

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: June 9-10, 2016

ACTION: R277-606 *Dropout Recovery Program* (Amendment)

Background:

R277-606 is amended to incorporate changes resulting from H.B. 443, 2016 Legislative Session. The majority of the changes to the rule are updates related to the new legislation, terminology and technical changes, and unnecessary procedures are also removed from the rule.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan: Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

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

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1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

5 (~~[b]~~a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision ~~[of]~~over public education in the Board; and

7 (~~[a]~~b) Section 53A-~~[17a-172]~~15-1903, which requires the Board to develop
8 rules to set policies related to a dropout prevention and recovery program;

9 (c) ~~S[ub]s~~ection 53A-1-401~~[(3)]~~, which ~~[permits]~~allows the Board to
10 ~~[adopt]~~make rules ~~[in accordance with its responsibilities]~~ to execute the Board's
11 duties and responsibilities under the Utah Constitution and state law.

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

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

15 (b) ~~[establish procedures for calculating average daily membership for~~
16 ~~students who participate in a dropout prevention and recovery program; and~~

17 ~~———(c)]~~set reporting requirements for LEAs with a dropout prevention and
18 recovery program.

19 **R277-606-2. Definitions.**

20 For purposes of this rule:

21 ~~[(1) "Adequate monthly progress" has the same meaning as that term is~~
22 ~~defined in Section 53A-17a-172.]~~

23 ~~[(2)1] "Attainment goal" has the same meaning as that term is defined in~~
24 ~~Section 53A-17a-172.]~~15-1902.

25 ~~[(3)2] "Average daily membership" means the same as that term is defined~~
26 ~~in Section 53A-17a-103.~~

27 ~~[(4)3] "Cohort" means the same as that term is defined in Section 53A-17a-~~
28 ~~172.]~~15-1902.

29 ~~[(5)4] "College and career readiness work" means the same as that term is~~
30 ~~defined in Section 53A-17a-172.]~~15-1902.

31 ~~[(6)5] "[Eligible]Designated student" means a student:~~

32 (a)(i) who has withdrawn from a secondary school prior to earning a diploma
33 [~~with no legitimate reason for departure or absence from school~~];

34 [(b)ii) who was dropped from average daily membership~~[because the student~~
35 ~~was not able to be counted by an LEA in membership because the student was not~~
36 ~~meeting an applicable continuing enrollment measurement chosen by the LEA as~~
37 ~~described in Subsection R277-419-5A(2)]~~; and

38 [~~(c)iii) whose cohort has not yet graduated~~]; or

39 (b) who is at risk of meeting the criteria described in Subsection (5)(a), as
40 determined by the student's LEA, using the risk factors described in Subsection (10).

41 [~~(ii) whose cohort graduated in the previous school year.~~

42 ~~—— (7) “LEA” does not include:~~

43 ~~—— (a) an alternative school as defined in Section 53A-1-1102; or~~

44 ~~—— (b) a statewide virtual school.~~

45 ~~—— (8)(a) “Statewide course or program” means a statewide course or program~~
46 ~~that:~~

47 ~~—— (i) a student is able to enroll in; and~~

48 ~~—— (ii) an LEA is able to count the student for enrollment as described in R277-~~
49 ~~419.~~

50 ~~—— (b) “Statewide course or program” includes the Statewide Online Education~~
51 ~~Program described in Title 53A, Chapter 15, Part 12, Statewide Online Education~~
52 ~~Program Act.]~~

53 (6) “Graduation rate” means the same as that term is defined in Section
54 53A-15-1902.

55 (7) “LEA” means the same as that term is defined in Section 53A-15-1902.

56 (8) “Nontraditional program” means the same as that term is defined in
57 Section 53A-15-1902.

58 (9) “Proxy graduation rate” means a rate calculated:

59 (a) in a manner similar to the regular graduation rate for each year of grades
60 9 through 12;

61 (b) treating a student as having graduated if the student returned after each
62 grade year; and

63 (c) treating a student as dropping out if the student:

64 (i) did not return after each year; or
65 (ii) the student did not have an acceptable exit code entered into the Board's
66 UTREx system.

