

HOUSE COMMITTEE ON EDUCATION

March 11, 1993      Hearing Room E 1:30 p.m.      Tapes 29-30

MEMBERS PRESENT:    Rep. Carolyn Oakley, Chair Rep. Jim Whitty, Vice-Chair  
Rep. John Meek Rep. Patti Milne Rep. John Schoon Rep. Larry Sowa Rep.  
Sharon Wylie

STAFF PRESENT:            Linda Sample Brown, Committee Administrator  
Carolynn Gillson, Committee Assistant

MEASURES CONSIDERED: HB 2091 - Deletes criminal penalty for failure  
to send child to school, PUB

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These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation  
marks report a speaker's exact words. For complete contents of the  
proceedings, please refer to the tapes. [--- Unable To Translate Graphic  
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TAPE 29, SIDE A

005    REP. CAROLYN OAKLEY, chair:    Calls the meeting to order at 1:40  
p.m. > Explains the public hearing on HB 2670 will be rescheduled.

Public Hearing on HB 2091 Witnesses:    Greg McMurdo, Department of  
Education (DOE) Kathryn Murdock, DOE Brad Swank, State Court  
Administrator's Office Royal Harger, Linn-Benton ESD Dwayne Scott,  
Columbia County School District Marvin Evans, Confederation of School  
Administrators (COSA)

023    GREG McMURDO, deputy superintendent, DOE: Reviews what the  
original bill does and the changes in the -1 amendment (EXHIBIT A).

042    KATHRYN MURDOCK, legal services director, DOE: Reviews her  
written testimony concerning Oregon's compulsory school attendance  
law and the lack of consequences (EXHIBIT B). > The district  
superintendent or ESD superintendent can issue citations as a last  
resort.

074    REP. JIM WHITTY: Any warning mechanism prior to issuing a citation  
and is it delivered person-to-person?

MURDOCK:    There is a warning.

080    BRAD SWANK, State Court Administrator's Office: In most  
instances, statutes provide that citations are issued person-to-person.

MURDOCK: Talks about the frustration of school district  
superintendents to get children in school and the proposed solution.

104    REP. LARRY SOWA: The Fish and Wildlife Department operates  
under the same statute for their infractions and there have been  
Supreme Court rulings concerning the issuance of citations.

SWANK: The amendments change the series of statutes to those used for

the Department of Parks and Recreations infractions.

127 REP. PATTI MILNE: How much would these infractions be and what would be the process?

MURDOCK: The amount fixed by statute is \$100. The process is similar to that used for a traffic infraction.

REP. MILNE: How is this going to motivate families to get their children to school?

McMURDO: We don't know if this will work. There is no mechanism to enforce the compulsory attendance law. This gives the compulsory attendance officers a tool to use.

REP. MILNE: A fine of \$100 is a lot of money for some people. How are they going to handle this?

McMURDO: Points out the fine is up to \$100 and the court is going to be more interested in seeing the child in school rather than collecting a fine.

174 ROYAL HARGER, Linn-Benton ESD: The time from the initial report of truancy to disposition of the case can be one year and by then many families have moved away. The proposed process would get cities involved as well as counties. Municipal courts could look at some truancy issues. It would empower communities.

REP. SHARON WYLIE: How do those communities feel about having that power?

HARGER: I have not discussed the possibility with them.

218 REP. MILNE: You have processed some of these cases. What are the outcomes?

HARGER: In most cases, there are positive results. At-risk families are more aware of the consequences.

REP. MILNE: How do those children do in school?

HARGER: I am not familiar with any printed research. It has had a positive effect on a child's education.

REP. WHITTY: Do schools patrol towns for truant kids?

HARGER: If there is someone at the local mall during school hours, I get calls from concerned citizens. I then contact the school district involved. In our county, we have developed a handbook which explains ways to intervene in those situations. The contact person could be the local hearings officer or a local school official. In most cases, I do the initial investigation, make the phone contacts and do follow up. The procedure stretches the law. I do not escort students back to the classroom. Truant officers do not have the authority to transport.

308 REP. WHITTY: What if kids and parents say they are in homeschool?

McMURDO: Homeschools have to be registered with the local ESD.

HARGER: A homeschool student would not receive a citation if they are in an approved legal education program. Homeschool laws do not have an enforcement available when the student is out in the community.

368 DWAYNE SCOTT, school superintendent, Columbia County School District: Explains the current law does not work. This bill puts the onus will be on school superintendents. > Attendance problems are more acute now because families are more mobile and more children are in homeschool. > Communities need to be assured schools will not take this authority lightly.

REP. MILNE: Lots of school districts have students on different time schedules. I see a horrendous problem of trying to find out which kids are legally on the street and which are not. Kids who do not want to be caught will just not be where they can be seen.

TAPE 30, SIDE A

010 SCOTT: Often these students already have erratic attendance. It may not be as acute a problem in small communities. Some parents are not doing their duty and need it brought to their attention. Kids need an advocate.

REP. JOHN SCHOON: What ages are these kids?

SCOTT: Mostly high school kids do it and for a variety of reasons. With grade school kids, it is a lack of parental interest or responsibility.

064 MARVIN EVANS, COSA: Attendance does make a difference on the ability of kids to learn in school. Kids get into attendance problems for a variety of reasons. Frequency of attendance problems increases as students get older. The problem exists at all grade levels. What we are doing now simply does not work. This change will not solve all the problems but it is worth a try. The significance of the \$100 will vary from person to person. Goal is to get kids back into school.

CHAIR OAKLEY: How many warnings before issuing citation?

EVANS: It will vary from school-district-to-school-district depending on many factors. In secondary schools, the law will be administered by an administrator - usually a vice-principal or principal.

143 REP. SCHOON: Suspension for not attending does not make sense.

EVANS: In-school suspensions are more common now where students are sent to a particular room with their homework. CHAIR OAKLEY: What percent of the school population would this effect?

EVANS: A little over 6 percent which is a small number of students.

176 CHAIR OAKLEY: Adjourns meeting at 2:25 p.m.

Submitted by:

Reviewed by:

Carolynn Gillson  
Administrator

Sample Brown Assistant

EXHIBIT LOG: A - HB 2091-1 amendment - DOE - 2 pages B - Testimony on  
HB 2091 - DOE - 3 pages