

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) General provisions. In accordance with Texas Education Code (TEC), §29.0821, a school district may modify their instructional calendar 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 Optional Flexible Year Program (OFYP) may reduce the number of instructional days for certain students.

Please direct questions to Kim Rife, in the State Funding Division, at the phone number (512) 463-4809 or the email address [kim.rife@tea.state.tx.us](mailto:kim.rife@tea.state.tx.us).

(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 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) Approval to modify the number of instructional days is limited to one year. Extensions may be approved by submitting subsequent applications.

(3) No approval will be granted that reduces the number of instructional days to fewer than 170 days.

(4) The instructional calendar for students who fall into the at-risk category must provide no fewer than 180 days.

(5) 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 (no fewer than 170). 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 (180) in which instruction took place.

Submit the completed application to:

Texas Education Agency  
Attn: State Funding – OFYP Program  
1701 North Congress Avenue  
Austin, TX 78701-1494