67 (10) "Risk factors" means:

68 (a) low academic performance, as measured by grades, test scores, or course
69 failure;

70 (b) poor behavior, as measured by office disciplinary referrals, suspensions,
71 or expulsions; and

72 (c) absenteeism, whether excused or unexcused absences, and including
73 days tardy and truant.

74 [(9)11] "Third party[~~provider~~]" means [a third party who provides educational
75 services on behalf of an LEA]the same as that term is defined in Section 53A-15-
76 1902.

77 **R277-606-3. LEA Dropout Prevention and Recovery Programs.**

78 (1) Beginning with the 20~~[45]16-~~[46]17 school year, an LEA that serves
79 students in grades 9, 10, 11, or 12 shall provide a dropout prevention and recovery
80 program for a~~[n-eligible]~~ designated student with the dropout prevention and
81 recovery services described in S~~[ubs]~~ection 53A-~~[17a-172(2)]~~15-1903.

82 ~~[(2) An LEA that meets the description of an LEA required to contract with a~~
83 ~~third party provider as described in Subsection 53A-17a-172(4) shall contract with~~
84 ~~a third party provider to provide the dropout recovery services described in~~
85 ~~Subsection (1).~~

86 ~~———— (3) An eligible student may:~~

87 ~~———— (a) re-enroll in an LEA or statewide course or program; or~~

88 ~~———— (b) participate in an LEA's dropout recovery program.~~

89 ~~———— (4) An LEA may count an eligible student in average daily membership in~~
90 ~~accordance with R277-419 if the eligible student:~~

91 ~~———— (a) re-enrolls in the LEA or statewide course or program;~~

92 ~~———— (b) meets all eligibility requirements in R277-419; and~~

93 ~~———— (c) re-enrolls in the LEA at such a level the LEA can count the eligible student~~
94 ~~in regular membership.]~~

95 ([5]2) An LEA that enrolls a ~~n-eligible~~ designated student in a dropout
96 prevention and recovery program shall:

97 (a) develop a written policy that describes:

98 (i) how the LEA or the LEA's third party ~~provider~~ will measure and report
99 ~~adequate monthly~~ if the designated student made a year's worth of progress toward
100 an attainment goal as required in Section R277-606-4; and

101 (ii) how membership days ~~in the dropout recovery program~~ will be
102 determined for the ~~eligible~~ designated student ~~'s progress~~ in accordance with the
103 LEA's established school schedule and enrollment policies; and

104 (b) indicate that the designated student is enrolling in the LEA's dropout
105 prevention and recovery program in accordance with current UTREx specifications.

106 ([6]3)(a) If a ~~n-eligible~~ designated student chooses to enroll in a dropout
107 prevention and recovery program, the LEA, in consultation with the ~~eligible~~
108 designated student, shall prepare, in accordance with the LEA's written policy
109 described in Subsection ([5]2), a learning plan for the ~~eligible~~ designated student
110 that includes[:

111 ———(i) an attainment goal for the ~~eligible~~ designated student ~~;~~ and].

112 ~~[(ii) how the LEA will measure the eligible student's adequate monthly~~
113 ~~progress toward the attainment goal in accordance with the LEA's written policy~~
114 ~~described in Subsection (5).]~~

115 (b) If an LEA is required to contract with a third party ~~provider~~ to provide
116 dropout prevention and recovery services, the third party ~~provider~~ shall:

117 (i) work with the LEA to prepare a learning plan for a ~~n-eligible~~ designated
118 student described in Subsection ([5]3)(a);

119 (ii) regularly report a ~~n-eligible~~ designated student's progress toward the
120 designated student's attainment goal in accordance with the LEA's written policy
121 described in Subsection ([5]2); and

122 (iii) maintain documentation[:

123 ———(A) ~~required to validate that an eligible student is meeting adequate monthly~~
124 ~~progress; and~~

125 ———(B) ~~required by the LEA for the LEA to meet the requirements of Subsection~~
126 ~~R277-606-4(4).~~

127 ~~[(7)(a) Subject to Subsection (8), if an eligible student participates in a dropout~~
128 ~~recovery program as described in Subsection (3)(b):~~

