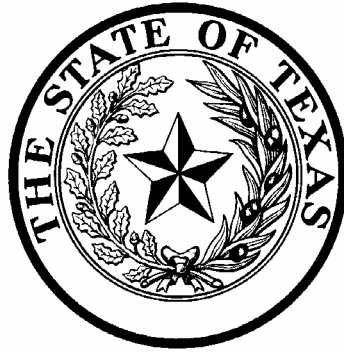


# Texas Education Agency



## APPLICATION

### OPTIONAL FLEXIBLE SCHOOL DAY PROGRAM (OFSDP)

**ELIGIBLE APPLICANTS:** The Texas Education Agency (TEA) shall 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.

**DUE DATE:** Districts intending to operate a program must submit this application no later than \_\_\_\_\_

## Definition of Program Provisions

### Eligible Students

A student is eligible to participate in an optional flexible school day program (OFSDP) authorized under Texas Education Code (TEC) §29.0822, if:

1. the student is enrolled in grades 9-12 at the beginning of the school year or semester;  

and
2. the student meets one of the following conditions:
  - the student is at risk of dropping out of school, as defined by TEC, §29.081, or
  - the student is attending a school implementing an approved innovative campus plan, or
  - the student is attending a school with an approved early college high school program designation.

and
3. the student , if less than 18 years of age and has not been 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 appropriate TAKS tests specified under TEC §39.023 during the regularly scheduled assessment calendar.

### Participation in University Interscholastic League (UIL)

A student enrolled in an optional flexible school day program under TEC §29.0822 may only participate in a competition or other activity sanctioned or conducted under the authority of the University Interscholastic League (UIL) if they meet all UIL eligibility criteria.

### Attendance Credit

A student attending an optional flexible school day program TEC §29.0822 may be counted in attendance for purposes of funding under Chapters 41, 42, and 46 of the Texas Education Code only for the actual number of contact hours the student receives, not to exceed 1,080 hours per twelve month period.

### Public Hearings

The board of trustees of a school district or governing board of an open enrollment charter school shall hold a public hearing concerning the proposed application for an optional flexible school day program before applying to operate an optional flexible school day program TEC §29.0822. In addition, the board of trustees of a school district or governing board of an open enrollment charter school must hold a public hearing annually to review the performance of the optional flexible school day program. (Appendix Two).

## **Continuation or Revocation of Program Authorization**

Applications are approved for a period of one (1) school year. Abbreviated applications may be submitted annually for the second and third year of the program with a formal application due every third year in the cycle. Continuation of the approval for the optional flexible school day program (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 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 shall be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. Reports shall 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 prior to 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 \_\_\_\_\_ (Legal Name of School District or Open Enrollment Charter School) located at \_\_\_\_\_ (Physical Address) hereinafter referred to as “District.”

### Article II – Period of Agreement

The period of the agreement is the period beginning \_\_\_\_\_ for a maximum of one school year unless terminated or as otherwise provided for in this agreement and in statute or rule and ending \_\_\_\_\_.

**Please note that the agreement term is subject to annual renewal.**

### Article III – Purpose of Agreement

The District shall perform all of the functions and duties set out in the agreement, the authorizing program statute, and applicable regulations.

### Article IV – Reporting Requirements

The District shall 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 are the Provisions indicated below with an “X” beside each:

- Appendix One, Assurances
- Appendix Two, Public Hearings
- Appendix Three, Narrative Description of Proposed Program
- Appendix Four, Contact Sheet
- Attachment, Copy of articulation agreement between district and university/college if one or more participating campuses have an Early College High School Program designation

### Article VI – Application Process

For questions or assistance regarding this application, please contact Kathryn Jones by telephone at (512) 463-9238 or by e-mail at [ofsdp.jones@tea.state.tx.us](mailto:ofsdp.jones@tea.state.tx.us). Submit the completed application on or before the due date indicated to: Texas Education Agency, Attn: School Finance – OFSDP Program, 1701 North Congress Avenue, Austin, TX 78701-1494

### Article VII – Agreement

AGREED and accepted on behalf of school district or open enrollment charter school to be effective on the earliest date written above by a person authorized to bind District.

