

Chapter 339

1975 REPLACEMENT PART

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DEFINITION

339.005 Definition. As used in ORS 339.005 to 339.145, 339.410, 339.420 and 339.990, unless the context requires otherwise, "administrative office for the county" means the administrative office of the intermediate education district, of the county school district or of the administrative school district which includes an entire county.

[1965 c.100 s.273; 1973 c.728 s 3]

COMPULSORY SCHOOL ATTENDANCE

339.010 School attendance required; age limits. Except as provided in ORS 339.030, all children between the ages of 7 and 18 years who have not completed the 12th grade are required to attend regularly a public full-time school of the school district in which the child resides.

[Amended by 1965 c.100 s.274]

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 who has not completed the 12th grade is required to send such child to and maintain such child in regular attendance at a public full-time school during the entire school term.

[Amended by 1965 c.100 s.275, 1969 c.160 s.1]

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

(1) Children between the ages of 16 and 18 years who are lawfully employed full time, who are lawfully employed part time and in school part time, who are attending a community college, or are engaged in activities equivalent to the preceding.

(2) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools.

(3) Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools.

(4) Upon determination pursuant to criteria of the State Board of Education that a child is suffering from physical or mental illness or disease of such severity as to make

his presence in a school facility or his travel to and from such facility impossible or dangerous to his health or the health of others, the public schools shall provide the child either home, hospital, institutional or other regularly scheduled and suitable instruction meeting standards of the State Board of Education unless such child is receiving suitable instruction in a state or regional facility or institution.

(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 and for whom the school district does not provide transportation over the distances specified in this subsection.

(6) Children being taught for a period equivalent to that required of children attending public schools by a parent or private teacher the courses of study usually taught in grades 1 through 12 in the public school.

(a) Before the children are taught by a parent or private teacher, the parent or teacher must receive written permission from the executive officer of the resident school district. The permission shall not extend beyond the end of the school year in which permission is granted. If permission is not granted, the person having legal custody of the children may appeal the decision to the school board of the resident district.

(b) Children being taught by a parent or private teacher must be examined in the work covered. Such examinations shall be prepared by the State Board of Education and provided to school districts upon request. If the executive officer of the administrative office determines after examination that the children are not being taught properly, he 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 district school board of the district in which the children reside. The district school board has authority to excuse a child from compulsory attendance if the child has completed the first eight grades.

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

(9) Children between the ages of 16 and 18 years who have the mutual consent of the school administration and the parent or

other individual having custody or legal guardianship over a child.

[Amended by 1965 c 100 s.276; 1967 c 67 s.8, 1971 c 494 s 1; 1973 c.728 s.1]

339.040 Attendance supervisors; appointment; compensation. (1) The executive officer of the administrative office for the county shall appoint one person to act as the attendance supervisor for school districts having a school census of less than 1,000 children in the county. The attendance supervisor shall perform his duties under the direction of the administrative office for the county. The attendance supervisor shall receive as compensation for services a sum fixed by the governing body of the county and allowed and paid in the same manner as the salaries of county officers are paid.

(2) District school boards of districts having a school census of 1,000 or more children, according to the latest school census, shall appoint attendance supervisors and fix and pay their compensation.

(3) The administrative office for the county, upon written application from the district school board in any school district having a school census of more than 200 and less than 1,000 children, according to the latest school census, shall grant such district permission to appoint attendance supervisors and fix their compensation and pay.

(4) For purposes of the appointment and duties of attendance supervisors, the territory in a joint school district shall be considered part of the county in which the administrative office of the joint district is located.
[Amended by 1965 c 100 s.277]

339.050[Amended by 1965 c 100 s 278; repealed by 1965 c.136 s 1]

339.055 Duties of attendance supervisors. The attendance supervisor when notified of a truancy or unexcused absence shall investigate the truancy or nonattendance at school. If the child is not exempt from compulsory school attendance, the attendance supervisor shall proceed as provided in ORS 339.080 and 339.090.

[Formerly 339 100]

339.060[Repealed by 1965 c 100 s 456]

339.065 Estimates of attendance; irregular attendance; excused absences.

(1) In estimating regular attendance for purposes of the compulsory attendance provisions of ORS 339.005 to 339.145, 339.410, 339.420 and 339.990, the principal or teacher shall consider all unexcused absences. Eight unexcused one-half day absences in any four-

week period during which the school is in session shall be considered irregular attendance.