129 ~~—— (i) an LEA may receive an amount equal to the product of the following for~~
130 ~~each eligible student who participates in the LEA's dropout recovery program:~~

131 ~~—— (A)(I) the value of one k-12 WPU for that school year; divided by~~

132 ~~—— (II) 180 days; and~~

133 ~~—— (B) subject to the LEA's written policy, the number of days that eligible student~~
134 ~~made adequate monthly progress; and~~

135 ~~—— (ii) may not count the student as described in Subsection (4):~~

136 ~~—— (b) If a[n eligible student participates in a dropout recovery program as~~
137 ~~described in Subsection (3)(b), the Superintendent may not distribute to the LEA an~~
138 ~~amount that is more than the value of the kindergarten through grade 12 weighted~~
139 ~~pupil unit, excluding add-on weighted pupil units, for the eligible student each school~~
140 ~~year:~~

141 ~~—— (8) An LEA may receive an amount as described in Subsection (7) for an~~
142 ~~eligible student for a month if:~~

143 ~~—— (a) the LEA or third party provider has a personalized learning plan in place~~
144 ~~for the eligible student on or before the first school day of the first month that the~~
145 ~~eligible student participates in the dropout recovery program; or~~

146 ~~—— (b) beginning with month two, the eligible student meets the definition of~~
147 ~~adequate monthly progress for the month, pursuant to the LEA's written policies.]~~

148 ~~[(9)4](a) If a[n eligible] designated student is a student with a disability and an~~
149 ~~LEA provides dropout prevention and recovery services without using a third party~~
150 ~~[provider], the LEA shall:~~

151 ~~(i) prepare an IEP or Section 504 plan for the [eligible]designated student; and~~

152 ~~(ii) provide the dropout prevention and recovery services in accordance with~~
153 ~~the designated student's IEP or Section 504 plan.~~

154 ~~(b) If a[n eligible] designated student is a student with a disability and an LEA~~
155 ~~contracts with a third party[~~provider~~] to provide dropout prevention and recovery~~
156 ~~services to the [eligible]designated student:~~

157 ~~(i) the LEA shall prepare an IEP or Section 504 plan for the~~
158 ~~[eligible]designated student; and~~

159 (ii) the third party~~[provider]~~ shall provide the dropout prevention and recovery
160 services to the [eligible]designated student in accordance with the
161 [eligible]designated student's IEP or Section 504 plan.

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

163 (1)(a) Beginning with the 20~~[15]~~16-~~[16]~~17 school year, on or before August 1,
164 20~~[16]~~17 and on or before August 1 each year thereafter, an LEA shall submit a
165 report to the Superintendent on the LEA's dropout prevention and recovery services.

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

167 (i) the information described in Section 53A-~~[17a-172]~~15-1903; ~~[and]~~

168 (ii) the total number of designated students in the LEA; and

169 (iii) if applicable, the name of a third party~~[provider]~~ the LEA is contracting
170 with to provide dropout prevention and recovery services.

171 (2) A third party~~[provider]~~ working with an LEA on the LEA's dropout_
172 prevention and recovery program shall report any information requested by the LEA
173 including any information required for the LEA to submit a report described in
174 Subsection (1).

175 (3) The Superintendent shall:

176 (a) review LEA reports described in Subsection (1); ~~[and]~~

177 (b) by April 1 each year, inform an LEA that the LEA is required to enter into
178 a contract with a third party as described in Subsection 53A-15-1903(3); and

179 (~~[b]~~c) ensure that an LEA described in Subsection 53A-15-1903(3) and
180 Subsection R277-606-3(~~[2]~~3) contracts with a third party~~[provider]~~ as required in
181 Section 53A-15-1903 and Section R277-606-3.

182 (4)(a) An LEA shall maintain documentation to comply with the requirements
183 of Section 53A-~~[17a-172]~~15-1903 and this rule.

184 (b) The Board or the Superintendent may request an audit of an LEA's
185 dropout prevention and recovery program.

186 **KEY: dropout prevention and recovery; pupil accounting**

187 **Date of Enactment of Last Substantive Amendment: November 23, 2015**

188 **Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-15-1903; 53A-1-**

189 ~~401[(3); 53A-17a-172]~~