

## Chapter 339

### 1957 REPLACEMENT PART

## Compulsory Education

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### CROSS REFERENCES

339.030  
Exclusion of children from school, 336.090  
Excuse by county school superintendent, 339.080  
Part-time schools for employed minors, 343.090

339.160  
Transportation to MacLaren School for Boys,  
420.160

339.990  
Disposition of fines, 339.190



**339.010 School attendance required; age limits.** Except as provided in ORS 339.030, all children between the ages of 7 and 18 years are required to attend, during the entire school term, a public full-time school of the district in which the child resides.

**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 is required to send such child to a public full-time school for attendance during the entire school term.

**339.030 Exemptions from compulsory school attendance.** In the following cases, children shall not be required to attend public full-time schools:

(1) Legally employed children between the ages of 16 and 18 years who are attending a public part-time school not less than 5 hours per week or 180 hours per year or are attending a public evening school for an equivalent time; or, where a public part-time school has not been established in the school district in which the child is employed and a public part-time or evening school has not been established in the school district in which such child resides.

(2) Children being taught in a private or parochial school in such branches as are usually taught in the first 12 years in the public schools and in attendance for a period of time equivalent to that required of children attending public schools.

(3) Children proving to the satisfaction of the district school board that they have acquired sufficient knowledge in the ordinary branches of learning taught in the first 12 years in the public schools.

(4) Children who are abnormal, subnormal or physically unable to attend school. In such cases the attendance supervisor may require a written certificate of a duly licensed physician certifying that the child is abnormal, subnormal or physically unable to attend school.

(5) Children between the ages of 7 and 10 years whose parents live more than one and one-half miles, and children over 10 years of age whose parents live more than three miles, by the nearest traveled road, from some public school. This exemption shall not apply if a district provides pupil transportation within the distances specified in this subsection.

(6) (a) Children who are being taught for a like period of time by the parent or

private teacher such subjects as are usually taught in the first 12 years in the public school. Before such children can be taught by a parent or private teacher, the parent or teacher must receive written permission from the county school superintendent. The superintendent is authorized to grant permission only in case of necessity. The permission shall not extend beyond the end of the current school year.

(b) Children being taught by a parent or private teacher must report to the county school superintendent or some person designated by him and be examined in the work covered. If the superintendent determines after examination that the children are not being taught properly, the superintendent shall order the person having control of the children to send them to school for the remainder of the school year.

(7) Children excused by the school board of the district in which the children reside. The school board of such district has authority to excuse a child from compulsory attendance if the child has completed the first eight grades and if further attendance would be educationally unprofitable for the child or cause hardship in the family of such child.

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

**339.040 Attendance supervisors; appointment; compensation.** (1) Each county school superintendent shall appoint one person to act as attendance supervisor for the second and third class districts of the county. The attendance supervisor shall be under the control and direction of the county school superintendent. The attendance supervisor shall receive as compensation for services a sum fixed by the county court and allowed and paid in the same manner as the salaries of county officers are paid.

(2) First class district school boards shall appoint attendance supervisors, fix their compensation and pay them from the district school fund.

(3) The district boundary board shall, upon written application from the school board in any second class district, grant such district permission to proceed according to subsection (2) of this section.

**339.050 Qualifications of attendance supervisors.** Any person in a district of any class who is or has been the holder of a certificate valid for teaching in Oregon public schools and who submits evidence of know-

ledge of the common social problems which relate to school attendance, of Oregon laws relating to compulsory education, child labor and registration of minors, and ability to keep the records of the office and to make such statistical records as may be required of such supervisors, may qualify for the position of attendance supervisor. When an attendance supervisor having the aforementioned qualifications is not obtainable, a person otherwise qualified may be appointed to such position.

**339.060 State School Attendance Supervisor.** In order to establish uniformity in the school attendance supervision of all counties of Oregon, the Superintendent of Public Instruction may use a part of the time of one of the members of his staff as a State School Attendance Supervisor.

**339.070 Lists of teachers and principals.** Each county school superintendent shall furnish each attendance supervisor of his county, at the opening of the schools, with a list of teachers and principals employed in his district in second and third class school districts.