(2) An absence may be excused by a principal or teacher if the absence is caused by the pupil's sickness, by the sickness of some member of the pupil's family or by an emergency. A principal or teacher may also excuse absences for other reasons where satisfactory arrangements are made in advance of the absence.

(3) Any pupil may be excused from attendance by the district school board for a period not to exceed five days in a term of three months or not to exceed 10 days in any term of at least six months. Any such excuse shall be in writing directed to the principal of the school which the pupil attends.

[1965 c 100 s 281, 1973 c.728 s 4]

339.070[Repealed by 1963 c 544 s 52]

339.080 Nonattendance notice to parents and school officials. (1) Except as provided in ORS 339.030, in case any parent or other person in parental relation fails to send any child under his control to the public school, the attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall give formal written notice in person or by registered or certified mail to the parent or other person. The notice shall state that the child must appear at the public school on the next school day following the receipt of the notice. The notice shall inform the parent or other person that regular attendance at school must be maintained during the remainder of the school year.

(2) At the same time notice is given to the parent or other person, the attendance supervisor shall notify the city superintendent or principal, as suitable, of the fact of the notice. The superintendent or principal shall notify the attendance supervisor of any failure on the part of the parent or other person to comply with the notice.

[Amended by 1965 c.100 s.282]

339.090 Determination of compliance with notice. The attendance supervisor shall determine whether the parent or other person given written notice of attendance requirements has complied with the notice. If he determines that the parent or other person has failed to comply, the attendance supervisor, within three days after having knowledge of such failure or after being notified thereof, shall make a complaint alleging the parent or other person's refusal

or neglect to send the child to school. The complaint shall be made before a court having jurisdiction over misdemeanors committed within the county in which the parent or other person resides. The judge shall issue a warrant upon the complaint and shall proceed to hear and determine the matters alleged in the complaint in the same manner he hears and determines other cases under his jurisdiction.

[Amended by 1965 c.100 s.283]

339.100[Amended by 1963 c.544 s.47; 1965 c.100 s.279; renumbered 339.055]

339.110[Repealed by 1965 c.100 s.456]

ADMISSION OF PUPILS; TUITION AND FEES

339.115 Admission of pupils; waiver.

(1) Except as provided in ORS 336.165 authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district all persons between the ages of 6 and 21 residing therein. However, a district school board may admit other nonresident persons, determine who is not a resident of the district and may fix rates of tuition for nonresidents.

(2) A child entering school for the first time during the fall term shall be considered to be six years of age if his sixth birthday occurs on or before November 15. A child entering school for the first time in a midwinter term, if the school has a beginning first-year class in midwinter, shall be considered to be six years of age if his sixth birthday occurs on or before March 15.

(3) District school boards may provide, by rule, that a resident child eligible to enter a beginning first-year class at the opening of the fall term or midwinter term, but who does not enter within the first four weeks of such term shall be ineligible to enter school for the remainder of the school year or until another beginning first-year class is organized during that school year. A district school board may waive the requirements of this subsection for disadvantaged children as defined by ORS 343.650.

[1965 c.100 s.285; 1971 c.410 s.1]

339.120[Amended by 1957 c.198 s.5; repealed by 1965 c.100 s.456]

339.125 Admission of nonresident pupils; costs. (1) The district school board may contract with the district school board of any other district for the admission of pupils in schools of the other district. The

contract shall be in writing upon forms furnished by the Department of Education. Expense incurred shall be paid out of the school funds of the district sending such pupils. If the district sending the pupils fails to pay the expense so incurred according to the terms of the contract, the administrative office for the county containing such school district, after satisfactory proof of such failure, shall deduct the amount of the unpaid expense from the amount due the school district at the next regular apportionment. The treasurer shall pay the amount of the reduced apportionment out of the county school fund.

(2) In case the school district sending the pupils is a joint district, jurisdiction shall be exercised by the administrative office for the county in which the most populous part of such district is situated, according to the latest school census. The office's action in the matter is final.

[1965 c.100 s.286]

339.130[Amended by 1957 c.198 s.6, repealed by 1965 c.100 s.456]

339.135 Admission of children living in area under exclusive jurisdiction of Federal Government; effect on distribution of funds; reimbursement. (1) As used in this section, "exclusive jurisdiction" means exclusive legislative jurisdiction as described in Article I, section 8 of the Constitution of the United States.

