

LANE EDUCATION SERVICE DISTRICT

Procedures for Documenting and Referring Students for Truancy and Non-Attendance

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*Communication between the ESD and school district personnel at every step  
is a key factor in the success of the attendance/truancy process.*

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### Oregon Laws:

The person responsible for student attendance should be familiar with the ORS regarding unexcused absences: 339.005, 339.010, 339.030, 339.040, 339.055, 339.065, 339.080, and 339.090.

### Public School Suggestions:

If a student has unexcused absences, a file should be started in which the following should be placed:

- Copies of all letters to parents.
- All documentation including anecdotal records regarding home visits, conferences, and phone calls.
- Attendance printout of all absences - with unexcused absences noted. (include a key for absences)

The compulsory school attendance laws state that students who are five years of age and are enrolled in the public school are now legally required to attend on a regular basis while enrolled. If a student who is five years of age reaches a minimum of 8 unexcused half-day absences in any four week period, he/she is determined to be truant.

A student falls under the compulsory school attendance law when he/she is between the ages of 6 and 18 regardless of enrollment status. When a student has a minimum of 8 unexcused half-day absences in any four week period, he/she is determined to be truant. Students who have been dropped from the rolls and/or aren't enrolled anywhere are also considered to be truant.

A certified letter(s) may be sent to the parent explaining the son/daughter's attendance irregularities and informing them of the action the school will take if the student's attendance does not improve (i.e. referral to the Lane ESD attendance officer, and ultimately, if necessary, to the court). Sample letters are available upon request.

### Home School:

Students between the ages of 6 and 18 who withdraw from Lane County public schools to home school are required by law to register with the Lane ESD. Students who have withdrawn from their public school to home school but have neglected to enroll with Lane ESD are truant. The student's resident public school may initiate the truancy procedures for these students.

### Referral to ESD:

Truancy may be part of a larger problem. If all the school's available internal and external resources have been exhausted and the problem continues, a referral to the Attendance/Truancy Department at the Lane ESD may be warranted.

To begin the Lane ESD truancy procedures please choose from the following 2 options:

- **Option 1:** Lane ESD Attendance/Truancy Department sends the required parent notice by certified mail. This option does not include a home visit but fulfills the statutory requirement to provide notification to the parent(s). Please forward the following documents to the Lane ESD/Truancy Department:
  1. Non-Attendance Referral Form – Mark the box for “Lane ESD Processing ONLY”.
  2. A printout listing all unexcused/excused absences for the school year. If one isn't available you may indicate on the referral form what days are unexcused, when the student was dropped for non-attendance, and/or any extenuating circumstances that do not excuse the student from school.
  3. Other documents to attach: doctor's notes, non-attendance letters to parent(s), school and/or teacher reports outlining attempts made to remedy the situation with the family, etc.
- **Option 2:** Lane ESD Truancy Officer conducts an investigation including a visit to the home and delivery of the required parent notice. Please forward the following documents to the Lane ESD/Truancy Department:
  1. Non-Attendance Referral Form – Mark the box for “Truant Officer Investigation/Home Visit”.

2. A printout listing all unexcused/excused absences for the school year. If one isn't available you may indicate on the referral form what days are unexcused, when the student was dropped for non-attendance, and/or any extenuating circumstances that do not excuse the student from school.
3. Other documents to attach: doctor's notes, non-attendance letters to parent(s), school and/or teacher reports outlining attempts made to remedy the situation with the family, etc.
4. The following are suggestions for additional documentation that may be helpful during/following the truancy investigation:
  - a. Any available documentation outlining the school's and/or attendance department's attempts to work with the student and family. This may include, but is not limited to, conferences with the principal, vice principal, school counselor, school attendance person, social worker, community agent, and/or teachers.
  - b. Any reports outlining attempts the school has made to either modify the student's program or seek alternative educational programs.
  - c. Any description available as to the parent's involvement, attitudes, strengths, and weaknesses.
  - d. Any description or statements of the student which may show attitude and problems which contribute to the truancy problem.

Occasionally the Lane ESD and/or the Truancy Officer receives erroneous information from the parent/guardian or the student. This information is considered investigative in nature and is not necessarily factual.

### **ESD Support:**

The following is support that the schools can expect from the Lane ESD Attendance/Truancy Department:

- A letter explaining the attendance/truancy law (as well as notice advising parent of their right to request an IEP or re-evaluation of current IEP) will be provided to the parent/guardian (Option 1 and 2).
- If an investigation and home visit is requested (Option 2) the attendance officer will make a report that will include a synopsis of the conversation with the parent/guardian and a recommendation for further action if the problem should continue. A copy of this report will be forwarded to the referring school.
- The Lane ESD will maintain communication with the school at all times. Open communications between school personnel and the Lane ESD attendance office is essential.

Be sure to communicate all changes in status as soon as possible to the Lane ESD Truancy Department (e.g., student moving, another parent taking custody, student being removed from home, student transferring to another school).

### **Continued Non-Attendance:**

If the student does not maintain regular attendance following the initial referral to the Lane ESD Truancy Department the public school may refer the student for truancy again. Please complete a non-attendance referral form and mark the box for "Continued Non-Attendance/Conference Request" and forward to the Lane ESD Truancy Department. In most instances a conference will be scheduled at the school with a possible citation issued to the parent (see section entitled Conference and Citation for instructions on process).

### **Conference and Citation:**

If the student continues to receive unexcused absences the Lane ESD may recommend that a conference be schedule. At the conference there is an option to issue a citation to the parent for non-compliance with the compulsory school attendance laws. To begin this process, please forward a completed Non-Attendance Referral Form to the Lane ESD Truancy Department. A designated conference official will arrange for a conference with school personnel, the parent or guardian, and the student. A citation will be issued to the parent or guardian if he/she fails to attend the conference, or if the school administrator and/or conference officer determines that the evidence presented supports the issuance of a citation.

While awaiting a citation conference, continue to document all contact with the student and parent/guardian. This includes continued monitoring of unexcused absences. This information is very helpful while conducting the conference.

### **Interpreters:**

School districts are responsible for obtaining interpreters when needed for conferences. Conference officers can assist with this process if the school is unable to locate one.

## Court

### Arrestment:

Upon the issuance of a citation, an arrestment date will be set by the conference officer at which the defendant (parent/guardian) must appear in the Lane County Circuit Court. School district staffs are not required to appear at arrestments. If the defendant pleads "not guilty", a trial date will be set. If the defendant pleads "guilty", bail will be set by the presiding judge.

### **ASSOCIATED FEES:**

Option 1: Lane ESD Truancy Department sends required notice by certified mail for districts with enrollment exceeding 1,000 students –

\$30 per student for Lane ESD processing  
\$45 per hour for follow-up work with a half-hour minimum

Option 2: Truant Officer services for districts with enrollment exceeding 1,000 students –

\$135 per student for investigations/home visits  
\$50 per hour for follow-up work with a one-hour minimum

*Mileage will be added for districts outside a 25 mile radius.*

Conference Officer services for all districts –

\$115 per student plus mileage  
\$45 per hour for follow-up work with a one-hour minimum