

# Senate Bill 48

Sponsored by Senator FINDLEY (at the request of Representative Kevin Mannix) (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**.

Restores penalty for compulsory school attendance violation. Punishes by maximum \$2,000 fine.

## A BILL FOR AN ACT

1  
2 Relating to truancy; creating new provisions; and amending ORS 153.111, 153.657, 339.065, 339.095  
3 and 339.990.

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

5 **SECTION 1.** ORS 153.111 is amended to read:

6 153.111. (1) Upon entry of a conviction for a traffic offense, the court shall forward to the De-  
7 partment of Transportation an abstract of conviction in the manner required by ORS 810.375, and  
8 a copy of the judgment, if required, under the provisions of ORS 810.375.

9 (2) Upon entry of a conviction for violation of any provision of the wildlife laws or commercial  
10 fishing laws, or any rule promulgated pursuant to those laws, the court that enters the judgment  
11 of conviction shall forward to the Department of State Police an abstract of conviction.

12 **(3) Upon entry of a conviction for compulsory school attendance violation under ORS**  
13 **339.095, the court shall forward to the Department of Education an abstract of conviction.**

14 [(3)] (4) Upon entry of a conviction for violation of a weights and measures law subject to pen-  
15 alty under ORS 618.991, the court shall forward to the State Department of Agriculture an abstract  
16 of conviction.

17 [(4)] (5) Upon entry of a conviction of a boating offense, as defined in ORS 830.005, the court  
18 shall forward to the State Marine Board an abstract of conviction.

19 [(5)] (6) A court may destroy any abstract not required to be forwarded to an agency under the  
20 provisions of this section.

21 **SECTION 2.** ORS 153.657 is amended to read:

22 153.657. (1) If a court enters a judgment of conviction for violation of **ORS 339.020** or the re-  
23 quirements of ORS 339.035, amounts collected under the judgment are payable as follows:

24 (a) One-half of the amount is payable to the school district or the education service district that  
25 employs the person who issued the citation under ORS 339.095; and

26 (b) One-half of the amount is payable as provided in subsection (2) of this section.

27 (2)(a) If a judgment of conviction that is subject to subsection (1) of this section is entered in  
28 circuit court, the amount specified in subsection (1)(b) of this section shall be paid to the state.

29 (b) If a judgment of conviction that is subject to subsection (1) of this section is entered in jus-  
30 tice court, the amount specified in subsection (1)(b) of this section shall be paid to the county that  
31 established the court.

32 (c) If a judgment of conviction that is subject to subsection (1) of this section is entered in mu-

**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 nicipal court, the amount specified in subsection (1)(b) of this section shall be paid to the city that  
 2 established the court.

3 **SECTION 3.** ORS 339.065 is amended to read:

4 339.065. (1) In estimating regular attendance for purposes of the compulsory attendance pro-  
 5 visions of ORS 339.005 to 339.030, 339.040 to 339.125, 339.137 [*and*], 339.420 **and 339.990**, the princi-  
 6 pal or teacher shall consider all unexcused absences. Eight unexcused one-half day absences in any  
 7 four-week period during which the school is in session shall be considered irregular attendance.

8 (2)(a) An absence may be excused by a principal or teacher if the absence is caused by:

- 9 (A) The pupil’s sickness, including the mental or behavioral health of the pupil;
- 10 (B) The sickness of some member of the pupil’s family; or
- 11 (C) An emergency.

12 (b) In addition to the reasons identified in paragraph (a) of this subsection, a principal or  
 13 teacher:

14 (A) Shall excuse not more than seven days of absences during the school year if the pupil is a  
 15 dependent of a member of the Armed Forces of the United States who is on active duty or who is  
 16 called into active duty. For the purpose of this subparagraph, “Armed Forces of the United States”  
 17 includes:

- 18 (i) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;
- 19 (ii) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard of the  
 20 United States; and
- 21 (iii) The National Guard of the United States and the Oregon National Guard.

22 (B) May excuse absences for other reasons when satisfactory arrangements are made in advance  
 23 of the absence.

24 (3)(a) Any pupil may be excused from attendance by the district school board for a period not  
 25 to exceed five days in a term of three months or not to exceed 10 days in any term of at least six  
 26 months. Any such excuse shall be in writing directed to the principal of the school that the pupil  
 27 attends.

28 (b) When calculating the number of excused absences under this subsection, any absences ex-  
 29 cused under subsection (2)(b)(A) of this section shall not be counted.

30 **SECTION 4.** ORS 339.095 is amended to read:

31 339.095. (1) In addition to any other persons permitted to enforce violations, the school district  
 32 superintendent or education service district superintendent, or any employee specifically designated  
 33 by either superintendent, may issue citations for violations established under ORS 339.990 in the  
 34 manner provided by ORS chapter 153.

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

- 38 (a) Provide a parent or guardian of the student and the student with written notification that:
- 39 (A) States that the student is required to attend regularly a full-time school;
- 40 **(B) Explains that the failure to send the student and maintain the student in regular**  
 41 **attendance is a Class C violation;**

42 ~~[(B)]~~ (C) States that the superintendent may issue a citation;

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

45 ~~[(D)]~~ (E) States that the parent or guardian has the right to request:

1 (i) For a student who does not have an individualized education program, an evaluation to de-  
2 termine if the student should have an individualized education program; or

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

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

6 (b) Schedule the conference described in paragraph [(a)(C)] (a)(D) of this subsection. A confer-  
7 ence may not be scheduled until after any evaluations or reviews described in paragraph [(a)(D)]  
8 (a)(E) of this subsection have been completed.

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

13 **SECTION 5.** ORS 339.990 is amended to read:

14 339.990. Violation of **ORS 339.020** or the requirements of ORS 339.035 is a Class C violation.

15 **SECTION 6. The amendments to ORS 153.111, 153.657, 339.065, 339.095 and 339.990 by**  
16 **sections 1 to 5 of this 2023 Act apply to school absences occurring on or after the effective**  
17 **date of this 2023 Act.**

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