

COMPULSORY EDUCATION LAW, 5709—1949*

CHAPTER ONE: INTERPRETATION

1 In this Law —

Interpreta-
tion.

"Minister" means the Minister of Education and Culture;

"Board of Education" means a board to be appointed by the Minister as a board of education and on which the recognised trends shall be represented;

"local education authority" means —

(a) in respect of the area of jurisdiction of a local authority — such local authority;

(b) in respect of a *moshav*, (smallholders' settlement), a *kevetza* (small communal settlement) or a *kibbutz* (large communal settlement) — the committee of the *moshav* or the secretariat of the *kevetza* or *kibbutz*, as the case may be; the area of the *moshav*, *kevetza* or *kibbutz* shall be deemed to be the area of jurisdiction of the committee or the secretariat, as the case may be;

(c) in respect of any other area — a committee recognised, or a person appointed, by the Minister, by order published in *Reshumot*, as a local education authority in respect of the area defined in the order; such area shall be deemed to be the area of jurisdiction of such committee or such person, as the case may be;

"child" means a person below the age of 14 years;

"adolescent" means a person of any age from 14 to 17 years inclusive;

"parents" of a child or adolescent include the guardian of the child or adolescent and any person in whose custody or under whose control or supervision the child or adolescent is placed;

"employer" means a person employing a child or adolescent in any employment whatsoever, with or without remuneration;

"kindergarten education" means education provided at a kindergarten to children of the age of 5 years;

"elementary education" means instruction provided in the course of nine school years and generally designed for children of the ages from 5 to 13 years inclusive, such school years including one school year of kindergarten education and eight school years in classes I to VIII inclusive;

"educational institution" means an institution for the systematic instruction of children or adolescents;

"educational institution for children" means an educational institution for the elementary education of children;

"educational institution for working youth" means an educational institution for the elementary education of adolescents;

"official educational institution" means an educational institution maintained by the State or by a local education authority, or by several local education authorities jointly, or by the State and a local education authority, or by the State and several local education authorities jointly, and which the Minister, by declaration published in *Reshumot*, has declared to be an official educational institution for the purposes of this Law;

"recognised educational institution" means —

(a) any official educational institution;

* Passed by the Knesset on the 18th Elul, 5709 (12th September, 1949) and published in *Sefer Ha-Chukkim* No. 26 of the 24th Elul, 5709 (18th September, 1949), p. 237; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 16 of the 14th Tammuz, 5709 (11th July, 1949), p. 163.

(b) any other educational institution which the Minister, by declaration published in *Reshumot*, has declared to be a recognised educational institution for the purposes of this Law;

"recognised trend" means any of the four trends existing in Jewish education, namely —

- (a) the General trend;
- (b) the Labour trend;
- (c) the Mizrahi trend;
- (d) the Agudat Yisrael trend.

CHAPTER TWO: COMPULSORY EDUCATION

Compulsory
education of
children and
adolescents.

2. (a) Compulsory education shall comprise all children of the ages from 5 to 13 years inclusive and all adolescents who have not completed their elementary education.

(b) Education at a recognised educational institution for children shall be compulsory —

(1) in the school year 5710 — for every child who at the beginning of that school year is of any age from 6 to 11 years inclusive;

(2) in the school year 5711 — for every child who at the beginning of that school year is of any age from 5 to 12 years inclusive;

(3) in the school year 5712 and thereafter — for every child who at the beginning of the school year concerned is of any age from 5 to 13 years inclusive.

(c) (1) Education in a recognised educational institution for working youth shall, in the school year 5710 and thereafter, be compulsory for every adolescent who has not completed his elementary education.

(2) A child of the age of 12 or 13 years who does not attend a recognised educational institution for children shall, in respect of the school year 5710, be deemed to be an adolescent of the age of 14 years.

(3) A child of the age of 13 years who does not attend a recognised educational institution for children shall, in respect of the school year 5711, be deemed to be an adolescent of the age of 14 years.

(d) A child liable to compulsory education is referred to in this Law as "a child of compulsory education age", and an adolescent liable to compulsory education is referred to in this Law as "an adolescent of compulsory education age".

Duty of
registration.

