

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**FOR THE COUNTY OF LAKE**

IN THE MATTER OF ADOPTING AN }  
ORDINANCE CREATING AN }  
INTERGOVERNMENTAL }  
WITH ALL LAKE COUNTY SCHOOL DISTRICTS }  
TO ADDRESS TRUANCY }

ORDINANCE NO. 108

WHEREAS, there is a need in Lake County, Oregon, to create by intergovernmental agreement with all School Districts within the County that addresses Truancy within Lake County; and

WHEREAS, the existing governmental entities of the County of Lake, Lake School District #7, Paisley School District and the North Lake School District are all desirous of adopting an intergovernmental agreement creating a County-wide Truancy Program; and

WHEREAS, ORS 190.085 requires the enactment of an ordinance ratifying the creation of the intergovernmental entity;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR LAKE COUNTY ORDAINS AS FOLLOWS:

I.

RATIFICATION OF INTERGOVERNMENTAL TRUANCY PROGRAM

- (1) It is the intent of Lake County to create an Intergovernmental Truancy Program for the purpose of protecting the health, safety and welfare of Lake County children aged 12-18 years of age by supporting the regular attendance of said children at a public full-time school.
- (2) The effective date of the intergovernmental agreement creating the intergovernmental program shall be as reasonable practical.
- (3) The public purposes for which the intergovernmental program is created is to maintain attendance and educational services for all children aged 12-18 years of age.
- (4) The powers, duties, and functions of the intergovernmental entity are as set forth in the copy of the intergovernmental agreement marked as Exhibit A and included herein for reference.
- (5) The terms and conditions of the intergovernmental agreement may be modified from time to time as the need may arise, without requiring amendment or modification to this ordinance.

II.

Dated this 3<sup>rd</sup> day of June, 2015

BOARD OF COUNTY COMMISSIONERS

Absent

Bradley J. Winters, Chairman

Ken Kestner

Ken Kestner, Vice Chairman

Dan Shoun

Dan Shoun, Commissioner

## EXHIBIT A

### LAKE COUNTY ORDINANCE

#### Truancy

Section 1	Purpose.
Section 2	Scope.
Section 3	Powers and Authority.
Section 4	Definition.
Section 5	Sanctions.

#### CROSS REFERENCES

School attendance required; age limits – see ORS 339.010

Duty to send children to school – see ORS 339.020

Exemptions from compulsory school attendance; rules – see ORS 339.030

Teaching by private teacher, parent or guardian; notice; examination; rules; effect of low or declining score – see ORS 339.035

Attendance supervisors; appointment; compensation – see ORS 339.040

Duties of attendance supervisors – see ORS 339.055

Estimates of attendance; irregular attendance; excused absences – see ORS 339.065

Nonattendance notice to parents, school officials and parole or probation officer – see ORS 339.080

Determination of compliance; notice to district superintendent – see ORS 339.090

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#### **Section 1      PURPOSE**

To protect the health, safety and welfare of Lake County children 12 to 18 years of age by supporting the regular attendance of said children at a public full-time school.

#### **Section 2      SCOPE**

This ordinance does not limit or supersede any provision of ORS 339.010, *et seq.*, which exempts certain children from compulsory school attendance, nor does this ordinance limit the duties, powers or responsibilities of public school officials.

### **Section 3      POWERS AND AUTHORITY**

(a) Any truancy enforcement specialist officially designated by any school district and/or education service district within Lake County may issue a citation to any child 12 to 18 years of age for failing to regularly attend public school as required by Oregon law. The citation shall direct the child to appear in Circuit Court at a designated time and date.

(b) No citation shall be issued under this ordinance until all the procedural notices required under ORS 339.055, ORS 339.065, ORS 339.080 and ORS 339.090 have been sent to the child's parents and school district superintendent.

### **Section 4      DEFINITION**

"Compulsory attendance violation" means that a child has eight (8) unexcused one-half (1/2) day absences in any four (4) week period during which the school is in session. ORS 339.065(1).

### **Section 5      SANCTIONS**

(a) The Circuit Court shall have the authority to determine whether the child has violated this ordinance relating to compulsory attendance. The Court may order the child to attend school following a review by the Court.

