

TIGARD MUNICIPAL CODE

Chapter 7.38 TRUANCY.

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7.38.010 Regular School Hours Defined.

For purposes of this Section, “regular school hours” are the hours of the full-time school that the minor would attend in the school district where the minor resides, on any day that school is in session, or, if the school in the school district of residence is unknown, “regular school hours” are the school hours of the Tigard-Tualatin School District on any day that school is in session. (Ord. 06-14)

7.38.020 School-Aged Children to be in School During School Hours.

A minor who is at least seven (7) years of age and under eighteen (18) years of age and who has not completed the 12th grade may not be upon any public property or public right of way during regular school hours except while attending school as required by ORS 339.010 to 339.065, unless the minor is:

(a) Absent from the school with the school’s permission, but not including students who have been suspended or expelled; or

(b) Engaged in a lawful pursuit or activity that requires the minor’s presence somewhere other than school during regular school hours, and which is authorized by the parent, guardian, or other person having legal care and custody of the minor; or

(c) Lawfully emancipated pursuant to ORS 419B.550 to 419B.558; or

(d) Exempt from compulsory school attendance pursuant to ORS 339.030. (Ord. 06-14)

7.38.030 Authority to Detain and Inquire.

If a police officer has reasonable suspicion to believe that a minor is in violation of this Section, the officer is authorized to detain the minor and make reasonable inquiry regarding a potential violation of Subsection 7.38.020 of this Section. (Ord. 06-14)

7.38.040 Child to be Returned to School or Taken into Protective Custody.

If a police officer has probable cause to believe that a minor is in violation of this Section, the officer is authorized to return the minor to the custody of the school. If the minor refuses to go to the school, the officer is authorized to take the minor into protective custody. (Ord. 06-14)

7.38.050 Additional Authority.

This chapter is not intended to in any way limit the authority of a police officer to take any other action authorized by law, including taking a minor into protective custody for reasons other than those stated in Section 7.38.040. (Ord. 06-14)■