

Chapter 1

Attending School

ABSTRACT

In this chapter, the author presents the information about attending school in the Convention on the Rights of the Child by the United Nations, the California Education Code, the Chinese Compulsory Education Act, and the Ontario Education Act. In all these three jurisdictions mentioned above a compulsory policy is implemented, but there are differences between their compulsory policies. The focus of the chapter is Ontario, as the author is more familiar with the Ontario education system than the Californian system and the Chinese system. The chapter refers to the specific sections in the Ontario Education Act on attending school, compulsory education, and the measures of implementing the compulsory education policy in Ontario.

The Convention on the Rights of the Child (UN, 1989) article 28 section 1 stipulated that States Parties recognize the right of the child to education based on equal opportunity. Clause (e) of the same section presented that States Parties should take measures to encourage regular attendance at schools and to reduce dropout rates. In California, the United States, compulsory education law requires everyone between the ages of 6 and 18 to attend school (California Legislative Information, n.d.). In China the government implements a 9-year compulsory education policy (the Chinese People's Congress, 2018).

In Ontario every person who attains the age of 6 years shall attend an elementary or secondary school on every school day until the person attains the age of 18 years. At the beginning of the Education Act (1990) in its purpose section, it states that a strong public education system is the foundation of

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a prosperous, caring and civil society, that the purpose of education is to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society, and that all partners in the education sector have a role to play in enhancing student achievement and well-being, closing gaps in student achievement, and maintaining confidence in the publicly funded education systems.

Education Act (1990) Part I section 11 subsection (1) stipulates that the Minister of Education may make regulations in respect to schools established under this Act and in respect to all other schools supported in whole or in part by public money prescribing the duties of pupils. The same section subsection (8) presents that the Minister may make regulations governing the excusal of persons who are at least 14 years old from compulsory attendance at school. The following are sections in Part II of the Act related to school attendance.

Section 21 subsection (1) stipulates that unless excused under this section every person between the ages of 6 and 18 shall attend an elementary or secondary school on every school day. A person is excused from attendance if the person is receiving satisfactory instruction at home or elsewhere, is unable to attend school by reason of sickness or other unavoidable cause, transportation is not provided by a district school board for the person and there is no school that the person has a right to attend situated within a certain distance, the person has obtained a secondary school graduation diploma or has completed a course that gives equivalent standing, the person is suspended, expelled, or excluded from attendance, or the person is absent on a day regarded as a holy day by the church to which the person belongs.

Section 21 subsection (5) stipulates that the parent (guardian) of a person required to attend school shall cause the person to attend school unless the person is at least 16 years old and has withdrawn from parental control.

Section 24 subsection (1) presents that the Lieutenant Governor may appoint an officer, to be the Provincial School Attendance Counsellor, who shall, under the direction of the Minister, superintend and direct the enforcement of compulsory school attendance.

Subsection (2) stipulates that where the parent (guardian) of a child considers that the child is excused from attendance under subsection 21 (2), and the appropriate school attendance counsellor is of the opinion that the child should not be excused from attendance, the Provincial School Attendance Counsellor shall direct that an inquiry be made as to the validity of the reason for non-attendance, and for such purpose shall appoint one or more persons who are not employees of the board operating the school that the child has

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