

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 parent or guardian has failed to enroll their child and to maintain the child in regular attendance at a public school. “Regular attendance” ~~shall~~ 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;
~~Verify the compulsory attendance violation through such means as matching attendance supervisor records with classroom teacher records;~~
- 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 an adjudicated 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 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”) 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^{2} at the time notice is given to the parent or guardian.

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

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.}

superintendent.

2. Superintendent or Designee

~~The superintendent or designee will:~~

- a. ~~Review the compulsory attendance noncompliance notice and pertinent student attendance records;~~
- b. ~~If citation appears warranted, prior to issuing the citation, provide written notification to the parent or guardian. The notice will be written in the language of the parent or guardian. The notice will be delivered personally or by certified mail and will state that:~~

~~(1) —The student is required to attend regularly, a school full time during the school year;~~

- ~~(2) Failure to send the student to school and to maintain the student in regular attendance is a Class C violation;~~
- ~~(3) A citation of up to \$180 for violation of compulsory attendance laws may be issued by the superintendent or designee;~~
- ~~(4) The parent has the right to request:

 - ~~(a) An evaluation to determine if the student should have an individualized education program (IEP), if the student does not have one; or~~
 - ~~(b) A review of the student's current IEP.~~~~
- ~~(5) The parent or guardian and student are required to attend a conference with the superintendent or designee. The date, time and place of conference will be specified. This conference may not be scheduled until after an evaluation or review as described in item 4. above, if requested by the parent, has been completed;~~
- ~~(6) Failure to attend the conference or failure to send the student to school following the conference may result in the issuance of a citation.~~

If after review of 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 full-time school during the school year;
- b. A citation for violation of ORS 339.035 may be issued by the superintendent or designee;
- c. The parent or guardian has the right to request an evaluation to determine if the student should have an IEP or 504 plan, if the student does not have one, or a review of the student's current IEP or 504 plan;
- d. 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 will be scheduled after its completion.

3. Conference

The superintendent or designee will 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 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~~ Refer the parent and student ~~to~~ of other ~~agencies as necessary (i.e., Building Support Team, Youth Services Team, Services to Children and Families, Juvenile Department; etc.)~~ 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 his/her student in school or maintain the student in regular attendance following a conference or has refused to attend the conference as required;~~
- ~~b. Contact the clerk of the court for the county and determine which court will hear the case and when;~~
- ~~c. Ensure official representing the district will be available to present evidence of the violation at the time and date specified;~~
- ~~d. Determine whether the local court's interpretation of ORS 339.925 requires the student be named as defendant. Complete form accordingly;~~

e. ~~Complete Uniform Compulsory Attendance Citation and Complaint form as follows:~~

- ~~(1) Specify appropriate court, district, circuit, municipal or justice;~~
- ~~(2) Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form;~~
- ~~(3) Provide all pertinent defendant information, including the name and address of the parent or guardian. Only one adult should be named as the defendant;~~
- ~~(4) Provide all pertinent offense information, including the period of time during which the absences occurred;~~
- ~~(5) 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;~~
- ~~(6) Provide all pertinent student information including the grade, date of birth, length of time in the district and parent(s) name(s). The Department of Education will compile this information at the end of the calendar year to determine trends in excessive absenteeism;~~
- ~~(7) Provide date superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent;~~
- ~~(8) Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation;~~
- ~~(9) 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;~~
- ~~(10) Personally serve (not mail) the citation;~~
- ~~(11) Complete time and date citation was issued, name, title and signature of district official serving the citation;~~
- ~~(12) Ensure the parent or guardian is served with the goldenrod (bottom) copy;~~
- ~~(13) Ensure the white and yellow copies are sent to the appropriate court, immediately after the citation is served;~~
- ~~(14) Ensure the pink copy is retained by the district. Additional information may be maintained on the back of the pink copy, including the dates the attendance supervisor's and the superintendent's or designee's notifications were sent, dates of contact with parents or guardians and names of school staff who have been involved with the issue;~~
- ~~(15) Consult with district's attorney to assist in these procedures, as necessary.~~

f. ~~Maintain student attendance records in accordance with applicable education records laws.~~

Fern Ridge School District

88834 Territorial Road

Elmira, Oregon 97437

Phone: (541) 935-2253

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

Date _____

Parent(s)/Guardian _____

Address _____

Dear _____,
(Parent/Guardian)

After review of attendance records, your **student child**, _____ (Student's Name), **has not enrolled in school and has** is not **been** exempted from compulsory attendance **in** 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** student at _____ School) no later than the next school day following receipt of this notice and maintain your **student child** in regular attendance for the remainder of the school year.

~~Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court.~~

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

Lane Education Service District 1200 State Hwy 99 N, Eugene, OR 97402, (541)-461-8200.

If you have questions and/or need assistance, please contact (_____ name) at (_____ number).

Sincerely,

Attendance Supervisor / Principal

cc: Principal / Superintendent

Fern Ridge School District

88834 Territorial Road

Elmira, Oregon 97437

Phone: (541) 935-2253

******* ATTENDANCE SUPERVISOR'S IRREGULAR ATTENDANCE NOTICE *******

Date _____

Parent(s)/Guardian _____

Address _____

Dear _____,

(Parent/Guardian)

~~A determination has been made that~~ After review of attendance records, your ~~student~~ child, _____ (Student's 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 school attendance records, your ~~student~~ child has had _____ unexcused absences from school on the following dates: _____.

~~You are hereby notified that you must send your student~~ Please send your child to school no later than the next school day following receipt of this notice and maintain your student in regular attendance for the remainder of the school year.

~~Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court.~~

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

Lane Education Service District 1200 State Hwy 99 N, Eugene, OR 97402, (541)-461-8200.

If you have questions and/or need assistance, please contact (_____ name) at (_____ number).

Sincerely,

Attendance Supervisor / Principal

cc: Principal / Superintendent

Compulsory Attendance Notices and Citations** - JEA-AR

Fern Ridge School District

88834 Territorial Road

Elmira, Oregon 97437

Phone: (541) 935-2253

****SUPERINTENDENT'S NOTICE****

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 law.

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.

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

The requested evaluation or review was completed on (_____date).

You and your child are requested to attend a conference with (_____(designated school official) on (_____date) at (_____time) to discuss:

1. The development of a plan for improvement;
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;
3. Any questions you may have concerning district programs and resources to help your child attend regularly.

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:

Lane Education Service District 1200 State Hwy 99 N, Eugene, OR 97402, (541)-461-8200.

If you have questions and/or need assistance, please contact (_____name) at (_____number).

Sincerely,

Superintendent / Designee