

1914

## c 274 Truancy Act

Ontario

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## CHAPTER 274.

## An Act respecting Truancy and Compulsory School Attendance.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Truancy Act*. 9 Edw. VII. c. 92, s. 1.

Interpretation. **2.** In this Act—

"Inspector." (a) "Inspector" shall mean an inspector of public or separate schools;

"Principal." (b) "Principal" shall mean the head teacher of a public, separate or private school;

"Regulations." (c) "Regulations" shall mean regulations made under the authority of *The Department of Education Act*;

Rev. Stat.  
c. 265.

"School." (d) "School" shall mean a public or a separate school or a private school at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic. 9 Edw. VII. c. 92, s. 2.

Children from  
8 to 14 to  
attend school.

**3.** Every child between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which he resides is open each year, unless excused for the reasons hereinafter mentioned. 9 Edw. VII. c. 92, s. 3.

Duty of  
persons  
with whom  
children re-  
side.

**4.** A person who has received into his house another person's child under the age of fourteen who is resident with him or is in his care or legal custody shall be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent if he fails to cause such child to be instructed as required by this Act; but the duty of the parent under this Act shall not be thereby affected or diminished. 9 Edw. VII. c. 92, s. 4.

Exemptions  
from penalties.

**5.—(1)** A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if—

- (a) the child is under efficient instruction at home or elsewhere;
- (b) the child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) there is no public or separate school which the child has the right to attend within two miles, measured by the nearest highway from such child's residence, if he is under ten years of age, or within three miles if he is over that age;
- (d) there is not sufficient accommodation in the school which the child has the right to attend;
- (e) the child has been excused, as hereinafter provided, by a justice of the peace or by the principal of the school which the child is entitled to attend; or
- (f) the child has passed the entrance examination for high schools prescribed by the Regulations, or has completed the course prescribed for the fourth form of the public schools or a course which gives him an equivalent standing. 9 Edw. VII. c. 92, s. 5.

(2) The fact that the child is blind or deaf and dumb shall not be deemed an unavoidable cause within the meaning of clause (b) of this section if the child is a fit subject for admission to The Ontario School for the Deaf or The Ontario School for the Blind. 3-4 Geo. V. c. 70, s. 36.

**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 public school of the section or municipality 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 \$20.

(2) Where in the opinion of a justice of the peace or of the principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such justice or principal may, by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks during each public school term. 9 Edw. VII. c. 92, s. 6.

**7.**—(1) The police commissioners and, where there are no police commissioners, the municipal council of every city, town and village shall appoint, control and pay one or more truant officers for the enforcement of this Act, and notice of such appointment shall be forthwith given to the school boards of the municipality.

Truant officer to have powers of peace officer.

(2) A truant officer shall, for the purposes of this Act, be vested with the powers of a peace officer and shall have authority to enter factories, workshops, stores, shops and all other places where children may be employed or congregated, and shall perform such services as may be necessary for the enforcement of this Act. 9 Edw. VII. c. 92, s. 7 (1-2).

Appointments in townships.

(3) The council of a county or township may annually appoint one or more truant officers who shall have the same powers and perform the same duties as a truant officer in a city, town or village. 9 Edw. VII. c. 92, s. 7 (3); 3-4 Geo. V. c. 70, s. 37.

Township clerk to notify boards.

(4) The clerk of the council shall notify the secretary of the board in each school section in the municipality of every appointment of a truant officer with the name and post office address of each officer appointed. 9 Edw. VII. c. 92, s. 7 (4).

When school board of section may appoint.

(5) If both councils neglect to appoint a truant officer before the 1st day of February in any year the board of a school section may appoint a truant officer for the section. 9 Edw. VII. c. 92, s. 7 (5); 3-4 Geo. V. c. 70, s. 38.

In unorganized territory.

(6) The board of school trustees of a school section in territory without municipal organization may appoint a truant officer for the section. 1 Geo. V. c. 17, s. 59.

Rules.

(7) The body making the appointment may make rules not inconsistent with the provisions of this Act or the Regulations for the direction of the truant officer.

Notice of appointment.

(8) Notice of every appointment made under this section shall be given to the inspector within whose inspectorate the truant officer has jurisdiction.

Monthly and annual reports.

(9) Every truant officer shall report monthly to the body appointing him and annually to the Minister of Education according to the forms prescribed by the Regulations.

Acting under inspector.

(10) Where the appointing body so directs a truant officer shall perform his duties under the direction of the inspector. 9 Edw. VII. c. 92, s. 7 (6-9).

Truant officers to investigate cases of truancy.

8. Every truant officer shall examine into all cases of truancy within his knowledge or when requested to do so by the inspector or by a school trustee, teacher, other truant officer or ratepayer, and shall warn the truants and their parents or guardians in writing of the consequences of truancy; and shall also notify the parent, guardian or other person having the charge or control of a child between the ages of eight and fourteen years not attending school as required by this Act to cause the child to attend some school forthwith. 9 Edw. VII. c. 92, s. 8.

Conviction and penalty for violation of Act.

9.—(1) A parent, guardian or other person having the charge or control of any child between the ages of eight and

fourteen years who neglects or refuses to cause such child to attend some school, unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than \$5 nor more than \$20.

(2) The court may instead of imposing a penalty require a person convicted of an offence under this section to give a bond in the penal sum of \$100, with one or more sureties to be approved by the court, conditioned that the person convicted shall after the expiration of five days cause the child to attend some school as required by this Act. 9 Edw. VII. c. 92, s. 9.

Requiring security instead of penalty.

10. Every truant officer shall institute or cause to be instituted proceedings against a parent, guardian or other person having the charge or control of a child, or against any other person violating any of the provisions of this Act. 9 Edw. VII. c. 92, s. 10.

Truant officers to institute proceedings.

11.—(1) The teacher or the principal of every public and separate school shall once in each month of the school year report to the truant officer of the municipality or section in which the school is situate the names, ages and residences of all pupils on the school register who have not attended school as required by this Act, together with such other information as the truant officer may require for enforcing the provisions of this Act.

Teachers to report to truant officer.

(2) The teacher or principal, as the case may be, shall also forthwith report to the truant officer every case of expulsion. 9 Edw. VII. c. 92, s. 11.

Reports.

12. Where any of the provisions of this Act are violated by a corporation proceedings may be had against every officer or agent of the corporation who is a party to such violation, and such officer or agent shall be subject to the same penalties as any other person similarly offending. 9 Edw. VII. c. 92, s. 12.

Violations of Act by corporations.

13. Every person and officer charged with the duty of enforcing any provision of this Act who neglects to perform the duty imposed upon him shall incur a penalty not exceeding \$10 for each offence. 9 Edw. VII. c. 92, s. 13.

Penalty for neglecting to enforce the Act.

14. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. 9 Edw. VII. c. 92, s. 14.

Recovery of penalties. Rev. Stat. c. 90.

15. A conviction or order made in any matter arising under this Act shall not be removed either at the instance of the Crown or of any private person into the Supreme Court 9 Edw. VII. c. 92, s. 15.

Convictions not to be removed.

Onus of  
proof of  
age of child.

**16.** Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages of eight and fourteen years and the child appears to the court to be within such ages the child shall, for the purposes of this Act, be deemed to be within such ages unless the contrary is proved. 9 Edw. VII. c. 92, s. 16.

Children  
of separate  
school  
supporters.

**17.**—(1) Nothing herein shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school.

Absence on  
holy days  
excused.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the Church or religious denomination to which such child belongs. 9 Edw. VII. c. 92, s. 17.