

OSBA Model Sample Policy

Code: JEA-AR
Revised/Reviewed:

Compulsory Attendance Notices[and Citations]**

{Highly Recommended. Compulsory attendance for education and/or registering homeschool students with the local ESD are statutory requirements of persons in charge of students ages 6 through to 18. This administrative regulation supports procedures required of public education providers. The district should consult with the ESD on which superintendent will issue a citation, if at all, for violations of ORS 339.035 before adopting bracketed language.}

~~Compulsory attendance citations may be issued by the superintendent or designee as a means to enforce the compulsory attendance law. All such citations shall be issued according to the following procedures:~~

Appropriate notices on student absences or irregular attendance may be issued by the district in accordance with law. [A citation may be issued by the superintendent or designee for noncompliance of ORS 339.035¹ in accordance with ORS 339.095.]

1. Attendance Supervisor

The attendance supervisor shall:

- a. Determine ~~that the~~ whether a parent or guardian has failed to enroll their child and to maintain the child in regular attendance at a public school. "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which school is in session;
- b. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of verification notification of the violation from the proper authority. If the student is a youth offender an adjudicated youth on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the student's parole or probation officer of the student's absence;
- c. Serve the notification personally or by certified mail. The notification will be written in the native home language of the parent or guardian of the student;
- d. Ensure that notification includes a statement requiring the student to appear at the public school on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
- e. Ensure that the notification states that the parent or guardian has the right to request an evaluation to determine if the child should have an individualized education program (IEP) or Section 504 plan ("504 plan"); ~~if the child does not currently have an IEP,~~ or right to request a review of their child's current IEP or 504 plan;
- f. Provide a copy of the notice and pertinent attendance records to the superintendent or designee{ } at the time notice is given to the parent or guardian;

¹ ORS 339.035 provides requirements for teaching by private teacher, parent or guardian.

² {OAR 581-021-0077, requires such notice to the superintendent, a principal or other appropriate school official.}

~~Notify the superintendent within three days of knowledge that the parent or guardian receiving the notification has not complied with the notice.~~ The attendance supervisor, within three days of knowledge of noncompliance by the parent or guardian, shall notify the superintendent.

2. [Superintendent or Designee

The superintendent or designee will:

yes

~~a.~~ If after review of ~~attendance records~~ a student's record, a citation in violation of ORS 339.035 appears warranted, prior to issuing the citation, the superintendent or designee shall provide written notification to the parent or guardian of the student and the student. The notice will be written in the native language of the parent or guardian. The notice will be delivered personally or by certified mail and will state that:

- a. The student is required to attend regularly, a ~~school~~ full-time school during the school year;
- b. A citation for violation of ~~compulsory attendance laws~~ ORS 339.035 may be issued by the superintendent or designee;
- c. The parent or guardian has the right to request: ~~d.~~ An evaluation to determine if the student should have an IEP or 504 plan, if the student does not have one; or ~~A~~ a review of the student's current IEP or 504 plan;
- d. ~~e.~~ The parent or guardian and student are required to attend a ~~scheduled~~ conference with the superintendent or designee. The date, time and place of conference will be specified in the notice.

If an evaluation or review as described in item c. above has been requested, ~~[this conference may not be scheduled until after an evaluation or review as described in item 3. above, if requested by the parent, has been completed]~~ will be scheduled after its completion.]

3. [Conference

yes

The superintendent or designee ~~will~~ may conduct a conference with the parent or guardian and student. Auxiliary aids and services will be provided upon advance request. The superintendent or designee ~~will~~ may:

- a. Review Oregon's ~~compulsory~~ attendance law and the student's attendance record;
- b. Determine the reasons for the noncompliance;
- c. Develop a plan for student attendance improvement (i.e., contract, etc.);
- d. Inform the parent and student of other available resources in the district and community, if available;
- e. Discuss the potential consequences for continued ~~compulsory~~ attendance noncompliance, including the potential for the issuance of a citation ~~and the consequences for violation of the Board's student conduct and truancy policies,~~ if applicable.]

4. ~~[Citation~~

~~Compulsory attendance noncompliance citations may be issued by the superintendent or designee.~~

