

UNEDITED

# *The School Attendance Act*

*being*

Chapter 111 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 111

### An Act respecting School Attendance

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The School Attendance Act*.

1917, c.19, s.1; R.S.S. 1920, c.111, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires, the expressions:

##### “Department,” etc.

1. **“Department,” “minister,” “inspector,” “district,” “rural district”, “village district,” “town district,” “board,” “teaching day” and “teacher”** have the same meaning as they have in *The School Act*;

##### “School”

2. **“School”** means the room or building in which instruction is given to pupils in accordance with the provisions of *The School Act* and the regulations of the department;

##### “Principal”

3. **“Principal”** includes the teacher of a one-room school;

##### “Regulations”

4. **“Regulations”** means regulations made under the authority of this Act by the minister or by a board:

##### “Magistrate”

5. **“Magistrate”** means and includes a justice of the peace and a police magistrate.

1917, c.19, s.2; 1919–20, c.40, s.2; R.S.S. 1920, c.111, s.2.

#### COMPULSORY ATTENDANCE

##### Duties of parents and guardians

- 3(1) Every parent, guardian or other person, having charge of a child over seven and under fourteen years of age, shall send such child to the school of the district in which he resides for the whole period during which the school is in operation each year.

- (2) Any parent, guardian or other person who fails to observe the foregoing provision shall be guilty of an offence and subject to the penalties hereinafter provided.

- (3) The provisions of this section apply to a person who has received into his house as a resident another person’s child of the specified age, but the duty and responsibility of the child’s parent in the premises shall not thereby be affected.

1917, c.19, s.3; R.S.S. 1920, c.111, s.3.

**Exceptions**

4 A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child:

- (a) if the child is under efficient instruction at home or elsewhere;
- (b) if the child is unable to attend school by reason of sickness or other unavoidable cause and the teacher is kept advised;
- (c) where in the opinion of the magistrate or board of trustees, it is necessary for such child to absent himself from school to maintain himself or some person dependent upon him;
- (d) if there is no school which the child has the right to attend within two and one-half miles, as measured by the nearest highway, from the nearest point of the quarter section or lesser parcel of land upon which the child resides, if he is under twelve years of age, or within three and one-half miles if he is over that age:

Provided that this exception shall not apply in the case of districts conveying children in accordance with section 207, 208 or 209 of *The School Act*;

- (e) if, according to a written statement from the principal or teacher, there is not sufficient accommodation in the school which the child has the right to attend; or
- (f) if the child has passed the Grade VIII examination prescribed by the Department of Education, or has completed a course which entitles him to an equivalent standing.

1917, c.19, s.4; 1919–20, c.40, s.3; R.S.S. 1920, c.111, s.4.

**Inquiry into defence**

5 In the case of a prosecution under section 3, where the defence is that the child is receiving efficient instruction at home or elsewhere, the magistrate shall adjourn the hearing for such time as is necessary and forthwith report the facts of the case to the minister, who shall cause inquiry to be made and direct that a certificate be issued by the person making the inquiry showing whether or not such instruction is given and is efficient. If the certificate establishes the truth of the defence, the magistrate shall dismiss the case; if not, he shall impose a penalty.

1917, c.19, s.5; 1919–20, c.40, s.4; R.S.S. 1920, c.111, s.5.

**Employment of children forbidden**

6(1) No child under the age of fourteen years, who has not a valid excuse under this Act shall be employed by any person during school hours while the school of the district in which the child resides is in session, and any person who employs a child in contravention of this section shall incur a penalty not exceeding \$50 for each offence.

(2) Where in the opinion of the board of trustees the services of a child over the age of thirteen years who has passed Grade V of the public school course of study are required in husbandry or in urgent or necessary household duties such board of trustees by certificate setting forth the reasons therefor and issued only by resolution at a regular or special meeting of the board may relieve such child from attending school for such period or periods as such board deems proper but not for more than thirty teaching days in any year.

1917, c.19, s.6; 1919–20, c.40, s.5; R.S.S. 1920, c.111, s.6.

## ATTENDANCE OFFICERS

### Local attendance officers

**7** The board of every town school district shall appoint and provide for the remuneration of one or more local attendance officers for the enforcement of this Act, and notice of every such appointment shall be forthwith submitted in writing to the Department of Education.

1917, c.19, s.7; R.S.S. 1920, c.111, s.7.