(b) In the event the child fails to follow the Court order to attend school, the child may be cited back to court. The court may use all necessary lawful action, including the Court's contempt authority, to compel the child's attendance.

**COMPULSORY SCHOOL ATTENDANCE**

**339.010 School attendance required; age limits.** Except as provided in ORS 339.030, all children between the ages of 7 and 18 years who have not completed the 12th grade are required to attend regularly a public full-time school of the school district in which the child resides. [Amended by 1965 c.100 §274]

**339.020 Duty to send children to school.** Except as provided in ORS 339.030, every person having control of any child between the ages of 7 and 18 years who has not completed the 12th grade is required to send such child to and maintain such child in regular attendance at a public full-time school during the entire school term. [Amended by 1965 c.100 §275; 1969 c.160 §1]

**339.030 Exemptions from compulsory school attendance; rules.** (1) In the following cases, children may not be required to attend public full-time schools:

(a) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools in the 1994-1995 school year.

(b) Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools.

(c) Children who have received a high school diploma.

(d) Children being taught for a period equivalent to that required of children attending public schools by a private teacher the courses of study usually taught in grades 1 through 12 in the public school.

(e) Children being educated in the children's home by a parent or legal guardian.

(f) Children excluded from attendance as provided by law.

(2) The State Board of Education by rule shall establish procedures whereby, on a semiannual basis, an exemption from compulsory attendance may be granted to the parent or legal guardian of any child 16 or 17 years of age who is lawfully employed full-time, lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615. An exemption also may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558. [Amended by 1965 c.100 §276; 1967 c.67 §8; 1971 c.494 §1; 1973 c.728 §1; 1985 c.579 §1; 1989 c.619 §1; 1993 c.546 §138; 1995 c.769 §2; 1999 c.59 §85; 1999 c.717 §1; 2001 c.490 §8; 2007 c.407 §3]

## ENFORCEMENT

**339.925 Compulsory school attendance violation procedure; rules.** (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) 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.

(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.

(4) All fines and court costs recovered from compulsory school attendance violations shall be paid to the clerk of the court involved. After deductions of court costs provided by law for the proceeding, the clerk shall pay the remainder of the money to the State Treasurer to be deposited in the Criminal Fine and Assessment Account in the General Fund. [1993 c.413 §4; 1995 c.116 §1; 1999 c.1051 §112]

**339.065 Estimates of attendance; irregular attendance; excused absences.** (1) In estimating regular attendance for purposes of the compulsory attendance provisions of ORS 339.005 to 339.030, 339.040 to 339.125, 339.137, 339.420 and 339.990, the principal or teacher shall consider all unexcused absences. ~~Eight unexcused one-half day absences in any four-week period during which the school is in session shall be considered irregular attendance.~~

(2) ~~An absence may be excused by a principal or teacher if the absence is caused by the pupil's sickness, by the sickness of some member of the pupil's family or by an emergency. A principal or teacher may also excuse absences for other reasons where satisfactory arrangements are made in advance of the absence.~~

(3) Any pupil may be excused from attendance by the district school board for a period not to exceed five days in a term of three months or not to exceed 10 days in any term of at least six months. Any such excuse shall be in writing directed to the principal of the school which the pupil attends. [1965 c.100 §281; 1973 c.728 §4; 1987 c.158 §57; 1993 c.45 §114]

**339.070** [Repealed by 1963 c.544 §52]

**339.080 Nonattendance notice to parents, school officials and parole or probation officer.** (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. The notice shall state that the child must appear at the public school on the next school day following the receipt of the notice. The notice shall inform the parent or other person that regular attendance at school must be maintained during the remainder of the school year.

(2) 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) ~~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.~~ [Amended by 1965 c.100 §282; 1993 c.45 §115; 1999 c.963 §4]

**339.020 Duty to send children to school.** Except as provided in ORS 339.030, every person having control of any child between the ages of 7 and 18 years who has not completed the 12th grade is required to send such child to and maintain such child in regular attendance at a public full-time school during the entire school term.

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(2) An absence **may be** excused by a principal or teacher if the absence is caused by the pupil's sickness, by the sickness of some member of the pupil's family or by an emergency. A principal or teacher **may also** excuse absences for other reasons where **satisfactory arrangements are made in advance of the absence.**

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

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