

Unless otherwise specified, the rules and regulations of the FSP documented in this handbook apply regardless of the nontraditional program that is implemented.

Students who are served in nontraditional programs are eligible for special program (special education, career and technical education, bilingual/ESL education, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

11.3 College Credit Programs

Your district may offer several different types of college credit programs. The chart on the following two pages provides information on these programs.

College Credit Programs

College Credit Option	Definition	College Credit (at Texas PS ²²⁶ Institutions)	Eligibility for Foundation School Funds	District Expense	Student Expense	Other Considerations
Advanced Placement (AP) TEC, §§ 28.052–28.058 , 19 TAC §74.29	College Board–approved courses designed to prepare students to be successful on AP exams	Determined by PS institution; dependent on student’s score on AP exam(s); awarded on registration in PS institution	Eligible	District may choose to purchase a College Board membership, to acquire additional teacher training, to take responsibility for exam fees beyond what the state provides, etc.	Any exam fees not provided by the state or district Note: Unless it is offered for free, a student must not be required to take an exam	Districts must not use the AP trademark to designate courses unless they have completed the AP course audit process and received approval from the College Board
International Baccalaureate (IB) TEC, §§ 28.052–28.058 , 19 TAC §74.29	IBO ²²⁷ -approved courses taught in an authorized IB school	Determined by PS institution; dependent on student’s score on IB exam(s); awarded on registration in PS institution; guaranteed to equal at least 24 credit hrs with completed IB diploma at Texas public PS institutions	Eligible	IBO-required fees, training, and materials	Any exam fees not provided by the state or district Note: Unless it is offered for free, a student must not be required to take an exam	Districts must not use the IB trademark to designate courses unless they are authorized by the IBO
Dual Credit 19 TAC §§ 4.81–4.85 and §74.25	An opportunity for a student to earn HS credit for a college course offered at or in conjunction with a PS institution that provides advanced academic instruction beyond, or in greater depth than, the TEKS ⁵ for the equivalent HS course.	Awarded immediately by the PS institution offering the course; recognized by the school district and PS institution based on articulation agreement	Eligible regardless of whether course and textbook are available free to the student ²²⁸	District may choose to pay part or all of students’ tuition, purchase required textbooks, or both	Any tuition or textbook expenses not waived or not provided by the institution or district Note: If the tuition or fees are provided free of student expense, the student must not be required to reimburse the tuition or fees based on performance	Students may not earn HS credit for a course for which they have already earned credit. It is the responsibility of the HS to ensure that courses offered for dual credit allow for mastery of the TEKS for the appropriate HS course. While dual credit for local credit courses is allowed in accordance with THECB requirements, the most beneficial dual credit opportunities will allow students to earn state credits toward HS graduation

²²⁶ postsecondary

²²⁷ International Baccalaureate Organization

²²⁸ TEC, [§28.009](#)(a-2)

College Credit Option	Definition	College Credit (at Texas PS ²²⁶ Institutions)	Eligibility for Foundation School Funds	District Expense	Student Expense	Other Considerations
Early College High School 19 TAC §§4.151–4.161 and §102.1091	A HS model that provides students at risk of not graduating with a blended HS and college curriculum (students earn a HS diploma and 60 college credit hrs tuition-free)	Awarded immediately by the PS institution offering the course; recognized by the school district and PS institution based on articulation agreement	Eligible	The district or charter in which the student is enrolled must pay for tuition, fees, and required textbooks, to the extent those charges are not waived by the institution of higher education	No cost to student; a student enrolled in an ECHS course for HS graduation credit must not be required to pay for tuition, fees, or required textbooks ²²⁹	To operate an ECHS, districts and PS institutions must receive ECHS designation from the TEA and THECB ²³⁰
Articulated Technical Credit (Public Law 109-270, 2006)	An opportunity for a student to earn college credit for technical courses identified by a statewide articulation system through enhanced HS CTE ²³¹ courses	Determined by PS institution; awarded on the student’s meeting the requirements of the PS institution	Eligible	Required teacher professional development provides information for courses on the articulation process, content of college-equivalent courses, and expected levels of student performance	No cost to student	The student must earn at least an 80 in the HS course(s) and often must complete at least 6 hrs in the PS institution before earning the PS credit. The secondary teacher must have a baccalaureate degree or higher with a major in the teaching discipline and have a minimum of an associate degree and 3 yrs verifiable nonteaching work experience directly related to the teaching discipline. More information at www.atctexas.org
Locally Articulated Credit (Public Law 109-270, 2006)	An opportunity for a student to earn HS credit for a college course offered at or in conjunction with an PS institution that provides advanced academic instruction beyond, or in greater depth than, the TEKS ⁵ for the equivalent HS course.	Determined by PS institution; awarded on the student’s meeting the requirements of the PS institution	Eligible	College and HS faculty meet once a year to discuss course content. The course must meet the TEKS and WECM ²³² course outcomes	Local decision based on articulation agreement	Teacher requirements are based on the agreement between the school district and the local college and are written into the articulation agreement

