



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No. 2095

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 9.30 COMPULSORY SCHOOL ATTENDANCE

WHEREAS, the current language in Chapter 9.30 was adopted in 2010 by Ordinance 2014 and has not been amended since that time; and

WHEREAS, Oregon Revised Statutes (ORS) Chapter 339 - School Attendance; Admission; Discipline - Safety was amended in 2012; and

WHEREAS, Section 9.30.010 and 9.30.020 should include all children five or six years of age enrolled in public school to be consistent with ORS Chapter 339.010 and

WHEREAS, the amount of civil penalty for truancy violation, should not exceed a Class C violation penalty as defined in ORS 153.012

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. An amendment to section 9.30.010 of the Municipal Code of Milwaukie which will read as follows is hereby adopted:

9.30.010 School Attendance Required. Except as provided in Section 9.30.040, 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. All children five or six years of age who have been enrolled in public school are required to regularly attend public school.

Section 2. An amendment to section 9.30.020 of the Municipal Code of Milwaukie which will read as follows is hereby adopted:

9.30.020 Duty to Send Children to School. Except as provided in Section 9.30.040, every person having control of any child between the ages of 5 and 18 years who has not completed the 12th grade and is either enrolled or eligible to be enrolled in a school located within the city limits of Milwaukie is required to send child to and maintain such child in regular attendance at a public full-time school during the entire school term.

If a person has control of a child five or six years of age and has enrolled the child in a public school, the person is required to send the child to, and maintain the child in, regular attendance at the public school while the child is enrolled in the public school.

Section 3. An amendment to section 9.30.030 of the Municipal Code of Milwaukie which will read as follows is hereby adopted:

9.30.030 Penalties. Any person adjudged to have violated Section 9.30.010 or 9.30.020 shall pay a civil penalty, not to exceed the amount of a Class C violation.

Read the first time on 4/7/15, and moved to second reading by 4:1 vote of the City Council.

Read the second time and adopted by the City Council on 4/21/15.

Signed by the Mayor on 4/21/15.



Wilda Parks, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

Attachment 2

Chapter 9.30

CHAPTER 9.30 COMPULSORY SCHOOL ATTENDANCE

9.30.010 SCHOOL ATTENDANCE REQUIRED

Except as provided in Section 9.30.040, all children between the ages of seven (7) and eighteen (18) years who have not completed the 12th grade are required to attend regularly a public full-time school. All children five or six years of age who have been enrolled in public school are required to attend regularly the public school while enrolled in the public school. (Ord. 2014 § 1, 2010)

9.30.020 DUTY TO SEND CHILDREN TO SCHOOL

Except as provided in Section 9.30.040, every person having control of any child between the ages of seven (7) and eighteen (18) years who has not completed the 12th grade and is either enrolled or eligible to be enrolled in a school located within the City limits of Milwaukie 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.

If a person has control of a child five or six years of age and has enrolled the child in a public school, the person is required to send the child to, and maintain the child in, regular attendance at the public school while the child is enrolled in the public school. (Ord. 2014 § 2, 2010)

9.30.030 PENALTIES

Any person adjudged to have violated Section 9.30.010 or 9.30.020, shall pay a civil penalty, ~~in an amount~~ not to exceed the amount of a one hundred eighty dollars (\$180.00). Class C violation. (Ord. 2014 § 3, 2010)

9.30.040 AFFIRMATIVE DEFENSES

It shall be an affirmative defense to the charge of violation of Section 9.30.010 or Section 9.30.020 that any of the following situations applies:

- A. The child alleged to be not attending school is being taught in a private or parochial school in the courses of study usually taught in grades one through twelve (12) in the public schools and in attendance for a period equivalent to that required of children attending public schools in the applicable school year; or
- B. The child alleged to be not attending school is able to prove to the satisfaction of the district school board that he or she has acquired equivalent knowledge to that acquired in the

courses of study taught in grades one through twelve (12) in the public schools and is able to produce proof thereof; or

C. The child alleged to be not attending school has received a valid high school diploma; or

D. The child alleged to be not attending school is being taught for a period equivalent to that required of children attending public schools by a private teacher the courses of study usually taught in grades one through twelve (12) in the public school; or

E. The child alleged to be not attending school is being educated in the children's home by a parent or legal guardian as provided by law; or

F. The child alleged to be not attending school is otherwise excluded from attendance in school as provided by law; or

G. The State Board of Education has, by rule, established an exemption from compulsory attendance which has been granted to the parent or legal guardian of the child alleged to not be attending school due to lawful full-time employment, lawful part-time employment and concurrent enrollment in school, a community college or an alternative education program as defined in ORS 336.615; or

H. The State Board of Education or an Oregon Circuit Court has granted an exemption to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558. (Ord. 2014 § 4, 2010)

9.30.050 PROCEDURE

A. In addition to any other persons permitted to enforce violations, the school district superintendent or education service district superintendent, or any employee specifically designated by either superintendent, may issue citations for violations established under ORS 339.990.

B. Prior to issuing the citation described in subsection C of this section to the parent or guardian of a student not regularly attending full-time school:

1. A parent or guardian of the student and the student shall be provided with written notification that:

a. States that the student is required to attend regularly a full-time school;

b. Explains that the failure to send the student and maintain the student in regular attendance is a Class C violation;

c. States that law enforcement or the superintendent may issue a citation;

d. Requires the parent or guardian of the student and the student to attend a conference with a designated official; and

e. Is written in the native language of the parent or guardian of the student.

2. The conference described in subsection (B)(1)(d) shall be scheduled.

C. The form of citation to be used by superintendents in citing violations of this chapter shall be established by the State Board of Education by rule. Notwithstanding any other provision of law, each of the parts of the citation issued by superintendents shall contain the information required by the State Board. (Ord. 2014 § 5, 2010)