

Subject: Optional Flexible School Day Program

Program Description

The OFSDP is a program that your district may offer to provide flexible hours and days of attendance for students in any grade who have dropped out of school or are at risk of dropping out, are participating in an approved early college high school plan, or are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education, or 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. One goal of the program is to target those students who are unable to attend school in a traditional setting, for example, because the students must seek employment to support their families, must provide child care during traditional school hours, or are involved in an Early College High School program that is designed to complement a traditional college schedule. Under these circumstances, the students might only be able to attend school during evening hours or for a couple of hours during the day. The second goal of the program is to offer students who are at risk of being denied credit for classes because of failure to meet attendance requirements the opportunity to recover that credit.

Students participating in an OFSDP may attend on a fixed or flexible schedule that does not meet the traditional 180-day, 5-days-per-week requirement. Typical OFSDP instructional arrangements include the following:

- Weekend or night classes
- Extended day classes
- Classes offered throughout the year
- Flexible schedules
- Credit recovery classes (These classes can be offered during the summer recess for students who have not earned a full ADA during the school year. A student cannot earn more than the equivalent of one ADA in a year.)

Program Funding

Please note that the OFSDP is **not a competitive grant program**. The OFSDP program provides an alternate method of attendance accounting. The traditional attendance rule (referenced in the *Student Attendance Accounting Handbook*) requiring students to receive instruction for a minimum of two hours per day for half-time funding and a minimum of four hours per day for full-time funding does not apply to students who earn attendance through the OFSDP. Funding is based on the total eligible minutes of instructional contact time each student receives. A student must receive instruction in the OFSDP (or in the OFSDP and traditional attendance program courses) at least 45 minutes on a given day for instructional contact time to be recorded. The maximum number of instructional minutes allowed each school day, including any instructional time accounted for in traditional courses towards graduation requirements, is 600 minutes, or 10 hours.

Instructional contact time for the OFSDP is funded at the same rate under the FSP formulas as attendance for a full-time equivalent student. A full-time equivalent student is expected to have 1,080 contact hours per year.

For an eligible OFSDP student attending summer school OFSDP courses for credit recovery, funding is limited to only funding for the attendance necessary for the student to recover class credit.

For funding purposes, OFSDP attendance for a student for a 12-consecutive-month school year cannot exceed the equivalent of one student in average daily attendance (ADA) with perfect attendance.

Participation in the OFSDP and the Regular Attendance Program

A student may receive instruction and earn minutes of attendance in both 1) classes held during the regular school day and 2) classes specifically designed for the OFSDP. However, the student may not be simultaneously enrolled in the OFSDP and the traditional attendance program, in terms of how the student's attendance is reported in the attendance accounting system. In other words, a student —

- may not have the same attendance time/minutes reported simultaneously through the OFSDP and the regular attendance program
- may not have the same attendance time/minutes reported simultaneously through the Public Education Information Management System (PEIMS) with both a 400 record and a 500 (OFSDP) record

However, it is acceptable for a student to earn both traditional attendance and OFSDP attendance if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. A student's attendance program (OFSDP or regular) may not be changed in the middle of a 6 week reporting period. **Note:** Traditional average daily attendance (ADA) earned and OFSDP ADA earned cannot exceed one ADA total.

Application Process

To participate in the OFSDP, your district must submit an annual application notifying the Texas Education Agency (TEA) that it plans to participate. The application requires the following information: implementation plan description, staff plans, schedules, and student attendance accounting security procedures and documentation.

Note: Applications **no longer** need to be submitted 90 days before the program's start date. The application may be submitted at any time throughout the year.

Student Eligibility

A student is eligible to participate in an OFSDP authorized under the Texas Education Code (TEC), §29.0822, if —

- 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,
 - the student is attending a school implementing an approved innovative campus plan,
 - the student is attending a school with an approved early college high school program designation, 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**
- 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.

Your district may also implement a study program for seniors who have completed the required course work but need additional tutoring to assist them in passing the TAKS test so that they may graduate and obtain their high school diploma.

Increase in Age Requirements for FSP Funding Eligibility

Note that a student who is at least 21 years of age and under 26 years of age and admitted by your school district to complete the requirements for a high school diploma is eligible to generate Foundation School Program (FSP) funding (including OFSDP funding).

Also, a student receiving special education services who is 21 years of age on September 1 of a scholastic year is eligible for services (including OFSDP services) through the end of that scholastic year or until graduation, whichever comes first. In addition, a student with a disability who graduated as determined by an individualized education program (IEP) (19 TAC §89.1070[c]) and who is still in need of special education services may be served through age 21 inclusive, according to the requirements noted above (34 CFR 300.102 [a][3]). A student receiving special education services who is at least 22 years of age and under 26 years of age on September 1 admitted for the purpose of completing the requirements for a high school diploma is not eligible for special education weighted state funding.

Reporting Requirements

Beginning with the 2008–2009 school year, your district should report OFSDP attendance data using the PEIMS, <http://www.tea.state.tx.us/peims/standards/index.html>. PEIMS Data Standards Records for OFSDP attendance include —

- **500** Flexible Attendance Data – Student
- **505** Special Education Flexible Attendance Data – Student
- **510** Career and Technology Flexible Attendance Data – Student

It is acceptable to create and report both 400 and 500 records for a student if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. Note: If a student is participating in both classes that are a part of the traditional attendance program and classes that are a part of the OFSDP simultaneously, all attendance must be reported through the OFSDP 500 series records. Refer to the *Student Attendance Accounting Handbook* for requirements for attendance, special program eligibility, and audit concerns. Additional information about PEIMS reporting is available in an Adobe PDF presentation posted to the School Finance website at <http://www.tea.state.tx.us/index2.aspx?id=7733>

Estimating OFSDP Funding

Your school district may estimate the FSP funding to be generated by the OFSDP by entering the OFSDP ADA and full-time equivalent (FTE) data into the Estimate of State Aid Template at http://www5.esc13.net/finance/docs/state_aid/sof_FY09_r5_HB1_effrate_not.xls.

More Information

More information about the OFSDP, including the program application and applicable commissioner's rules, is available at the following link on the TEA website:

<http://www.tea.state.tx.us/index2.aspx?id=7733>.

If you have further questions, please contact Kimberley Wall of the State Funding Division by phone at (512) 463-4809 or by email at kim.wall@tea.state.tx.us.