

The following ordinance proposed at the regular July meeting, 1959, held at the Courthouse of Patrick County, in Stuart, Virginia, on motion of W. P. Fulton, seconded by W. J. Conner, duly made and carried, having been duly advertised for adoption as provided by law is hereby adopted by the following vote:

Voting aye: W. P. Fulton, W. J. Conner, Reid L. Gunter, W. A. Cockram and W. G. Anderson.

Voting nay: None

AN ORDINANCE TO BE KNOWN AS THE "PATRICK COUNTY COMPULSORY SCHOOL ATTENDANCE LAW" FOR REQUIRING CHILDREN BETWEEN CERTAIN AGES TO ATTEND SCHOOL UNDER CERTAIN CONDITIONS AND PROVIDING PENALTIES FOR VIOLATION OF SAID ORDINANCE.

1. Every parent, guardian, or other person in the Commonwealth, 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 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 qualification 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 of 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 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 the school for the school year or until the pupil reaches his or her sixteenth birthday.

3. The provisions of this Act 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 miles and one half 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 4 of this Act. Compulsory education distances shall be measured or determined by the nearest 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 provision of 1 of this Act the school board shall on recommendation of the principal, the superintendent of schools and the judge of the juvenile and domestic relations court of such county or city 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 Act, 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 persons duly authorized by such superintendents or principals, may excuse cases of necessary absences 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 school wherein special methods are used and special equipment and instruction are provided for the blind or 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 school or receive instruction as required by this Act.

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 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 schools. 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 Commonwealth before the juvenile and domestic relations court. In addition thereto, such child or children may be proceeded against as a 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 or partially blind child or a deaf child to absent himself unlawfully from school 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 in the counties and towns and the truant officers of the cities shall, within thirty days from the beginning of the school year, furnish the division superintendent and the county, city or town school board with 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 and 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 5.

14. For the practical interpretation of the preceding sections of this Act 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 make 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 Commonwealth shall keep an accurate daily record of attendance of all children between seven and sixteen years of age. Such record shall be at all times open to any officer authorized to enforce the provisions of this Act who may inspect or copy the same, and shall be admissible in evidence in any prosecution for a violation of this Act, as prima facie evidence of the facts stated therein.

16. Every county school board and school board of a city or town 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 Act, and for such purpose only provided that, in a county, city or town where no attendance officer is appointed by the local school board, the division superintendent of schools 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 boards 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 to 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 Act, 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 Act, 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 attorneys for the Commonwealth of the several counties and cities to prosecute all cases arising under this Act 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.

23. The State Board of Education shall have the authority and it shall be its duty to see that the compulsory attendance laws, as provided in this Act, are properly enforced in those counties, cities and towns wherein this Act is in force.

24. This Act shall be in force in every county, city or town, if such town be a separate school district, when it has been recommended by resolution of the county, city or town school board and duly adopted by the governing body of such county, city or town in the same manner as local ordinances are adopted. The operation of this Act may be suspended in any county, city or town, if such town be a separate school district, by the governing body thereof in the same manner as local ordinances are repealed.

25. In any case where schools are operated jointly by more than one political subdivision, any resolution adopted pursuant to the authority of this

Act must be approved by a majority of the school board if a single board has been formed pursuant to the provisions of Chapter 6. Article 5, Title 22 of the Code and if such single board has not been so formed then by a majority of the members of each participating board, which said boards shall sit jointly but vote separately.

26. If any part, section, sentence, clause or phrase of this Act, or the application thereof to any person or circumstance, when it becomes in full force and effect in any county, city or town as provided herein, shall for any reason be adjudged to be invalid the remainder shall be inoperative; and the General Assembly hereby declares that it would not have passed this Act if such invalid part, section, paragraph, sentence, clause or phrase had not been included therein, or if such application had not been made.

All acts and parts of acts inconsistent with the provision of this Act are hereby repealed.