

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 42

# **SENATE BILL 1168**

AN ACT

AMENDING SECTION 15-901.06, ARIZONA REVISED STATUTES; 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 to  
3 read:

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

6 A. Each school district and charter school that provides instruction  
7 to high school pupils, ~~including schools that provide Arizona online~~  
8 ~~instruction~~, may offer a dropout recovery program for eligible pupils.

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

14 1. Provide curriculum aligned to the academic standards adopted by the  
15 state board of education. The curriculum 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 enrolled in a dropout recovery program shall  
25 have a written learning plan developed by the pupil's assigned mentor. The  
26 written learning plan shall include the following elements:

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

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

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

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

31 5. Expectations for satisfactory monthly progress.

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

33 D. The monthly participation in a dropout recovery program shall be  
34 ~~reported~~ RECORDED on or before the tenth school day of each month AND SHALL  
35 BE REPORTED TO THE DEPARTMENT OF EDUCATION AT THE SAME TIME AS OTHER DATA  
36 REQUIRED PURSUANT TO SECTION 15-1042. Monthly participation calculations  
37 shall include:

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

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

42 3. Pupils who did not meet the expectations for satisfactory monthly  
43 progress in the previous month but did meet the expectations in the month  
44 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           E. Because dropout recovery pupils are not expected to regularly  
4 attend classes at the district facilities, standard procedures for recording  
5 pupil attendance cannot be effectively applied to those students. For pupils  
6 participating in a dropout recovery program, an eligible pupil shall be  
7 counted as being in attendance in the school's average daily attendance  
8 calculations pursuant to subsection F of this section if the pupil meets one  
9 of the following conditions:

10           1. ~~A pupil~~ Is in ~~their~~ THE first month of enrollment in the program  
11 and completes the program orientation during that month.

12           2. ~~A pupil~~ Is enrolled in teacher-facilitated courses and meets the  
13 expectations for satisfactory monthly progress for the current or previous  
14 month. A pupil who does not meet expectations for monthly progress for two  
15 or more consecutive months shall not be reported as being in attendance until  
16 the pupil meets the expectations for program reentry.

17           3. ~~A pupil~~ Meets the expectations for program reentry in the revised  
18 written learning plan.

19           F. If a pupil is enrolled in a school district or charter school OTHER  
20 THAN THE SCHOOL DISTRICT OR CHARTER SCHOOL THAT PARTICIPATES IN THE DROPOUT  
21 RECOVERY PROGRAM and also participates in a dropout recovery program in the  
22 same fiscal year, the sum of the average daily membership as prescribed in  
23 section 15-901, subsection A, paragraph 1, subdivisions (a) and (b), and  
24 average daily attendance as prescribed in section 15-901, subsection A,  
25 paragraph 5, for that pupil in the school district or charter school and in a  
26 dropout recovery program shall not exceed 1.0, EXCEPT THAT IF THE PUPIL IS  
27 ENROLLED IN A DROPOUT RECOVERY PROGRAM AND A JOINT TECHNICAL EDUCATION  
28 DISTRICT, THE AVERAGE DAILY MEMBERSHIP PROVISIONS OF SECTION 15-393,  
29 SUBSECTION D, PARAGRAPH 3 APPLY. If the pupil is enrolled in both a school  
30 district or charter school and a dropout recovery program in the same fiscal  
31 year and the sum of the average daily membership and average daily attendance  
32 for that pupil is greater than 1.0 OR THE AMOUNT PRESCRIBED IN SECTION  
33 15-393, SUBSECTION D, PARAGRAPH 3 IF THE PUPIL IS ENROLLED IN A JOINT  
34 TECHNICAL EDUCATION DISTRICT, the sum shall be reduced to 1.0 OR TO THE  
35 AMOUNT SPECIFIED IN SECTION 15-393, SUBSECTION D, PARAGRAPH 3 IF THE PUPIL IS  
36 ENROLLED IN A JOINT TECHNICAL EDUCATION DISTRICT and shall be apportioned  
37 between the school district or charter school AND THE JOINT TECHNICAL  
38 EDUCATION DISTRICT, IF APPLICABLE, and the dropout recovery program based on  
39 the proportionate shares of average daily membership in the school district  
40 or charter school and the average daily attendance in the dropout recovery  
41 program. The uniform system of financial records shall include guidelines  
42 for the apportionment of pupil enrollment and attendance as provided in this  
43 subsection. Pupils in a dropout recovery program do not incur absences for  
44 purposes of this subsection and may generate average daily attendance for  
45 attendance during any hour of the day, during any day of the week and at any

1 time between July 1 and June 30 of each fiscal year. The average daily  
2 attendance of a pupil who participates in a dropout recovery program shall  
3 not exceed 1.0 OR THE AMOUNT PRESCRIBED IN SECTION 15-393, SUBSECTION D,  
4 PARAGRAPH 3 IF THE PUPIL IS ENROLLED IN A JOINT TECHNICAL EDUCATION DISTRICT,  
5 and shall be calculated by fulfilling the requirements of subsection E of  
6 this section. Average daily membership shall not be calculated on the one  
7 hundredth day of instruction for the purposes of this section.

