

BE IT REMEMBERED, that at a regular term of the Board of Commissioners of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Commission, when were present:

The Honorable

R. Matthew Scarfo

Chair

Donna Beverage

Commissioner

Paul Anderes

Commissioner

WHEN, on Wednesday the _____ day of _____, 2024, among others the following proceedings were had to wit:

IN THE MATTER OF AN ORDINANCE	)	
IMPLEMENTING MEASURES TO REDUCE	)	ORDINANCE
INCIDENTS OF TRUANCY FROM UNION	)	2024-01
COUNTY PUBLIC SCHOOLS AND	)	
DECLARING AN EMERGENCY	)	

This matter came before the Union County Commissioners on _____.

WHEREAS, Oregon state law requires all minors enrolled in Kindergarten through 12th grades to attend school on a regular basis; and

WHEREAS, the Oregon Department of Education in Oregon Administrative Rule 581-020-0631 defines Chronic Absenteeism as missing 10 percent or more of school days; and

WHEREAS, regular school attendance has been shown to dramatically increase Student academic achievement, increase graduation rates, decrease Student mental health issues and decrease incarceration rates; and

WHEREAS, as a metric, school districts are held accountable to maintain a high number of Students enrolled in school who are not considered Chronically Absent; and

WHEREAS, attendance at school is the necessary basis for the fundamental education for children and access to specialized services, and such education is necessary for the continuing growth and progress of a healthy society, economy and community; and

WHEREAS, the entities of Union County, La Grande School District No. 1, North Powder School District No. 8J, Elgin School District No. 23, Imbler School District No. 11, Union School District No. 5, and Cove School District No. 15, in conjunction with InterMountain Education Service District, desire to have a county-wide truancy program that endows Law Enforcement and School Officials with the authority to issue infraction citations and take other action with regard to Students and a Student's parent, guardian or other Responsible Adult who fails to comply with school attendance requirements of state laws and rules.

NOW, THEREFORE, THE UNION COUNTY COMMISSION ORDAINS AS FOLLOWS

Section _____

Truancy from Union County Schools

1. Title
2. Authority and Purpose
3. Jurisdiction
4. Definitions
5. Prohibited Conduct
6. Proceedings
7. Penalties
8. Separate Offense
9. Severance
10. Emergency

1. Authority and Purpose

- (1) The Union County Commission has authority to regulate matters of County concern within the County, under the provisions of the Constitution of the State of Oregon and the revised statutes of the State of Oregon.
- (2) This ordinance applies to Students in Kindergarten (K) through 12th grades, enrolled in public school located within Union County, including within the incorporated cities of North Powder, La Grande, Island City, Summerville, Union, Cove, Elgin and Imbler, the city councils of which have consented pursuant to ORS 203.040.
- (3) This ordinance does not apply to Students attending private Schools located within Union County.
- (4) The purpose of this ordinance is to create rules for enforcement procedures intended to reduce the incidents of truancy within Public Schools in Union

County. It is in the best interest of a Student to attend school regularly and complete the educational courses of study.

2. Jurisdiction

The Union County Circuit Court has jurisdiction and venue over infractions and proceedings in this ordinance.

3. Definitions

- (1) "Chronically Absent" or "Chronic Absenteeism" means a Student is not attending school for 10 percent or more school days in a school year
- (2) "Law Enforcement Official" means Union County Sheriff Deputy, city police officer, School Resource Officer/Deputy, or any other person that meets the definition of Peace Officer under ORS 161.015(4).
- (3) "Public School in Union County" or "School" means a school operated by: La Grande School District No. 1, North Powder School District No. 8J, Elgin School District No. 23, Imbler School District No. 11, Union School District No. 5, and Cove School District No. 15
- (4) "Responsible Adult" means a person at least eighteen (18) years of age, who is the parent, guardian or other authorized adult to have the care or custody of a Student.
- (5) "School Official" means any personnel appointed or designated by a School or School District, including but not limited to principal, vice-principal, superintendent or designee.
- (6) "Student" means a minor between the ages of 5-17 or an 18-year-old person who has not completed the 12th grade, and is enrolled in a Public School in Union County.

