

MAINE STATE LEGISLATURE

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Dec. 12, 1944

To
Harland A. Ladd, Deputy

Education

Abraham Breitbard, Deputy

Attorney General

With reference to your memo of Dec. 5, the subject of which has been considered by this department. We interpret section 77 of R. S. Chapter 19 to mean that every child upon attaining the age of seven years must attend "some public day school during the time such school is in session", unless the child obtains equivalent instruction privately in accordance with the provisions of that section. We are also of the opinion that the child should be admitted immediately after arriving at the age of seven years. Whether a new class should be created would depend on the circumstances existing at the school.

You also ask this question. "Should the parents insist on entering the child as of January following the opening of schools in September, would the committee be obliged to accept him? Would this last answer be the same if the boy were six years of age?" We answer the first part of the question in the affirmative since, under section 77, attendance is compulsory. The question whether the child can be advanced at the end of the school term would depend largely on the mental capacity of the pupil, but whether he is advanced or not does not enter into the question for, under this provision, he must attend school and that requirement would compel his admission as a pupil. The last part of this inquiry is governed by section 32, under which the child is given the right to attend public school if he reached the age of six years before the last day of February following the opening of school in September.

Abraham Breitbard
Deputy Attorney General

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