

CHAPTER 132

ADMISSION AND ATTENDANCE

132.01 ADMISSION TO PUBLIC SCHOOL; AGE LIMITATIONS; PUPILS.

Teacher has no legal right to require a pupil to run errands relating to the teacher's personal affairs. OAG Sept. 22, 1944 (169).

Pupils permanently or temporarily living with grandparents may attend the local school without paying tuition, even though their parents reside elsewhere. OAG Feb. 9, 1945 (169p).

The age of pupils attending school is determined by the school board. OAG, March 2, 1945 (170-D).

Residence and not domicile determines the right of a pupil to be included in the school census and to attend any particular school. OAG Dec. 5, 1945 (56-B).

Whether or not the children of families occupying cottages at a summer resort have such residential status as to entitle them to free admission in the school is a matter of fact to be decided by the school board. It might be difficult to decide in the instant case against the fact of residency. OAG Nov. 26, 1946 (169-P).

Vaccination as prerequisite to school attendance. Power of local boards. 8 MLR 453.

Negro in the supreme court. 30 MLR 219.

Invalidity of requirement that persons of Latin descent (Mexicans) attend separate schools. 30 MLR 646.

132.02 ATTENDANCE NEARER SCHOOL.

Amended by L. 1947 c. 356 s. 1.

Parents cannot excuse themselves from sending their children to school in their home district unless actual arrangements are made for the education of the children outside of that school. 1944 OAG 95, March 25, 1943 (180-D).

Residents on line between two districts may exercise option as to which school they will attend. OAG Jan. 17, 1944 (169-P).

District of pupil's residence must pay for instruction of the pupil in an adjoining district. OAG Sept. 14, 1944 (180-G).

A child who resides more than two miles from home district school, unless his home district provides transportation, may attend school in another district. OAG Sept. 20, 1946 (166-a-10).

The distance between the home of the pupil and the schoolhouses respectively is the controlling test. Distance to bus route is immaterial. OAG Oct. 31, 1946 (169-P).

132.04 SCHOOL CENSUS.

District school census should determine in detail persons who have attained the age of five years on September 1, of the year in which the census is taken, and who have not attained the age of 21. OAG July 13, 1945 (159-A-8).

132.05 COMPULSORY ATTENDANCE.

Within limitations prescribed by statute, and upon proper application of parent or guardian, a pupil may be excused from public school for the purpose of receiving religious instruction. OAG Aug. 25, 1944 (170-F-2).

Evidence sufficient to satisfy the board that a pupil should be excused from attendance because of ill health is within the provisions of the statute. OAG Oct. 27, 1944 (169-M).

A school board has authority in its discretion to refuse to excuse a fourteen-year-old girl from attendance in school. OAG Dec. 28, 1944 (169b).

In the absence of excuse, a 15 year old pupil who has completed the eighth grade is required to continue to attend school. OAG Dec. 2, 1946 (169-B).

A correspondence school is not a private school within the meaning of the statute, attendance at which is an excuse for failure to attend the public school. OAG March 4, 1947 (169-B).

Legislature has power to decide what the policy of the law shall be, and if it has intimated its will, however indirectly, that will must be recognized. A parent does not escape penalty for neglect when he provides merely the minimum amount of education. He owes the child an education. *Mairs v Reynolds*, 120 F(2d) 857.

132.07 COMPULSORY ATTENDANCE; HOW ENFORCED.

Where children who had been attending school were sent during the winter to live with grandparents who resided in another county, attendance in the school at the residence of the grandparents was compliance with compulsory attendance statute if such residence with grandparents constituted establishment of residence by the pupils. OAG Feb. 9, 1945 (169-P).

Compulsory attendance at public schools. Injunction before aid takes effect. Constitutionality of statute. 9 MLR 70.