### Minister may appoint

**8** The minister may from time to time appoint such local attendance officers as are required for the enforcement of this Act in districts that are not included within any town district, and may provide for their remuneration, either by the school district affected or by the Department of Education, as he sees fit, and may make regulations not inconsistent with the provisions of this Act for the direction of such officers and for the enforcement of this Act.

1917, c.19, s.8; R.S.S. 1920, c.111, s.8.

### Provincial attendance officers

**9** The minister may also appoint officers to be known as provincial attendance officers, and a chief attendance officer, all of whom shall have jurisdiction in all parts of the province, and the duties of such attendance officers may be defined and their remuneration fixed by the minister.

1917, c.19, s.9; R.S.S. 1920, c.111, s.9.

### Minister to appoint

**10** If, before the first day of February in any year, no appointment has been made in any town school district as provided by section 7, the minister may make the necessary appointment and fix the remuneration to be paid by the school district affected, and notice of such appointment shall be given in writing to the school board.

1917, c.19, s.10; R.S.S. 1920, c.111, s.10.

### Powers of attendance officer

**11** An attendance officer shall, for the purposes of this Act, be vested with the powers of a peace officer, and shall have authority to enter theatres, playhouses, places of public amusement and entertainment, factories, workshops, stores, shops and all other places where children may be employed or congregated, and to perform such duties as are necessary for the enforcement of this Act.

1917, c.19, s.11; R.S.S. 1920, c.111, s.11.

**Board regulations**

**12** The board which appoints a local attendance officer may make regulations, not inconsistent with the provisions of this Act or with the regulations of the department, for the direction of such officer and the enforcement of this Act, such regulations to be subject to the approval of the minister.

1917, c.19, s.12; R.S.S. 1920, c.111, s.12.

**Regulations by minister**

**13** In the event a board failing to make regulations as provided in section 12 the minister may make such regulations as he deems necessary and the same shall have the same force and effect as if made by the board.

1917, c.19, s.13; R.S.S. 1920, c.111, s.13.

**Notice of appointment**

**14** Notice of every appointment made under this Act shall be given to the department by the body making such appointment within ten days after such appointment has been made.

1917, c.19, s.14; R.S.S. 1920, c.111, s.14.

**Monthly report**

**15** Every attendance officer shall report monthly to the body appointing him as well as to the department, according to the forms prescribed by the minister.

1917, c.19, s.15; R.S.S. 1920, c.111, s.15.

**Reports by principal**

**16(1)** The principal of every rural and village district shall ascertain and report to the department on the form prescribed by the minister for that purpose, together with such other information as the department may require, the name, age and sex of every child over the age of seven and under the age of fourteen years residing in the district. Such information shall be obtained within thirty days from the day upon which the school of the district is opened in each year, and the report shall be forwarded to the department within fifteen days after the information has been obtained. A copy of this report shall also be filed with the secretary of the district and a copy shall be retained by the teacher.

(2) Any principal who fails to comply with the provisions of this section shall be liable to a penalty of \$10 and to a suspension of his certificate for such period of time as the minister may determine.

1917, c.19, s.16; 1919-20, c.40, s.0; R.S.S. 1920, c.111, s.16.

**Inspector's duties**

**17** Every inspector shall inquire into the conditions existing in all districts under his supervision with respect to the observance of the provisions of this Act, and he shall report to the minister from time to time as the latter may direct.

1917, c.19, s.17; R.S.S. 1920, c.111, s.17.

**Report as to defaulters**

**18(1)** The principal of every school in any district not having a school attendance officer shall report to the department on the form prescribed by the minister, on the last day of each month of the school year in which the school of such district is kept open, the name, age and address of every child in the district over the age of seven and under the age of fourteen years who is not attending school or who has been irregular in attendance during such month, together with such additional information as the department may require for enforcing the provisions of this Act.

(2) Any principal who neglects or refuses to comply with the provisions of this section shall be liable to a penalty of \$10 and to a suspension of his certificate for such period as the minister may determine.

1917, c.19, s.18; 1919-20, c.40, s. ; R.S.S. 1920, c.111, s.18.

**Reports to local attendance officer**

**19** The principal of every town school shall once in each week of the school year report to the local attendance officer of the district in which the school is situated, the names, ages and residences of all pupils over the age of seven and under the age of fourteen years on the school register who have not attended school as required by this Act, together with such other information as the attendance officer may require for enforcing the provisions of this Act. The principal shall also forthwith report to the attendance officer every case of expulsion.