²²⁹ per 19 TAC §102.1091(d)(3)

²³⁰ Texas Higher Education Coordinating Board

²³¹ career and technical education

²³² workforce education course manual

11.3.1 Dual Credit (High School and College or University) Programs

A public junior college, college, or university may offer a course in which a high school student may enroll and for which the student may receive both high school and college credit.

The Texas Higher Education Coordinating Board (THECB) may offer courses under which a licensed hospital (bill requires one hospital located in a county that borders the United Mexican States and that has population of at least 700,000 and not more than 800,000) may offer dual credit courses to high school students enrolled in a school district in partnership with the district²³³.

Funding eligibility for a student taking a dual credit course will include time instructed in the dual credit course. Your district may count the time that students spend in dual credit courses for state funding purposes even if students are required to pay tuition, fees, or textbook costs for those courses²³⁴. Please note that Texas Administrative Code (TAC) rules for ECHS programs²³⁵ prohibit requiring a student enrolled in an ECHS course for high school graduation credit to pay for tuition, fees, or required textbooks.

For your district or charter school to receive FSP funding for a student taking a college course, the district or charter school must have documentation of an agreement between the district or charter school and the college and meet other requirements for dual credit courses²³⁶.

For statutory requirements related to college credit programs, see the Texas Education Code (TEC), [§28.009](#) and [§28.010](#).

11.3.1.1 Student Eligibility for Dual Credit Courses²³⁷

A high school student is eligible to enroll in dual credit courses if the student demonstrates college readiness by achieving the minimum passing standard(s) on a qualifying assessment instrument, as shown in the following chart²³⁸.

²³³ [HB 2937](#)

²³⁴ TEC, [§28.009](#)(a-2)

²³⁵ 19 Texas Administrative Code (TAC) [§102.1091](#)

²³⁶ specified in 19 TAC Part 1, Chapter 4, [Subchapter D](#), and in 19 TAC Part 2, Chapter 74, [Subchapter C](#)

²³⁷ 19 TAC [§4.85](#)

²³⁸ 19 TAC [§4.56](#) and [§4.57](#)

Minimum Passing Standards to Demonstrate College Readiness
Students must meet applicable eligibility requirements for ONE of the listed assessments.

	Assessment	To Qualify for Math Courses*		To Qualify for English Courses*			
		Math/ Algebra	Combined/ Composite	ELA/Reading Skills	Objective Writing/ Sentence Skills	Writing/ Essay	Combined/ Composite
Academic Courses	ACT	19	23	19	-	-	23
	SAT	500	1070	500	-	-	1070
	TAKS ²³⁹	2200	-	2200	-	3	-
	PSAT/ NMSQT ²⁴⁰	50	107	50	-	-	107
	PLAN	19	23	19	-	-	23
	ASPIRE	431		435			
	STAAR EOC ²⁴¹ Algebra I and passing score in Algebra II course	4000					
	STAAR EOC Algebra II	4000					
	STAAR EOC English II			4000			
	STAAR EOC English III			4000			
	TSI ²⁴² Assessment	350	-	351	363	5	

*Students must meet both subject and composite score standards where both are listed.

