

A-Engrossed
House Bill 2597

Ordered by the House April 6
Including House Amendments dated April 6

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs school district director for special education to evaluate child to determine if child has disability and if truancy or unexcused absence is manifestation of disability, if requested by parent or child has not been evaluated within previous 12 months.]

Requires truancy notice to inform parent or person in parental relation of right to request evaluation for individualized education program or review of individualized education program.

Prohibits scheduling of attendance conference until evaluation *[conducted]* **or review has been completed.**

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to school attendance; creating new provisions; amending ORS 339.080 and 339.095; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 339.080 is amended to read:

6 339.080. (1) Except as provided in ORS 339.030, in case any parent or other person in parental
7 relation fails to send any child under the control of the parent or other person to the public school,
8 the attendance supervisor, within 24 hours after notification from the proper authority of the failure,
9 shall give formal written notice in person or by registered or certified mail to the parent or other
10 person.

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

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

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

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

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

20 **(B) For a child who has an individualized education program, a review of the individual-**
21 **ized education program.**

22 ***[(2)]* (3) At the same time notice is given to the parent or other person, the attendance super-**
23 **visor shall notify the superintendent or principal, as suitable, of the fact of the notice. The super-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 intendent or principal shall notify the attendance supervisor of any failure on the part of the parent
2 or other person to comply with the notice.

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

6 **SECTION 2.** ORS 339.095 is amended to read:

7 339.095. (1) In addition to any other persons permitted to enforce violations, the school district
8 superintendent or education service district superintendent, or any employee specifically designated
9 by either superintendent, may issue citations for violations established under ORS 339.990 in the
10 manner provided by ORS chapter 153.

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

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

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

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

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

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

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

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

24 **(ii) For a student who has an individualized education program, a review of the individ-**
25 **ualized education program; and**

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

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

30 (3) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the State Board of Educa-
31 tion by rule shall establish the citation form to be used by superintendents in citing violations es-
32 tablished under ORS 339.990. Notwithstanding ORS 153.045, each of the parts of the citation shall
33 contain the information required by the state board.

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

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