8 G. Notwithstanding section 15-901, subsection A, paragraph 1, the  
9 average daily membership for pupils enrolled in a dropout recovery program  
10 shall equal the average daily attendance of the pupils.

11 H. School districts and charter schools shall be responsible for  
12 tuition charges and fees related to pupil participation in a dropout recovery  
13 program, including course materials and access to technology for use with  
14 online courses.

15 I. School districts and charter schools may contract with an  
16 educational management organization to provide a dropout recovery program.  
17 If contracting with an educational management organization, the school  
18 district or charter school shall ensure that all of the following  
19 requirements are met:

20 1. The educational management organization is accredited by a regional  
21 accrediting body.

22 2. Teachers provided by the educational management organization hold a  
23 current teaching license from any state and a valid Arizona fingerprint  
24 clearance card pursuant to section 15-534, and teachers of core subjects are  
25 highly qualified in the subjects to which they are assigned.

26 ~~J. Attendance, graduation and test scores from pupils in a dropout~~  
27 ~~recovery program shall be exempt from the requirements related to annual~~  
28 ~~achievement profiles pursuant to section 15-241 and school report cards~~  
29 ~~pursuant to section 15-746.~~

30 J. DROPOUT RECOVERY PROGRAMS SHALL BE CLASSIFIED AS ALTERNATIVE  
31 SCHOOLS AND SHALL BE SUBJECT TO THE ACCOUNTABILITY PROVISIONS OF SECTION  
32 15-241, SUBSECTION J.

33 K. ENTITIES THAT ARE CONTRACTED TO PROVIDE DROPOUT RECOVERY PROGRAMS  
34 MAY CONDUCT OUTREACH TO ENCOURAGE PUPILS WHO ARE NOT CURRENTLY ENROLLED IN A  
35 SCHOOL DISTRICT OR CHARTER SCHOOL IN THIS STATE TO RETURN TO SCHOOL.  
36 ENTITIES THAT ARE CONTRACTED TO PROVIDE DROPOUT RECOVERY PROGRAMS SHALL NOT  
37 CONDUCT ADVERTISING OR MARKETING CAMPAIGNS DIRECTED AT PUPILS WHO ARE  
38 CURRENTLY ENROLLED IN A SCHOOL DISTRICT OR CHARTER SCHOOL, OR UNDERTAKE ANY  
39 OTHER ACTIVITY THAT ENCOURAGES PUPILS WHO ARE CURRENTLY ENROLLED IN A SCHOOL  
40 DISTRICT OR CHARTER SCHOOL TO STOP ATTENDING SCHOOL IN ORDER TO QUALIFY FOR A  
41 DROPOUT RECOVERY PROGRAM.

1           K. L. For the purposes of this section: —

2           1. "Eligible pupil" means a pupil who, IF ENROLLED, WOULD BE ELIGIBLE  
3 FOR PLACEMENT IN AN ALTERNATIVE SCHOOL BUT WHO is not currently enrolled in a  
4 school district or charter school and who has been withdrawn from a school  
5 district or charter school for at least thirty days, UNLESS THE DISTRICT  
6 DETERMINES THAT THE STUDENT IS UNABLE TO PARTICIPATE IN OTHER DISTRICT  
7 PROGRAMS.

8           2. "SATISFACTORY MONTHLY PROGRESS" MEANS AN AMOUNT OF PROGRESS THAT IS  
9 MEASURABLE ON A MONTHLY BASIS AND THAT, IF CONTINUED FOR A FULL TWELVE  
10 MONTHS, WOULD RESULT IN THE SAME AMOUNT OF ACADEMIC CREDIT BEING AWARDED TO  
11 THE PUPIL AS WOULD BE AWARDED TO A PUPIL IN A TRADITIONAL EDUCATION PROGRAM  
12 WHO COMPLETES A FULL SCHOOL YEAR. SATISFACTORY MONTHLY PROGRESS MAY INCLUDE  
13 A LESSER REQUIRED AMOUNT OF PROGRESS FOR THE FIRST TWO MONTHS THAT A PUPIL  
14 PARTICIPATES IN THE PROGRAM.

15           Sec. 2. Retroactivity

16           This act applies retroactively to from and after June 30, 2011.

APPROVED BY THE GOVERNOR MARCH 20, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 20, 2012.

Passed the House March 15, 20 12,

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 23, 20 12,

by the following vote: 25 Ayes,

4 Nays, 1 Not Voting

[Signature]  
President of the Senate  
*Pro Tempore*

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
19<sup>th</sup> day of March, 20 12,

at 1:50 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 20<sup>th</sup> day of

March, 20 12,

at 10:44 o'clock 7~~12~~ A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 20<sup>th</sup> day of March, 20 12,

at 4:53 o'clock P M.

[Signature]  
Secretary of State

S.B. 1168