



IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF OREGON

In the Matter of Processing Truancy
Matters in Umatilla County for
Violation of ORS 339.020 – not
maintaining child in school

UMATILLA COUNTY LOCAL PUBLIC
SAFETY COORDINATING COUNCIL
EARLY DISPOSITION PROGRAM &
COURT'S DEFERRAL OF
SENTENCING - TRUANCY
PROGRAM
No. 17-015

THIS PRESIDING JUDGE ORDER and Local Public Safety Coordinating Council program is intended to address Truancy charges arising in Umatilla County school districts which may be cited by School Authorities for violation of ORS 339.020. The Order provides for Early Intervention and creation of Community Truancy Boards (CBT) with early disposition for first time offenders, and for referral by the court back to the appropriate Community Truancy Board for offenders with subsequent offenses during a deferred disposition period after a plea of no-contest (admission) to the court.

The program is intended to address immediate truancy problems and address long term Truancy from K-1 forward. The program is intended to return juvenile students to school, maintain their attendance in school, and help insure their graduation from High School.

Subject to the direction of the Presiding Judge and LPSCC, this order designates the Umatilla County CARE as the lead agency, in conjunction with the Umatilla County Juvenile Division and the involved School Districts (together 'consortium') to coordinate and develop programs and procedures to assist Community Accountability Boards wishing to also serve as Community Truancy Boards with the functions delegated in this order.

The designated CARE representative should coordinate matters with the principal stakeholders in truancy: the Juvenile Department, School District Superintendents, their Designated Enforcement Official(s), Attendance Supervisors, and other specialty service providers employed by School Districts to address truancy issues; Law Enforcement Officers such as School Resource Officers associated with a School District, and CAB's and CTBs.

The CARE program Truancy Officers (TO) should coordinate with appropriate principal supporting organizations and agencies for family specific
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Community Truancy Boards

information and support services, such as the Department of Human Services (DHS), Umatilla County Human Services and other treatment providers in support of the CTB efforts.

This program is intended to develop a collaborative process of approaching truancy in a holistic way, addressing the root causes of truancy and seeking to follow the CARE mission statement and provide a coordinated and integrated social service delivery system which promotes the health, safety, education, and general well-being of children and parents.

This program creates three primary tracks to address truancy.

- Track 1 is Early Intervention where a school formally initiates an attendance encouragement structure prior to the student crossing the 80% absence threshold which would trigger the required school notices under ORS 339.095 as a predicate to citation for violation of ORS 339.020 pursuant to ORS 339.990.
- Track 2 is referral to the CTB after the notices are issued under ORS 339.095 but before a citation is issued.
- Track 3 is after a citation is issued. This track is a referral from the Circuit Court after arraignment to the CTB and prior to a sentence being imposed.

WHEREAS the Umatilla County Local Public Safety Coordinating Council (LPSCC), in accordance with ORS 135.941, in coordination and agreement with the Courts may create an Early Disposition Program including a pre-citation and post-citation predisposition program for submission of truancy offenses known to school authorities; and

WHEREAS LPSCC, the Umatilla County Community Justice – Juvenile Division and the 6th Judicial District have established formal Community Accountability Boards (CABs) in several jurisdictions under the above statute, by Presiding Judge Order (PJO) and agreement of LPSCC and the Juvenile Division; and

WHEREAS, the Umatilla County LPSCC determines that an Early Disposition Program to address collaboratively the needs of families and children as described herein to retain children in school, return children to school, and to graduate children through High School is in the best interests of public safety for the community;

THEREFORE IT IS AGREED AND ORDERED THAT:

1. Establishment of a Community Truancy Board. Community Accountability Boards established under law and Presiding Judge Order No. 17-011 are designated sponsoring organizations for Community

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Community Truancy Boards

Truancy Boards. A CAB may establish a co-existent fully overlapping or subordinate committee to be the Community Truancy Board (CTB), or sponsor a separate CTB for the applicable School District. A School District without a CAB servicing juvenile needs may create a CAB in order to facilitate the creation of a CTB, or separately establish a CTB and if the district does so then the School District Board shall provide the services detailed herein in the same manner as a CAB.

