

**STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY****Title/OAR #:** 6.d—Compulsory Attendance Notices and Citation/OAR 581-021-007**Date:** October 5, 2015**Staff/Office:** Robin Shobe & Lisa Darnold, ODE **New Rule**     **Amend Existing Rule**     **Repeal Rule****Hearing Date:** October 15, 2015     **Hearings Officer Report Attached****Prompted by:**  **State law changes**     **Federal law changes**     **Other****Action Requested:** **First Reading/Second Reading**     **Adoption**     **Consent Agenda****PROPOSED/AMENDED RULE SUMMARY:**

Requires that truancy notices sent to parents include a statement informing parents of their right to request a special education evaluation or review of an existing Individual Education Plan (IEP). If a parent makes this request, an attendance conference cannot be scheduled or a citation issued until an evaluation is complete or IEP has been held.

**BACKGROUND:**

The current Compulsory Attendance Notices and Citation rule requires the 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 parents 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 amendment has not been in front of the board previously.

**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? (so members can focus on what's different)** 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 Department of Education or school districts.

**EFFECT OF YES VOTE:**

Requires districts to include information to parents regarding their right to request a special education evaluation or review of an existing IEP when notifying the parent of failure to enroll the child and to maintain the child in regular attendance at school. Assists stakeholders in determining whether or not student absences are due to an unidentified disability, are a manifestation of the disability or are not related to disability.

**EFFECT OF NO VOTE:**

HB 2597 will not be reflected in the existing OAR 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 (rarely used)