Typed Name \_\_\_\_\_  
Typed Title \_\_\_\_\_ Authorized Signature \_\_\_\_\_



## **Appendix One Assurances**

**The definition of terms of the application shall apply to this Appendix One, Assurances. The school district or open enrollment charter school herein after 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 optional flexible school day program authorized under this application. A student is eligible to participate in an optional flexible school day program authorized under Texas Education Code (TEC) §29.0822, if:

1. the student is enrolled in grades 9-12 at the beginning of the school year or semester;  

and
2. the student meets one of the following conditions:
  - the student is at risk of dropping out of school, as defined by TEC, §29.081, or
  - the student is attending a school implementing an approved innovative campus plan, or
  - the student is attending a school with an approved early college high school program designation.

and
3. the student , if less than 18 years of age and has not been 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 optional flexible school day programs.
2. To provide instruction in the program at the high school grade level. All instructional materials and facilities shall be comparable to or exceed the required standards for students in similar programs.
3. That the students participating in an optional flexible school day program shall not be isolated from other academic and vocational programs of the school district and that all students shall have access to school counselors for pre- and post-entry counseling, academic or personal counseling and career counseling.
4. To provide knowledgeable, highly qualified instructors and staff for the program.
5. To adopt a policy that does not penalize students participating in an optional flexible school day program 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 optional flexible school day program with penalties for non-attendance including filing truancy charges, if appropriate.

7. The district agrees to comply with all reporting requirements established by the TEA.
8. The school agrees not to discriminate based on disability, race, color, national origin, religion, or sex.
9. To prohibit a student participating in an optional flexible school day program from participating in a competition or other activity sanctioned or conducted under the authority of the University Interscholastic League (UIL) unless the student meets all UIL eligibility requirements.

AGREED and accepted on behalf of school district or open enrollment charter school by a person authorized to bind District.

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Name, Title and Telephone number of School Board President

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Signature of School Board President

Date

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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 Public Hearings

**The definition of terms of the application shall apply to this Appendix Two, Public Hearings. The school district or open enrollment charter school herein after called "District" does hereby certify and agree to the following conditions of the agreement. PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX TWO. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

1. The board of trustees of the school district or the governing board of an open enrollment charter school agrees to hold a public hearing concerning the proposed application for an optional flexible school day program.
2. The board of trustees of the school district or the governing board of an open enrollment charter school agrees to hold a public hearing annually to review the performance of the program proposed under this application.

**The Pre-Application Public Hearing was conducted on:**

Month: \_\_\_\_\_

Day: \_\_\_\_\_

Year: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

NOTE: The applicant shall be required to include a copy of the posting of this public hearing in the final progress report.

**AGREED and accepted on behalf of school district or open enrollment charter school by a person authorized to bind District.**

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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

Date



## **Appendix Three Narrative Description of Proposed Program**

**The definition of terms of the application shall apply to this Appendix Three, Narrative Description of Proposed Program. The school district or open enrollment charter school herein after called "District" does hereby certify and agree to the following conditions of the agreement.**

Appendix Three describes the school district or charter school proposed optional flexible school day program.

On 8 ½ x 11 paper, provide a concise description of the:

- program goals and objectives;
- proposed schedule offered to students participating in the optional flexible school day program;
- staff positions and resource personnel (teachers, administrators, and counselors, support staff, etc.) associated with the program. Include the contact hours the position and resource will be obligated to the program;
- qualification standards established for each staff and resource position;
- local procedures for identifying students, including how the school confirms and documents student eligibility;
- procedures for obtaining student and parental consent for participation in the optional flexible school day program;
- process that will be implemented to maintain records of student eligibility, consent, and attendance;
- procedure the district will establish to ensure all students enrolled in the optional flexible school day program are administered the required assessment instruments in the timeline established by the Texas Education Agency;
- The criteria selected to report the progress of students participating in the optional flexible school day program.

**Appendix Four  
Contact Sheet**

**The definition of terms of the application shall apply to this Appendix Four, Contact Sheet. The school district or open enrollment charter school herein after 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:** \_\_\_\_\_

**District Superintendent or  
Charter School Chief Operations Officer:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City, State, Zip Code:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Alternate Telephone Number:** \_\_\_\_\_

**Fax Number:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

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*NOTE: The majority of the contact for the approved OFSDP is done via e-mail, please make sure that a valid e-mail address(es) is submitted on this form. More than one e-mail address(es) can be submitted, please give full name of person(s) who are the e-mail contact(s) to ensure TEA has accurate information.*