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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: June 18-19, 2015

ACTION: R277-606 *Public School Student Dropout Recovery (New)*

Background:

R277-606 is amended in response to S.B. 116 *Public School Dropout Recovery* (2015 Legislative Session).

Key Points:

This new rule, R277-606, provides procedures and requirements for LEAs to develop a dropout recovery program, recruit eligible students, and develop a learning plan; defines terms; clarifies who provides special education services in a dropout recovery program; provides procedures for calculating average daily membership for eligible students participating in a dropout recovery program; and provides reporting requirements and deadlines related to a school's dropout recovery program.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-606 on first reading and, if approved by the Committee, the Board consider approving R277-606 on second reading.

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1 **R277. Education, Administration.**

2 **R277-606. Dropout Recovery Program.**

3 **R277-606-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Section 53A-17a-172, which requires the Board to
6 develop rules to set policies related to a dropout recovery
7 program;

8 (b) Utah Constitution Article X, Section 3, which vests
9 general control and supervision of public education in the
10 Board; and

11 (c) Subsection 53A-1-401(3) which permits the Board to
12 adopt rules in accordance with its responsibilities.

13 (2) The purpose of this rule is to:

14 (a) develop policies related to an LEA's dropout recovery
15 program;

16 (b) establish procedures for calculating average daily
17 membership for students who participate in a dropout recovery
18 program; and

19 (c) set reporting requirements for LEAs with a dropout
20 recovery program.

21 **R277-606-2. Definitions.**

22 For purposes of this rule:

23 (1) "Adequate monthly progress" has the same meaning as
24 that term is defined in Section 53A-17a-172.

25 (2) "At-risk eligible student" means a student has one or
26 more of the following risk factors:

27 (a) low performance on any statewide assessment;

28 (b) poverty;

29 (c) limited English proficiency;

30 (d) high mobility;

31 (e) past or current experience with one of the following:

32 (i) pregnancy before the age of 18;

33 (ii) drug addiction; or

34 (iii) family problems that would constitute a risk to the
35 student as determined by an LEA; or

36 (f) any other risk factor as determined by an LEA.

37 (3) "Attainment goal" has the same meaning as that term
38 is defined in Section 53A-17a-172.

39 (4) "Average daily membership" means the same as that
40 term is defined in Section 53A-17a-103.

41 (5) "Cohort" means the same as that term is defined in
42 Section 53A-17a-172.

43 (6) "College and career readiness work" means the same as
44 that term is defined in Section 53A-17a-172.

45 (7) "Eligible student" means a student:

46 (a) who has withdrawn from a secondary school prior to
47 earning a diploma with no legitimate reason for departure or
48 absence from school;

49 (b) who was dropped from average daily membership because
50 the student was not able to be counted by an LEA in membership
51 because the student was not meeting an applicable continuing
52 enrollment measurement chosen by the LEA as described in
53 Subsection R277-419-5A(2); and

54 (c)(i) whose cohort has not yet graduated; or

55 (ii) whose cohort graduated in the previous school year.

56 (8) "LEA" does not include:

57 (a) an alternative school as defined in Section 53A-1-
58 1102; or

59 (b) a statewide virtual school.

60 (9)(a) "Statewide course or program" means a statewide
61 course or program that:

62 (i) a student is able to enroll in; and

63 (ii) an LEA is able to count the student for enrollment
64 as described in R277-419.

65 (b) "Statewide course or program" includes the Statewide
66 Online Education Program described in Title 53A, Chapter 15,
67 Part 12, Statewide Online Education Program Act.

68 (10) "Third party provider" means a third party who
69 provides educational services on behalf of an LEA.

70 **R277-606-3. LEA Dropout Recovery Programs.**

71 (1) Beginning with the 2015-16 school year, an LEA that
72 serves students in grades 9, 10, 11, or 12 shall provide a
73 dropout recovery program for an eligible student with the
74 dropout recovery services described in Subsection 53A-17a-
75 172(2).

76 (2) An LEA that meets the description of an LEA required
77 to contract with a third party provider as described in
78 Subsection 53A-17a-172(4) shall contract with a third party
79 provider to provide the dropout recovery services described in
80 Subsection (1).

81 (3) An eligible student may:

82 (a) re-enroll in an LEA or statewide course or program;

83 (b) participate in an LEA's dropout recovery program; or

84 (c) both:

85 (i) re-enroll in an LEA or statewide course or program;

86 and

87 (ii) participate in a dropout recovery program.

88 (4)(a) If an eligible student chooses to enroll in a
89 dropout recovery program, the LEA, in consultation with the
90 eligible student, shall prepare a learning plan for the
91 eligible student that includes:

92 (i) an attainment goal for the eligible student; and

93 (ii) how the LEA will measure the eligible student's
94 adequate monthly progress toward the attainment goal.