Alternatively, a student is eligible to enroll in dual credit courses if the student has satisfied at least one of the following criteria:

- The student has previously attended any institution of higher education and has been determined to have met readiness standards by that institution.
- The student is enrolled in a certificate program of one year or less (Level-One certificates, 42 or fewer semester credit hours or the equivalent) at a public junior college, a public technical institute, or a public state college.
- The student is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States and has been serving for at least three years preceding enrollment.
- The student was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a

²³⁹ Texas Assessment of Knowledge and Skills

²⁴⁰ Preliminary SAT/National Merit Scholarship Qualifying Test

²⁴¹ State of Texas Assessment of Academic Readiness End-of-Course

²⁴² Texas Success Initiative

reserve component of the armed forces of the United States.

- The student has been exempted from meeting minimum passing standards for demonstrating college readiness by the institution of higher education at which the student will be taking a dual-credit course and the student is non-degree-seeking or non-certificate-seeking.
- A student has successfully completed a college preparatory course under TEC §28.014. This exemption applies only to the content area of the course and for a period of 24 months from the date of high school graduation. Additionally, the exemption is limited to the institution of higher education that partners with the school district in which the student completed the course; however, an institution of higher education may enter into a Memorandum of Understanding with a partnering institution of higher education to accept the exemption for the college preparatory course.

To be eligible for enrollment in a dual credit course offered by a public college, a student must meet all the college's regular prerequisite requirements designated for that course (minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with TAC rules. Also, an institution is not required to offer dual credit courses for high school students.

Student Eligibility Requirements Specific to Workforce Education Dual Credit Courses: A student may enroll in only those workforce education dual credit courses for which the student has demonstrated eligibility.

11.3.1.2 Reporting Dual Credit Attendance in the Public Education Information Management System (TSDS PEIMS) When the Higher Education Calendar Is Shorter Than the School District Calendar

In some instances, a student may be taking dual credit courses through an institution of higher education whose calendar is shorter than your school district's calendar. If this is the case, report the student's attendance in the TSDS PEIMS with a different track, to reflect the shorter calendar. Reporting the student with a separate track will prevent any reduction in state funding. Before your district may report such attendance, it must first apply for and receive a waiver as described in 3.8.1.7 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) with Calendars of Fewer than 75,600 Minutes.

11.3.1.3 Required Documentation

In some instances, students taking dual credit courses may not receive any of their instruction on the regular high school campus. It is the responsibility of your district to ensure that attendance is being taken in accordance with the requirements of this handbook.

11.3.2 Early College High School Programs: Student Eligibility Requirements

A student enrolled in a Texas Education Agency (TEA)-designated Early College High School may enroll in dual credit courses if the student demonstrates college readiness by achieving the minimum passing standard(s) on a qualifying assessment instrument, as shown in the chart on the preceding page.

11.4 Gateway to College (GTC) and Similar Programs

A “GTC” program is a program that your school district or charter school may develop through a memorandum of understanding (MOU) with the Gateway to College nonprofit organization or a similar organization in which eligible students are enrolled in the district or charter school and attend classes (either full-time, or part-time) at an institution of higher education (IHE) for the purpose of earning a high school diploma and earning college credits. GTC programs target high school dropouts and students at risk of dropping out. A charter school developing a GTC program must submit an expansion amendment request and be granted the expansion by the commissioner before enrolling students at IHEs for the purpose of earning a high school diploma. An expansion amendment is not required for students who report daily to a high school campus and leave for part of the day to take dual credit courses at a college.

The courses offered through a GTC program may be either high school or dual credit courses if specified in the MOU. However, for instruction provided through the GTC program to count as instruction for the purposes of the 2-through-4-hour rule and FSP funding eligibility, courses must meet the curriculum requirements specified in the TEC, [Chapter 28](#). A developmental education course does not count as instruction for the purposes of the 2-through-4-hour rule and is not eligible for FSP funding unless the course meets the curriculum requirements specified in the TEC, [Chapter 28](#), and the student can receive high school credit for the course. You can find a list of courses that are considered developmental courses in the latest Texas Higher Education Coordinating Board (THECB) *Academic Course Guide Manual*, available on the THECB website at <http://www.thecb.state.tx.us/AAR/UndergraduateEd/WorkforceEd/acgm.htm>.