**339.080 Nonattendance notice to parents and school officials; excuse by county superintendent.** (1) In case any parent or other person in parental relation fails to immediately send any child under his control to the public school, as provided for in ORS 339.020, the attendance supervisor, upon notification from the proper authority of such fact, shall immediately and within 24 hours thereafter give formal written notice in person, or by registered mail, to such parent or other person in parental relation, that the child shall present himself at the public school on the next day following the receipt of such notice, for instruction in the district public school. The notice shall inform such parent or other person that attendance must begin and that such attendance at school must be consecutive during the remainder of the school year as taught in the district.

(2) The attendance supervisor shall, at the same time notice is given to such parent or other person, notify the principal or teacher if in a third class district, or city superintendent or principal if in a first or second class district, of the fact of notice. Such teacher, superintendent or principal shall notify the attendance supervisor of the

failure on the part of the parent or other person to comply with the notice.

(3) Any child may be excused from attendance by the county school superintendent for not to exceed five days in a term of three months, or not to exceed 10 days in any one term of six months or longer. Any such excuse shall be in writing directed to the principal of the school.

**339.090 Determination of compliance with notice.** The attendance supervisor shall determine whether the parent or other person given formal written notice has complied with such notice. If he finds that such parent or other person has failed to comply, the attendance supervisor shall immediately and within three days after having knowledge of such failure or after being notified thereof, make a complaint against said parent or other person before a justice of the peace whose office is situated nearest the place where such parent or other person resides, and within the county of such residence, for such refusal or neglect to send the child to school. The justice of the peace shall issue a warrant upon the complaint and shall proceed to hear and determine the same in the same manner as provided by the statutes for other cases under his jurisdiction.

**339.100 Investigations of truancy or nonattendance.** The attendance supervisor in first class districts, whenever notified by the teacher, superintendent or other person, and the attendance supervisor in the second and third class districts, when notified by the county school superintendent, shall investigate all truancy or nonattendance at school. If the child or children are not exempt from compulsory school attendance, he shall immediately proceed as provided in ORS 339.080 and 339.090.

**339.110 Duty to assist attendance supervisors; enforcement.** (1) All school officers, superintendents, teachers and other persons upon whom duty is placed by ORS 339.010 to 339.190, shall render such assistance and furnish such information as they may have at their command to aid attendance supervisors in the performance of their official duties.

(2) If any board, officer, principal, school clerk, teacher or such person upon whom a duty is placed, neglects to perform any duty so imposed upon him, any taxpayer or person having parental relation to any child or children in the district may make a

complaint against such board, officer, principal, teacher or person before a justice of the peace. The justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as provided by the statutes for other cases under his jurisdiction.

**339.120 Second and third class district school clerks to provide census list; duty of teachers, principals and county school superintendents as to attendance.** The district school clerk of each second and third class district shall provide the teacher or principal at the commencement of school, in his district, with a copy of the most recent school census taken in an even-numbered year, including the names and addresses of all parents and persons in parental relation, and with the name and address of the county school superintendent. The teacher or principal shall, at the beginning of the school term, and every four weeks thereafter, compare said census list with the enrolment of the schools under his charge and shall report to the county school superintendent the names and postoffice addresses of parents or other persons in parental relation whose children of the ages mentioned in ORS 339.010 are not in regular attendance at school, and also the names of such children. The county school superintendent shall forthwith notify the proper attendance supervisor of such nonattendance or irregularity of such children. [Amended by 1957 c.198 §5]

**339.130 First class district school clerks to provide census list; duty of superintendents and principals as to attendance.** At the commencement of school, each first class district school clerk shall furnish a copy of the most recent school census taken in an even-numbered year to the city superintendent or the principal of the schools in such districts, together with the names and addresses of the attendance supervisors whose jurisdiction is in the district. The city superintendent or principal, at the opening of school, and every four weeks thereafter, shall compare said census list with the school enrolment and report to the proper attendance supervisor the names and addresses of any parent or persons in parental relation whose children of ages mentioned in ORS 339.010 are not in regular attendance at the public schools and the names of such children. [Amended by 1957 c.198 §6]

**339.140 School clerks to provide changed census lists.** If a school census is taken in a school district of any class while a school is in session in such district, the clerk of such district shall provide, within 10 days after the completion of said census, the principal or superintendent with such a school census in accordance with ORS 339.120 and 339.130.

