

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY**Title/OAR #:** Adoption—Compulsory Attendance Notices and Citation/OAR 581-021-007**Date:** December 10, 2015**Staff/Office:** Robin Shobe, Lisa Darnold, Sarah Drinkwater, Office of Learning **New Rule** **Amend Existing Rule** **Repeal Rule****Hearing Date:** October 22, 2015 **Hearings Officer Report Attached****Prompted by:** **State law changes** **Federal law changes** **Other****Action Requested:** **First Reading/Second Reading Agenda** **Adoption** **Adoption/Consent****PROPOSED/AMENDED RULE SUMMARY:**

HB 2597 amends ORS 339.080 and 339.095 by requiring that truancy notices sent to parents of students who are truant include a statement informing parents of their right to request a special education evaluation or review of a student's existing IEP before disciplinary action can ensue. Therefore, the language in OAR **581-021-0077** needs to be updated.

BACKGROUND:

The current Compulsory Attendance Notices and Citation rules (ORS 339.080 and 339.095) require a school's attendance supervisor to notify parents of truant students in writing with a statement that includes: the student must appear at school the next day and; maintain regular attendance for the remainder of the school year. Written notices must now include notification of a parent's right to request an evaluation to determine if the student should have an Individualized Education Program, or for a child who has an Individualized Education Program, a review of the plan. Advocates for students with disabilities wanted to ensure districts consider whether a lack of attendance is due to an unidentified disability or a manifestation of the student's existing disability. This is the second reading for this proposed change to OAR 581-021-0077 (attached).

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

Potential confusion as to what is meant by *evaluation*. This is covered in OAR 581-015-2090.

CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
 No; same as last month
 Yes – As follows:

FISCAL IMPACT:

There is no fiscal impact to the Oregon Department of Education.

EFFECT OF YES VOTE:

OAR 581-021-0077 will reflect the amendments made by HB 2597 to ORS 339.080 and 339.095.

EFFECT OF NO VOTE:

HB 2597 amends ORS 339.080 and 339.095. If existing OAR 581-015-2090 is not amended, the ORS and OAR will provide conflicting information to the field regarding Compulsory Attendance Notices and Citation.

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time