2. The processes and procedures of any CAB, contained in its “Charter,” must authorize the CTB or the CAB by resolution must in writing establish the CTB. Without a CAB then the School Board shall by written resolution establish a CTB. A copy of the resolution shall be submitted to CARE, the Juvenile Division and the Trial Court Administrator for the 6th Judicial District of this authorization or resolution.
3. The procedures of the CTB shall be established by separate Charter or Standard Operating Procedures approved in writing by the Chairperson of the CAB, the Juvenile Division, and School District Superintendent, and countersigned by the Presiding Judge of the 6th District Circuit Courts. To the extent reasonably possible the processes and procedures of each CTB within Umatilla County shall be substantially the same and the Juvenile Division should provide guidance in the development of common procedures with a view towards flexible CTB programs which provide evidence of success. CAB and CTB Charters and operating procedures shall be filed with Umatilla County Juvenile Division and the Trial Court Administrator for the 6th Judicial District.
4. CTB Members. The sponsoring CAB shall appoint in writing 5 members to the CTB from the community which may include members of the CAB. The CTB membership should have broad representation with experience in Schools, Business, Law Enforcement, Human Resources and Government. Members of the CTB shall not be participants in the Truancy process in a School District or in the justice system. A School Board member is eligible to participate. Members of the CTB shall be sworn into their position by a Judge or other appropriate authority in the same manner as the CAB and their oath of office filed with the Juvenile Division and Trial Court Administrator. Terms of the members of the CTB shall be the same as set by the CAB for their membership, or shall be for two years, renewable by the CAB Chair and may be automatically renewed if not terminated.
 - a. A CAB may find it necessary to appoint additional CTB panels in order to address community needs. The Chair of the CAB may appoint a common chair for all of the CABs to be the Chief CTB Chair or act in that capacity to insure uniformity in function between all CTBs in a School District.

5. Qualifications. Members of the CTB must:
 - a. Be residents of the School District involved and must agree to volunteer their time.
 - b. Undergo a criminal background check and have no felony convictions, and no misdemeanor convictions in the last ten years, and may not have at any time any sexual offense convictions or convictions pertaining to truth or honesty.
 - c. Agree to engage in training and continued training as approved by the CARE Program and the Juvenile Division. A failure to engage in available training within a reasonable period of time, not more than six months, will be reported to the CAB Chair and unless immediately remedied the CAB Chair will remove the CTB member from their duties. CTB members shall from time to time engage in additional available training in Truancy and Juvenile matters. The Chairperson is expected to participate in additional training that is available from time to time.
 - d. The Presiding Judge may remove a CTB member at any time for good cause without notice.
6. General Organization. The CTB shall have a Chairperson who reports to the CAB Chairperson as necessary, and Vice Chairperson both of whom shall coordinate with the community partners involved in providing collaborative services in support of the needs of family and children in the Truancy and CTB process. The CTB shall receive input from the available service providers in determining a course of intervention or assistance to be recommended. Community partners may initiate services prior to any recommendation of the CTB.
7. Processes and Procedures. Under the guidance of CARE, in association with the Juvenile Division, the processes and procedures of each CTB will utilize a formal accountability agreement as a contractual part of the Early Disposition Program or a Track 3 referral from the court. Processes and procedures should follow formal juvenile accountability processes in ORS 419C.230 as an "other program" under ORS 419C.225 as good examples of a contractual agreement, along with any necessary other agreements or consents such as under HIPAA (Health Insurance Portability and Accountability Act).
8. School Districts. Three Referral Tracks. Ordinarily only first time offenders are placed into Track 1 or 2.
 - a. Track 1 - Prior to the completion of the predicate requirements of an 80% attendance case, a School Superintendent or Designated Enforcement Official may engage the parent regarding high truancy risk pre-citation assistance available within the School, or within the CTB with a formal accountability agreement. School Districts

shall develop their own methods to best achieve results desired in addressing the predicate requirements to a citation as described in ORS 339.095 and OAR 581-021-0077.

