Removal of Class C Violations for Irregular Attendance

Background

The 2021 Oregon legislative session passed Senate Bill 817 (SB 817), which changed a statute to end the practice of referring families to the judicial system for irregular attendance in public schools and districts. The bill was sponsored by the Committee on Judiciary and Ballot Measure 110 Implementation, and is related to monetary obligations arising out of juvenile delinquency matters. The law went into effect on September 25, 2021. ODE has been working with the Oregon School Boards Association (OSBA) and the Coalition of Oregon School Administrators (COSA) to offer guidance and support to schools and districts to implement this change.

What SB 817 Changes

SB 817 removed the option for a Superintendent or designee to issue a Class C Violation for violation of ORS 339.020 (1)-(4) (Duty to send children to school).

Districts are no longer allowed to cite a parent with a Class C Violation as part of a school district process in response to their child's irregular school attendance. **If your current school board policy is not in alignment with the new law, it will need to be amended to remove Class C Violation citations for irregular attendance.** ODE advises school districts to review current policy and administrative regulation JEA and JEA-AR and consult with OSBA and/or your own legal counsel for guidance on policy revisions.

Enactment of SB 817 has required some districts, schools, and other education providers to change attendance support programs and practices. Additionally, some schools, districts, and Education Service Districts (ESD) have needed to modify or redesign attendance support and chronic absenteeism reduction programs to remove the Class C Violation and court citations. **ESD liaisons and ODE are available to support schools and districts in developing new practices and revising systems.**

ODE presented changes to Oregon Administrative Rule 581-021-0077 to align with statute, which the State Board of Education adopted on June 15, 2023. Additionally, ODE is working with the Oregon Department of Justice (DOJ) to update the Uniform Compulsory Attendance Citation and Complaint Form, (Form #581-1507-P) as outlined in 339.095(3). This form may still be utilized for the purposes outlined in ORS 339.035, which describes rules related to teaching by a private teacher, parent, or guardian.

Support and Resources

ODE is committed to supporting schools and districts with technical assistance and coaching as they continue to develop practices that align with this new law. This includes changes in practices that stem from this legal change, as it broadens opportunities for conversation about

what might be more effective research-informed remedies and ways to address the root causes of chronic absenteeism. ESD liaisons housed at each ESD in Oregon, and the staff working on the Every Day Matters initiative at ODE, are available to work with schools and districts to consider the best ways to redesign systems and programs, including those that might have previously relied on the use of citations.

As district and school leaders use their continuous improvement processes to address student needs, digest community engagement and staff feedback, review disaggregated data, and meet the other planning requirements outlined in "Aligning for Student Success: Integrated Guidance for Six ODE Initiatives," changes to this Oregon law have elevated the opportunity to review student engagement, belonging and attendance supports.

PROMISING PRACTICES AND RESOURCES

The passage of SB 817 creates an opportunity for schools to redesign attendance practices. The resources provided below are aimed to support schools in continuing to redesign practices and create a climate of collaboration, inclusivity, engagement, and belonging with students and families.

- Current Community Engagement and Needs Assessment processes in the Integrated Application process:
    - What has been made clear to ODE by districts who have been focusing on attendance is that the most effective practices are:
        1. developing relationships with students and families as a foundation to student engagement and belonging, and
        2. addressing barriers to attendance.

      Districts may find it effective to blend/braid efforts within multiple initiatives or areas of work. Some guiding questions to ask related to this include:
        - What processes can be refined or improved to build deeper relationships?
        - How does or could the district Student Investment Account (SIA) work tie to processes that would support engagement, belonging, and attendance and reduce unexcused absences?
        - Has the district taken a deep dive into the root causes of Chronic Absenteeism?
            - Consider the use of this diagnostic tool as a starting point to identify strengths as well as barriers to engagement, belonging, and attendance.
            - Center conversations about engagement, belonging, and root causes of absenteeism, as well as potential opportunities to reduce barriers, in community engagement and needs assessment processes.
        - How have the comprehensive needs assessment and community engagement processes informed the district's understanding of the root

causes of absenteeism for students? How have these informed current strategies to engage students in school?

- Building a culture of engagement, belonging and relationship in the classroom:
  - Care, connection, and community are the heart of education. Each is essential for promoting health, safety, and well-being, and creating the conditions where students can learn, and staff can teach and nurture our youth. ODE offers:
    - The Care and Connection Tools webpage.
  - Oregon Classroom WISE offers free, self-guided resources covering topics such as supporting youth experiencing life challenges and distress; skills for handling challenging behaviors; and building safe, healthy relationships.
  - The ODE Mental Health Guidance and Resources webpage contains resources for Students and Families; Educators and School Staff; and Administrators, School Counselors, and Other Mental Health Professionals.
  - The *Supporting Gender Expansive Students: Guidance for Schools* offers guidance and tools for districts as they foster educational environments that are safe, free from discrimination, and aligned with state and federal laws. The main page offers additional resources for schools, students and families, such as the Gender Affirming Schools Action Plan; Student Support and Safety Plan template; Affirming Gender, Names, and Pronouns in Student Information Systems; and Gender Expansive Individual Education Program.
  - Trauma-informed, healing-centered, and educational approaches are needed to address the root causes and consequences of harmful discrimination or hate acts, and to create opportunities for education and learning while avoiding blame, punishment, or further exacerbating the attitudes and biases that may have prompted the initial event(s). ODE offers the Every Student Belongs (ESB) Guidance, which outlines the ESB rule and approaches to address harm.
  - A focus on graduation rate improvement across Oregon has led to the identification of several effective practices for improving school culture. A description of strategies pertaining to effective instruction, whole child education, inclusive school culture and clear education pathways can be found on the ODE Graduation Improvement webpage.
  - In March 2023, the U.S. Department of Education issued Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates imploring schools to "treat students with dignity and respect" and to cease disproportionate use of exclusionary discipline. As noted in its introductory pages, "This resource references evidence-based policies, practices, and programs that can help create safe, inclusive, supportive, and fair learning environments for all students to learn, grow, and become successful."
- Collaboration with Community partners to remove barriers for students and families and develop innovative practices that encourage attendance:
  - The Community Engagement Toolkit (Appendix A: Integrated Guidance for Six Initiatives) provides guidance and tools for deepening engagement with community partners as well as students and families. Additional resources can be found on this page.