95 (b) If an LEA is required to contract with a third party
96 provider to provide dropout recovery services, the third party
97 provider shall:

98 (i) work with the LEA to prepare a learning plan for an
99 eligible student described in Subsection (4)(a);

100 (ii) regularly report an eligible student's progress; and

101 (iii) maintain documentation:
102 (A) required to validate that an eligible student is
103 meeting adequate monthly progress; and
104 (B) required by the LEA for the LEA to meet the
105 requirements of Subsection R277-606-4(4).
106 (5) If an eligible student re-enrolls in an LEA or
107 statewide course or program, the LEA may count the student:
108 (a) in average daily membership in accordance with R277-
109 419; or
110 (b) for the 2015-16 school year only, using October 1
111 counts if the LEA is a charter school.
112 (6)(a) Subject to Subsection (7), if an eligible student
113 participates in a dropout recovery program as described in
114 Subsection (3)(b) or (3)(c):
115 (i) an LEA may receive an amount equal to the product of
116 the following for each eligible student who participates in
117 the LEA's dropout recovery program:
118 (A)(I) the value of one WPU for that school year; divided
119 by
120 (II) 180 days; and
121 (B) subject to Subsection (6)(b), the number of days that
122 eligible student made adequate monthly progress; and
123 (ii) may not count the student as described in Subsection
124 (5).
125 (b) An LEA using the formula described in Subsection
126 (6)(a) may not count a student for more than 22 school days
127 for each month that the eligible student makes adequate
128 monthly progress.
129 (c) If an eligible student participates in a dropout
130 recovery program as described in Subsection (3)(b) or (3)(c),
131 the Superintendent may not distribute to the LEA an amount
132 that is more than the value of the kindergarten through grade
133 12 weighted pupil unit, excluding add-on weighted pupil units,
134 for the eligible student each school year.

135 (7) An LEA may receive an amount as described in
136 Subsection (6) for an eligible student for a month if:

137 (a)(i) the LEA or third party provider has a personalized
138 learning plan in place for the eligible student on or before
139 the first school day of the month that the eligible student
140 participates in the dropout recovery program; and

141 (ii) the eligible student meets the definition of
142 adequate monthly progress for the month; or

143 (b) if the eligible student is an at-risk eligible
144 student:

145 (i) the at-risk eligible student met the definition of
146 adequate monthly progress in one of the two months immediately
147 preceding the month being reported; and

148 (ii) the LEA or the LEA's third party provider is
149 implementing appropriate interventions, as defined by the LEA,
150 to re-engage the at-risk eligible student in the dropout
151 recovery program.

152 (8)(a) If an eligible student is a student with a
153 disability and an LEA provides dropout recovery services
154 without using a third party provider, the LEA shall:

155 (i) prepare an IEP for the eligible student; and

156 (ii) provide the dropout recovery services in accordance
157 with the student's IEP.

158 (b) If an eligible student is a student with a disability
159 and an LEA contracts with a third party provider to provide
160 dropout recovery services to the eligible student:

161 (i) the LEA shall prepare an IEP for the eligible
162 student; and

163 (ii) the third party provider shall provide the dropout
164 recovery services to the eligible student in accordance with
165 the eligible student's IEP.

166 **R277-606-4. Reporting Requirements and Audits.**

167 (1)(a) Beginning with the 2015-16 school year, on or

168 before August 1 each year, an LEA shall submit a report to the
169 Superintendent on the LEA's dropout recovery services.

170 (b) The report described in Subsection (1)(a) shall
171 include:

172 (i) the information described in Section 53A-17a-172; and

173 (ii) if applicable, the name of a third party provider
174 the LEA is contracting with to provide dropout recovery
175 services.

176 (2) A third party provider working with an LEA on the
177 LEA's dropout recovery program shall report any information
178 requested by the LEA including any information required for
179 the LEA to submit a report described in Subsection (1).

180 (3) The Superintendent shall:

181 (a) review LEA reports described in Subsection (1); and

182 (b) ensure that an LEA described in Subsection R277-606-
183 3(2) contracts with a third party provider as required in
184 R277-606-3.

185 (4)(a) An LEA shall maintain documentation to comply with
186 the requirements of Section 53A-17a-172 and this rule.

187 (b) The Board or the Superintendent may request an audit
188 of an LEA's dropout recovery program.

189 **KEY: dropout recovery; pupil accounting**

190 **Date of Enactment of Last Substantive Amendment: 2015**

191 **Authorizing, Implemented, or Interpreted Law: Art X Sec 3;**

192 **53A-1-401(3); 53A-17a-172**