

**Representative Francis D. Gibson** proposes the following substitute bill:

**SCHOOL DROPOUT PREVENTION AND RECOVERY**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Francis D. Gibson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill amends and enacts provisions regarding a school's responsibility to provide dropout prevention and recovery services.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ amends, repeals, and enacts provisions regarding a school's responsibility to provide dropout prevention and recovery services, including provisions regarding:
  - enrollment options;
  - funding; and
  - reporting.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**53A-15-1701**, Utah Code Annotated 1953



26 [53A-15-1702](#), Utah Code Annotated 1953

27 [53A-15-1703](#), Utah Code Annotated 1953

28 REPEALS:

29 [53A-17a-172](#), as enacted by Laws of Utah 2015, Chapter 472

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31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section [53A-15-1701](#) is enacted to read:

33 **Part 17. Dropout Prevention and Recovery**

34 **[53A-15-1701](#). Title.**

35 This part is known as "Dropout Prevention and Recovery."

36 Section 2. Section [53A-15-1702](#) is enacted to read:

37 **[53A-15-1702](#). Definitions.**

38 As used in this part:

39 (1) "Attainment goal" means earning:

40 (a) a high school diploma;

41 (b) a Utah High School Completion Diploma, as defined in State Board of Education

42 rule;

43 (c) an Adult Education Secondary Diploma, as defined in State Board of Education

44 rule; or

45 (d) an employer-recognized, industry-based certificate that is:

46 (i) likely to result in job placement; and

47 (ii) included in the State Board of Education's approved career and technical education

48 industry certification list.

49 (2) "Cohort" means a group of students, defined by the year in which the group enters

50 grade 9.

51 (3) "Designated student" means a student:

52 (a) (i) who has withdrawn from an LEA before earning a diploma;

53 (ii) who has been dropped from average daily membership; and

54 (iii) whose cohort has not yet graduated; or

55 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined

56 by the student's LEA, using risk factors defined in rules made by the State Board of Education

57 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

58 (4) "Graduation rate" means:

59 (a) for a school district or a charter school that includes grade 12, the graduation rate  
60 calculated by the State Board of Education for federal accountability and reporting purposes; or

61 (b) for a charter school that does not include grade 12, a proxy graduation rate defined  
62 in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah  
63 Administrative Rulemaking Act.

64 (5) "Local education agency" or "LEA" means a school district or charter school that  
65 serves students in grade 9, 10, 11, or 12.

66 (6) "Nontraditional program" means a program, as defined in rules made by the State  
67 Board of Education under Subsection [53A-1-402\(1\)\(e\)](#), in which a student receives instruction  
68 through:

69 (a) distance learning;

70 (b) online learning;

71 (c) blended learning; or

72 (d) competency-based learning.

73 (7) "Statewide graduation rate" means:

74 (a) for a school district or a charter school that includes grade 12, the statewide  
75 graduation rate, as annually calculated by the State Board of Education; or

76 (b) for a charter school that does not include grade 12, the average graduation rate for  
77 all charter schools that do not include grade 12.

78 (8) "Third party" means:

79 (a) a private provider; or

80 (b) an LEA that does not meet the criteria described in Subsection [53A-15-1703\(3\)](#).

81 Section 3. Section **53A-15-1703** is enacted to read:

82 **53A-15-1703. Dropout prevention and recovery -- Flexible enrollment options --**  
83 **Contracting -- Reporting.**

84 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and  
85 recovery services to a designated student, including:

86 (i) engaging with or attempting to recover a designated student;

87 (ii) developing a learning plan, in consultation with a designated student, to identify:

88 (A) barriers to regular school attendance and achievement;  
89 (B) an attainment goal; and  
90 (C) a means for achieving the attainment goal through enrollment in one or more of the  
91 programs described in Subsection (2);

92 (iii) monitoring a designated student's progress toward reaching the designated  
93 student's attainment goal; and

94 (iv) providing tiered interventions for a designated student who is not making progress  
95 toward reaching the student's attainment goal.

