

# Texas Education Agency



## APPLICATION

Updated May 2021

### Optional Flexible School Day Program (OFSDP)

2021-2022 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 annually 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 is attending a campus implementing an approved innovative campus plan; or
    - the student is attending a community-based dropout recovery education program, as defined by the TEC, §29.081(e-1) or (e-2); or
    - the student is attending a campus with an approved early college high school program designation as defined by the TEC, §29.908; 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.
- and**
2. there is an agreement in writing to the student's participation
    - by the student, if the student is over 18 years of age; or
    - by the student and the student's parent or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

### 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 average daily attendance (ADA) for purposes of funding under the TEC, Chapters 46, 48, and 49, 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 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.**

### Board Approval

The board of trustees of a school district must include the OFSDP as an item on a regular agenda for a board meeting. Board of trustees of a school district must discuss the progress of the program before approving the program and applying to operate an 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

**Ector County Independent School District**

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

located at

**802 N. Sam Houston Street, Odessa, TX 79761**

(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 (1) school year plus an additional thirty (30) school days if the district is applying for credit recovery. **Note that the agreement term is subject to annual renewal.**

### **Article III – Purpose of Agreement**

The district must perform all 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, Board Approval
- Appendix Three, Attendance and Compliance Procedures of Proposed Program (Attach PDF File)
- Appendix Four, Contact Sheet
- Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement (Attach Excel File)

**Article VI – Application Process**

- For questions or assistance regarding this application, email [opflex@tea.texas.gov](mailto:opflex@tea.texas.gov) or call 512-463-9294.
- Applications should be submitted 30 days prior to the start of the program. Start date(s) on Appendix 5 should be at least thirty (30) days after the application is submitted.
- Applications submitted by July 15th should be approved by August 15th.
- Email the complete application and attachments to: [opflex@tea.texas.gov](mailto:opflex@tea.texas.gov).
- Email subject line should indicate: 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	<u>Dr. Scott Muri</u>	_____
Typed Title	<u>ECISD Superintendent of Schools</u>	Authorized Signature

## 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 is attending a campus implementing an approved innovative campus plan; or
  - the student is attending a community-based dropout recovery education program, as defined by the TEC, §29.081(e-1) or (e-2); or
  - the student is attending a campus with an approved early college high school program designation as defined by the TEC, §29.908; 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.

and

2. there is an agreement in writing to the student’s participation
  - by the student, if the student is over 18 years of age; or
  - by the student and the student’s parent or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

The district agrees:

1. to administer mandatory assessment instruments during the regular assessment cycle to students enrolled in OFSDPs;
2. to ensure all instructional materials and facilities are comparable 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.

**Tammy Hawkins, School Board President (432) 332-8541**

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Name, Title, and Telephone Number of School Board President

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Signature of School Board President

Date

**Dr. Scott Muri, Superintendent, (432) 456-9879**

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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**  
**Board Approval**

The definition of terms of the application applies to this Appendix Two, Board Approval. 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.**

1. The board of trustees of the school district or the governing board of the open-enrollment charter school **agrees to include the OFSDP as an item on the agenda** concerning the proposed application.
2. The board of trustees of the school district or the governing board of the open-enrollment charter school must discuss the progress of the program before applying to operate an OFSDP.

The proposed OFSDP application was on the agenda and discussed at the board meeting conducted on:

Month: July  
Day: 27  
Year: 2021  
Time: 6:00pm  
Location: 802 N. Sam Houston, Odessa, TX 79761

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

**Tammy Hawkins, Board President (432) 332-8541**

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

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

\_\_\_\_\_  
Date

**Dr. Scott Muri, Superintendent (432) 456-9879**

\_\_\_\_\_  
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

### 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.

**PAGE LIMIT: SUBMIT A SEPARATE PDF TO CONCISELY PROVIDE THE INFORMATION BELOW, LABELED WITH THE CORRESPONDING NUMBER, FOR APPENDIX THREE. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

1. Indicate the expected start date of the district's OFSDP.
2. Indicate the estimated number of OFSDP students that will be served per teacher.
3. **If** the OFSDP program will offer special education, career and technology education, pregnancy related services or bilingual education, 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.
4. OFSDP requires a teacher of record to record the actual number of students' instructional minutes on any given day. Explain the following:
  - a. How the classroom teacher will verify the number of instructional minutes 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 ensure 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 = (Calendar School Days - 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-week attendance reporting period.

