

## Chapter 339

### School Attendance; Admission; Discipline; Exclusion

#### 339.010 to 339.090

ATTY. GEN. OPINIONS: Applicability of law to legally employed children in districts where no special schools are provided, 1966-68, p 178.

#### 339.010

ATTY. GEN. OPINIONS: Compulsory school law in case of government employes who reside upon territory included in site of lighthouse, 1926-28, p 356; application of compulsory school law to married female child, 1946-48, p 279; duty of school district to admit school children residing in orphans' home located in the district, 1946-48, p 403; students at nonpublic high schools participating in automobile instruction at public high schools, 1958-60, p 166; attendance by student charged with crime involving morals, 1960-62, p 400.

#### 339.020

#### NOTES OF DECISIONS

A father may maintain mandamus to compel a school board to permit his minor children to attend the public schools and be instructed therein. *Crawford v. Sch. Dist. 7*, (1913) 68 Or 388, 392, 137 P 217, Ann Cas 1915C, 477, 50 LRA(NS) 147.

ATTY. GEN. OPINIONS: Statutory violations by parent who instructs his child not to study or participate in school activities, 1954-56, p 30; limits on compulsory attendance law by school's authority to suspend or expel, 1964-66, p 444.

#### 339.030

CASE CITATIONS: *Kerr v. State Public Welfare Comm.*, (1970) 3 Or App 27, 470 P2d 167, Sup Ct review denied, cert. denied, 402 US 950.

ATTY. GEN. OPINIONS: Inspection, supervision, or regulation of private schools by school board or officers, 1922-24, p 57; enrollment of child of school age in correspondence school as attendance in private institution, 1924-26, p 188; power of school board to excuse nonattendance, 1950-52, p 66; students at nonpublic high schools participating in automobile instruction at public high schools, 1958-60, p 166; enrollment of private school students part-time in public schools, 1962-64, p 296; limits on compulsory attendance law by school's authority to suspend or expel, 1964-66, p 444.

#### 339.065

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#### 339.080

ATTY. GEN. OPINIONS: Procedure where child is truant, 1944-46, p 338; statutory violations by parent who instructs his child not to study or participate in school activities, 1954-56, p 30; limits on compulsory attendance law by school's authority to suspend or expel, 1964-66, p 444.

#### 339.090

ATTY. GEN. OPINIONS: Procedure where child is truant, 1944-46, p 338; authority of justice of peace over truancy of Indian children, 1948-50, p 318.

#### 339.115

#### NOTES OF DECISIONS

Under former similar statute, children of half Indian and half white blood whose parents were not members of any Indian tribe and conformed to the habits and customs of civilization were entitled to admission as pupils in the public school of the district in which they lived. *Crawford v. Sch. Dist. 7*, (1913) 68 Or 388, 137 P 217, Ann Cas 1915C, 477, 50 LRA(NS) 147.

Under former similar statute, school boards could not establish separate schools for Indian children and compel them to attend such schools in the absence of legislative authority therefor. *Id.*

ATTY. GEN. OPINIONS: Infant having different residence from that of his parents for school purposes, 1920-22, p 452; children entitled to grade school privileges, 1926-28, p 87; right of district school board to enforce regulation refusing to admit to public school after September term children who will not have reached the age of six years by November 15, 1926-28, p 303; school district to which parents may send children without payment of tuition, 1926-28, p 305; residence of child for school purposes as where he makes his home, 1928-30, p 415; right of student, a resident of a non-high school district, who is taking a post graduate course in a high school to have his tuition and transportation paid out of county tuition funds, 1930-32, p 209; school residence of minor maintaining separate permanent residence apart from parents, 1930-32, p 654; attendance at high school of person within school age who has completed his high school course, 1930-32, p 724; residence of person whose land is partly within one school district and partly within another, 1936-38, p 406; children taken from an orphanage to be boarded in the home of a resident of a school district in another county as residents of school district, 1936-38, p 410; legal responsibility of members of a school board when non-resident pupils are admitted to the school without charge, over objection of taxpayer, 1936-38, p 566; payment of tuition of pupil becoming resident of another district after school census, 1936-38, p 456; authority to admit child less than six years old, 1938-40, p 462.

Admitting war veterans of 21 years of age, without payment of the tuition fee, to high school in districts that have 20,000 or more children of school age, if the board so directs,

1944-46, p 312; authority of district school board to charge a registration fee against resident students for supplies, 1948-50, p 456; school privileges of children in area which became a military reservation for a period of time and later was given to the state, 1948-50, p 458; authority in adjacent school districts to expend district moneys to provide schooling for children domiciled on federal lands, 1950-52, p 253; authority of third class school district to hold special election on the question of sending eighth grade pupils to attend public school in an adjacent school district and pay the costs of tuition and transportation from the current budget, 1950-52, p 361.

Requiring physical examinations for students at the expense of parents, 1954-56, p 17; providing for children in nonhigh school districts, 1954-56, p 31; presenting birth certificate as condition of admittance to school, 1954-56, p 133; expulsion of married students from school, 1954-56, p 207; providing education for mentally retarded children, 1956-58, p 134; students at nonpublic high schools participating in automobile instruction at public high schools, 1958-60, p 166; enrollment of private school students part-time in public schools, 1962-64, p 296; school residence of child placed in foster home, 1964-66, p 264; conditioning right to take examinations upon payment of school fees, 1964-66, p 444; fees school districts may charge, (1969) Vol 34, p 833.

### 339.125

#### NOTES OF DECISIONS

For school purposes, the term "residence" signifies the place where a child lives with some degree of permanency. School Dist. 16-R v. McCormach, (1964) 238 Or 51, 392 P2d 1019.

It is unnecessary for the board in a regular or special meeting to make a specific determination of residency of each pupil. *Id.*

ATTY. GEN. OPINIONS: Providing for children in non-high school districts, 1954-56, p 31.

### 339.250

ATTY. GEN. OPINIONS: Statutory violations by parent who instructs his child not to study or participate in school activities, 1954-56, p 30; minor approached by law enforcement officers during school hours, 1954-56, p 204; control of student deportment at extra-curricular activities, 1956-58, p 3; attendance by student charged with crime involving morals, 1960-62, p 400; construing "suspension", limits on compulsory attendance law by school's authority to suspend or expel, 1964-66, p 444.

### 339.310

ATTY. GEN. OPINIONS: Providing education for mentally retarded children, 1956-58, p 134.

### 339.420

#### NOTES OF DECISIONS

Former similar statute required the school board to release the child upon the application of the parent, but left in the board the power to determine upon what days and at what time the child would be excused. *Dilger v. Sch. Dist. 24 CJ*, (1960) 222 Or 108, 352 P2d 564.

ATTY. GEN. OPINIONS: Authority of board of directors of public schools to appropriate school funds for maintenance of weekday schools of religious education, 1926-28, p 587; validity of this section, 1946-48, p 473; teaching religion on school premises and using school funds to teach religion, 1946-48, p 473; school board's discretion regarding religious excuses, 1954-56, p 46.

LAW REVIEW CITATIONS: 27 OLR 150; 40 OLR 274.

### 339.990

ATTY. GEN. OPINIONS: Limits on compulsory attendance law by school's authority to suspend or expel, 1964-66, p 444.