

House Engrossed

dropout recovery programs; special audit

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2233

AN ACT

AMENDING SECTION 15-901.06, ARIZONA REVISED STATUTES; REPEALING SECTION 15-901.06, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO DROPOUT RECOVERY PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-901.06, Arizona Revised Statutes, is amended
3 to read:

4 15-901.06. Dropout recovery programs; written learning plan;
5 requirements; annual report; definitions

6 A. Each school district and charter school that provides
7 instruction to high school pupils may offer a dropout recovery program for
8 eligible pupils.

9 B. The state board of education shall prescribe standards and
10 achievement testing requirements for dropout recovery programs that
11 attempt to ensure that the programs are compatible with public school
12 education goals and requirements. The standards shall require dropout
13 recovery programs to do all of the following:

14 1. Provide curricula aligned to the academic standards adopted by
15 the state board of education. The curricula may be delivered online. A
16 provider of Arizona online instruction pursuant to section 15-808 may not
17 also operate a dropout recovery program pursuant to this section.

18 2. Provide standardized tests required by federal and state law.

19 3. Make available appropriate and sufficient supports for pupils,
20 including tutoring, career counseling and college counseling.

21 4. Comply with federal and state laws governing pupils with
22 disabilities.

23 5. Meet state requirements for high school graduation.

24 C. Each eligible pupil who is enrolled in a dropout recovery
25 program shall have a written learning plan developed by the pupil's
26 assigned mentor. The written learning plan shall include the following
27 elements:

28 1. The start date and anticipated end date of the plan.

29 2. Courses to be completed by the pupil during the academic year.

30 3. Whether courses will be taken sequentially or concurrently.

31 4. State competency exams to be taken, as necessary.

32 5. Expectations for satisfactory monthly progress.

33 6. Expectations for contact with the pupil's assigned mentor.

34 D. The monthly participation in a dropout recovery program shall be
35 recorded on or before the tenth school day of each month and shall be
36 reported to the department of education at the same time as other data
37 required pursuant to section 15-1042. Monthly participation calculations
38 shall include:

39 1. Newly enrolled pupils who have a written learning plan on file
40 on or before the first school day of the previous month.

41 2. Pupils who met the expectations for satisfactory monthly
42 progress in the previous month.

43 3. Pupils who did not meet the expectations for satisfactory
44 monthly progress in the previous month but did meet the expectations in
45 the month before the previous month.

1 4. Pupils who met expectations for program reentry in the revised
2 written learning plan in the previous month.

3 5. THE TOTAL NUMBER OF PUPILS ENROLLED.

4 6. THE TOTAL NUMBER OF CREDITS EARNED BY PUPILS.

5 E. ON OR BEFORE JUNE 30 OF EACH YEAR, EACH DROPOUT RECOVERY PROGRAM
6 PROVIDER MUST REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT OF
7 EDUCATION:

8 1. THE TOTAL NUMBER OF PUPILS ENROLLED IN THAT PROVIDER'S DROPOUT
9 RECOVERY PROGRAM.

10 2. THE NUMBER OF CREDITS PUPILS HAD BEFORE ENROLLING IN THE DROPOUT
11 RECOVERY PROGRAM, CATEGORIZED BY ELECTIVE CREDIT OR CORE CREDIT.

12 3. THE NUMBER OF CORE CREDITS AND ELECTIVE CREDITS EARNED BY PUPILS
13 WHILE ENROLLED IN THE DROPOUT RECOVERY PROGRAM.

14 4. THE AGE AND ANY RELEVANT DEMOGRAPHIC DATA OF ENROLLED PUPILS.

15 5. THE SUCCESS RATE OF PUPILS ENROLLED IN THE DROPOUT RECOVERY
16 PROGRAM REPORTED BY THE NUMBER OF PUPILS WHO ARE ON TRACK TO GRADUATE, THE
17 NUMBER OF PUPILS WHO HAVE RETURNED TO A PUBLIC OR PRIVATE SCHOOL AND THE
18 NUMBER OF PUPILS WHO HAVE GRADUATED FROM HIGH SCHOOL.

