

**RESOLUTION 1556
PRINEVILLE, OREGON**

**A RESOLUTION CONSENTING TO CROOK COUNTY ORDINANCE 338 AMENDING
TITLE 9 OF CROOK COUNTY CODE, ADOPTING A NEW CHAPTER TO REDUCE
INCIDENTS OF TRUANCY FROM CROOK COUNTY PUBLIC SCHOOLS**

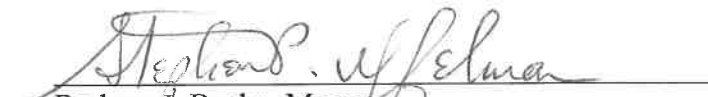
Whereas, the Crook County Court passed Ordinance No. 338, an Ordinance Amending Title 9 of the Crook County Code, Adopting a New Chapter to Reduce Incidents of Truancy from Crook County Public Schools (“Ordinance”).

Whereas, to be applicable within the City of Prineville, Ordinance must be consented to by the City Council pursuant to ORS 203.040.

Now, Therefore, the City of Prineville Resolves as follows:

1. The City Council of Prineville hereby consents to Ordinance 338, attached to this Ordinance and incorporated herein, allowing Crook County jurisdiction regarding students in Kindergarten through 12th grades, enrolled in a full-time public school located within the incorporated City of Prineville.

Approved by the City Council this 23rd day of May, 2023.


~~Rodney J. Beebe, Mayor~~
Stephen P. Uffelman, Council President

ATTEST:


Lisa Morgan, City Recorder



2023-026

I, Cheryl Seely, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Cheryl Seely - County Clerk



**IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK**

**AN ORDINANCE AMENDING TITLE
9 OF THE CROOK COUNTY CODE,
ADOPTING A NEW CHAPTER TO
REDUCE INCIDENTS OF TRUANCY
FROM CROOK COUNTY PUBLIC
SCHOOLS**

ORDINANCE 338

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, via Oregon Administrative Rule 581-020-0631 defines chronic absenteeism as missing 10 percent or more of school days; and

WHEREAS, chronic absenteeism has been shown to dramatically reduce student academic achievement, reduce graduation rates, increase student mental health issues, and increase 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 most fundamental education for children, and such education is necessary for the continuing growth and progress of a healthy society, economy, and community; and

WHEREAS, the educational entities that comprise the Crook County School 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 or rules.

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ORDINANCE 338 AMENDING TITLE 9 OF THE CROOK COUNTY CODE, ADOPTING A NEW CHAPTER TO REDUCE INCIDENTS OF TRUANCY FROM CROOK COUNTY SCHOOLS

NOW, THEREFORE, the Crook County Court ordains as follows:

Section One: A new chapter is added to the Crook County Code to read as follows:

Chapter 9.05
Truancy from Crook County Schools

Sections:

9.05.010	Title
9.05.015	Authority and Purpose
9.05.020	Jurisdiction
9.05.025	Definitions
9.05.030	Prohibited Conduct
9.05.035	Violation Proceeding
9.05.040	Penalties
9.05.045	Separate Offense
9.05.050	Severance

9.05.010 Title

This chapter shall be known as "Truancy from Crook County Schools."

9.05.015 Authority and Purpose

(1) The Crook County Court 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 chapter applies to students in Kindergarten (K) through 12th grades, enrolled in a full-time public school located within Crook County, including the incorporated City of Prineville, the city council of which has consented pursuant to ORS 203.040.

(3) This chapter does not apply to students attending private schools located within Crook County.

(4) The purpose of this chapter is to create rules for enforcement procedures intended to reduce the incidents of truancy within public schools in Crook County. It is in the best interest of a student to attend school regularly and complete the educational courses of study.

9.05.020 Jurisdiction

The Crook County Circuit Court has jurisdiction and venue over infractions and proceedings in this chapter.

9.05.025 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 Crook County Sheriff Deputy, Prineville Police Officer, School Resource Officer, or any person that meets the definition of Peace Officer under ORS 161.015(4).
- (3) "Public School in Crook County" or "School" means a full-time school operated by Crook County School District.
- (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 the Crook County School District, including but not limited to principal, vice-principal, superintendent, resource officer, or truancy enforcement specialist.
- (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 Crook County.

9.05.030 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 chapter.
- (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 chapter, and shall send the Student to School and maintain the Student in School so that the Student is not Chronically Absent.
- (3) This chapter 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.

9.05.035 Proceedings

- (1) A Law Enforcement Official or School Official may issue a citation to a Student and Responsible Adult for violating this chapter as set out in section 9.05.030, 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 this chapter and Oregon Administrative Rule.

(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 greater than 10 percent of School days is a violation of this chapter.

(c) The Student and Responsible Adult may be cited to the Crook County Circuit Court for Chronic Absenteeism under this chapter.

(d) 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.

(e) 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.

(3) Following the notification and process in 9.05.035(2), above, if the Student remains Chronically Absent in violation of this chapter or the Student or Responsible Adult fails to attend the conference described in 9.05.035(2)(d), an infraction citation will be issued. The citation will direct the Student, if the Student is in grades 4 through 12, and the Responsible Adult to appear at the Crook 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 will be issued for the Responsible Adult who fails to appear at the show cause proceeding.

9.05.040 Penalties

(1) Order to Attend School. Upon finding a violation of this chapter, the Circuit Court shall order the Student to attend School and not miss 10 percent or more of School days; and order the Responsible Adult to send the Student to School and maintain the Student in School so that the Student misses fewer than 10 percent of School days.

(2) Conditions. In addition to the order to attend School, the Circuit Court will impose conditions the Student, Responsible Adult, or both must meet or comply with for violating this chapter. 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.

(b) At the expense of the Responsible Adult, order the Student, the Responsible Adult, or both, to complete age-appropriate and relevant classes, groups, or programs in Crook County or online, including but not limited to: a parent mentor program; support groups that promote mental, behavioral, and emotional wellness; Wraparound; job assistance; community and mental

health services; truancy intervention classes; and academic classes for the Student after School or on the weekend.

(3) Civil Penalty. Impose a civil penalty on the Responsible Adult for an initial infraction up to \$500 for the first offense, and \$500 for each subsequent offense.

(4) The Circuit Court, School Official, or a Law Enforcement Official will, when the circumstances warrant, refer a Responsible Adult to the Crook County District Attorney's Office for prosecution in Crook County Circuit Court under ORS 163.577(1)(c).

9.05.045 Separate Offense

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

9.05.050 Severability

In the event that any part of this chapter shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining sections shall be unaffected and remain in full force and effect.

Section Two: If any court of competent authority invalidates a portion of this Ordinance 338, the remaining portions will continue in full force and effect.

Section Three: Ordinance 338 being immediately necessary for health, welfare, and safety of the people of Crook County, and emergency is hereby declared to exist, and this Ordinance 338 shall become effective upon signing.

First Reading: 4/5/23

Second Reading: 4/19/23

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Dated this 19th day of April, 2023



Judge Seth Crawford



Commissioner Jerry Brummer



Commissioner Brian Barney

Vote:	Aye	Nay	Excused
Seth Crawford	---	---	---
Jerry Brummer	---	---	---
Brian Barney	---	---	---