3. (a) The parents of a child or adolescent shall each be under a duty to effect a single registration of the child or adolescent, as specified in subsection (b), with the local education authority in whose area of jurisdiction the child or adolescent resides; where one of the parents has so registered the child or adolescent, the other shall be relieved of such duty.

(b) Registration under subsection (a) shall be effected —

(1) in respect of a child or adolescent who at the beginning of the school year 5710 will be of compulsory education age, and who did not attend a recognised educational institution at the end of the school year 5709 and has not been registered by his parents, before the coming into force of this Law, at a recognised educational institution for the school year 5710 — within thirty days from the day of the coming into force of this Law;

- (2) in respect of a child who at the beginning of the school year 5711 or of any subsequent school year will be 5 years of age — within such time as shall be prescribed by regulations, but not later than the first of Tammuz immediately preceding the beginning of the school year concerned;
- (3) in respect of a child or adolescent of compulsory education age who enters the country as an immigrant — within thirty days from the day of his immigration;
- (4) in respect of a child or adolescent of compulsory education age who changes his place of residence from the area of jurisdiction of one local education authority to the area of jurisdiction of another local education authority — within thirty days from the day of the change of residence.
- (c) (1) An employer who, on the day of the coming into force of this Law, employs an adolescent shall, within thirty days from the day of the coming into force of this Law, register the adolescent with the local education authority in whose area of jurisdiction the adolescent resides.
- (2) An employer who, after the coming into force of this Law, takes an adolescent into his employ shall, within seven days from the day of his taking him into his employ, register him with the local education authority in whose area of jurisdiction the adolescent resides.
- (3) An employer who ceases to employ an adolescent shall, within one week from the day of such cessation of employment, give notice thereof to the local education authority in whose area of jurisdiction the adolescent resides.
- (d) An adolescent of the age of 16 or 17 years who has not completed his elementary education shall be under a duty to effect a single registration of himself with the local education authority in the area of whose jurisdiction he resides. Such registration shall be effected —
- (1) if the adolescent is liable to registration on the day of the coming into force of this Law — within thirty days from such day;
- (2) if the adolescent attains the age of 16 years after the coming into force of this Law — within thirty days from the day of his attaining the age of 16 years;
- (3) if the adolescent enters the country as an immigrant — within thirty days from the day of his arrival;
- (4) if the adolescent changes his place of residence from the area of jurisdiction of one local education authority to the area of jurisdiction of another local education authority — within thirty days from the day of the change of residence.
- (e) An adolescent of the age of 16 or 17 years who has not completed his elementary education and who, having attended a recognised educational institution for working youth, has ceased to attend it shall, within seven days from the day of such cessation of attendance, give notice thereof to the local education authority in whose area of jurisdiction he resides.
- (f) A person contravening any of the provisions of subsection (a), (b) or (c) shall be liable to imprisonment for a term not exceeding fourteen days or to a fine not exceeding ten pounds or to both such penalties; but if the child or adolescent in respect of whom the offence is committed is employed in any work, the offender shall be liable to imprisonment for a term not exceeding twenty-eight days or to a fine not exceeding twenty pounds or to both such penalties.

Duty of
regular
attendance.

(g) An adolescent contravening any of the provisions of subsection (d) or (e) shall be liable to a fine not exceeding one pound, but he shall not be imprisoned for failure to pay such fine.

4. (a) The parents of a child of compulsory education age, or of an adolescent of compulsory education age who has not completed his elementary education, shall each be under a duty to ensure that such child or adolescent regularly attends a recognised educational institution.

(b) (1) Where a child or adolescent as aforesaid fails to attend regularly a recognised educational institution, each parent shall be liable —

(i) in respect of a first offence — to imprisonment for a term not exceeding fourteen days or to a fine not exceeding ten pounds or to both such penalties;

(ii) in respect of any subsequent offence — to imprisonment for a term not exceeding twenty-eight days or to a fine not exceeding twenty pounds or to both such penalties,

unless the parent proves that he did his best to ensure the regular attendance of the child or adolescent as aforesaid.

(2) A person shall not be prosecuted under this subsection unless the principal of the recognised educational institution at which the child or adolescent is registered has sent such person a notice in writing, by registered post, to the effect that the child or adolescent has failed to attend as aforesaid, and the child or adolescent fails to attend at any time notwithstanding that such notice has been sent; nor shall a person be prosecuted under this subsection before the expiration of seven days from the day the notice is despatched.