1917, c.19, s.19; R.S.S. 1920, c.111, s.19.

## POWERS AND DUTIES OF ATTENDANCE OFFICERS

**Powers and duties**

**20(1)** It shall be the duty of every attendance officer to examine into all cases of violation of this Act which come within his knowledge, or be brought to his attention, to warn one of the parents or the guardian of any child not complying with its provisions, by notice in writing (form A), and generally to enforce the provisions of the Act.

(2) An attendance officer may send a child suspected of truancy either home or to school, and accompany him thereto if deemed necessary.

(3) The notice provided for in this section may be served by registered letter, postpaid, delivered at any post office and addressed to the party warned at the post office situated nearest to his place of residence, and the production of the registration receipt from the post office where such letter was registered, together with proof of the posting of the same and of the contents thereof, shall be *prima facie* evidence of its receipt by the party to whom it was addressed within four days after the posting and registration.

1917, c.19, s.20; R.S.S. 1920, c.111, s.20.

**Penalty for default**

**21(1)** Any parent, guardian or other person having the charge or control of a child over the age of seven and under the age of fourteen years, who neglects or refuses to cause such child to attend school and continue in regular attendance thereat shall, unless such child is excused from attendance as provided by this Act, be guilty of an offence and liable, on summary conviction, to a penalty not exceeding \$10 for each offence.

(2) In case of a conviction under subsection (1), the magistrate may by his conviction, after adjudging payment of the penalty, with or without costs, order and adjudge that in default of payment thereof such penalty and costs, if the conviction is made with costs, shall be levied by distress and sale of the goods and chattels of the defendant, and, if sufficient distress cannot be found, but only in that case, that the defendant be imprisoned for a term not exceeding thirty days unless such penalty and costs, if any, and the costs and charges of the distress and of the commitment and of conveying the defendant to gaol are sooner paid.

1917, c.19, s.21 1918–19, c.51, s.1; R.S.S. 1920, c.111, s.21.

**Access to records**

**22** Every officer shall have access to the records of every school board for the purpose of procuring the names, ages and residence of all children over the age of seven and under the age of fourteen years, and all such other information as is required for the carrying out of the provisions of this Act.

1917, c.19, s.22; R.S.S. 1920, c.111, s.22.

**Instituting proceedings**

**23** Every attendance officer shall institute or cause to be instituted, proceedings against a parent, guardian or other person having charge or control of a child, or against any other person violating any of the provisions of this Act.

1917, c.19, s.23; R.S.S. 1920, c.111, s.23.

**PENALTIES****General penalty**

**24(1)** Every person charged with the duty of enforcing any provision of this Act, who neglects to perform such duty, shall incur a penalty not exceeding \$10 for each offence.

(2) Any parent, guardian or other person who neglects or refuses to give a teacher or any person appointed by the department or any board such information as is required by this Act or gives false information and any person who by threat, intimidation or otherwise prevents or attempts to prevent the attendance of a child at a school in accordance with the terms of this Act or who in any other way interferes or attempts to interfere with the carrying out of the provisions of this Act shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 for each offence.

1917, c.19, s.24; 1919–20, c.40, s.8; R.S.S. 1920, c.111, s.24.



**Evidence of age**

**25** Where a person is charged with an offence under this Act with respect to a child who is alleged to be over the age of seven and under the age of fourteen years and the child appears to the court to be within such limits of age, the child shall be deemed to be within such limits unless the contrary is proved.

1917, c.19, s.25; R.S.S. 1920, c.111, s.25.

**Absence on holy days**

**26** No penalty shall be imposed in respect to the absence a child from school on a day regarded as holy day by the church or religious denomination to which such child belongs.

1917, c.19, s. 26; R.S.S. 1920, c.111, s.26.

**Forms**

**27** The department shall, at the beginning of each year, forward to the secretary of every district, for delivery to the principal, copies of the forms prescribed for such reports as are required to be made.

1917, c.19, s.27; R.S.S. 1920, c.111, s.27.

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SCHEDULE

FORM A

(Section 20 (1))

To \_\_\_\_\_  
 \_\_\_\_\_ P.O.

Take notice that unless, within five teaching days (*or two teaching days in the case of town schools*) from the receipt by you of this notice, you cause your child (*or ward*) (*child's name*) to attend school, you will be liable to prosecution under *The School Attendance Act* of the Province of Saskatchewan.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
*Attendance Officer.*

FOR HISTORICAL REFERENCE ONLY