**NOTE: absences and days present do not exist in the OFSDP**

5. **If** students are attending a community-based dropout recovery education program offered online as defined by TEC, §29.081 (e-2), must 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 students 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(s) 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(s) for the Application

Contact Name:	Heather Potts
District Superintendent or Charter School Chief Operations Officer:	Dr. Scott Muri
Mailing Address:	P. O. Box 3912
City, State, Zip Code:	Odessa, TX 79760
Telephone Number:	(432) 456-9729
Alternate Telephone Number:	(432) 456-0000
Fax Number:	(432) 456-9728
Email Address:	heather.potts@ectorcountyisd.org

Contact Name:	Nancy Vanley
Email Address:	nancy.vanley@ectorcountyisd.org

Contact Name:	Scott Randolph
Email Address:	scott.randolph@ectorcountyisd.org

Contact Name:	
Email Address:	

**NOTE: Most of the contact for the approved OFSDP is done via email. A valid email address(es) must be submitted on this form. Provide the full name(s) of the person(s) who is (are) the email contact(s) to ensure that the TEA has accurate information.**

**Appendix Five**  
**Participating Campuses, Student Eligibility, and Period of Agreement**

The definition of terms of the application applies to this Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement. 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 FIVE, PARTICIPATING CAMPUSES, STUDENT ELEGIBILITY, AND PERIOD OF AGREEMENT. ALL INFORMATION REQUESTED MUST BE INCLUDED ON THIS TEMPLATE AND SUBMITTED IN A SEPARATE EXCEL FILE.**

Download and complete Appendix 5, which can be found on the [OFSDP webpage](#) under the *Applications and Templates* section.

Once completed, email the following to [OPFLEX@tea.texas.gov](mailto:OPFLEX@tea.texas.gov):

1. The application (in PDF file format)
2. Appendix Three (in PDF file format)
3. Appendix Five (in MS Excel file format)

**Ector County Independent School District**

(432) 456.0000

P.O. Box 3912

Odessa, TX 79760

[www.ectorcountysd.org](http://www.ectorcountysd.org)



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Appendix Three  
Attendance and Compliance Procedures of Proposed Program

1. Expected start date: August 27, 2021
2. Number of OFSDP students served per teacher: 30
3. Special program services for OFSDP:
  - Special Education Yes
  - Career Technical Education Yes
  - Pregnancy Related Services Yes
  - Bilingual Services Yes

How will services be provided?

- Services will be provided during the school day and during evening by an instructor with the appropriate certification for student's requirements.

What will be the Teacher Certification Standard?

- The certification that is appropriate when the student is receiving special services.

How will the services comply with SAAH?

- For each special program, student coding will be determined by the requirements detailed in SAAH.

4. Process for Teacher of Record recording instructional minutes.
  - a) Classroom teacher will verify the number of minutes of instruction a student receives each day by a daily log sheet. If a participating student is in a scheduled course, minutes will be determined based on the bell schedule minutes and attendance roll.
  - b) District will make sure the students who do not attend the minimum of 45 minutes per day by recording the entry/exit times with teacher verification. Each campus will have a designated coordinator that will review the daily logs and/or course attendance for participating students.
  - c) District will ensure that OFSDP students do not generate more ADA and will not exceed the 10,800 minutes per course by careful monitoring by the designated coordinator in cooperation with a counselor, registrar, and teachers. Trainings and support will also be provided by the PEIMS department.
  - d) District will ensure compliance with SAAH by training for all staff involved with the SAAH and internal audits from the PEIMS Department and Internal Auditor.
  - e) The Student Detail Audit report will be reviewed by the designated coordinator and PEIMS Department analyst each cycle. An acknowledgment of verification will be required.
5. Students will NOT be attending a community-based dropout recovery program.