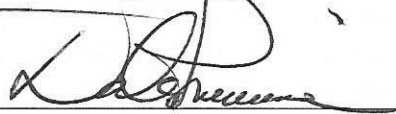
- b. Track 2 - Once a student reaches threshold for 80% attendance the school may engage the predicate requirements of the notice provisions of ORS 339.095 and OAR 581-021-0077. A parent initially provided assistance prior to the predicate requirements being met should be advised that they are now in Track 2 and closer to receiving a citation. When a Track 2 case is submitted to the CTB, the CTB should allow no more than 30 days for the student to become compliant with attendance at above 90%. When a student is not compliant after 30 days the Truancy Officer, Attendance Supervisor or Designated Enforcement Official should coordinate with the CTB and a determination be made whether to proceed to citation. The Designated Enforcement Official may issue a citation to the parent regardless. At any time the CTB may advise the Designated Enforcement Official that the purposes of the CTB are not being met and that the citation may issue.
 - c. Track 3. Citations issued to adults/parents for a violation of ORS 339.020, under the steps in ORS 339.095 and OAR 581-021-0077 and submitted to the court shall include a specific date, time and location for appearance not later than which the parent must report to the court for arraignment on the "C" Class Violation. The Citation is signed by the Superintendent or the Designated Enforcement Official and the school shall seek to serve the parent and if unable to locate then shall seek to identify other service methods such as the School Resource Officer or Service by the Sheriff Civil Service Department for a fee. A parent may be cited directly into the Circuit Court or if they fail to successfully address the truancy issue cited from Track 1 or Track 2 after the predicate notices. The School District shall file with the Circuit Court the original citation clearly showing a date, time and place determined in advance by the court for appearance to be arraigned on the citation. A copy of the Citation shall be provided to the Truancy Officer.
9. Track 3 Appearances to Court. The first appearance before the court is an arraignment on the violation. A parent who fails to appear may be additionally charged under ORS 153.992. Either the District Attorney or the associated Law Enforcement Organization may take steps to charge the parent under that statute as a Class "A" Misdemeanor. The Truancy Officer or Designated Enforcement Official should advise Law Enforcement of the Failure to Appear if that process is desired. Because this is a violation the court may take a default judgment or other action applicable to violations.

- a. After arraignment the Judge will ordinarily accept an admission (a plea of no contest to the violation) or denial (not guilty). With either in place the Judge with advice of the Truancy Officer will determine whether the parent should be diverted (not guilty pleas) or provided deferred disposition (admission/no contest) to the CTB. If diverted or deferred then the parent and student must sign the Truancy Diversion Agreement, and the court will set a case management hearing in 4-6 weeks for subsequent court appearance. If not diverted the court will either set trial, or impose a fine or set sentencing for imposition of the fine.

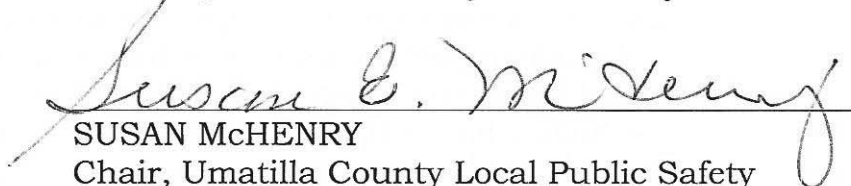
SO ORDERED AND APPROVED and effective on October 10, 2017



DANIEL J. HILL
Presiding Judge, 6th District Circuit Courts



DALE PRIMMER
Director, Umatilla County Community Justice



SUSAN McHENRY
Chair, Umatilla County Local Public Safety
Coordinating Council