

CHAPTER 231.

[H. B. 202.]

COMPULSORY EDUCATION OF CHILDREN.

AN ACT relating to the compulsory education of children between the ages of eight and fifteen years in the state of Washington forbidding the employment of children during the session of the public schools, providing penalties for the violation of this act and repealing all laws and parts of laws in conflict with the provisions of this act.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. All parents, guardians and other persons in this State having or who may hereafter have immediate custody of any child between eight and fifteen years of age shall cause such child to attend the public schools of the district in which the child resides for the full time which such school may be in session, or shall attend a private school for the same time, unless the child is physically or mentally unable to attend school, has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of public schools of this State as provided by the course of study of the said school, is otherwise being furnished with the same education, or has been excused from such attendance for some other sufficient reason, by the superintendent of the schools of the district in which the child resides, if there be such a superintendent, and, in all other cases, by the county superintendent of common schools. Proof of absence from public school or approved private school shall be *prima facie* evidence of a violation of this section.

Parents shall cause children to attend school, when.

Absence prima facie evidence.

SEC. 2. No child under the age of fifteen years shall be employed for any purpose by any corporation, person or association of persons in this State during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent, as provided for in section one of this act, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child,

Employment of children under 15 years.

and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, corporation, company or person employing any such child shall keep such certificate on file so long as such child is employed by him, her or it. The form of said certificate shall be furnished by the Superintendent of Public Instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed *prima facie* evidence of a violation of this section.

Penalty.

SEC. 3. Any person violating any of the provisions of either of the two preceding sections shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violation of the provisions of this act, to a justice of the peace or to a judge of the superior court.

Attendance officers.

SEC. 4. To aid in the enforcement of this act, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. Any attendance officer may be a sheriff, deputy sheriff, constable, a city marshal, or a regularly appointed policeman. In all other districts the county superintendent shall act as attendance officer, and he shall also have authority to appoint one or more assistant attendance officers to aid him in the performance of his duties as attendance officer. The compensation of the attendance officer in such city districts shall be fixed and paid by the board appointing him. The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by this act, and shall have authority to enter all stores, mills, shops or other places in which children may be employed, for the purpose of making such investigations as may be necessary to the enforcement of this act. The attendance officer is authorized to take into custody the person of any child between eight and fifteen years of age, who may be a truant from school, and to conduct said child to his parents, for investigation and explanation, or to the school which he should properly at-

tend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of this act, and shall otherwise discharge the duties prescribed in this act, and shall perform such other services as the superintendent of schools or the board of directors may deem necessary. The attendance officer shall keep a record of his transactions, for the inspection and information of the board of directors and the city and county superintendent, and shall make a detailed report to the superintendent of the city or of the county, as often as the same may be required.

SEC. 5. Any attendance officer, sheriff, deputy sheriff, marshal, policeman, or any other officer authorized to make arrests in the city or district, shall arrest without a warrant a child who, under the provisions of this act is required to attend school, such child being then a truant from instruction at the school which he or she is lawfully required to attend, shall forthwith deliver a child so arrested either to the custody of a person in parental relation to the child or to the teacher from whom the child is then a truant, or, in case of habitual and incorrigible truants, shall bring him or her before a justice of the peace. The justice of the peace shall, if he be convinced that the child so arrested is an habitual truant or that the child is guilty of wilful and continued disobedience to the school rules and regulations or laws, or that the conduct of the child is pernicious and injurious to the school, bind the child over to the superior court with a view to his commitment to the State Reform School or other school for incorrigibles.

Arrest of
truants.

SEC. 6. It shall be the duty of the district clerk or secretary, at the beginning of each school year, to provide the teacher with a copy of the last census of school children taken in his school district: *Provided*, That if there be a principal or city superintendent in such district, the clerk or secretary shall make such census report to him, and it shall be the duty of every teacher to report to the proper truant officer, all cases of truancy or incorrigibility in his or her school, immediately after the offense or offenses shall have been committed; *Provided*, further,

Clerk to
provide copy
of census.

Teachers
to report
truancy.

That if there be a principal the report shall be made to him and by him transmitted to the truant officer; And *provided, further,* That if there be a city superintendent, the principal shall transmit such report to said city superintendent, who shall transmit such report to the proper truant officer of his district.

Jurisdiction
of courts.

SEC. 7. In cases arising under this act all justices' courts, municipal courts and superior courts in the State of Washington shall have concurrent jurisdiction.

Duty of
county at-
torney.

SEC. 8. The county attorney shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by this act.

Report of
clerk.

SEC. 9. The county superintendent shall on or before the 15th day of August, 1907, by printed circular or otherwise, call the attention of all school district officers to the provisions of this act, and to the penalties prescribed for the violation of its provisions, and he or she shall require the clerk of every school district to make a report annually hereafter, to him or her, verified by affidavit, stating whether or not the provisions of this act have been faithfully complied with in his district. Such reports shall be made upon blanks to be furnished by the Superintendent of Public Instruction and shall be transmitted to the county superintendent at the time the district clerk is required to make his annual report to the county superintendent. Any district clerk who shall make a false report relating to the enforcement of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and any district clerk who shall refuse or neglect to make the report required by this section, shall be personally liable to his district for any loss which it may sustain because of such neglect or refusal to report.

Failure to
comply with
act—effect.

SEC. 10. If the clerk of any school district shall fail to make the report required by the provisions of section nine (9) of this act, or if he shall report that the provisions of this act have not been faithfully complied with, or if the county superintendent shall personally know that

the provisions of this act have not been complied with in good faith in any school district, it shall be the duty of the county superintendent to withhold during the next succeeding school year and until such district shall have complied with the provisions of this act in good faith, twenty-five per cent. of all State school funds to which such district would have been entitled had it complied with the provisions of this act in good faith. He shall report the facts to the county treasurer, who shall return the money so withheld to the State Treasurer, and be by him returned to the current school fund of the State.

SEC. 11. Any superintendent, teacher, or attendance officer, who shall fail or refuse to perform any of the duties prescribed by this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty or more than one hundred dollars: *Provided*, That in case of a district officer, such fine shall be paid to the county treasurer and by him placed to the credit of the school district in which said officer resides, and in case of other officers such fine shall be paid to the county treasurer and by him placed to the credit of the general school fund of the county.

Failure to perform duties—penalty.

SEC. 12. All fines except as otherwise provided in this act shall inure and be applied to the support of the public schools in the district where such offense was committed.

Disposition of fines.

SEC. 13. No officer performing any duty under any of the provisions of this act, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by this act.

Liability for costs.

SEC. 14. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Repeal.

Passed the House March 14th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.