

581-021-0077

Compulsory Attendance Notices and Citation

(1) Definitions for purposes of this rule:

(a) "Parent" means parent, guardian or other person having control of a minor child who has not completed the 12th grade or is not otherwise legally exempt from compulsory attendance under ORS 339.030.

(b) "Student" means a minor between the ages of 7 and 18 who has not completed the 12th grade, and who is not exempt from compulsory attendance under ORS 339.030.

(c) "Superintendent" means the superintendent of a public school district or the superintendent's designee.

(d) "Attendance supervisor" means an official appointed under ORS 339.040.

(e) "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session.

(2) Notice of Attendance Supervisor. When an attendance supervisor determines a parent has failed to enroll his or her child and to maintain such child in regular attendance at a public school, the attendance supervisor shall give written notification to the parent within 24 hours of being informed of the failure. The notice may be served personally or by certified mail.

(a) The notice shall state that the student must appear at the public school on the next school day following receipt of the notice and maintain regular attendance for the remainder of the school year.

(b) The notice shall state that the parent has the right to request for a child who does not have an Individualized Education Program, an evaluation to determine if the child should have an Individualized Education Program; or for a child who has an Individualized Education Program, a review of the Individualized Education Program.

~~(b)~~ (c) The attendance officer, at the time the notice is served to the parent, shall notify the district superintendent, principal or other appropriate school official.

(3) Notice of Superintendent. If the parent receiving the notice of the attendance supervisor does not comply with that notice, the attendance officer, within three days of knowledge of such noncompliance, shall notify the superintendent. Upon notification by the attendance officer, the superintendent may issue a citation as set forth in **Attachment A** of this rule.

(4) Prior to issuing the citation set forth in **Attachment A**, the superintendent, by personal service or certified mail, shall serve the parent written notification that:

(a) States that the student is required to regularly attend a full-time school;

(b) Explains that the failure to send the student and to maintain the student in regular attendance is a Class C violation;

(c) States that the superintendent may issue a citation;

(d) Requires the parent and the student to attend a conference with a designated school official; and

(e) States that the parent has the right to request for a child who does not have an Individualized Education Program, an evaluation to determine if the child should have an Individualized Education Program; or for a child who has an Individualized Education Program, a review of the Individualized Education Program.

(fe) Is written in the native language of the parent or guardian of the student.

(5) The superintendent shall schedule the conference described in section (4)(d) of this rule. A conference may not be scheduled until after any evaluations or reviews described in subsections 2(b) and 4(e) of this rule have been completed. If the parent does not attend the conference or fails to send the child to public school after the conference, the superintendent may issue a citation provided by the Department of Education in the form set forth as **Attachment A** which is incorporated by reference into this rule. The citation shall be served in person.

[ED. NOTE: The Attachments referenced are available from the agency.]

Stat. Auth.: ORS 8.665, ORS 153.110 - ORS 153.310, ORS 153.990, ORS 339.010 - ORS 339.090, ORS 339.925 & ORS 339.990

Stats. Implemented: ORS 339.090, ORS 339.925, ORS 339.990 & ORS 8.665

Hist.: EB 33-1993(Temp), f. & cert. ef. 11-15-93; EB 4-1994, f. & cert. ef. 4-29-94; ODE 8-2000(Temp), f. 2-23-00, cert. ef. 2-23-00 thru 8-20-00; ODE 21-2000, f. & cert. ef. 5-23-00

78th OREGON LEGISLATIVE ASSEMBLY--2015 Regular Session

Enrolled

House Bill 2597

Sponsored by Representative BUCKLEY; Representatives DOHERTY, FAGAN, FREDERICK, GOMBERG, HOLVEY, KENY-GUYER, MCLAIN, PILUSO, REARDON (Pre-session filed.)

CHAPTER

AN ACT

Relating to school attendance; creating new provisions; amending ORS 339.080 and 339.095; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 339.080 is amended to read:

339.080. (1) Except as provided in ORS 339.030, in case any parent or other person in parental relation fails to send any child under the control of the parent or other person to the public school, the attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall give formal written notice in person or by registered or certified mail to the parent or other person.

(2) The notice [*shall state that*] **required by subsection (1) of this section must inform the parent or other person in parental relation that:**

(a) The child must appear at the public school on the next school day following the receipt of the notice.

(b) [*The notice shall inform the parent or other person that*] Regular attendance at school must be maintained during the remainder of the school year.

(c) The parent or other person in parental relation has the right to request:

(A) For a child who does not have an individualized education program, an evaluation to determine if the child should have an individualized education program; or

(B) For a child who has an individualized education program, a review of the individualized education program.

[(2)] **(3)** At the same time notice is given to the parent or other person, the attendance supervisor shall notify the superintendent or principal, as suitable, of the fact of the notice. The superintendent or principal shall notify the attendance supervisor of any failure on the part of the parent

or other person to comply with the notice.

[(3)] (4) If the child who is the subject of a notice under subsection (1) of this section is a youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the child's parole or probation officer of the child's absence.

SECTION 2. ORS 339.095 is amended to read:

339.095. (1) In addition to any other persons permitted to enforce violations, the school district superintendent or education service district superintendent, or any employee specifically designated by either superintendent, may issue citations for violations established under ORS 339.990 in the manner provided by ORS chapter 153.

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(2) Prior to issuing the citation described in subsection (3) of this section to the parent or guardian of a student not regularly attending full-time school, a school district superintendent or education service district superintendent shall:

(a) Provide a parent or guardian of the student and the student with written notification that:

(A) States that the student is required to attend regularly a full-time school;

(B) Explains that the failure to send the student and maintain the student in regular attendance is a Class C violation;

(C) States that the superintendent may issue a citation;

(D) Requires the parent or guardian of the student and the student to attend a conference with a designated official; [and]

(E) States that the parent or guardian has the right to request:

(i) For a student who does not have an individualized education program, an evaluation to determine if the student should have an individualized education program; or

(ii) For a student who has an individualized education program, a review of the individualized education program; and

[(E)] **(F) Is written in the native language of the parent or guardian of the student.**

(b) Schedule the conference described in paragraph (a)(D) of this subsection. **A conference may not be scheduled until after any evaluations or reviews described in paragraph (a)(E) of this subsection have been completed.**

(3) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the State Board of Education by rule shall establish the citation form to be used by superintendents in citing violations established under ORS 339.990. Notwithstanding ORS 153.045, each of the parts of the citation shall contain the information required by the state board.

SECTION 3. The amendments to ORS 339.080 and 339.095 by sections 1 and 2 of this 2015 Act first apply to truancy or unexcused absences occurring during the 2015-2016 school year.

SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect July 1, 2015.

Passed by House April 8, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 1, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M., 2015

Approved:

.....M., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M., 2015

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Jeanne P. Atkins, Secretary of State

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