state content and student performance standards; and
  - (2) innovative instructional practices suitable for accelerating the academic performance of at-risk students.
- (j) A school district shall incorporate effective instructional strategies into the design of the program to ensure students are provided with the skills needed to be successful in the following school year. An extended day program must be implemented beyond the regular seven-hour day and may not include tutorials or extended in-school day-care services. A program with the basic design to complete homework is not an acceptable instructional design for the program. A tutorial program using pre- and post-testing with each student working on a sequenced and focused program over time to enable the student to attain greater academic success is acceptable.
- (k) A school district shall submit an annual report evaluating the program in the time and format required by the commissioner. A school district shall also submit, in a manner determined by the commissioner, a complete list of students who participated in the program for at least one day.
- (l) For audit purposes, a school district shall maintain documentation to support each of the requirements of this section.

*Statutory Authority: The provisions of this §105.1001 issued under the Texas Education Code, §29.082.*

*Source: The provisions of this §105.1001 adopted to be effective December 1, 1997, 22 TexReg 11671; amended to be effective November 7, 1999, 24 TexReg 9610; amended to be effective September 18, 2006, 31 TexReg 7990; amended to be effective July 8, 2008, 33 TexReg 5316.*