(c) (1) An employer employing a child of compulsory education age or an adolescent of compulsory education age who has not completed his elementary education shall release the child or adolescent from work, without making a deduction from his wages, on the days and at the hours fixed for the instruction of the child or adolescent, as may be prescribed by regulations.

(2) An employer contravening the provisions of this subsection shall be liable —

(i) in respect of a first offence — to imprisonment for a term not exceeding fourteen days or to a fine not exceeding ten pounds or to both such penalties;

(ii) in respect of any subsequent offence — to imprisonment for a term not exceeding twenty-eight days or to a fine not exceeding twenty pounds or to both such penalties.

(d) An adolescent of the age of 16 or 17 years who has not completed his elementary education and who fails to attend regularly a recognised educational institution for working youth shall be liable to a fine not exceeding one pound, but shall not be imprisoned for failure to pay such fine.

(e) Where a person is convicted of an offence under this section and the court is satisfied that at the time of the non-attendance at lessons in respect of which such person is convicted the child or adolescent was employed for a remuneration, the court may, in addition to any other penalty, impose upon such person a fine not exceeding the amount of the wage earned by the child or adolescent during such time.

(f) If the Minister is satisfied that —

(1) a child or adolescent in respect of whom his parents have paid a fine for an offence under subsection (b), or

(2) an adolescent who has paid a fine for an offence under subsection (d) has regularly attended a recognised educational institution for a period of one year subsequent to the imposition of the fine, the Minister may order the fine to be refunded to the person who paid it, and the fine shall be refunded accordingly.

(g) A child or adolescent of compulsory education age who is registered at a recognised educational institution and who, without sufficient excuse —

(1) is absent from his lessons so frequently that in the opinion of the principal of the educational institution his absences constitute a serious interruption of his studies, or

(2) is absent from his lessons for seven consecutive school days shall be deemed not to have attended the educational institution regularly.

5. (a) The Minister may, by direction published in *Reshumot*, direct that where a child or adolescent regularly attends an educational institution described in such direction and not being a recognised educational institution, the parents of such child or adolescent shall be exempt from the duties imposed on them or him under section 4.

Exemption.

(b) (1) The Minister may, by general or special direction, direct that the parents and the employer of the child or adolescent, and the adolescent, shall be exempt from the duties imposed on them or him under section 4, if—

(i) there exist, in the opinion of the Minister, special reasons why the child or adolescent should not attend a recognised educational institution and the child or adolescent receives systematic private tuition to the satisfaction of the Minister; or

(ii) the Minister is satisfied that the child or adolescent is incapable of regularly attending a recognised educational institution.

(2) The Minister may, in any direction under this subsection, impose such condition or restriction as to him seems right.

CHAPTER THREE: FREE EDUCATION

6. (a) From the beginning of the school year 5719, every child of compulsory education age, and every adolescent of compulsory education age who has not completed his elementary education, shall be entitled to free elementary education at an official educational institution.

Right to free education.

(b) No registration fee or any other payment shall be charged, in respect of a child or adolescent entitled to free elementary education under this section, for the education of such child or adolescent at an official educational institution, but the local education authority in whose area of jurisdiction the official educational institution attended by the child or adolescent is situated may, with the approval of the Minister, collect payments, at such rates as the Minister may determine, in respect of supplies provided by it to the child or adolescent and services rendered by it to the child or adolescent in addition to the services which the Minister has defined by regulations as usual services.

(c) Notwithstanding the provisions of subsection (b), every local education authority shall provide free of charge every adolescent attending an official educational institution for working youth situated in its area of jurisdiction with books, exercise-books, writing utensils and other equipment necessary for his studies.

(d) Where a person, before the coming into force of the Law, has paid to a local authority, or to another body or person being a local education authority

for the purposes of this Law, a registration fee or any other payment in respect of the education of a child or adolescent in the school year 5710, such local authority or other body or person shall refund such registration fee or other payment to the person who paid it; but the local authority may set off the amount of the registration fee or other payment received by it against any rate which the person who paid the registration fee or other payment is under statutory obligation to pay to it.

Responsibility
for free
elementary
education.

7. (a) The State is responsible for the provision of free elementary education under this Law.