(2) Children of school age who are living in any area within which the United States Government has exclusive jurisdiction shall be admitted free of charge at adjacent public schools. They may be placed on the school census of the school district in which they attend school. Credit for days' attendance of such children shall accrue to the school attended for the purpose of distributing state school funds.

(3) No more than the difference between the actual per pupil cost of tuition and reasonable costs of transportation per pupil where transportation is furnished by the school district, and the average receipts of the school district per pupil from county, state and federal sources other than the local district tax shall be paid by the state from funds specifically appropriated for the program under this section.

(4) If the amount appropriated for a fiscal year for the program under this section is insufficient to provide full apportionments as provided in subsection (3) of this section, the amount available shall be

distributed on a pro rata basis to the claiming districts.

[1965 c.100 s.287; 1967 c.507 s.6]

339.140[Repealed by 1965 c.100 s.456]

339.145 Admission to adult education program or community college; fees. Persons 16 years of age or older and persons who have graduated from high school may enroll in the adult education program of a school district, or community college district, subject to the terms and conditions the district school board may establish.

[1965 c.100 s.288; 1967 c.67 s.9; 1971 c.494 s.2]

339.150[Amended by 1957 c.256 s.1; repealed by 1965 c.100 s.456]

339.155 Prohibitions of certain fees as condition of admission. (1) No public elementary or secondary school shall require payment of fees as a condition of admission to those pupils entitled under the law to free admission. However, the following are not considered as conditions of admission:

(a) Pursuant to ORS 336.165, but subject to ORS 336.168, tuition may be charged for courses not part of the regular school program.

(b) Pursuant to ORS 337.150, a charge may be made for textbooks for grades 9 through 12, but textbooks must be loaned without charge to indigent pupils.

(c) A fee may be charged for a lock and hasp for a locker.

(2) A district school board may require pupils who do not furnish their own attire for physical education classes to pay an appropriate fee for uniforms provided by the district.

(3) A district school board may require pupils who do not provide appropriate towels for physical education classes to pay a fee for use of towels provided by the district.

[1975 c.508 s.1]

Note: 339.155 was not added to ORS chapter 339 or any series therein by legislative action.

339.160[Repealed by 1965 c.100 s.456]

ADMISSION OF DEPENDENT CHILDREN

339.165 Definitions for ORS 339.165 to 339.185. As used in ORS 339.165 to 339.185, unless the context requires otherwise:

(1) "Attending district" means the school district in which the dependent child attends school.

(2) "Dependent child" means a child who is in any facility which is authorized to provide care for seven or more children through placement by a public agency or by a private, licensed child-caring agency.

(3) "Resident district" means the school district in which the parents or legal guardian, if any, of the dependent child resided at the time the child became a ward of the public agency. If the dependent child has no parents or legal guardian, or none can be located, the child shall be considered to be resident of the district in which he resided at the time he became a dependent child.

[1971 c.402 s.1; 1973 c.327 s.1]

339.170[Repealed by 1965 c.100 s.456]

339.175 Consultation with school board before establishing or expanding facility for dependent children. Prior to establishing or expanding a facility for dependent children in any school district, the authorities of the public or private agency creating such a facility shall confer with the board of directors of the district in which the facility will be located to determine the impact of the additional children upon the facilities and program of the attending district.

[1971 c.402 s.2]

339.180[Repealed by 1965 c.100 s.456]

339.185 Admission of dependent children to school where placed; tuition due from resident district; computation of tuition. (1) A dependent child, as defined in ORS 339.165, must be admitted to the public schools of the district in which the child has been placed by the public or private, licensed child-caring agency.

(2) The attending district shall notify the Department of Education as to the number of days of attendance by each child of a resident district by July 15 following the school year. The notification shall be accompanied by a signed affidavit from the agency having legal custody of the child or children, stating the period of time the child has lived in the district providing the educational service.

(3) The department shall compute the costs and shall submit a bill for tuition payment to the resident district. The resident district shall remit payment directly to the attending district upon receipt of the tuition billing.

(4) The attending district shall supply the names of dependent children to the department by March 1 of the year for which billing is to be made. The department shall supply the names of the dependent

children to the superintendent of the resident district which is billed for tuition for the dependent children. To maintain confidentiality of the records, the department shall supply the names of the dependent children separate from the billing therefor.