**educate**

**connect**

**inspire**

**succeed**

**dream**

# Optional Flexible School Day Program (OFSDP)

## School Year 2021-2022

(Updated May 2021)

District Number	Campus Name	ELIGIBILITY DESIGNATION							School Year Period of Agreement				Credit Recovery - Designation 5 only					
		1	2	3	4	5	6	7	Estimated Total Students	Start Date	End Date	Proposed Days: SUMTWTWTHFS	Minutes Per Day	Start Date	End Date	Proposed Days: SUMTWTWTHFS	Minutes Per Day	
068901002	ODESSA H S	1	2			5					8/27/2021	5/26/2022	MTWTHFS	240	8/27/2021	5/26/2022	MTWTHFS	240
068901003	PERMIAN H S	1	2			5					8/27/2021	5/26/2022	MTWTHFS	240	8/27/2021	5/26/2022	MTWTHFS	240
068901011	GEORGE H W BUSH NEW TECH ODESSA	1	2			5					8/27/2021	5/26/2022	MTWTHFS	240	8/27/2021	5/26/2022	MTWTHFS	240
068901014	ODESSA CAREER AND TECHNICAL EARLY COLLEGE H S	1	2			5					8/27/2021	5/26/2022	MTWTHFS	240	8/27/2021	5/26/2022	MTWTHFS	240
068901015	ODESSA COLLEGIATE ACADEMY EARLY COLLEGE H S	1	2			5					8/27/2021	5/26/2022	MTWTHFS	240	8/27/2021	5/26/2022	MTWTHFS	240
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# Optional Flexible School Day Program (OFSDP)

## School Year 2021-2022

(Updated May 2021)

**District Number**  
068901

**ELIGIBILITY DESIGNATION**  
 1 = TEC §29.081 At-Risk Students  
 2 = TEC §25.092 Minimum Attendance  
 3 = TEC §29.908 Early College HS  
 4 = TEC §39A Campus Turnaround Plan  
 5 = Credit Recovery  
 6 = TEC §29.081 (e-1) Campus Dropout Recovery  
 7 = TEC §29.081 (e-2) Online Dropout Recovery

**School Year Period of Agreement**  
 (Reported in TSDS PEIMS Summer Collection 3)

Students may not be reported with more than one ADA in total on the 42400 Basic Attendance Collection 3 and 42500 Flex Attendance in collections 3 and 4

**Credit Recovery - Designation 5 only**  
 (Reported in TSDS PEIMS Extended Collection 4)

Students may not be reported with more than one ADA in total on the 42400 Basic Attendance Collection 3 and 42500 Flex Attendance in collections 3 and 4

Summer period of agreement is not to exceed 30 days

Campus Name	Estimated Total Students							Start Date	End Date	Proposed Days: SUMTWTHFS	Minutes Per Day	Start Date	End Date	Proposed Days: SUMTWTHFS	Minutes Per Day
	1	2	3	4	5	6	7								
000000000							7								
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OFSDP Summary Data 2020-2021

Category	#	%
Graduates	5	23
Continuers	17	77
Drop Outs	0	0
Total	22	100

## 2020-2021 OFSDP Students

CMP	GR	AT RISK	Age	SEX	ETHNICIT Y	Status
002	10	Y	17	F	B	Continuer
002	10	Y	18	M	H	Continuer
002	10		19	F	H	Continuer
002	10	Y	16	F	H	Continuer
002	11	Y	18	M	H	Continuer
002	11	Y	18	M	H	Continuer
002	11	Y	19	F	H	Continuer
002	12	Y	21	F	H	Continuer
002	12	Y	20	F	H	Continuer
002	12	Y	17	M	H	Continuer
002	12	Y	19	F	H	Continuer
002	12		18	F	W	Continuer
002	12	Y	20	M	H	Continuer
003	09	Y	15	M	H	Continuer
003	12	Y	20	F	H	Continuer
011	11	Y	16	F	H	Continuer
011	12	Y	17	F	W	Continuer
002	12	Y	21	F	H	Graduate
002	12	Y	18	M	H	Graduate
003	12	Y	18	M	H	Graduate
003	12	Y	18	M	H	Graduate
003	12	Y	18	M	W	Graduate