

1439.

Mr. Pirani.

SCHOOL ATTENDANCE (No. 2).

ANALYSIS.

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A BILL INTITULED

AN ACT to promote Regular Attendance at Public Schools.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. The Short Title of this Act is "The School Attendance Act, 1901 (No. 2)." It shall be read together with "The Education Act, 1877" (hereinafter referred to as "the principal Act"). Short Title.
- 10 2. "The School Attendance Act, 1894," is hereby repealed. Repeal.
- 10 3. For the purposes of this Act "public schools" shall include any day-school attendance at which is considered sufficient compliance with section *four* of this Act, and the provisions of Part I. shall apply to any Maori or half-caste children attending public schools. Interpretation.
- 15 "Attendance" shall mean a period of at least two hours' instruction at a public school within the school district in which the child resides, unless exempted under section *four* hereof.
- "Parent" includes guardian, and the householder in whose family a child resides.
- 20 *New.*
"Public conveyance" includes any coach, or ferry, or other means of public conveyance by which a child may obtain free transit for the purpose of attending school.

PART I.

25 COMPULSORY ATTENDANCE AT PUBLIC SCHOOLS.

4. Subject to the provisions of the principal Act, every child between the age of seven years and the age of ~~fifteen~~ fourteen years is hereby required to attend some public school. Every child between seven and fifteen to attend school.

Exemptions.

Provided that the parent of any child desiring exemption may apply for and receive a certificate from the *Chairman or Secretary of the* School Committee of the district, ~~under the hand of the Chairman or Secretary thereof~~, or from the head-teacher of any public school, in which such child resides exempting such child from attendance in whole or in part at school, upon satisfying the *Chairman or School Committee* of the existence of any one of the following grounds, namely:—

- (1.) That the residence of the parent or guardian of the child is more than ~~four~~ *three* miles from the nearest public school *if the child is ten years of age or over, and two miles if the child is under ten years of age*, the distance being estimated by the nearest road, and that the child cannot conveniently reach school by railway or public conveyance without travelling more than ~~four miles~~ *the prescribed distance*, computing the distance between such residence and such railway or public conveyance and such railway or other public conveyance and the school, inclusive: 10
- (2.) That the child is under efficient and regular instruction elsewhere: 15
- (3.) That the child is unable to attend school by reason of sickness, danger of infection, temporary or permanent infirmity, or other unavoidable cause: 20
- (4.) That the road between the child's residence and the school is not sufficiently passable: 25
- (5.) That one of the Inspectors or the headmaster of any public school has, by writing under his hand, certified that the child has reached a standard of education prescribed by any regulations under the principal Act as the standard of exemption: 30

And every such certificate of exemption shall state the ground of exemption, shall be on a form to be supplied by the Education Department, and shall be in force for a period of one year, or for a shorter period, as may be named in such certificate; and during the period named in such certificate the holder thereof shall be freed from the operation of the provisions of this Act in respect of the child named therein: 35

Proviso.

Provided always that any parent dissatisfied with the decision of a Committee or head-teacher in refusing to grant an exemption certificate may appeal to the Education Board against such decision, and the Board may overrule or confirm such decision. 40

Proceedings to compel attendances.

5. If any child required by this Act to attend a public school does not attend such school, the Truant Inspector or, in the event of there being no such officer, the School Committee of the district in which such child resides shall give the parent of such child notice in writing, in the form or to the effect of the Schedule hereto, calling upon such parent to send such child to school; and if such parent, after receiving such notice, refuses or neglects to send such child to school within seven days of such notice being given, such parent shall be summoned before any Stipendiary Magistrate, or any two Justices of the Peace, or may be summoned before any Justice of the Peace at the school at which such attendance is compulsory, and shall be liable to a penalty not exceeding forty shillings, and the payment of such penalty shall be no bar to further proceedings in case of further neglect. 50

Penalty for disobeying order of Justices.

6. When any child required by this Act to attend a public school has been enrolled in the register of a public school, and, not holding a certificate of exemption as provided in section *four* of this Act, does not attend at least four times in any week in the course of 5 which the school is open six times, or six times in any one week in the course of which the school is open eight times, or eight times in any week in which the school is open ten times, the parent of such child shall be liable to a penalty of *two* shillings for every such week 10 times prescribed for the first offence, and *five* shillings for subsequent offences: Provided that proceedings for the recovery of any penalty incurred by reason of insufficient attendance during any part of any month cannot be instituted except during that month or during the two months next following: Provided also that the Magistrate may 15 take into consideration the age of the child and the distance the child has to go to attend school.

Penalty on parents for inconstant attendance of children.