~~The superintendent or designee shall:~~

- a. ~~Determine that the parent or guardian has continued to fail to enroll their student in school or maintain the student in regular attendance following a conference or has refused to attend the conference as required;~~
- a. ~~Contact the clerk of the court for the county and determine which court will hear the case and when;~~
- a. ~~Ensure the official representing the district will be available to present evidence of the violation at the time and date specified;~~
- a. ~~Determine whether the local court's interpretation of Oregon Revised Statute (ORS) 339.095 requires the student be named as defendant. Complete form accordingly;~~
- a. ~~Complete Uniform Compulsory Attendance Citation and Complaint form as follows:~~
 - (0) ~~Specify appropriate court, district, circuit, municipal or justice;~~
 - (0) ~~Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form;~~
 - (0) ~~Provide all pertinent defendant information, including the name and address of the parent or guardian. Only one adult should be named as the defendant;~~
 - (0) ~~Provide all pertinent offense information, including the period of time during which the absences occurred;~~
 - (0) ~~Ensure the minimum number of absences constituting irregular attendance as defined in law has in fact occurred. Excused absences should not be counted for purposes of this citation;~~
 - (0) ~~Provide all pertinent student information including the grade, date of birth, length of time in the district and parent(s) name(s);~~
 - (0) ~~Provide date of superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent;~~
 - (0) ~~Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation;~~
 - (0) ~~Provide district name, date, superintendent's name and signature. If the superintendent has designated another district official to issue citations, such delegation will be documented and the delegated official's name and signature will appear on the form;~~
 - (0) ~~Personally serve (not mail) the citation;~~
 - (0) ~~Complete time and date citation was issued, name, title and signature of district official serving the citation;~~
 - (0) ~~Ensure the parent or guardian is provided the citation;~~
 - (0) ~~Ensure the designated court is appropriately notified immediately after the citation is served;~~
 - (0) ~~Ensure the district retains a copy of the citation;~~
 - (0) ~~Consult with district's attorney to assist in these procedures, as necessary.~~
- a. ~~Maintain student attendance records in accordance with applicable education records laws.]~~

[District Name
Address, City, State, Zip Code
Phone:]

***** [ATTENDANCE SUPERVISOR'S] NON-ENROLLMENT NOTICE *****

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

After review of attendance records, your child _____ (name) is not exempted from compulsory attendance for school, under provisions of ORS 339.030, and is not currently enrolled in school.

In accordance with Oregon law, children between ages 6 through 18 must be enrolled in school. Please enroll your child at [name of school] no later than the next school day following receipt of this notice and maintain your child in regular attendance for the remainder of the school year.

You may request an evaluation to determine if your child should have an individualized education program (IEP) or **Section 504 plan** ("504 plan"), or request a review of your child's current IEP or 504 plan.

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

[Attendance Supervisor] [Principal]

[cc: [Principal]]/[Superintendent]]

[District Name
Address, City, State, Zip Code | Phone:]

***** [ATTENDANCE SUPERVISOR'S] IRREGULAR ATTENDANCE NOTICE *****

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

After review of attendance records, your child _____ (name) is not maintaining regular attendance at a public school as required by ORS 339.065. ["Regular attendance" is defined by Oregon law as attendance which does not include more than eight unexcused one-half day absences or the equivalent thereof in any four-week period school is in session.] According to attendance records, your child has had [] unexcused absences from school on the following dates: [].

Please send your child to school no later than the next school day following receipt of this notice and maintain your child in regular attendance for the remainder of the school year.

You may request an evaluation to determine if your child should have an individualized education program (IEP) or Section 504 plan ("504 plan"); or request a review of your child's current IEP or 504 plan. If you request an evaluation for, ~~an IEP~~ or a review of a current IEP or 504 plan, a conference will be held after such evaluation or review has been completed.

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

[Attendance Supervisor] [Principal]

[cc: [Principal] [/Superintendent]]

[District Name
Address, City, State, Zip Code
Phone:]

****SUPERINTENDENT'S NOTICE ~~OF COMPULSORY ATTENDANCE NONCOMPLIANCE~~****

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

According to district records, you were notified by the district's attendance supervisor on [date] that your child, [name], [is not yet enrolled in school] [is not maintaining regular school attendance] [is not enrolled with the local education service district] as required by Oregon ~~compulsory attendance~~ laws.

Your child was required to appear in school no later than the next school day following your receipt of the notice and to maintain regular attendance for the remainder of the school year. District records indicate your child continues to be absent from a public school. A child is required to regularly attend a full-time school.

~~The superintendent or designee may issue a citation for your continued violation of Oregon's compulsory attendance law.~~

You [may request an evaluation of your child's individualized education program (IEP) or Section 504 plan or a review of your child's current IEP same.] [requested an evaluation to determine if your child should have an individualized education program (IEP) or Section 504 plan.] [[requested a review of an existing IEP or Section 504 plan for your child] and the requested evaluation or review was completed on [date].]

~~In accordance with law, you~~ You and your child are ~~required~~ requested to attend a conference with [designated school official] on [date] at [time] ~~to discuss:~~

- ~~1. Oregon's compulsory attendance law and your child's attendance record;~~
- ~~2. The reasons for your noncompliance;~~
- ~~3.1. The development of a plan for improvement;~~
- ~~4.2. Resources available to help your child be successful in school, referrals to other agencies as may be needed and such alternative education information as may be required by law;~~
- ~~5.3. Any questions you may have concerning the potential consequences for continued noncompliance with Oregon's compulsory attendance law, as set forth above and as provided in Board student conduct and truancy policies~~ district programs and resources to help your child attend regularly.

~~Failure to attend this conference or to maintain your child in regular school attendance will result in the issuance of a citation, as provided by law.~~

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

[Superintendent]/[Designee]]