For a student participating in a GTC program to be eligible for FSP funding, the student must meet all the eligibility requirements of the FSP (see Section 3), including requirements related to half-day and full-day funding eligibility. Students participating in a GTC program and identified under federal title programs must receive appropriate instructional services as required by those federal programs.

The methods for taking attendance and the basic attendance accounting records for students served through a GTC program must meet the same standards and requirements established in this handbook for the regular school program (see Sections 2 and 3). A district or charter school reporting GTC program attendance must adhere to the requirements established in Sections 2 and 3 for the regular school program, including requirements to retain records related to student attendance for 5 years for audit purposes. Official attendance must be taken at the point in time selected by the school district or charter school. The district or charter school may specify more than one official attendance-taking time to accommodate flexible scheduling at the IHE; however, each student must be assigned to only one official attendance-taking time. The school district or charter school must communicate with the IHE daily to receive official attendance information.

The GTC program’s calendar must meet the calendar requirements in [3.8 Calendar](#).

The district or charter school has final responsibility for ensuring that all eligibility and attendance requirements are met.

11.5 Optional Extended Year Program (OEYP)

The OEYP will not be funded for 2018-2019. Local education agencies will not be required to report OEYP attendance. As a result, access to the **OEYP Student Records** section of the TSDS PEIMS will be blocked.

11.6 Optional Flexible School Day Program (OFSDP)²⁴³

The OFSDP is a program that your district may offer to provide flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in an approved early college high school plan; 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 students have 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 that is designed to complement a traditional college schedule. Under these circumstances, the students might be able to attend school only 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 75,600 minutes, 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 (Your district may offer these classes 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.)
- A dropout recovery program in which courses are conducted online

Your district must not charge tuition for participation in an OFSDP, including for participation in classes offered during the summer recess.

11.6.1 Student Eligibility

A student is eligible to participate in an OFSDP authorized under the 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,
 - the student is attending an online dropout recovery education program, as defined by the TEC, [§29.081](#) (e-2)²⁴⁴, or

²⁴³ See the TEC, [§29.0822](#).

²⁴⁴ [TEC, §29.081 \(e-2\)](#)

- 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 required state assessments so that they may graduate and obtain their high school diploma.

11.6.2 OFSDP Funding

The OFSDP is **not a competitive grant program**. The OFSDP program provides an alternative method of attendance accounting. A student must receive a minimum of 45 minutes of instruction on any given day to accrue eligible OFSDP minutes for the day. For each 4 hours or 240 minutes of eligible instruction a student receives, the student earns one eligible day present. Eligible days present are then converted to ADA for funding purposes.

The maximum number of instructional minutes allowed each school day, including any instructional time accounted for in traditional courses toward graduation requirements, is 600 minutes, or 10 hours.

Instructional time for the OFSDP is funded at the same rate under the FSP formulas as attendance for ADA in the traditional program; however, a single course cannot accrue more than 10,800 minutes and a full-time equivalent student is expected to have a total of 43,200 minutes of instruction per year to generate one ADA.

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 ADA with perfect attendance.

11.6.3 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 must 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:

- must not have the same attendance time or minutes reported simultaneously through the OFSDP and the regular attendance program and
- must not have the same attendance time or minutes reported simultaneously through the TSDS PEIMS with both a 42400 record and a 42401 (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) **must not** be changed in the middle of a 6 week reporting period.* **Note:** The sum of traditional ADA earned and OFSDP ADA earned **must not exceed one ADA total**.

