

R277-606 received final approval by the Utah State Board of Education on July 9, 2020. R277-606 will be published in the August 15, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of September 22, 2020.

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; ~~and~~

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

~~— (c) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.]~~

(b) Section [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 ~~[53A-15-1902]~~ [53G-9-801](#).

(2) "Average daily membership" means the same as that term is defined in Section ~~[53A-17a-103]~~ [53F-2-102](#).

(3) "Cohort" means the same as that term is defined in Section ~~[53A-15-1902]~~ [53G-9-801](#).

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(4) "College and career readiness work" means the same as that term is defined in Section ~~[53A-15-1902]~~[53G-9-801](#).

(5) "Designated student" means a student:

(a)(i) who has withdrawn from a secondary school prior to earning a diploma;

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

(iii) whose cohort has not yet graduated; or

(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 ~~[53A-15-1902]~~[53G-9-801](#).

(7) "LEA" means the same as that term is defined in Section ~~[53A-15-1902]~~[53G-9-801](#).

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

(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

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(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 ~~[53A-15-1902]~~ [53G-9-801](#).

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

(1) ~~[Beginning with the 2016-17 school year, a]~~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 ~~[53A-15-1903]~~ [53G-9-802](#).

(2) 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)(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 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);

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(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)(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:

(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) ~~[Beginning with the 2016-17 school year, on or before August 1, 2017 and on or before August 1 each year thereafter, 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 ~~[53A-15-1903]~~[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) A third party working with an LEA on the LEA's dropout prevention and

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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) 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 enter into a contract with a third party as described in Subsection ~~[53A-15-1903(3)]~~[53G-9-802\(3\)](#); and

(c) except as provided in Subsection [53G-9-802\(4\)](#), ensure that an LEA described in Subsection ~~[53A-15-1903(3)]~~[53G-9-802\(3\)](#) and Subsection R277-606-3(3) contracts with a third party as required in Section ~~[53A-15-1903]~~[53G-9-802](#) and Section R277-606-3.

(4)(a) An LEA shall maintain documentation to comply with the requirements of Section ~~[53A-15-1903]~~[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 Enactment or Last Substantive Amendment: September 21, 2020

**Authorizing, and Implemented or Interpreted Law: [Art X, Sec 3](#);
~~[53A-1-401]~~[53E-4-401\(4\)](#); ~~[53A-15-1903]~~[53G-9-802](#)**