96 (b) An LEA shall provide the dropout prevention and recovery services described in  
97 Subsection (1)(a):

98 (i) throughout the calendar year; and

99 (ii) except as provided in Subsection (1)(c)(i), for each designated student who  
100 becomes a designated student while enrolled in the LEA.

101 (c) (i) A designated student's school district of residence shall provide dropout recovery  
102 services if the designated student:

103 (A) was enrolled in a charter school that does not include grade 12; and

104 (B) becomes a designated student in the summer after the student completes academic  
105 instruction at the charter school through the maximum grade level the charter school is eligible  
106 to serve under the charter school's charter agreement as described in Section [53A-1a-508](#).

107 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include  
108 grade 12 shall notify each of the charter school's student's district of residence, as determined  
109 under Section [53A-2-201](#), when the student completes academic instruction at the charter  
110 school as described in Section (1)(c)(i)(B).

111 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,  
112 contact information, and student identification number.

113 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:

114 (i) are tailored to the designated student's learning plan developed under Subsection  
115 (1)(a)(ii); and

116 (ii) include two or more of the following:

117 (A) enrollment in the LEA in a traditional program;

118 (B) enrollment in the LEA in a nontraditional program;

- 119 (C) enrollment in a program offered by a private provider that has entered into a  
120 contract with the LEA to provide educational services; or
- 121 (D) enrollment in a program offered by another LEA.
- 122 (b) A designated student may enroll in:
- 123 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this Title  
124 53A, State System of Public Education, rules established by the State Board of Education, and  
125 policies established by the LEA;
- 126 (ii) the Electronic High School, in accordance with Part 10, Electronic High School  
127 Act; or
- 128 (iii) the Statewide Online Education Program, in accordance with Part 12, Statewide  
129 Online Education Program Act.
- 130 (c) An LEA shall make the LEA's best effort to accommodate a designated student's  
131 choice of enrollment under Subsection (2)(b).
- 132 (3) Beginning with the 2017-18 school year and except as provided in Subsection (4),  
133 an LEA shall enter into a contract with a third party to provide the dropout prevention and  
134 recovery services described in Subsection (1)(a) for any school year in which the LEA meets  
135 the following criteria:
- 136 (a) the LEA's graduation rate is lower than the statewide graduation rate; and
- 137 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the  
138 previous three school years; or
- 139 (ii) during the previous calendar year, at least 10% of the LEA's designated students  
140 have not:
- 141 (A) reached the students' attainment goals; or
- 142 (B) made a year's worth of progress toward the students' attainment goals.
- 143 (4) An LEA that is in the LEA's first three years of operation is not subject to the  
144 requirement described in Subsection (3).
- 145 (5) An LEA described in Subsection (3) shall ensure that:
- 146 (a) a third party with whom the LEA enters into a contract under Subsection (3) has a  
147 demonstrated record of effectiveness engaging with and recovering designated students; and
- 148 (b) a contract with a third party requires the third party to:
- 149 (i) provide the services described in Subsection (1)(a); and

150           (ii) regularly report progress to the LEA.  
151           (6) An LEA shall annually submit a report to the State Board of Education on dropout  
152 prevention and recovery services provided under this section, including:  
153           (a) the methods the LEA or third party uses to engage with or attempt to recover  
154 designated students under Subsection (1)(a)(i);  
155           (b) the number of designated students who enroll in a program described in Subsection  
156 (2) as a result of the efforts described in Subsection (6)(a);  
157           (c) the number of designated students who reach the designated students' attainment  
158 goals identified under Subsection (1)(a)(ii)(B); and  
159           (d) funding allocated to provide dropout prevention and recovery services.  
160           (7) The State Board of Education shall:  
161           (a) ensure that an LEA described in Subsection (3) contracts with a third party to  
162 provide dropout prevention and recovery services in accordance with Subsections (3) and (5);  
163 and  
164           (b) on or before October 30, 2017, and each year thereafter, report to the Education  
165 Interim Committee on the provisions of this section, including a summary of the reports  
166 submitted under Subsection (6).  
167           Section 4. **Repealer.**  
168           This bill repeals:  
169           Section **53A-17a-172**, **Use of minimum school program funds for dropout recovery**  
170 **services.**