4. Prohibited Conduct

- (1) Except as otherwise provided herein, Students are required to attend School regularly. It is unlawful for a Student to be Chronically Absent from School as described in this ordinance.
- (2) Every Responsible Adult having the custody or care of a Student shall make every reasonable effort to assist the Student to comply with this ordinance, and shall send the Student to School and maintain the Student in School so that the Student is not Chronically Absent.

- (3) This ordinance does not limit or supersede any provisions of Oregon law, which exempts certain children from compulsory school attendance (ORS 339.030); neither does this ordinance limit the duties, powers and responsibilities of public school Officials.

5. Proceedings

- (1) A Law Enforcement Official or School Official may issue a citation to a Student and Responsible Adult for violating this ordinance as set out in section 4, above.
- (2) Prior to issuing a citation, a School Official shall provide the Student and Responsible Adult with written notification to include the following:
- a. The Student is required to attend School, and the Student is deemed Chronically Absent in violation of board policy, this ordinance, Oregon Administrative Rule, and ORS 339.010 & 339.065.
 - b. The failure of a Responsible Adult to send the Student to School and maintain the Student in School so that the Student does not miss 10 percent or more of School days is a violation of this ordinance.
 - c. The Student and Responsible Adult must attend a conference with a designated School Official on a specified date and time where expectations for the Student's regular attendance at School will be outlined.
 - d. The Student and Responsible Adult have the right to request an evaluation if the Student is not on an individualized education program (IEP). If the Student is on an IEP, the right to request a review of the IEP.
 - e. The Student and Responsible Adult may be cited to Union County Circuit Court for Chronic Absenteeism under this Ordinance.
- (3) Following the notification and process in section (2), above, if the Student remains Chronically Absent in violation of this ordinance or the Student or Responsible Adult fails to attend the conference in section (2)(c), an infraction citation may be issued. The citation will direct the Student, if the Student is in grades 6 through 12, and the Responsible Adult to appear at the Union County Circuit Court on a date and time certain.
- (4) If a Responsible Adult fails to appear at the date and time on the citation, the Circuit Court shall continue the matter and issue an order to show cause for the

Responsible Adult to appear. A warrant may be issued for the Responsible Adult who fails to appear at the show cause proceeding.

6. Penalties

- (1) Order to attend School. Upon finding a violation of this ordinance, the Circuit Court shall order the Student to regularly attend School; and order the Responsible Adult to send the Student to School and maintain regular attendance.
- (2) Conditions. A representative for the School may give recommendations to the Circuit Court as to appropriate conditions. In addition to the order to attend School, the Circuit Court may impose conditions the Student, Responsible Adult, or both must meet or comply with for violating this ordinance. Conditions imposed by the Circuit Court may include, but are not limited to:
 - a. Set future dates and times for the Student and Responsible Adult to personally appear and provide progress reports demonstrating the Student's proof of attendance, current grades, other school related information requested by the Circuit Court, and compliance with other conditions, if any. The School may provide this information to the Circuit Court in writing, in lieu of a future court hearing.
 - b. At the expense of the Responsible Adult, order the Student, the Responsible Adult or both, to complete age-appropriate and relevant classes, groups, services or programs in Union County or online which the Circuit Court and/or School deems as appropriate.
- (3) Fine. The Circuit Court may impose a civil penalty on the Responsible Adult for an initial infraction up to \$500 for the first offense, and up to \$1,000 for each subsequent offense. The fine may be suspended and then subsequently dismissed if the Student and/or Responsible Adult completes the order under 2(a) and (b) under this section to the satisfaction of the Circuit Court. There may be only one suspension of the fine under this subsection with respect to a Responsible Adult.
- (4) The Circuit Court, School Official, or a Law Enforcement Official will, when the circumstances warrant, refer a Responsible Adult to the Union County District Attorney's Office for prosecution in Union County Circuit Court under ORS163.577(1)(c).

7. Separate Offenses

Each violation of this ordinance shall be deemed a separate offense.

8. Severance

In the event that any part of this ordinance shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining portions will continue in full force and effect.

9. Emergency

This ordinance is immediately necessary for the preservation of the public peace, health and safety; an emergency is hereby declared to exist and this ordinance shall take effect immediately/30 days from passage.

First Reading Date: _____

Second Reading Date: _____

Dated this _____ day of _____ 2024.

R. Matthew Scarfo, Chair

Donna Beverage, Commissioner

Paul Anderes, Commissioner