

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
4th October, 1901.

[AS AMENDED BY THE HOUSE OF REPRESENTATIVES.]

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, four times in any week that the school is open six times, six times in any week that the school is open eight times, and eight times in any week that the school is open ten times, morning and afternoon attendances being separately counted. Every child between seven and fourteen to attend school.

New paragraph.

(2.) In the case of a half-time school any child enrolled in the register of the school shall be required to attend seven times out of any consecutive ten times the school is open.

(3.) 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.

(4.) A child who has attended for four hours in any school-day may, under special circumstances, be allowed by the head-teacher to leave before the close of the school. 5

New subclause.

(5.) The provisions of this Act shall apply to Maori and half-caste children attending public schools. 10

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, or from the Chairman and one other member thereof, under the hand of the Chairman or Secretary, or from the head-teacher of any public school in such district, a certificate exempting such child from attendance in whole or in part at school, upon satisfying the School Committee, or the Chairman and one other member thereof, or the head-teacher of any public school in such district, of the existence of any one of the following grounds, namely:— 15

(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: 20 25

(b.) That the child is under efficient and regular instruction elsewhere:

(c.) That the child is unable to attend school by reason of sickness, danger of infection, temporary or permanent infirmity, or other unavoidable sufficient cause: 30

(d.) That the road by which the child has to travel to school is not sufficiently passable:

(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. 35

(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. 40

(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.

(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. 45

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

“Efficient instruction” means such instruction as is prescribed by regulations under the principal Act: 50

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

5 (1.) If ten or more children resident in any school district are on the roll of any school other than a public school, the head-teacher of such school may apply for and receive from the Chairman or Secretary of the Board a general certificate of exemption for such children upon satisfying the Board that efficient and regular instruction is given at such school.

General certificate of exemption for certain schools.

10 (2.) Such general certificate of exemption shall be in the prescribed form, and shall be in force for the period of one year, and shall have no force in respect of any child whose attendance at such school is not as regular as that prescribed in subsection *one* of section *three* hereof.

(3.) The attendance register of such school shall be open at all times when the school is open to the Truant Officer or the Secretary of the Board.

15 (4.) Every general certificate of exemption shall be made in duplicate, and it shall be the duty of the person applying for such certificate to forward one copy to the Chairman of the School Committee of the district in which the children named therein reside.

20 (1.) If any child required by this Act to attend a public school does not so attend, the Truant Inspector ~~Inspector~~ Officer 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.

Proceedings to compel attendances.

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

Struck out.

30 7. Where any child required by this Act to attend a public school has been enrolled in the register of a public school, and does not attend at least ~~seven times out of any consecutive ten times~~ *four times out of any consecutive six times, six times out of any consecutive eight times, and eight 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~~ *for every such occasion upon which such child is proved to have failed to attend school as required by this Act:*

New clause.

40 (1.) Where any child required by this Act to attend a public school has been enrolled in the register of a public school, and does not attend as provided in subsection *one* of section *three*, 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 failed to attend school as required by this Act.

Penalty on parents for irregular attendance of children.

45 (2.) Where any child required by this Act to attend a public school has been enrolled in the register of a half-time school, and does not attend as provided in subsection *two* of section *three*, the parent of such child shall be liable to a penalty not exceeding *ten shillings and not less than two shillings* for every such occasion which such child is proved to have failed to attend school as required by this Act.

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Provided that proceedings *under this section* 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 *two months* next following ~~month~~.

Proceedings for penalties.

8. All proceedings under this Act may be had and taken in the manner prescribed by "The Justices of the Peace Act, 1882"; but any case may, with the consent of the parent, be heard with closed doors, *and the Magistrate or Justices may, at their discretion, attend at any public school for the purpose of taking evidence, and in such case may dispense with the attendance at the Court of the parents or the child in respect of whom the proceedings are taken.*

Truant Officers.

Laying of informations.

9. 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 prosecutions, and take all other proceedings under this Act.

Evidence of appointment of officers and others.

10. 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; and similarly a certificate under the hand of the Chairman of a School Committee shall be sufficient evidence of the appointment of the 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 School Committee, or as Secretary of the Education Board, or the signature to any such certificate, shall not be inquired into or disputed.

Onus of proof on parents.

11. On the hearing of any information or complaint under this Act, 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.

Penalties to be paid into School or Board Fund.

12. 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 case may be.

Attendance of Native children and children in Chatham Islands.

13. (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.

Repeal.

14. "The School Attendance Act, 1894," is hereby repealed.

TRUANT-SCHOOLS.

Truant-schools.

15. Any Education Board may, with the sanction previously obtained of the Minister of Education, establish truant-schools, or may convert any public school into and establish it as a truant-school.

Admission to truant-schools.

16. On the application of the parent the Board may admit any child to a truant-school on the ground that his attendance at school is irregular.

Order to send child to truant-school.

17. In lieu of or in addition to the penalties prescribed in sections *six* and *seven* of this Act, a Magistrate may order the parent or guardian to send the child to a truant-school, established under section *fifteen* hereof, for a period of not less than six months.

18. The head-teacher of a truant-school shall have the powers that belong to a Truant Officer, and shall have the right to visit the homes of children on the roll of such school, and, if necessary, to inquire from the parent of any child the cause of any irregularity in the child's attendance at the truant-school.

Powers of head-teacher.

19. Upon the evidence of the head-teacher of a truant-school that any child has failed, after admission to the school, to attend regularly, a Stipendiary Magistrate may order such child to be sent to an industrial school, in the same way as if the child were brought before him under section sixteen of "The Industrial Schools Act, 1882," and the Magistrate may make an order for the payment of maintenance by the parent in the manner prescribed in the last-mentioned Act.

Sending of children to an industrial school.

20. Every Education Board upon establishing a truant-school shall, with the sanction of the Minister, make regulations defining the powers and duties of the head-teacher thereof, and for such other purposes as may be necessary to secure the efficiency of the school.

Board may make regulations.

EDUCATION OF BLIND AND DEAF CHILDREN.

21. (1.) It shall be the duty of the parent of any blind or deaf child between the ages of seven and sixteen to provide efficient and suitable education for such child.

Compulsory education of blind and deaf children.

(2.) If the parent of such child is unable to do so, he shall give notice to the Minister of his inability, and thereafter shall send the child to such institution for the education of blind or deaf children as the Minister may direct, and shall contribute to the cost of the maintenance and education thereat of the child as may be agreed between such parent and the Minister.

(3.) If no such agreement is made, then the Stipendiary Magistrate may, on application in that behalf, make an order directing the parent to pay the sum of *ten* shillings a week towards the maintenance and education of the child; but, if the parent proves to the satisfaction of the Magistrate that he is unable to pay so much, the Magistrate may make an order for the payment of any less sum than *ten* shillings a week, unless the parent proves to the satisfaction of the Magistrate that he is unable to pay any sum whatever.

(4.) If the parent of the child fails to provide efficient and suitable education for such child, or to give notice to the Minister that he is unable to do so, or to send such child to such institution for blind or deaf children as the Minister directs, he may be brought before a Stipendiary Magistrate, who may make an order directing such child to be sent to such institution, and may also make an order directing such parent to contribute to the cost of maintenance and education of the child in the manner provided by the *last preceding* subsection.

(5.) The Magistrate on making an order for payment under this section shall direct to whom and at what times the moneys payable under the order shall be paid.

(6.) If the person by whom moneys are payable under any such order does not pay the moneys which he may be ordered to pay at the times stated in the order, then such moneys may be recovered as a debt in any Court of competent jurisdiction by the persons entitled thereto.

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 by which the child would have to travel to 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 Officer

[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.