

R277-606 received final approval by the Utah State Board of Education on May 5, 2022. R277-606 was published in the June 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of July 22, 2022.

R277. Education, Administration.

R277-606. Dropout Prevention and Recovery Program.

R277-606-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53G-9-802, which requires the Board to develop rules to set policies related to a dropout prevention and recovery program.

(2) The purpose of this rule is to:

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

(b) set reporting requirements for LEAs with a dropout prevention and recovery program.

R277-606-2. Definitions.

For purposes of this rule:

(1) "Attainment goal" has the same meaning as that term is defined in Section 53G-9-801.

(2) "Average daily membership" means the same as that term is defined in Section 53F-2-102.

(3) "Cohort" means the same as that term is defined in Section 53G-9-801.

(4) "College and career readiness work" means the same as that term is defined in Section 53G-9-801.

(5) "Designated student" means a student:

(a)(i) who has withdrawn from a secondary school [~~prior to~~ before earning a diploma;

(ii) who was dropped from average daily membership; and

(iii) whose cohort has not yet graduated; or

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

(6) "Graduation rate" means the same as that term is defined in Section 53G-9-801.

(7) "LEA" means the same as that term is defined in Section 53G-9-801.

(8) "Nontraditional program" means the same as that term is defined in Section 53G-9-801.

(9) "Proxy graduation rate" means a rate calculated:

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

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

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

(i) did not return after each year; or

(ii) the student did not have an acceptable exit code entered into the Board's UTREx system.

(10) "Risk factors" means:

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

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

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

(11) "Third party" means the same as that term is defined in Section 53G-9-801.

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

(1) An LEA that serves students in grades 9, 10, 11, or 12 shall provide a dropout prevention and recovery program for a designated student with the dropout prevention and recovery services described in Section 53G-9-802.

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(2) To provide the dropout and recovery services described in Subsection (1) an LEA may:

(a) contract with a third party; or

(b) create a dropout prevention and recovery services plan.

~~[(2)](3)~~ An LEA that enrolls a designated student in a dropout prevention and recovery program shall:

(a) develop a written policy that describes:

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

(ii) how membership days will be determined for the designated student in accordance with the LEA's established school schedule and enrollment policies; and

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

~~[(3)](4)~~(a) If a designated student chooses to enroll in a dropout prevention and recovery program, the LEA, in consultation with the designated student, shall prepare, in accordance with the LEA's written policy described in Subsection (2), a learning plan for the designated student that includes an attainment goal for the designated student.

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

(i) work with the LEA to prepare a learning plan for a designated student described in Subsection (3)(a);

(ii) regularly report a designated student's progress toward the designated student's attainment goal in accordance with the LEA's written policy described in Subsection (2); and

(iii) maintain documentation required by the LEA for the LEA to meet the requirements of Subsection R277-606-4(4).

~~[(4)](5)~~(a) If a designated student is a student with a disability and an LEA provides dropout prevention and recovery services without using a third party, the LEA shall:

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(i) prepare an IEP or Section 504 plan for the designated student; and
(ii) provide the dropout prevention and recovery services in accordance with the designated student's IEP or Section 504 plan.

(b) If a designated student is a student with a disability and an LEA contracts with a third party to provide dropout prevention and recovery services to the designated student:

(i) the LEA shall prepare an IEP or Section 504 plan for the designated student; and

(ii) the third party shall provide the dropout prevention and recovery services to the designated student in accordance with the designated student's IEP or Section 504 plan.

R277-606-4. Reporting Requirements and Audits.

(1)(a) An LEA shall submit an annual report to the Superintendent on the LEA's dropout prevention and recovery services by October 30.

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

(i) the information described in Section 53G-9-802;

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

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

(2) An LEA shall submit annually to the Superintendent, if applicable, the LEA's dropout prevention and recovery plan by October 30.

~~(2)~~(3) A third party working with an LEA on the LEA's dropout prevention and recovery program shall report any information requested by the LEA including any information required for the LEA to submit a report described in Subsection (1).

~~(3)~~(4) The Superintendent shall:

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

(b) by April 1 each year, inform an LEA that the LEA ~~is required to~~ shall enter into a contract with a third party as described in Subsection 53G-9-802(3); and

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(c) except as provided in Subsection 53G-9-802([4]5), ensure that an LEA described in Subsection 53G-9-802(3) -and Subsection R277-606-3(3)- contracts with a third party as required in Section 53G-9-802 and Section R277-606-3.

[(4)](5)(a) An LEA shall maintain documentation to comply with the requirements of Section 53G-9-802 and this rule.

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

KEY: dropout, prevention and recovery, pupil accounting

Date of Last Change: [~~November 26, 2021~~]2022

Notice of Continuation: July 15, 2020

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-4-401(4); 53G-9-802