

# Enrolled House Bill 2597

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

(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