*One exception to the prohibition on changing the type of record used during a reporting period would be for a student's initial enrollment in the OFSDP. Another would be for an OFSDP student who begins receiving pregnancy-related services compensatory education home instruction (CEHI) services in the middle of a 6 week reporting period. The student's attendance would be reported with a 42400 record (according to the CEHI funding chart in [9.10 Confinement and Earning Eligible Days Present](#)) and with an ADA eligibility code of 1 at the time the student began receiving CEHI services, even if that date occurred within the 6 week reporting period. Once the student stopped receiving CEHI services and returned to school to participate in the OFSDP, the student's attendance would be reported with a 42401 record and with an ADA eligibility code of 7, even if the transition occurred in the middle of a 6 week reporting period.

11.6.4 Attendance Accounting and FSP Funding for OFSDP participation through an Online Dropout Recovery Education Program

If an eligible student participates in a course offered through an online dropout recovery education program at a district or charter school with an approved OFSDP and meets the requirements for enrollment in a Texas public school district or charter school, the student is eligible to generate FSP funding for each course the student successfully completes. Online dropout recovery education programs must be able to track and report the number of minutes spent by an eligible student in each course so that minutes do not exceed the maximum allowed per course. Districts and charter schools must report ineligible minutes for courses that are not completed successfully.

11.6.5 Application Process

To participate in the OFSDP, your district must submit an annual application notifying the 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.

11.6.6 FSP Funding Eligibility for Students 21 through 25 Years of Age

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 ADA (and thus FSP funding [including OFSDP funding]).

Also, a student receiving special education services who is 21 years of age on September 1 of a school year is eligible for services (including OFSDP services) through the end of that school year or until graduation, whichever comes first. In addition, a student with a disability who graduated by meeting the requirements of 19 TAC [§89.1070\(b\)\(3\)](#) as determined by an admission, review, and dismissal (ARD) committee and who is still in need of special education services²⁴⁵ may be served through age 21 inclusive²⁴⁶. A student 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, but is eligible for other weighted state funding.

²⁴⁵ as determined by the ARD committee per [§89.1070\(f\)](#)

²⁴⁶ 34 Code of Federal Regulations, §300.102(a)(3)

11.6.7 Reporting Requirements

Your district must report OFSDP attendance data through the TSDS PEIMS.

It is acceptable to create and report both 42400 and 42401 series 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 42401 series records.**

11.6.8 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 latest estimate of state aid template available at the TEA Foundation School Program web page at http://tea.texas.gov/Finance_and_Grants/State_Funding/Foundation_School_Program/Foundation_School_Program/.

11.6.9 OFSDP Withdrawal Policy

Your school district may adopt a local policy for determining when a student enrolled in an OFSDP may be withdrawn for nonattendance.

11.6.10 More Information

More information about the OFSDP, including the program application and applicable commissioner's rules, is available on the TEA OFSDP web page at <http://tea.texas.gov/index2.aspx?id=25769817595>.

11.7 Optional Flexible Year Program (OFYP)

An OFYP is a program for students who did not or are likely not to perform successfully on the required state assessments or who would not otherwise be promoted to the next grade level.

To provide additional school days for an OFYP, with the approval of the commissioner, your school district may:

- provide for at least 170 school days (or 71,400 minutes) (for students who are not at risk) and at least 180 school days (75,600, including intermissions and recesses minutes) (for students who are at risk) during the regular school year; and
- use for instructional purposes no more than 5 days that would otherwise be used for staff development or teacher preparation.

11.7.1 Applying to Participate in the OFYP

To participate in the OFYP, your school district must submit an application. The application is available on the TEA OFYP web page at http://tea.texas.gov/Finance_and_Grants/State_Funding/Additional_Finance_Resources/Optional_Flexible_Year_Program/.

11.7.2 Scheduling of OFYP School Days

The TEA strongly encourages districts providing OFYPs to provide the additional school days for eligible students throughout the school year instead of only at the end of the school year. This practice helps ensure eligible students' successful program completion.

The TEA also strongly encourages each district, upon OFYP approval, to notify parents and students that the district has been approved to provide an OFYP and include in this notice details of how the district plans to implement the program (that is, whether the district will schedule its OFYP school days throughout the year or at the end of the year).

