

House Bill 2597

Sponsored by Representative BUCKLEY (Pre-session 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 **as introduced**.

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.

Prohibits scheduling of attendance conference until evaluation conducted.

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, the*
8 *attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall*
9 *give formal written notice in person or by registered or certified mail to the parent or other person.*
10 *The notice shall state that the child must appear at the public school on the next school day following*
11 *the receipt of the notice. The notice shall inform the parent or other person that regular attendance at*
12 *school must be maintained during the remainder of the school year.*]

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

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

20 **(1) When an attendance supervisor determines that a child is not exempt from the re-**
21 **quirement to attend public full-time schools under ORS 339.030, the attendance supervisor**
22 **shall give notice to the parent or other person in parental relation to the child if the parent**
23 **or other person fails to send the child to a public school.**

24 **(2) The notice required under subsection (1) of this section shall:**

25 **(a) Be provided within 24 hours after the attendance supervisor receives notification from**
26 **the proper authority that the child did not attend school;**

27 **(b) Be provided in writing by personal delivery or by registered or certified mail to the**
28 **parent or other person;**

29 **(c) Inform the parent or other person that regular attendance at school must be main-**
30 **tained during the remainder of the school year; and**

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 (d) State that the child must appear at the public school on the next school day following
 2 the receipt of the notice unless the parent or other person requests an evaluation under
 3 subsection (5) of this section.

4 (3) At the same time the notice described in subsection (2) of this section is given, the
 5 attendance supervisor shall give notice to the superintendent or principal and, as appropri-
 6 ate:

7 (a) For a child who is a youth offender on parole or probation, to the child's parole or
 8 probation officer; and

9 (b) For a child who has not been evaluated as provided by subsection (5) of this section
 10 within the previous 12 months, to the school district director for special education.

11 (4) When a parent or other person makes a request as provided by subsection (2)(d) of
 12 this section, the notice required under subsection (1) of this section shall be forwarded to the
 13 school district director for special education.

14 (5)(a) When a school district director for special education receives a notice as provided
 15 by subsection (3) or (4) of this section, the director shall cause the child to be evaluated to
 16 determine if:

17 (A) The child is a child with a disability who requires special education or related ser-
 18 vices; and

19 (B) The cause of the truancy or unexcused absence is a manifestation of the child's dis-
 20 ability.

21 (b) If the school district director for special education makes positive determinations
 22 under paragraph (a)(A) and (B) of this subsection, the director shall:

23 (A) If the child has an individualized education program, ensure that the program is re-
 24 viewed by the individualized education program team to determine if the individualized edu-
 25 cation program is being implemented or needs to be revised; or

26 (B) If the child does not have an individualized education program, determine if the child
 27 should have an individualized education program.

28 (6) The superintendent or principal shall notify the attendance supervisor of any failure
 29 on the part of the parent or other person to comply with the notice required under sub-
 30 section (1) of this section.

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

32 339.095. (1) In addition to any other persons permitted to enforce violations, the school district
 33 superintendent or education service district superintendent, or any employee specifically designated
 34 by either superintendent, may issue citations for violations established under ORS 339.990 in the
 35 manner provided by ORS chapter 153.

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

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

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

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

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

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

1 **(E) States the right to request an evaluation under ORS 339.080 (5); and**

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

3 (b) Schedule the conference described in paragraph (a)(D) of this subsection. **The conference**
4 **may not be scheduled until any evaluations required under ORS 339.080 (5) have been con-**
5 **ducted, and the conference must provide any necessary accommodations identified during the**
6 **evaluation.**

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

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

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

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