

Hon. Mr. W. C. Walker, C.M.G.

SCHOOL ATTENDANCE.

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:—

- 1. The Short Title of this Act is "The School Attendance Act, 1901." It shall form part of and be read together with "The Education Act, 1877" (hereinafter referred to as "the principal Act"). Short Title.
- 2. In this Act, unless inconsistent with the context,— Interpretation.
  - "Parent" includes guardian, and the householder in whose family a child resides :
  - "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.
- 3. (1.) Subject to the provisions of the principal Act and of this Act, every child between the age of seven years and the age of fourteen years is hereby required to attend some public school not less than seven times out of any consecutive ten times that the school is open, morning and afternoon attendances being separately counted. Every child between seven and fourteen to attend school.
- (2.) A child shall be deemed to be attending a public school, and an attendance may be counted to him, if he is present at the time prescribed by regulations for marking the register, and remains present until the closing of the school, unless he is compelled to leave earlier in order to return home by railway or other public conveyance.
- (3.) A child who has attended for four hours in any school-day may, under special circumstances, be allowed to leave before the close of the school.

Certificate of exemption.

4. (1.) The parent of any child may apply for and receive from the School Committee of the district in which such child resides a certificate, under the hand of the Chairman or Secretary, exempting such child from attendance in whole or in part at school, upon satisfying the School Committee of the existence of any one of the following grounds, namely:— 5

- (a.) That the total distance that the child would be required to walk from his place of residence to the school, or from his place of residence to the railway or other public conveyance and from the railway or other public conveyance to the school, is more than two miles in the case of a child under ten years of age, or three miles in any other case, the distance being estimated by the nearest road: 10
- (b.) That the child is under efficient and regular instruction elsewhere: 15
- (c.) That the child is unable to attend school by reason of sickness, danger of infection, temporary or permanent infirmity, or other unavoidable cause: 15
- (d.) That the road between the child's residence and the school is not sufficiently passable: 20
- (e.) That the child holds a certificate, as prescribed by regulations under the principal Act, that he has reached a standard of education prescribed by such regulations as the standard of exemption. 20

(2.) Every such certificate of exemption shall state the ground of exemption, and shall be in the prescribed form, and shall be in force for a period of one year, or for such shorter period as is named in the certificate. 25

(3.) During the period named in the certificate the holder thereof shall be freed from the operation of the provisions of this Act in respect of the child named therein. 30

(4.) Any parent who is dissatisfied with the decision of a Committee in refusing to grant an exemption certificate may appeal to the Education Board against such decision, and the Board (whose decision shall be final) may overrule or confirm such decision. 35

(5.) For the purposes of this section,—

“Efficient instruction” means such instruction as is prescribed by regulations under the principal Act.

“Regular instruction” means instruction attendance at which is as regular as that prescribed in subsection *one* of section *three* hereof. 40

Proceedings to compel attendances.

5. (1.) If any child required by this Act to attend a public school does not so attend, the Truant Inspector or School Committee of the district in which such child resides shall give the parent of such child notice in writing, in the form in the Schedule hereto, calling upon such parent to send such child to school. 45

(2.) Every parent who, after receiving such notice, fails to send such child to school, is liable to a penalty not exceeding *two* pounds, and the payment of such penalty shall be no bar to further proceedings in case of further neglect. 50

Penalty on parents for irregular attendance of children.

6. Where any child required by this Act to attend a public school has been enrolled in the register of a public school, and,

being in good health, does not attend at least seven times out of any consecutive ten times that the school is open, the parent of such child shall be liable to a penalty not exceeding *ten* shillings and not less than *two* shillings for every such week in which such child  
5 failed to attend school as required by this Act :

Provided that proceedings for the recovery of any penalty incurred by reason of insufficient attendance during any part of any month shall not be instituted except during that or the next following month :

10 Provided, also, that the Court may take into consideration the age of the child and the distance the child has to go to attend school.

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  
15 manner prescribed by " The Justices of the Peace Act, 1882." Proceedings for penalties.

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

9. A certificate under the hand of a Secretary of an Education Board, showing that the person named therein is a Truant Officer, shall be sufficient evidence of the appointment of such Truant Officer ;  
25 and similarly a certificate under the hand of the Chairman of a School Committee shall be sufficient evidence of the appointment of the Clerk or Secretary of the School Committee, or of the election of a member of the same ; and in any proceedings under this Act the election or appointment of the person acting as Chairman of the  
30 School Committee, or as Secretary of the Education Board, or the signature to any such certificate, shall not be inquired into or disputed. Evidence of appointment of officers and others.

10. On the hearing of any information or complaint under this Act, whether for the recovery of a penalty or for an order to send a  
35 child to a public school, the onus shall be on the parent or guardian of such child of showing that the child has attended or is attending a public school in accordance with the requirements of this Act, or that such child is exempt from such attendance hereunder. Onus of proof on parents.

11. All penalties recovered under 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 School Fund or the Board Fund, as the  
40 case may be. Penalties to be paid into School or Board Fund.

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

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

13. " The School Attendance Act, 1894," is hereby repealed. Repeal.

## Schedule.

## SCHEDULE.

To A. B.

You are hereby required to send your child, C. D., between the ages of seven and fourteen years, to a public school.

You are entitled to a certificate exempting you from sending your said child to school if you satisfy the School Committee of any of the following facts:—

- (1.) That the total distance that the child would be required to walk from your residence to the school, or from your residence to the railway or other public conveyance and from the railway or other public conveyance to the school, is more than two miles if the child is under ten years of age, or three miles in any other case, the distance being estimated by the nearest road; or
- (2.) That your said child is under efficient and regular instruction elsewhere; or
- (3.) That he is prevented from attending school by sickness, danger of infection, temporary or permanent infirmity, or other unavoidable cause; or
- (4.) That the road between your residence and the nearest public school is not sufficiently passable; or
- (5.) That the child holds a certificate as prescribed by regulations under "The Education Act, 1877," that he has reached a standard of education prescribed by such regulations as the standard of exemption.

If after this notice you fail to send your said child to school as required, and do not obtain a certificate of exemption as herein mentioned, you will be liable to a penalty not exceeding two pounds, and the payment of such penalty will be no bar to further proceedings in case of further neglect.

E. F.,

Truant Inspector

[or Chairman of School Committee].

Dated this            day of            , 19    .

[To be printed on back of Notice.]

## AFFIDAVIT OF SERVICE.

I,            , 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

(Signature.)

Taken and sworn at            , before me,            }  
 this            day of            , 19    .            }

G. H.,

A Justice of the Peace for the Colony of New Zealand.