(b) Official educational institutions for the provision of free elementary education under this Law to children and adolescents resident in the area of jurisdiction of a particular local education authority shall be maintained by the State and the local education authority jointly. The Minister, in consultation with the Minister of the Interior, shall, by order published in *Reshumot*, determine in respect of each school year and in respect of each local education authority the amounts of the respective contributions of the State and the local educational authority towards the maintenance of the official educational institutions providing elementary education to children and adolescents resident in the area of jurisdiction of the local education authority.

(c) The Minister may, by order, require a local education authority, or several local education authorities jointly, to open and maintain official educational institutions for elementary education.

Rate.

8. (a) The Minister in consultation with the Minister of the Interior may, by order published in *Reshumot*, confer upon a committee recognised or a person appointed by him as a local education authority, the power to impose on and collect from the inhabitants of the area which is the area of jurisdiction of that local education authority a rate to cover the expenditure involved in carrying out the obligations imposed on that local education authority under this Law.

(b) The principles according to which such rate shall be imposed, and the amount thereof, shall be determined by order.

(c) A rate as aforesaid shall, in respect of all matters relating to its collection, be deemed to be a tax within the meaning of the Taxes (Collection) Ordinance¹.

Educational
institutions
for
problematic
and crippled
children and
adolescents.

9. (a) The Minister may, by order, require a local education authority or several local education authorities jointly, to open and maintain an official educational institution for problematic or crippled children or adolescent resident in the area or areas of jurisdiction of such local education authority or authorities and entitled to free elementary education under this Law.

(b) The Minister may, by order, require a local education authority to contribute, at such rate as he may in the order prescribe, towards the cost of maintaining a recognised educational institution providing free elementary education to problematic or crippled children or adolescents resident in the area of jurisdiction of that local education authority and entitled to free elementary education under this Law.

¹) *Laws of Palestine*, vol. II, cap. 137, p. 1399 (English Edition).

CHAPTER FOUR: PARENTS' RIGHT TO CHOOSE
A RECOGNISED TREND

10. (a) Parents discharging the duty imposed on them under section 3 to register a child or adolescent may, at the time of registration, declare that they wish the child or adolescent to attend an educational institution for elementary education belonging to a certain recognised trend or that they wish him to attend some other educational institution for elementary education. Where no such declaration is made, the parents shall be deemed to have declared that they wish the child or adolescent to attend the official educational institution for elementary education which is nearest to the place of residence of the child or adolescent.

Parents' right to choose a recognised trend.

(b) The Minister may, by order, require a local education authority or several local education authorities jointly to open and maintain, at the wish of the parents of children or adolescents resident in the area or areas of jurisdiction of such local education authority or authorities, an official educational institution for elementary education of a certain recognised trend or another official educational institution for elementary education. Detailed provisions as to the making of orders under this subsection shall be enacted by regulations.

CHAPTER FIVE: GENERAL PROVISIONS

11. For the purposes of this Law, a child or adolescent shall be deemed to have attained a particular age at the beginning of a particular school year if he attains that age before the 1st Tivet of that school year.

Age.

12. Every local education authority shall maintain a card-index of all children and adolescents of compulsory education age resident in its area of jurisdiction.

Card-index of children and adolescents of compulsory education age.

13. (a) The Minister may delegate to another person all or any of the powers vested in him by sections 4(f) and 5(b).

Delegation of powers of Minister.

(b) A notice of any delegation of powers under this section shall be published in *Reshumot*.

CHAPTER SIX IMPLEMENTATION

14. The Minister shall consult the Board of Education before exercising any of the powers vested in him by this Law, except the powers vested in him by sections 4(f), 5(b), 8 and 13.

Functions of Board of Education.

15. The Minister is charged with the implementation of this Law and may make regulations as to any matter relating to its implementation.

Implementation and regulations.

16. This Law shall come into force on the day of its publication in *Reshumot*; provided that in the period between such day and the 13th Nisan, 5710 (31st March, 1950) the provisions of this Law shall be implemented only to such extent as the Minister may determine by order published in *Reshumot*.

Commencement.

DAVID BEN-GURION
Prime Minister

ZALMAN SHAZAR
Minister of Education and Culture

YOSEF SPRINZAK
Chairman of the Knesset
Acting President of the State