- The Oregon Reengagement fund brings youth who are disconnected from education back to school with the goal of high school completion and securing a career/educational pathway. Below are some examples of programs receiving the Youth Development Division Re-engagement Grant, with promising practices that schools/districts may find useful:
    - Citizens for Safe Schools - Mentoring: provides targeted support for students experiencing barriers to school.
    - Central Oregon Intergovernmental Council - GED with Credit for Proficiency model: Partnership with businesses to improve student educational outcomes and provide meaningful work experiences.
- Oregon Student Voice - Student Voice in District Decision Making. This brief highlights the best practice of student voice impacting educational structures and decision-making processes, and is written by a leading Oregon-based student organization focused on elevating student voice throughout Oregon's statewide education system.
    - The report indicates that one of the most effective models involves regular collaboration between student advisory councils and the school board and superintendent.
    - A student advisory council member can participate in relevant school board work sessions, give reports at public meetings, and offer an advisory vote on policies related to students. These responsibilities can rotate between members to make the workload more manageable, or be assigned to a single student for a term.
    - The most successful student advisory councils were those that met frequently and employed a dedicated adult advisor, preferably a district employee, to serve as a mentor and liaison between students and the school board.

FREQUENTLY ASKED QUESTIONS

Q: What do these changes mean for school district policies and practices?

A: Schools and districts should review policies and practices to remove or amend Class C Violation citation references, including district administrative regulation JEA-AR and policy JEA - Compulsory Attendance. Contact OSBA for sample policies, as needed. Any additional resources regarding Compulsory Attendance Notices and Citations that include Class C Violation may need to be updated.

Q: When do school districts need to make changes to policy/policies by?

A: The law went into effect on September 25, 2021. ODE recognizes that districts, educators and school boards have many responsibilities and that organizations will need to develop a process to determine local changes in policy and/or practices, if necessary.

Districts should move as quickly as they reasonably can to conform to this change in law and prioritize changes in practice. As of spring 2023, districts engaged families, students and community partners around the Aligning for Student Success: Integrated Guidance for Six ODE Initiatives. As districts receive grant agreements, and prepare to implement investments identified through their Integrated Application, this may be an opportunity to return to students, families and communities to share the final Application through ongoing engagement, and discuss next steps in supporting student engagement and attendance. **Realistically, given the timing of this communication, ODE would expect full changes in policy and practice to be passed and in place by the end of the 2023-24 school year.**

Q: Does the change impact attendance notification for students and families?

A: SB 817 does not change the responsibility for the school or district to communicate with families in writing about their child's attendance at school. If a child has an unplanned absence, ORS 339.071 still requires schools to communicate with a student's parent/guardian by the end of the school day.

Communication and partnership with families is at the heart of building trust and connection to school, which leads to understanding the barriers to attending school that some students and families may face. Per ORS 339.080, written communication about a student's absences must inform families about the importance of attending school, as well as the family's right to request an evaluation for an Individualized Education Plan (IEP) or review of an IEP.

Q: What should schools do to support students who experience absences?

A: As outlined in OAR 581-021-0081 (5)(a-b), schools must provide support for students to attend school regularly. Schools must allow work missed by students to be made up within a reasonable period of time following the return to school, at a minimum of one day per day absent. Schools must work with students to determine what is reasonable based upon student needs, academic situation, and amount of make-up work to be completed. For a planned absence, schools should provide homework prior to the absence. Evaluation of student work received within the allowable time following return to school shall not incur a penalty or grade reduction related to being late. Schools must also offer equitable access to community, academic, and social/emotional resources. Resources must be culturally and linguistically responsive and support mental/behavioral health and physical well-being.

Q: Who is available to collaborate and support school districts in this area?

A: ODE provides support to ESDs who provide schools and districts with engagement, planning, data literacy, and development plans to address chronic absenteeism in alignment with other initiatives, such as:

- Student Investment Account,
- High School Success,
- Early Indicator & Intervention Systems,
- Continuous Improvement Process,
- Every Day Matters, and
- Career & Technical Education - Perkins V.

Additionally, the Regional Support Contact list includes the ESD Liaison and ODE Regional Support people. Districts are welcome to reach out to ODE for technical assistance.

Contact Information

Have any other questions? Contact us: ODE.EII@ode.oregon.gov