

ATTACHMENT 1: LEGISLATION

The following sections of the Education Act are relevant to this memorandum:

- Subsection 21(1) requires every child to attend school from the age of six until the age of eighteen.
- Subsection 21(2) lists the legal reasons that a child may be excused from attending school. One of the reasons is that "the child is receiving satisfactory instruction at home or elsewhere", stated in clause (a).
- Subsection 21(5) required parents to send children to school.
- Subsection 24(1) deals with the appointment of the Provincial School Attendance Counsellor, and subsection 24(2) sets out the authority and mandate of the Provincial School Attendance Counsellor to conduct an inquiry into the reasons for, and other circumstances related to, a child's non-attendance at school.
- Section 25 deals with the appointment by school boards of school attendance counsellors, and authorizes a school attendance counsellor to enforce compulsory school attendance.
- Section 26 sets out the duties and powers of school attendance counsellors.
- Section 30 deals with prosecution of parents or guardians for a child's non-attendance at school.
- Subsection 30(7) authorizes a court to order an inquiry under subsection 24(2).