19 6. THE PERFORMANCE OF PUPILS WHO TAKE A STATE COMPETENCY EXAM, AS
20 NECESSARY, WHILE ENROLLED IN THE DROPOUT RECOVERY PROGRAM.

21 7. THE PERFORMANCE OF PUPILS ON BENCHMARK EXAMS WHILE ENROLLED IN
22 THE DROPOUT RECOVERY PROGRAM.

23 8. POSTSECONDARY OR CAREER ATTAINMENT OF PUPILS WHO PARTICIPATED IN
24 THE DROPOUT RECOVERY PROGRAM.

25 ~~E.~~ F. Because dropout recovery pupils are not expected to
26 regularly attend classes at the district facilities, standard procedures
27 for recording pupil attendance cannot be effectively applied to those
28 students. For pupils participating in a dropout recovery program, an
29 eligible pupil shall be counted as being in attendance in the school's
30 average daily attendance calculations pursuant to subsection ~~F~~ G of this
31 section if the pupil meets one of the following conditions:

32 1. Is in the first month of enrollment in the program and completes
33 the program orientation during that month.

34 2. Is enrolled in teacher-facilitated courses and meets the
35 expectations for satisfactory monthly progress for the current or previous
36 month. A pupil who does not meet expectations for monthly progress for
37 two or more consecutive months shall not be reported as being in
38 attendance until the pupil meets the expectations for program reentry.

39 3. Meets the expectations for program reentry in the revised
40 written learning plan.

41 ~~F.~~ G. If a pupil is enrolled in a school district or charter
42 school other than the school district or charter school that participates
43 in the dropout recovery program and also participates in a dropout
44 recovery program in the same fiscal year, the average daily membership as
45 prescribed in section 15-901, subsection A, paragraph 1, subdivisions (a)

1 and (b) for that pupil in the school district or charter school and in a
2 dropout recovery program shall not exceed 1.0, except that if the pupil is
3 enrolled in a dropout recovery program and a career technical education
4 district, the average daily membership provisions of section 15-393 apply.
5 If the pupil is enrolled in both a school district or charter school and a
6 dropout recovery program in the same fiscal year and the sum of the
7 average daily membership and average daily attendance for that pupil is
8 greater than 1.0 or the amount prescribed in section 15-393 if the pupil
9 is enrolled in a career technical education district, the sum shall be
10 reduced to 1.0 or to the amount specified in section 15-393 if the pupil
11 is enrolled in a career technical education district and shall be
12 apportioned between the school district or charter school and the career
13 technical education district, if applicable, and the dropout recovery
14 program based on the proportionate shares of average daily membership in
15 the school district or charter school and the average daily attendance in
16 the dropout recovery program. The uniform system of financial records
17 shall include guidelines for ~~the apportionment of~~ APPORTIONING pupil
18 enrollment and attendance as provided in this subsection. Pupils in a
19 dropout recovery program do not incur absences for purposes of this
20 subsection and may generate average daily attendance for attendance during
21 any hour of the day, during any day of the week and at any time between
22 July 1 and June 30 of each fiscal year. The average daily attendance of a
23 pupil who participates in a dropout recovery program shall not exceed 1.0
24 or the amount prescribed in section 15-393 if the pupil is enrolled in a
25 career technical education district, and shall be calculated by
26 fulfilling the requirements of subsection ~~F~~ F of this section. Average
27 daily membership shall not be calculated on the one hundredth day of
28 instruction for the purposes of this section.

29 ~~G~~ H. Notwithstanding section 15-901, subsection A, paragraph 1,
30 the average daily membership for pupils WHO ARE enrolled in a dropout
31 recovery program shall equal the average daily attendance of the pupils.

32 ~~H~~ I. School districts and charter schools shall be responsible
33 for tuition charges and fees related to pupil participation in a dropout
34 recovery program, including course materials and access to technology for
35 use with online courses.

36 ~~I~~ J. School districts and charter schools may contract with an
37 educational management organization to provide a dropout recovery program.
38 If contracting with an educational management organization, the school
39 district or charter school shall ensure that all of the following
40 requirements are met:

41 1. The educational management organization is accredited by a
42 regional accrediting body.