An OFYP school day must not be scheduled on the same day as any of the following:

- an early release day
- one of your district's scheduled makeup days
- a day before the fourth Monday in August (this last bullet applies to school districts only; it does not apply to open-enrollment charter schools)

11.7.3 Reporting OFYP Attendance

Students who are participating in an OFYP should be reported on a separate instructional track from students who are not participating in an OFYP. If a student participates in the OFYP, the student should not be reported on multiple calendar tracks within a 6-week reporting period.

11.7.4 Additional Information

A district approved to provide an OFYP has discretion over whether to allow OFYP-ineligible students to attend school on OFYP school days. If the district decides to allow OFYP-ineligible students to attend school on those days, the ineligible students would not be eligible to generate ADA (FSP funding) for the days. The district should not record attendance for the OFYP-ineligible students who attend school on OFYP school days, except for those students described by the following paragraph.

A student who receives special education services and whose individualized education program (IEP) requires that the student be provided instruction, services, or both for a specified number of school days must be provided instruction and services for that number of school days regardless of whether the student is eligible for the OFYP. If an OFYP-ineligible student who receives special education services is attending school on OFYP school days because of IEP requirements, the student's reported instructional track must include those days, and attendance must be taken for the student for those days.

11.8 High School Equivalency Program (HSEP)

The HSEP is also known as the "In-School GED Program." The Texas In-School GED Program provides an alternative for high school students aged 16 years and older who are at risk of not graduating from high school and earning a high school diploma. The purpose of the program is to prepare eligible students to take a high school equivalency examination (GED).

11.8.1 HSEP Eligibility Requirements

A student is eligible to participate in an HSEP if:

- the student has been ordered by a court under Code of Criminal Procedure, [Article 45.054](#), or by the Texas Juvenile Justice Department to:

- participate in a preparatory class for the high school equivalency examination; or
- take the high school equivalency examination administered under the TEC, [§7.111](#); or
- the following conditions are satisfied:
 - the student is at least 16 years of age at the beginning of the school year or semester;
 - the student is at risk of dropping out of school, as defined by the TEC, [§29.081\(d\)](#);
 - the student and the student’s parent, or person standing in parental relation to the student, agree in writing to the student’s participation; and
 - at least 2 school years have elapsed since the student first enrolled in grade 9 and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school.²⁴⁷

11.8.2 HSEP Attendance Accounting and Funding

The HSEP provides alternatives to the traditional attendance program and provides flexible attendance schedules. Students in the program are still subject to minimum attendance requirements (TEC, [§25.092](#)).

District personnel must maintain a separate log of program instructional contact time for each student participating in the HSEP.

A student is counted as in attendance based on the actual number of daily contact minutes the student receives instruction in the HSEP, in traditional classes that count toward graduation requirements, or in both. A student must receive instruction in the HSEP (or the HSEP in combination with traditional coursework) at least 45 minutes on a given day for instructional contact time to be recorded. If actual instructional contact time in the HSEP (or the HSEP in combination with traditional coursework) does not equal at least 45 minutes on a given day, your district must record 0 minutes of instructional contact time for that day. The maximum number of instructional contact minutes allowed each school day, including any instructional time accounted for in traditional courses toward graduation requirements, is 600 minutes.

HSEP attendance is reported using the 42401 series TSDS PEIMS records. For students in grades 9–12 who are ADA eligible, create at least one record for TSDS PEIMS reporting for each student who attends at least 45 minutes in the HSEP within the indicated reporting period.

A district must report all minutes of instruction attended by a student for each six-week reporting period. However, no student may generate more than one ADA for FSP funding purposes for a school year within a district or campus. If a student participates in both the HSEP and the traditional attendance program, the student must not generate more than one ADA for FSP funding purposes for a six-week reporting period within a district or campus.

Note: Attendance reporting for students attending an HSEP in a shared services arrangement is the responsibility of the student’s home district.

For additional rules and instructions related to the HSEP, visit the TEA HSEP web page at <http://tea.texas.gov/HSEP/>.