7. All proceedings for orders to send children to school and for recovery of penalties under this Act may be had and taken in the manner prescribed by "The Justices of the Peace Act, 1882": 20 *Provided that the cases may be heard before one Justice of the Peace at the school at which such attendance is compulsory*, and in every case the onus shall be on the defendant of proving that he is not liable to a penalty under this Act.

Proceedings for penalties.

8. It shall be lawful for Education Boards to appoint Truant 25 ~~Officers, Inspectors,~~ and any Truant ~~Officers Inspectors~~ or any member of a School Committee, or the Clerk of a School Committee, may lay informations, make complaints, conduct prosecutions, and take all other proceedings under this Act ~~on behalf of any Education Board.~~

Truant Officers.

9. A certificate under the hand of a Secretary of an Education 30 Board, showing that the person named therein is a Truant Inspector, shall be sufficient evidence of the appointment of such Truant Inspector: and in any proceedings under this Act the election or appointment of the person acting as Secretary of the Education Board, or the signature to any such certificate, shall not be inquired 35 into or disputed.

What deemed evidence of appointment of Truant Inspectors, officers, &c.

10. Every penalty recovered under this Part of this Act shall be paid by the Clerk of the Court to the School Committee or the Education Board at whose instance such penalty is recovered, and shall thereupon become part of the Board Fund.

Penalties to be paid into Board Fund.

40 This provision shall be deemed to be a sufficient appropriation of any money recovered as aforesaid, and a sufficient authority to the Clerk of the Court for making the payments aforesaid.

Struck out.

PART II.

COMPULSORY ATTENDANCE AT NATIVE SCHOOLS.

45 11. In this Part of this Act the following expressions shall have the meanings hereby assigned thereto respectively:—

Interpretation.

50 "Native school" means and includes any school carried on as a school for native Maoris and half-castes under the direct control of the Minister of Education:

"Committee" means a Committee for a Native school elected under any regulations from time to time prescribed by the Minister of Education for the conduct of Native schools:

Compulsory attendance of Native children at school.

Exemptions.

“Chairman” means the person from time to time elected by a Native School Committee as Chairman of such Committee; and a certificate under the hand of the Secretary for Education showing that the person named therein is the Chairman shall be sufficient evidence of the fact.

12. Every Native or half-caste child who, if not a Native or half-caste, would be required by this Act to attend a public school shall attend a Native school at least six times a week, subject to the same provisos and conditions as to exemption and penalty, and in all other respects, as are expressed in the First Part of this Act, except as follows:—

- (1.) The functions assigned by this Act to Education Boards shall be performed by the Committee.
- (2.) Prosecutions on behalf of the Committees shall be conducted by the Chairman.
- (3.) Penalties recovered shall be paid to the Public Account and be placed to the credit of the vote for Native schools.
- (4.) The passing of the Fourth Standard of the Native School Code shall be a sufficient ground for issuing a certificate of exemption.

New clause.

Regulations in regard to Native children.

11. (1.) The Minister of Education may from time to time make regulations for the attendance at school of Maori or half-caste children and of children in the Chatham Islands.

(2.) Subject to any such regulations, such children shall be subject to all the provisions of this Act.

Schedule.

SCHEDULE.

To A. B.

You are hereby required to send your child C. D., between the ages of seven and ~~fifteen~~ fourteen years, to a public [or Native] school; and if you fail to do so you will be summoned before a Stipendiary Magistrate or ~~two~~ Justice of the Peace to answer for such neglect.

If your said child is (1) residing more than ~~four miles~~ the specified distance from the nearest public school, the distance being estimated by the nearest road, and cannot conveniently reach school by railway or public conveyance; (2) under efficient instruction otherwise than at a public [or Native] school, or (3) if it is prevented from attending school by sickness or unavoidable cause, or (4) if the road between your residence and the nearest public [or Native] school is not sufficiently passable, or (5) if you have obtained a certificate in writing from a Government Inspector of Schools or the headmaster of any public school that your child has reached the standard of education prescribed by the Regulations [or, if a Native child, has passed the Fourth Standard of the Native Schools Code], and if you satisfy the School Committee [or me, in the case of a Native school] of any of these facts, you will receive a certificate exempting you from sending your child to school.

E. F.,

Truant Inspector.

[or Chairman of School Committee.]

[or Chairman of the Native School Committee.]

Dated this day of , 19 .

[To be printed on back of Schedule.]

AFFIDAVIT OF SERVICE.

I, , constable, of , make oath and say that I duly served a notice, of which a copy is within written, upon , the person to whom the same was directed, by delivering the same to the within-named personally [or by leaving the same for him at his house with , an inmate thereof appearing to be above the age of fourteen years], on the .
Taken and sworn before the undersigned, a Justice of the Peace for the Colony of New Zealand, this }
day of 19 , at .