**339.150 Absences in estimates of attendance; excused absences; irregular attendance.** In estimating regular attendance, as required in ORS 339.120 and 339.130, the principal or teacher must consider all absences, unless such absences were excused. No absence shall be excused by any principal or teacher unless such absence was caused by the pupil's sickness, by the sickness of some member of the pupil's family or in the case of an emergency; provided, the principal or teacher may excuse absences for other reasons where satisfactory arrangements are made in advance. Eight unexcused one-half day absences in any four weeks the school may be in session in such district shall be called irregular attendance. [Amended by 1957 c.256 §1]

**339.160 Compulsory schooling of blind and deaf mutes; method of enforcing; payment of expense.** (1) The provisions of ORS 339.010 to 339.170 shall apply to the children entitled under existing statutes to attend state schools for the blind or deaf, so far as properly enforceable.

(2) Attendance supervisors shall, at the beginning of each school month, report to the county judge of their respective counties the names, ages and residences of such children between the ages of 8 and 18 years, with the names and postoffice addresses of their parents, guardians or the persons in charge of them; and also a statement of whether the parents, guardian or person in charge of such child is able to educate and is educating the child or whether the interests of the child will be promoted by sending it to one of the state institutions mentioned. Upon information thus or otherwise obtained, the county judge may fix a time when he will hear the case to determine whether any such children are required to be sent for instruction to one of the state institutions mentioned. The county judge shall thereupon issue a warrant to the proper attendance supervisor, or some other suitable person, to bring the child before such judge at his office at the time fixed for the hearing, and

shall also issue an order on the parent, guardian or person in charge of the child to appear before him at such hearing. A copy of the order shall be served personally on the proper person by the attendance supervisor or other person ordered to bring the child before the judge. If on the hearing the county judge is satisfied that the child is not being properly educated at home and will be benefited by attending one of the state institutions mentioned and is a suitable person to receive instruction therein, he may send or commit such child to such institution.

(3) The cost of such hearing and the transporting of the child to the state institution shall be paid by the county in the manner provided where a child is committed to a state reform school, if the parent or guardian is financially unable to defray the cost.

(4) This section shall not be construed to require either of the state institutions mentioned to receive any child not suitable to be received and instructed under the laws, rules and regulations governing such institution.

**339.170 Joint districts; where territory deemed to lie.** In the administration of ORS 339.010 to 339.150, the territory embraced in joint districts shall be deemed to lie in the county in which the schoolhouse of such district is located.

**339.180 Superintendent of Public Instruction to furnish blanks.** The Superintendent of Public Instruction shall furnish all blanks necessary for the execution of the provisions of ORS 339.010 to 339.160.

**339.190 Disposal of fines.** All fines collected under subsections (1), (2) and (3) of ORS 339.990 shall be paid to the county treasurer and by him placed to the credit of the school district wherein the parent, guardian or other person having charge of the child resides.

**339.200 Costs where prosecution malicious.** If upon trial of any offense punishable under subsection (1), (2) or (3) of ORS 339.990, it is determined that such prosecution was malicious, the costs in such case shall be adjudged against the complainant and collected as fines in other cases.

**339.210 to 339.980** [Reserved for expansion]

**339.990 Penalties.** (1) Violation of ORS 339.020, or failure to comply with the order of the county school superintendent issued under paragraph (b) of subsection (6) of ORS 339.030, is punishable, upon conviction, by a fine of not less than \$5 nor more than \$100, or by imprisonment in the county jail for not less than two nor more than 30 days, or both.

(2) Violation of ORS 339.090 by a parent or other person in parental relation is punishable, upon conviction, by a fine of not less than \$5 nor more than \$25, or by imprisonment in the county or city jail not less than two nor more than 10 days, or both.

(3) Violation of ORS 339.110 is punishable, upon conviction, by a fine of not less than \$5 nor more than \$20 for each offense.

(4) Violation of any provision of this chapter for which a specific penalty is not provided is a misdemeanor.

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,  
on December 2, 1957.

Sam R. Haley  
Legislative Counsel

#### CHAPTER 340

[Reserved for expansion]