

*Ordinance No. 49*

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AN ORDINANCE TO COMPEL ATTENDANCE OF CHILDREN BETWEEN THE AGES OF SEVEN AND SIXTEEN YEARS UPON THE PUBLIC SCHOOLS OF THIS COUNTY, EXCEPT UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE PENALTIES FOR VIOLATION.

Adopted June 14, 1965 - - Volume 6, pages 533-535

WHEREAS, by resolution of the Joint School Boards of the City of Williamsburg and James City County, duly adopted by a majority of the members of each board, in joint session on March 9, 1965, recommending that the State Law, as contained in Article 4, Chapter 22, of the Code of Virginia (Section 22-275.1 through Section 22-275.25) (Known as the Compulsory Attendance Law) be implemented by the adoption of an Ordinance of the governing bodies of the City of Williamsburg and County of James City.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors, that,

1) Every parent, guardian, or other person in the County of James City, having control or charge of any child or children, who have reached the seventh birthday and have not passed the sixteenth birthday, shall send such child, or children, to a public school, or to a private, denominational or parochial school, or have such child or children taught by a tutor or teacher of qualifications prescribed by the State Board of Education and approved by the division superintendent in a home, and such child, or children, shall regularly attend such school during the period each year the public schools are in session and for the same number of days and hours per day as in the public schools. The provisions of this section shall apply to any child or children who may be

admitted to the primary grades in the public free schools of Virginia under the discretionary provision of Section 22-218 of the Code.

2) The period of compulsory attendance shall commence at the opening of the first term of the school which the pupil attends and shall continue until the close of such school for the school year or until the pupil reaches his or her sixteenth birthday.

3) The provisions of this Ordinance shall not apply to children physically or mentally incapacitated for school work, nor to those children suffering from contagious or infectious diseases while suffering from such diseases; nor to children under ten years of age who live more than two miles from a public school, unless public transportation is provided within one mile of the place where such children live; nor to children between ten and sixteen years of age who live more than two and one-half miles from a public school, unless public transportation is provided within one and one-half miles of the place where such children live; nor to children excused under Section 4 of this Ordinance.

Compulsory education distances shall be measured or determined by the nearest practical routes, which are usable for either walking or riding from the entrance to the school grounds, or from the nearest school bus stop, to the residence of such children.

Physical incapacity or disease shall be established by the certificate of a reputable practicing physician, made in accordance with the rules and regulations adopted by the State Board of Education, and mental incapacity is to be determined by such mental

test or tests as may be prescribed by the State Board of Education.

4) Notwithstanding the provisions of Section 1 of this Ordinance the school board shall on recommendation of the principal, the superintendent of schools and the judge of the juvenile and domestic relations court of the county, or on recommendation of the Superintendent of Public Instruction, excuse from attendance at school any pupil who in their or his judgment cannot benefit from education at such school, provided no such child shall be so excused unless the written consent of his parents or guardian be given; and provided further that notwithstanding any other provisions of this Ordinance, the school board shall excuse from attendance at school any pupil whose parent, guardian or other person having custody of such pupil conscientiously objects to his attendance at such school as is available, when such fact is attested by the sworn statement of such parent, guardian or other person.

5) Every blind or partially blind child and every deaf child between seven and sixteen years of age, shall attend some school for the blind, or some school for the deaf, or some class in the public schools wherein special methods are used and special equipment and instruction are provided for the blind or deaf for nine months, or during the scholastic year, unless it can be shown that the child is elsewhere receiving regularly equivalent instruction during the period in studies usually taught in the public schools to children of the same age, provided that the superintendent or principal of any school for the blind, or the public schools or the schools for the deaf, or person or persons

duly authorized by such superintendents or principals may excuse cases of necessary absence among its enrolled pupils, and provided further, that the provisions of this section shall not apply to a child whose physical or mental condition is such as to render its instruction as above described inexpedient or impracticable.

Any blind or partially blind or deaf child who prior to his sixteenth birthday has been regularly enrolled in some school for the blind or some school for the deaf or some class in the public schools wherein special methods are used and special equipment and instructions are provided for the blind and deaf, shall be required to continue attendance thereat until he reaches his twentieth birthday or until he has completed all courses offered by such school from which such child can benefit, unless it can be shown that such child is elsewhere receiving regularly equivalent instruction during the period in studies usually taught in the public schools.

6) Every person having under his or her control a child between the ages above set forth, shall cause the child to attend or receive instruction as required by this Ordinance.

7) Any person violating any of the preceding sections shall be guilty of a misdemeanor.

8) Within ten days after the opening of the school, each principal teacher shall report to the division superintendent the names of the pupils enrolled in the school, giving age, grade and the name and address of parent or guardian.

