

# Texas Education Agency



## APPLICATION

### Optional Flexible School Day Program (OFSDP)

2020-2021 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 an academically unacceptable campus implementing a campus turnaround plan approved by the commissioner under TEC 39A Subchapter C; 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 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 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.**

### 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.

## 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

Ector County Independent School District

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

located at

802 N. Sam Houston Street, Odessa, Texas 79761

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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 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 File)
- [  ] Appendix Four, Contact Sheet
- [  ] Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement (Attach File)

## Article VI - Application Process

- For questions or assistance regarding this application, please email [opflex@tea.texas.gov](mailto:opflex@tea.texas.gov) or call 512-463-9294.
- 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: 2020-2021 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 R. Muri</u>	<u>_____</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, 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 an academically unacceptable campus implementing a campus turnaround plan approved by the commissioner under TEC 39A Subchapter C; 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.

Delma Abalos, School Board President, (432) 333-3614

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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.**

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 of 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 pre-application for the OFSDP Program was on the agenda and discussed at the board meeting below:**

Month:	July
Day:	21st
Year:	2020
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.**

Delma Abalos, Board President, (432) 333-3614

\_\_\_\_\_  
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.

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 = (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-weeks.

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

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

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@ectorcountysd.org

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

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

Contact Name:	
Email Address:	

*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.*

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### Appendix Three

#### Attendance and Compliance Procedures for Proposed Program

1. Number of OFSDP Students Served per Teacher: 30
  
2. 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 the 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.
  
3. 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 designator coordinator and PEIMS Department analyst each cycle. An acknowledgment of verification will be required.
  
4. Students will/will not be attending a community based dropout recovery education program offered online. NO IF SO, include the following (see Appendix 3 template)

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

Click and download the link below to complete the template:

[2020-2021 Participating Campuses, Student Eligibility, and Period of Agreement Template.](#)

\*Note: Make sure to include the district number circled in red.

[Once Completed please email the application, Appendix three in MS Excel file format, and Appendix 5 to OPFLEX@tea.texas.gov](#)

# Optional Flexible School Day Program (OFSDP)

## School Year 2020-2021

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) A Student may not report more than one ADA IN TOTAL on the 42400 Basic Attendance Collection 3 and 42500 Flex Attendance in collections 3 and 4)				Credit Recovery Summer Period of Agreement Only for Eligibility Designation 5 not to exceed 30 school days (Reported in TSDS PEIMS Extended Collection 4) A Student may not report more than one ADA IN TOTAL on the 42400 Basic Attendance collection 3 and 42500 Flex Attendance in collections 3 and 4)			
Line/Digit District and Campus Number	Campus Name	1	2	3	4	5	6	7	Estimated Total Students	Start Date	End Date	Proposed Days: SUMT WTHFS	Minutes Per Day	Start Date	End Date	Proposed Days: SUMT WTHFS	Minutes Per Day		
		13 068901002	ODESSA H S		2			5	6		100	8/17/2020	5/21/2021	MTWTHFS	240	5/27/2021	6/26/2021	MTWTHF	240
068901003	PERMIAN H S	1	2			5	6		100	8/17/2020	5/21/2021	MTWTHFS	240	5/27/2021	6/26/2021	MTWTHF	240		

