

Dept
DA

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF ADOPTING CHAPTER 410,)
SCHOOL ATTENDANCE - TRUANCY, OF THE) ORDINANCE NO. 54.02
KLAMATH COUNTY CODE)
_____)

WHEREAS, the District Attorney has requested that the Board of County Commissioners enact a new Chapter to the Klamath County Code, Chapter 410, which compels the regular school attendance of children 7 to 18 years of age that are not otherwise exempt to a public full-time school; and

WHEREAS, the Klamath County Board of Commissioners has held two public hearings and has determined that it is in the best interest of Klamath County to enact the School Attendance - Truancy ordinance;

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that Chapter 410, School Attendance - Truancy, of the Klamath County Code is enacted to read as follows:

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CHAPTER 410
SCHOOL ATTENDANCE - TRUANCY

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CHAPTER 410
SCHOOL ATTENDANCE - TRUANCY

410.001 Purpose. To protect the health, safety and welfare of Klamath County children 7 to 18 years of age by compelling the regular attendance of said children at a public full-time school.

410.005 Scope. This Chapter does not limit or supercede any provision of O.R.S. 339.010, *et seq.*, which exempts certain children from compulsory school attendance, nor does this ordinance limit the duties, powers or responsibilities of public school officials.

410.100 Powers and Authority.

(1) Any enforcement officer as defined in O.R.S. 153.005 or any employee(s) officially designated by the Klamath Falls City School District or the Klamath County School District may issue a citation to any child 7 to 18 years of age for failing to regularly attend public school as required by Oregon law. The citation shall direct the child to appear in Klamath County Circuit Court at a designated time and date.

(2) No citation shall issue under this Chapter until all the procedural notices required under O.R.S. 339.055, O.R.S. 339.065, O.R.S. 339.080 and O.R.S. 339.090 have been sent to the child's parents and school district superintendent.

410.200 Definition. Compulsory attendance violation means that a child has eight (8) unexcused one-half (1/2) day absences in any four (4) week period during which the school is in session as defined in O.R.S. 339.065(3).

410.300 Sanctions.

(1) The Klamath County Circuit Court shall have the authority to determine whether the child has violated this Chapter relating to compulsory attendance. The Court may order the child to attend school following a review by the Court.

(2) In the event the child fails to follow the Court order to attend school, the Court may use all necessary lawful action, including the Court's contempt authority, to compel the child's attendance.

410.400 Validity.

If any section, subsection, sentence, clause, phrase or word of this Chapter shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall

not affect the validity of the remainder of this Chapter, but shall be confined to the section, subsection, sentence, clause, phrase or word to which is applies, it being the intent of the Board of County Commissioners that this Chapter should stand with such deletions.

DONE and DATED this 30th day of August, 2005.


KLAMATH COUNTY BOARD OF COMMISSIONERS


Chairman



Commissioner


Commissioner

APPROVED FOR LEGAL SUFFICIENCY:


Reginald R. Davis
Klamath County

ATTEST:


Recording Secretary