





- (B) is attending a campus implementing an innovative redesign;
- (C) is attending a community-based dropout recovery education program, as defined by the TEC, §29.081(~~d~~) and (~~e~~2);
- (D)

- (e) Funding under the TEC, Chapter 46, 48, and 49Attendance in an OFSDP that is not authorized or does not meet the requirements of the TEC, §29.0822, or this section is not eligible for state funding. For funding purposes, attendance for a student for consecutive month school year cannot exceed the equivalent of one student in average daily attendance with perfect attendance.
- (f) Extracurricular participationA student enrolled in an OFSDP may participate in a competition or activity sanctioned by the University Interscholastic League (UIL) only if the student meets all UIL eligibility criteria.
- (g) Conditions of program operation. A school district and campus operating an OFSDP must comply with all assurances in the program application. Approved OFSDPs will be required to submit annually one progress report on a form to be provided by the TEA and signed by the district superintendent or executive officer. The data in the progress reports must be disaggregated by ethnicity, age, gender, and socioeconomic status. Approved OFSDPs will submit data as stated in the assurances section of the program application.
  - (1) A school district with a campus operating an OFSDP must reapply annually to continue to operate

- (A) noncompliance with application assurances and/or the provisions of this section;
  - (B) failure to keep timely and accurate audit and attendance accounting records;
  - (C) failure to maintain student eligibility requirements specified in subsection (b) of this section if one of these designations was used as an eligibility criteria for OFSDP;
  - (D) lack of program success as evidenced by progress reports or program data; or
  - (E) failure to provide accurate, timely, and complete information as required by the TEA to evaluate the effectiveness of the OFSDP.
- (2) A revocation or nonrenewal of an approved OFSDP takes effect for the semester immediately following the date on which the revocation or nonrenewal is issued unless another date is determined by the commissioner.
- (3) An OFSDP is entitled to a ~~ten~~ day notice of the proposed revocation or nonrenewal and an informal review by the commissioner's designee.
- (4) A decision by the commissioner to revoke the authorization or deny renewal of an OFSDP is final and may not be appealed.
- (5) The OFSDP is a state program subject to a special accreditation investigation under the TEC, Chapter 39A. Student attendance accounting records are subject to audit under §129.21 of this title (relating to Requirements for Student Attendance Accounting for State Funding Purposes). The commissioner may impose interventions and sanctions on a school district under the TEC, Chapter

- (3) A school district that provides transportation services must continue to provide these services during the OFYP.
  - (4) A school district that provides meal services through the National School Lunch Program, School Breakfast Program, or a locally funded program must continue to provide these services during the OFYP.
  - (5) A school district may require educational support personnel to provide service as necessary for an OFYP.
  - (6) A school district may not reduce the number of educators on staff on OFYP instructional days.
  - (7) A school district must schedule proposed OFYP instructional minutes before the last approved state student assessment testing window of the school year.
- (d) Approval process. To implement an OFYP, a school district must request prior approval from the commissioner of education.
- (1) A school district must submit a letter to the Texas Education Agency (TEA) division responsible for state funding describing the proposed modifications to the instructional calendar, including a description of the OFYP that will be provided under the TEC, §29.0821. The letter must indicate the date on which the board of trustees approved the modified instructional calendar. If the district is requesting a waiver of staff development days or teacher preparation days, the letter must also indicate that the request to waive staff development days or teacher preparation days has been approved by the campus ~~sb~~ased decisionmaking committee.
  - (2) A school district must submit to the TEA a copy of its modified instructional calendar. The instructional calendar must indicate the days and minutes scheduled as OFYP instructional days. No approval will be granted that reduces the number of instructional minutes to fewer than 71,400 minutes.
  - (3) Approval to modify the number of instructional days is limited to one year. Requests for a school district to operate an OFYP for subsequent years must be approved annually.
  - (4) The commissioner may require a school district to provide an evaluation that demonstrates the success of its approach as a condition of approval.
- (e) Funding. 9 Td [(o p)ay r9 an e(4otrin e(4ot. 9 T9 an e an OFYs t(di)6.9 (c)6 (ov1)6.3 (n e)he(l)6.9 (ua)4.2 (t)6.9 ( (

- (2) have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the student attendance accounting handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook);
  - (3) meet any eligibility requirements adopted by the institution of higher education specified in §74.25 of this title; and
  - (4) have the approval of the high school principal or other school official designated by the school district or open enrollment charter school.
- (c) Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance taking time for a group of students that is scheduled to be off-campus during the regular attendance taking time. The alternate attendance taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance taking time (for example, for the semester or for the duration of employment). This alternate attendance taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the school district must ensure that attendance is taken in accordance with the student attendance accounting handbook adopted under §129.1025 of this title.
- (d) For a school district or an open enrollment charter school to receive Foundation School Program funding for a student participating in an off-campus program under this section, the district or charter school must have documentation of an agreement between the district or charter school and the college.
- (e) The off-campus program approved under this section must comply with rules adopted by the Texas Higher Education Coordinating Board in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

Statutory Authority: The provisions of this §129.1031 issued under the Texas Education Code, §§120.006, 48 and 48.007.

Source: The provisions of this §129.1031 adopted to be effective May 24, 2016, 41 TexReg 3694.