(5) The resident district may appeal its classification as "resident district" to the Superintendent of Public Instruction. The superintendent shall determine the residency of the dependent children in question and his decision is final and not subject to appeal.

(6) The Superintendent of Public Instruction shall determine the amount of tuition based upon the average current expenditure per resident average daily membership statewide. The figure so determined shall be divided by the number of days taught in the attending district submitting the tuition notification. This figure multiplied by the total days' attendance of the individual child in the attending district shall represent the tuition charge to the resident district.

[1971 c.402 s.3; 1973 c.327 s 2]

339.190[Repealed by 1965 c 100 s.456]

339.200[Repealed by 1965 c.100 s.456]

PUPIL CONDUCT AND DISCIPLINE

339.240 Rules of pupil conduct and discipline; duties of state board and district school boards. (1) The State Board of Education in accordance with ORS chapter 183 shall prepare and promulgate to all school districts minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements.

(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards promulgated by the State Board of Education under subsection (1) of this section.

[1971 c.561 ss.2, 3]

339.250 Duty of pupils; cause for discipline, suspension or expulsion. (1) Public school pupils shall comply with rules for the government of such schools, pursue the prescribed course of study, use the pre-

scribed textbooks and submit to the teachers' authority.

(2) The district school board may authorize the discipline, suspension or expulsion of any refractory pupil.

(3) Wilful disobedience, open defiance of a teacher's authority or the use of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school.

(4) Expulsion of a pupil shall not extend beyond the current term or semester unless the semester ends within such a short period of time that the expulsion would be too short to be effective. However, the expulsion shall not extend beyond the second term or semester.

(5) Following expulsion of a pupil under subsection (2) of this section, a district school board may propose alternative programs of instruction or counseling, or both, for the pupil.

[1965 c.100 s.289; 1971 c 561 s.1, 1975 c.665 s.1]

339.260 Injury to school property by pupil. (1) No pupil shall wilfully damage or injure any school property or threaten or wilfully injure any fellow pupil or faculty member.

(2) A pupil who violates subsection (1) of this section may be disciplined, suspended or expelled.

[1965 c.100 s 290; 1971 c.561 s.4]

339.270 Assessment of costs of school property damage against responsible pupil or his parents; action to recover; limitation. (1) The amount of damage to any school property shall be determined by procedures established by the district school board and they may be assessed against the pupil wilfully causing the injury or damage and against the parent or parents having legal custody of the pupil.

(2) If the assessed damages are not paid as demanded, the district school board, in addition to any other remedy provided by law, may bring an action under this section against the pupil and the parent or parents having legal custody of the pupil in a court of competent jurisdiction for the amount of the assessed damages not to exceed \$1,500 plus costs.

[1971 c 561 s.5; 1975 c.712 s 2]

339.310[1965 c.100 s.291; repealed by 1973 c 728 s.6]

339.320[1965 c.100 s 292; repealed by 1973 c 728 s.6]

339.330[1965 c 100 s.293; repealed by 1973 c.728 s.6]

- s 6] 339.340[1965 c 100 s.294; repealed by 1973 c.728
- s 6] 339.350[1965 c 100 s 295; repealed by 1973 c.728
- s.6] 339.360[1965 c 100 s.296; repealed by 1973 c 728

guardian, or, if the child has attained the age of majority, upon application of the child, a child attending the public school may be excused from school for periods not exceeding 120 minutes in any week to attend weekday schools giving instruction in religion.

[1965 c.100 s.298; 1973 c.827 s.32]

MISCELLANEOUS

339.410 School hours of pupils under eight years of age. Pupils under eight years of age may be dismissed after school attendance of four hours duration. When dismissal is not practicable, pupils under eight years of age shall be allowed recesses of such length and frequency that the actual period of time spent in the schoolroom does not exceed three and one-half hours daily.

[1965 c.100 s 297]

339.420 Attendance at religious instruction. Upon application of his parent or

PENALTIES

339.990 Penalties. Violation of ORS 339.020, or failure to comply with the order issued under paragraph (b) of subsection (6) of ORS 339.030, is punishable, upon conviction, by a fine of not more than \$100, or by imprisonment in the county jail for not more than 30 days, or both.

[Amended by 1965 c.100 s.299; 1967 c.67 s 10]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G Clifford, 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,
October 1, 1975.

Thomas G. Clifford
Legislative Counsel

CHAPTER 340

[Reserved for expansion]