9) Within ten days after the opening of the school,

each principal teacher shall submit another report to the division superintendent giving to the best of the principal teacher's information the names of all children not enrolled in school, with the name and address of parent or guardian within the limits of the compulsory education requirements with regard to age and distance, according to the provisions of Section 3.

10) The division superintendent shall check these lists with the last school census and with reports from the Bureau of Vital Statistics. From these reports and from any other reliable source the superintendent shall within five days make a list of the names of children who are not enrolled in any school, and who are not exempt from school attendance. It shall be the duty of the division superintendent, or the attendance officer, if one be employed, to investigate all cases of nonenrollment, and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child, to require the attendance of such child at the school within three days from the date of such notice.

11) A list of persons so notified shall be sent by the superintendent of schools, or the attendance officer, if there is one, to the principal teacher of the school. If the parent, guardian or other person having control of the child or children fails, within the specified time, to comply with the law, it shall be the duty of the division superintendent or the chief attendance officer, if there be one, to make complaint in the name of the County before the juvenile and domestic relations court. In

addition thereto, such child or children may be proceeded against as neglected child or children in the manner provided by Title 63 of the Code.

12) Any person who induces, or attempts to induce, any blind child or deaf child to absent himself from school unlawfully or employs or harbors any such child absent unlawfully from school, while the school is in session, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof before a juvenile and domestic relations court, be fined a sum not exceeding ten dollars for each offense.

13) The principal teacher of every public school and the truant officer, if there be one, of the County shall, within thirty days from the beginning of the school year, furnish the division superintendent and the County School Board with the names of all children who are blind or partially blind or deaf between the ages of seven and sixteen years, inclusive, living within the boundaries of his or her school district who do not attend school. It shall be the duty of the school board to certify forthwith the names of all such deaf children to the respective superintendents of the State schools for the deaf, and of all such blind or partially blind children to the Virginia Commission for the Visually Handicapped, to the superintendents of the schools for the blind whose duty it shall be to investigate all cases of nonenrollment of such blind children, and when no valid reason is found therefor, such child or children shall be required to attend school as provided in Section 5.

14) For the practical interpretation of the preceding sections of this Ordinance a definition of a blind or partially blind child is as follows: A blind child is a child who has, with correcting glasses, twenty-two hundred vision or less, in the better eye. A partially blind child is a child who has twenty-seventy vision or less, in the better eye, or one who has some progressive eye trouble which in the opinion of a competent ophthalmologist makes it necessary for the child to attend a special school or a special class in the public schools.

15) Every teacher in every school in the County shall keep an accurate daily record of attendance of all children between seven and sixteen years of age. Such record shall, at all times, be open to any officer authorized to enforce the provisions of this Ordinance who may inspect or copy the same, and shall be admissible in evidence in any prosecution for a violation of this Ordinance, as prima facie evidence of the facts stated therein.

16) The school board of the County shall have power to appoint, with the approval of its division superintendent of schools, one or more attendance officers who shall be primarily charged with the enforcement of the preceding sections of this Ordinance, and for such purpose only, provided that, where no attendance officer is appointed by the local school board, the division superintendent shall act as attendance officer with the same powers conferred on attendance officers.

17) Such attendance officers shall have the powers and authority of a sheriff. The compensation of such attendance officers, or of the division superintendent of schools, when he

acts as such, shall be fixed by the school board and paid out of funds available to the school board for public schools. Every attendance officer shall keep an accurate record of all notices served, of cases prosecuted and all other services performed, and shall make an annual report of the same of the board appointing him.

18) Any parent, guardian, or other person who makes a false statement concerning the age of a child between the ages of seven and sixteen years, for the purpose of evading the provisions of this Ordinance, shall be guilty of a misdemeanor.

19) Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors, while school is in session any child absent unlawfully, shall be guilty of a misdemeanor.

20) Any child or children permitted by any parent, guardian, or other person having control thereof, to be habitually absent from school, contrary to the provisions of this Ordinance, shall be deemed a neglected child to be disposed of in the manner prescribed by Title 63 of the Code.

21) It shall be the duty of the Commonwealth Attorney of James City County to prosecute all cases arising under this Ordinance, and juvenile and domestic relations courts shall have exclusive original jurisdiction for the trial of such cases.

(22) When it is found upon investigation that the parent, guardian or other person having control of a child is unable to provide the necessary clothes in order that the child may



attend school, such parent, guardian or other person shall not be punished, unless the local board of public welfare, from public funds or otherwise, or some other agency or person furnish such child with the necessary clothes, and thereafter such parent, guardian or other person fails to send such child or children, to school, as required by law.

This Ordinance shall be in effect from date of its passage.