

McMinnville School District #40

Code: JEA-AR
Revised/Reviewed: 12/10; 5/13
Orig. Code: JEA-AR

Compulsory Attendance Notices and Citations

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:

Attendance Supervisor or Designated School Personnel

The attendance supervisor or designee shall:

1. Determine that the parent or guardian has either failed to enroll his/her student or to maintain the student in regular attendance. Regular attendance shall mean attendance which does not include more than eight unexcused one-half day absences or the equivalent in any four-week period in which school is in session.
2. Verify the compulsory attendance violation through such means as matching attendance supervisor records with classroom teacher records;
3. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of verification of the violation. If the student 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 student's parole or probation officer of the absence;
4. Serve the notification personally or by certified mail. The notification will be written in the native language of the parent or guardian;
5. Ensure that notification includes a statement requiring the student to appear on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
6. 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;
7. Notify the superintendent within three days of knowledge that the parent or guardian receiving the notification has not complied with the notice.
8. Conduct a conference with the parent or guardian and student to:
 - 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;
 - d. Refer the parent or guardian and student to other agencies as necessary;

- e. Discuss the potential consequences for continued compulsory attendance non-compliance, including the potential for the issuance of a citation and the consequences for violation of the student conduct and truancy policies and rules;
- f. Failure to attend the conference or failure to send the student to school following the conference may result in a citation.

Superintendent or Designee

The superintendent or designee will:

1. Review the compulsory attendance noncompliance notice and pertinent student attendance records;
2. 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:
 - a. The student is required to attend school regularly;
 - b. Failure to send the student to school and to maintain the student in regular attendance is a Class C violation;
 - c. A citation for violation of compulsory attendance laws may be issued by the superintendent or designee.

Issuance of Citation

Compulsory attendance noncompliance citations may be issued by the superintendent or designee. The superintendent or designee shall:

1. 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;
2. Ensure official representing the district will be available to present evidence of the violation at the time and date specified;
3. Determine whether the local court's interpretation of ORS 339.925 requires the student be named as defendant. Complete the form accordingly;
4. Complete Uniform Compulsory Attendance Citation and Complaint form as follows:
 - a. Specify appropriate court, district, circuit, municipal or justice as appropriate;
 - b. Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form;
 - c. Provide all pertinent defendant information, including the name and address of the parent or guardian. Only one adult should be named as the defendant.
 - d. Provide all pertinent offense information, including the period of time during which the absences occurred;
 - e. 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;

- f. Provide all pertinent student information including the grade, date of birth, length of time in the school district and parent(s) name(s). The Oregon Department of Education will compile this information at the end of the calendar year to determine trends in excessive absenteeism;
 - g. Provide date of superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent;
 - h. Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation;
 - i. 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;
 - j. Personally serve (not mail) the citation;
 - k. Ensure that the parent or guardian is service with the goldenrod (bottom) copy;
 - l. Ensure that the white and yellow copies are sent to the appropriate court, immediately after the citation is served;
 - m. 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 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;
 - n. Consult with the district's attorney to assist in these procedures as necessary.
5. Maintain student attendance records in accordance with applicable education records laws.