

No. 48, S.]

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CHAPTER 189.

AN ACT to amend section 439a and 439b, and to repeal section 439c of the statutes of 1898, relating to attendance at school.

The people of the state of Wisconsin represented in senate and assembly do enact as follows

School attendance. SECTION 1. Section 439a of the statutes of 1898 is hereby amended so as to read as follows: Section 439a. Any person having under his control any child between the ages of 7 and 14 years, or any child between the ages of 14 and 16 years not regularly and lawfully employed in any useful employment or service at home or elsewhere, shall cause such child to be enrolled and to attend some public, parochial or private school regularly, during such period and hours of the calendar year (religious holidays excepted) as the public, parochial or private school in which such child is enrolled may be in session; provided, that in cities such child must attend school not less than 8 calendar months, and in towns, villages, and districts not less than 5 calendar months in each year, and provided further that this section shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the school which the person having control of such child shall designate. Instruction during the required period elsewhere than at school by a teacher selected by the person having control of such child shall be equivalent to school attendance. Occasional legitimate absence from school attendance or instruction, shall not be deemed a violation of the provisions of this section. Any person who shall violate the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding three months for each offense. Any person who shall be proceeded against under the provisions of this section may prove in defense that he is unable to compel the child under his control to attend school or work, and he shall be thereupon discharged from liability, and

such child shall be proceeded against as incorrigible, or otherwise, according to law, and in case of commitment, if the parents or person having control of such child desire it, such child shall be committed to a school or association controlled by persons of the same religious faith as such child, which is willing and able to receive and maintain it without compensation from the public treasury. When in any proceeding under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly tested birth certificate shall be produced and filed with the court. In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

Duty of officers. SECTION 2. Section 439b of the statutes of 1898 is hereby amended so as to read as follows: Section 439b. In all cities of the first class the board of education or any board having similar powers, shall appoint three or more truant officers and in all other cities having more than 10,000 population by the last United States or state census, such board shall appoint one or more truant officers whose duty it shall be to see that the provisions of this and the last preceding section are enforced, and when of his personal knowledge, or by report or complaint from any resident of the city, a truant officer believes that any child is unlawfully and habitually absent from school and not otherwise receiving instruction as provided in section 439a as amended, he shall immediately investigate and render all service in his power, acting discreetly, to compel such child to attend some public, parochial or private school which the person having control of the child shall designate, or if over 14 years of age to attend school or become regularly employed at home or elsewhere, and upon failure he shall serve a written notice upon the person having control of such child requiring him to place such child in some public, private or parochial school within five days, and if such person shall fail to comply with such notice without legal excuse within the specified time, the truant officer shall prosecute such person in the manner provided in the preceding section. In all cities having less than 10,000 population by such census, and in all towns, villages and districts the board of education or any board having similar powers, or the district board may appoint one or more truant officers whose duties shall be the same as the truant officers above provided, and in case no truant officer is appointed, these duties shall be performed by the city superintendent of schools in

cities having such officers and by the chairman of the board of education or the district board in all other cities, towns, villages and districts. Any truant officer, or other officer whose duties are herein prescribed, who shall fail to comply with or enforce the provisions of this or the preceding section within fifteen days after a written notice has been served upon him by any qualified elector or taxpayer within the district, town, village or city within which the offending person shall reside, shall himself be liable to a forfeiture of not less than ten dollars nor more than twenty dollars for each offense, and any such elector or taxpayer may sue for such forfeiture. Truant officers shall receive only such compensation from the public school funds as may be determined upon by their respective boards and such truant officers shall report all cases of truancy and their action therein to their respective boards within seven days after such action shall have been taken. Any factory inspector or assistant factory inspector appointed by the commissioner of the bureau of labor and industrial statistics shall have the power of a truant officer, and shall report all cases of truancy coming to his knowledge to the board of the city, town, village or district in which such truant resides.

Special section repealed. SECTION 3. Section 439e of the statutes of 1898 and all acts and parts of acts in conflict with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.