²⁴⁷ TEC, [§29.087\(d\)](#); 19 TAC [§89.1403](#)

11.9 Interstate Compact on Educational Opportunity for Military Children

Texas is a member state of the Interstate Compact on Educational Opportunity for Military Children. The compact is an agreement among member states to abide by a common set of requirements related to education of military children.²⁴⁸

This subsection provides information on some important compact definitions and requirements related to attendance accounting.

11.9.1 Some Important Compact Definitions

The following definitions apply for purposes of compact requirements:

“Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders²⁴⁹.

“Child of a military family” means a school-age child, enrolled in kindergarten through 12th grade, in the household of an active duty member.

“Education(al) records” means those official records, files, and data directly related to a student and maintained by the school or local education agency.²⁵⁰

“Member state” means a state that has enacted the compact.

“Sending state” means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

“Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), and Public Health Services.

The US NOAA is an agency of the US Department of Commerce (DOC). The US NOAA Commissioned Corps²⁵¹ is made up of approximately 300 science and technology professionals who serve in leadership and command positions in the NOAA and DOC and in the Armed Forces during wartime or national emergencies.

The US Public Health Services Commissioned Corps²⁵² is made up of approximately 6,000 public health professionals who help administer national public health promotion and disease prevention programs through federal programs and agencies. Corps members include doctors, nurses, pharmacists, therapists, researchers, and engineers.

²⁴⁸ The Texas Legislature enacted the compact through the TEC, [§162.002](#)

²⁴⁹ pursuant to 10 USC, §1209 and §1211

²⁵⁰ See Article II of the compact in the TEC, [§162.002](#), for the full definition.

²⁵¹ US National Oceanic and Atmospheric Administration Commissioned Corps website: <http://www.noaa.gov/>

²⁵² US Public Health Service Commissioned Corps website: <http://www.usphs.gov/default.aspx>.

11.9.2 Notable Compact Provisions and Requirements

Following are notable compact provisions and requirements.

11.9.2.1 Entitlement to Continue at Grade Level

A child of a military family who moves to your district from another member state is entitled to continue enrollment at the same grade level, including kindergarten, in which the student was enrolled in the sending state regardless of the child's age. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the following:

1. official military orders showing that the military member was assigned to the state or commuting area of the state in which the child was enrolled and attended school. If the child was residing with a legal guardian and not the military member during the previous enrollment, the following must be provided:
 - o a copy of the family care plan, or
 - o proof of guardianship, as specified in the compact, or
 - o any information sufficient for your district to establish eligibility under the compact;
2. an official letter or transcript from the proper school authority showing the child's attendance record, academic information, and grade placement;
3. documented evidence of appropriate immunization; and
4. evidence of date of birth.

A child of a military family who moves to your district from another member state and who satisfactorily completed a particular grade level in the sending state is entitled to enroll in the next highest grade level. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the items specified in the previous paragraph.

A child of a military family who is under the age of five on September 1 and who moved to Texas from another member state where the child completed prekindergarten is eligible for enrollment in kindergarten and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the items specified in the previous paragraph.

11.9.2.2 Certain Absences Excused for Compulsory Attendance Purposes

Under the compact, your school district's superintendent may excuse for compulsory attendance purposes a student's absence to visit with a parent or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from deployment to a combat zone or combat support posting.

Note that other Texas law²⁵³ already allows for a teacher, principal, or superintendent of the school in which a student is enrolled to excuse for compulsory attendance purposes the temporary absence of the student for any reason acceptable to the teacher, principal, or superintendent, as described in [3.6.4 Excused Absences for Compulsory Attendance Purposes](#). That same statute also permits a student to be counted as present for FSP (funding) purposes if the student is absent to visit with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. Your

²⁵³ TEC, [§25.087](#)

district is required to excuse up to 5 days for this purpose in a school year. An excused absence for this purpose must be taken no earlier than 60 days before the date of deployment or no later than 30 days after the date of return from deployment.²⁵⁴

²⁵⁴ [§25.087](#)(b-4)