

# D R A F T

## SUMMARY

Requires person who has control of child attending school to ensure that child is not under influence of controlled substance at school, on school property or at school-sponsored activity, function or event. Punishes by fine of \$1,250, 30 days' imprisonment, or both, if certain conditions are met.

Increases fine for subsequent failures to send child to and maintain child in regular attendance at school.

Declares emergency, effective July 1, 2013.

## A BILL FOR AN ACT

1  
2 Relating to responsibilities of persons with control over school-age children;  
3 creating new provisions; amending ORS 339.925 and 339.990; and declaring  
4 an emergency.

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

6 **SECTION 1. (1) Every person having control of a child under 18**  
7 **years of age who is attending public school is required to ensure that**  
8 **the child is not under the influence of a controlled substance at**  
9 **school, on school property or at a school-sponsored activity, function**  
10 **or event.**

11 **(2) Subsection (1) of this section does not apply if the child is under**  
12 **the influence of a controlled substance in accordance with:**

13 **(a) A valid prescription or order of a practitioner given in the**  
14 **course of professional practice; or**

15 **(b) ORS 475.005 to 475.285 and 475.752 to 475.980 or ORS 475.300 to**  
16 **475.346.**

17 **(3) If a child is found to be under the influence of a controlled**  
18 **substance in violation of this section, the district superintendent shall**

**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 **notify the district attorney of the county in which the school is located**  
2 **of the violation.**

3 **SECTION 2.** ORS 339.990 is amended to read:

4 339.990. (1) **Except as provided by subsections (2) and (3) of this**  
5 **section,** violation of ORS 339.020 or the requirements of ORS 339.035 is a  
6 Class C violation.

7 **(2) A second, third or fourth violation of ORS 339.020 is a Class B**  
8 **violation.**

9 **(3) A fifth or subsequent violation of ORS 339.020 is a Class A vio-**  
10 **lation.**

11 **(4) Violation of section 1 of this 2013 Act is a Class C misdemeanor**  
12 **if:**

13 **(a) The person intentionally, knowingly or recklessly, as those**  
14 **terms are defined in ORS 161.085, violated section 1 of this 2013 Act;**  
15 **or**

16 **(b) The child under control of the person was suspended or expelled**  
17 **two or more times during the school year for being under the influence**  
18 **of a controlled substance.**

19 **SECTION 3.** ORS 339.925 is amended to read:

20 339.925. (1) In addition to any other persons permitted to enforce vio-  
21 lations, the school district superintendent or education service district su-  
22 perintendent, or any employee specifically designated by either  
23 superintendent, may issue citations for violations established under ORS  
24 339.990 in the manner provided by ORS chapter 153.

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

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

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

1 school;

2 (B) Explains that the failure to send the student and maintain the student  
3 in regular attendance [*is*] **may be a Class A, a Class B or a Class C** vio-  
4 lation;

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

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

8 (E) Is written in the native language of the parent or guardian of the  
9 student.

10 (b) Schedule the conference described in paragraph (a)(D) of this sub-  
11 section.

12 (3) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the  
13 State Board of Education by rule shall establish the citation form to be used  
14 by superintendents in citing violations established under ORS 339.990. Not-  
15 withstanding ORS 153.045, each of the parts of the citation shall contain the  
16 information required by the state board.

17 **SECTION 4. This 2013 Act being necessary for the immediate pres-**  
18 **ervation of the public peace, health and safety, an emergency is de-**  
19 **clared to exist, and this 2013 Act takes effect July 1, 2013.**

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