OFSDP Year 1 Summary Graduation Data through 7.6.2020

CATEGORY	#	%
GRADUATES	20	35.7
CONTINUERS	28	50
DROP OUTS	8	14.3
TOTAL	56	100

2019-2020 OFSDP Students Year 1 through 7.6.2020

Campus	GRD LVL	At Risk	At Risk Code	Age	M/F	Race	Status	TOTAL MINUTES
OHS	12	YES	1, 2, 3, 12	19	M	H	CONTINUER	600
OHS	12	YES	1, 2, 3, 10	20	M	H	CONTINUER	1,017
OHS	12	YES	3	18	M	H	CONTINUER	965
OHS	12	YES	3, 6	18	F	H	CONTINUER	1,703
OHS	12	YES	2, 12	18	F	H	GRADUATE	7,519
OHS	12	YES	2	18	M	W	GRADUATE	3,888
OHS	12	YES	1, 2, 12	20	M	H	GRADUATE	936
OHS	12	YES	1	19	F	H	GRADUATE	735
OHS	12	YES	2	18	M	H	GRADUATE	1,669
OHS	12	YES	2	18	F	H	GRADUATE	4,115
OHS	12	YES	1, 2, 3	18	F	H	GRADUATE	1,132
OHS COC	12	YES	1, 2, 3, 10	20	F	H	CONTINUER	1,376
OHS COC	11	YES	1, 2, 3	19	F	H	CONTINUER	4,753
OHS COC	09	YES	1, 6, 12	18	F	H	CONTINUER	1,278
OHS COC	12	YES	1, 2, 3	19	M	H	CONTINUER	3,912
OHS COC	12	YES	1, 2, 3, 5	18	F	H	CONTINUER	339
OHS COC	11	YES	1	19	F	H	CONTINUER	8,289
OHS COC	11	YES	1, 12	17	M	W	CONTINUER	3,073
OHS COC	12	YES	2, 3, 12	18	F	H	CONTINUER	2,217
OHS COC	12	YES	1, 2, 3, 12	19	M	H	CONTINUER	372
OHS COC	12	YES	1, 3, 5	18	F	H	CONTINUER	3,357
OHS COC	10	YES	1, 2, 3	19	F	H	CONTINUER	4,582
OHS COC	10	YES	1, 2, 3	18	F	H	CONTINUER	1,083
OHS COC	12	YES	1, 2, 3	19	M	H	CONTINUER	3,280
OHS COC	11	YES	1, 3, 5, 10	19	F	H	CONTINUER	8,432
OHS COC	12	YES	1, 2, 6	19	F	H	CONTINUER	2,453
OHS COC	10	YES	1, 2, 3, 10, 11	19	F	H	CONTINUER	4,683
OHS COC	11	YES	1, 2, 3, 10	17	F	H	CONTINUER	7,347
OHS COC	11	YES	1	19	M	H	CONTINUER	1,856
OHS COC	10	YES	1, 2, 3	18	F	H	CONTINUER	5,803
OHS COC	10	YES	1, 2, 3, 6, 12	17	F	B	CONTINUER	677
OHS COC	11	YES	1, 12	20	F	H	DROP OUT	417
OHS COC	12	YES	1, 2	19	M	W	DROP OUT	5,024
OHS COC	11	YES	1, 2, 3, 10, 12	18	M	H	DROP OUT	4,697
OHS COC	11	YES	1, 2, 3, 10	19	F	H	DROP OUT	180
OHS COC	10	YES	1, 2, 3	19	F	H	DROP OUT	1,624
OHS COC	12	YES	1, 5, 10, 12	19	F	H	GRADUATE	1,546
OHS COC	11	YES	12	19	M	W	GRADUATE	1,160
OHS COC	12	YES	1, 3, 5	20	F	H	GRADUATE	3,400
OHS COC	12	YES	1, 3	18	F	H	GRADUATE	2,036
OHS COC	12	YES	1, 2, 3	19	F	H	GRADUATE	4,131
OHS COC	12	YES	1, 3	19	M	H	GRADUATE	2,021
OHS COC	12	YES	1, 5, 12	20	F	H	GRADUATE	130
OHS COC	12	YES	1, 3	19	F	H	GRADUATE	3,283
OHS COC	12	YES	1, 3	19	F	AI	GRADUATE	2,478
PHS	12	YES	2, 3	17	M	W	GRADUATE	871
PHS	12	YES	1, 2	19	F	H	GRADUATE	510
PHS COC	12	YES	1, 2, 6	19	F	H	CONTINUER	388

Campus	GRD LVL	At Risk	At Risk Code	Age	M/F	Race	Status	TOTAL MINUTES
PHS COC	10	YES	1, 3, 5, 12	20	F	H	CONTINUER	89
PHS COC	11	YES	1, 2, 3, 5	19	F	H	CONTINUER	210
PHS COC	12	YES	1, 3, 10	20	M	H	CONTINUER	3,487
PHS COC	12	YES	1	19	M	W	DROP OUT	1,955
PHS COC	12	YES	12	18	M	W	DROP OUT	218
PHS COC	12	YES	1, 2, 3, 9, 10	20	F	H	DROP OUT	3,509
PHS COC	12	YES	1, 3, 12	21	M	H	GRADUATE	6,040
PHS COC	12	YES	12	18	F	H	GRADUATE	691