

ATTACHMENT I

Statutory Citations Relating to New 19 TAC Chapter 61, School Districts,

Subchapter AA, Commissioner's Rules on School Finance, §61.1017, Optional Flexible Year Program

Texas Education Code, §29.0821, Optional Flexible Year Program:

- (a) A school district may provide a flexible year program for students who did not or are likely not to perform successfully on an assessment instrument administered under Section 39.023 or who would not otherwise be promoted to the next grade level.
- (b) To enable a school district to provide additional instructional days for a program under this section, with the approval of the commissioner, a school district may:
 - (1) provide a number of days of instruction during the regular school year that is not more than 10 days fewer than the number required under Section 25.081(a); and
 - (2) use for instructional purposes not more than five days that would otherwise be used for staff development or teacher preparation.
- (c) Notwithstanding any reduction in the number of instructional days in the regular school year or in the number of staff development days, each educator employed under a 10-month contract must provide the minimum days of service required under Section 21.401.
- (d) A school district may require educational support personnel to provide service as necessary for an optional flexible year program.
- (e) The commissioner may adopt rules for the administration of programs provided under this section.