43 2. Teachers provided by the educational management organization
44 hold a current teaching license from any state and a valid Arizona
45 fingerprint clearance card pursuant to section 15-534, and teachers of

1 core subjects are highly qualified in the subjects to which they are
2 assigned.

3 ~~J.~~ K. Dropout recovery programs shall be classified as alternative
4 schools and ~~shall be~~ ARE subject to the accountability provisions of
5 section 15-241.

6 ~~K.~~ L. Entities that are contracted to provide dropout recovery
7 programs may conduct outreach to encourage pupils who are not currently
8 enrolled in a school district or charter school in this state to return to
9 school. Entities that are contracted to provide dropout recovery programs
10 shall not conduct advertising or marketing campaigns directed at pupils
11 who are currently enrolled in a school district or charter school, or
12 undertake any other activity that encourages pupils who are currently
13 enrolled in a school district or charter school to stop attending school
14 in order to qualify for a dropout recovery program.

15 ~~L.~~ M. The department of education shall submit an annual report to
16 the governor, the president of the senate and the speaker of the house of
17 representatives that ~~details the outcomes of dropout recovery programs,~~
18 ~~including the number of pupils who participate in the programs and the~~
19 ~~number of pupils who participate in the programs and who graduate from~~
20 ~~high school~~ INCLUDES THE INFORMATION PRESCRIBED IN SUBSECTIONS D AND E OF
21 THIS SECTION. The department shall provide a copy of the annual report to
22 the secretary of state.

23 ~~M.~~ N. For the purposes of this section:

24 1. "Eligible pupil" means a pupil who, if enrolled, would be
25 eligible for placement in an alternative school but who is not currently
26 enrolled in a school district or charter school and who has been withdrawn
27 from a school district or charter school for at least thirty days, unless
28 the district determines that the student is unable to participate in other
29 district programs.

30 2. "Satisfactory monthly progress" means an amount of progress that
31 is measurable on a monthly basis and that, if continued for twelve months,
32 would result in AT LEAST the same amount of academic credit being awarded
33 to the pupil as would be awarded to a pupil in a traditional education
34 program who completes a full school year. Satisfactory monthly progress
35 may include a lesser required amount of progress for the first two months
36 that a pupil participates in the program.

37 Sec. 2. Delayed repeal

38 Section 15-901.06, Arizona Revised Statutes, as amended by this act,
39 is repealed from and after June 30, 2025.

40 Sec. 3. Auditor general; special audit; dropout recovery
41 programs

42 A. The auditor general shall conduct a special audit pursuant to
43 section 41-1279.03, Arizona Revised Statutes, of the dropout recovery
44 programs operated in this state. The auditor general may select a sample
45 of dropout recovery programs or students enrolled in the programs to audit

1 as deemed necessary. The special audit shall include a review of
2 applicable records of dropout recovery programs and school districts and
3 charter schools that contract with an educational management organization
4 to provide a dropout recovery program to report on all of the following:

5 1. The academic progress of pupils enrolled in a dropout recovery
6 program, including the number of credits earned by pupils, the graduation
7 rate of pupils and other measures of academic progress identified by the
8 auditor general or used by the programs.

9 2. Program design related to student proficiency, coursework rigor
10 and academic progress and graduation expectations.

11 3. Dropout recovery programs' self-reported use of monies received
12 from any local, state or federal sources in categories prescribed by the
13 auditor general.

14 B. The department of education, school districts, charter schools
15 and educational management organizations shall cooperate with and provide
16 requested information to the auditor general in the form and at the time
17 prescribed.

18 C. On or before June 30, 2023, the auditor general shall submit
19 copies of the special audit to the president of the senate, the speaker of
20 the house of representatives, the joint legislative budget committee and
21 the governor's office of strategic budgeting and planning. The auditor
22 general shall provide a copy of the special audit to the secretary of
23 state.

24 Sec. 4. Appropriation; auditor general; special audit

25 The sum of \$175,000 is appropriated from the state general fund in
26 fiscal year 2022-2023 to the auditor general to perform the special audit
27 required by this act.