

Hon. Mr. Fowlds.

EDUCATION AMENDMENT (No. 2).

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 6 of principal Act amended. 3. Section 33 of principal Act amended. 4. Section 52 of principal Act amended. 5. Section 72 of principal Act amended. 6. Section 105 of principal Act amended. 7. Medical and physical examination of school children. 8. Section 149 of principal Act amended. 9. Section 150 of principal Act amended. <p><i>Education of Blind, Deaf, Feeble-minded, and Epileptic Children.</i></p> <ol style="list-style-type: none"> 10. Interpretation. Education of blind, &c. Repeal. 11. Extended period of instruction in certain cases. 12. Notice to be given to Minister as to blind and other children. 13. Repeal. | <ol style="list-style-type: none"> 14. Inspection of educational and other institutions. Repeal. 15. Section 177 of principal Act amended. 16. Section 184 of principal Act amended. 17. Education Boards may make regulations requiring attendance at continuation and technical classes. 18. Section 196 of principal Act amended. 19. Section 197 of principal Act amended. 20. Section 214 of principal Act amended. 21. Section 218 of principal Act amended. 22. Twelfth Schedule to principal Act amended. 23. Section 5 of amending Act of 1908 amended. 24. Section 7 of amending Act of 1908 amended. 25. Section 7 of amending Act of 1908 further amended. 26. Section 8 of amending Act of 1908 amended. 27. Repeal. 28. Second Schedule to amending Act of 1908 amended. |
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A BILL INTITULED

AN ACT to amend the Education Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

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| <ol style="list-style-type: none"> 1. This Act may be cited as the Education Amendment Act, 1910, and shall be read together with and deemed part of the Education Act, 1908 (hereinafter referred to as the principal Act). 2. Section six of the principal Act is hereby amended by omitting from paragraph (b) of subsection one thereof, the words "eleven shillings and threepence," and substituting therefor the words "twelve shillings." 3. (1.) Section thirty-three of the principal Act is hereby amended by inserting, after the words "paid by the Board, in subsection two thereof, the words "or by any School Committee within the education district." (2.) The said section is hereby further amended by repealing the proviso to subsection two thereof, and by adding the following new subsections:— (3.) A Board may reimburse to every member the expenses reasonably incurred and actually paid by him in going to or returning from any meeting of the Board or of any committee thereof of which he is a member, or in making any official visit of inspection when appointed by the Board to make that inspection. | <p>Short Title.</p> <p>Section 6 of principal Act amended.</p> <p>Section 33 of principal Act amended.</p> |
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“(4.) Before any member is paid any money for travelling-expenses under the *last preceding* subsection he shall make a statutory declaration that he has not been paid and is not entitled to be paid any sum in respect of the same travelling-expenses by any other person or body corporate, and shall deliver that declaration to the Chairman or Secretary of the Board. 5

“(5.) Any such declaration by any member other than the Chairman may be made before the Chairman of the Board.”

Section 52 of principal Act amended.

4. Section fifty-two of the principal Act is hereby amended by adding thereto the following words: “Provided also that the grants to Committees under paragraph (e) hereof shall include such grants for incidental expenses as defined by regulations as shall amount in the aggregate for all the Committees taken together to not less than the total amount calculated at the rate of five shillings and sixpence for each child in average daily attendance in the Education District.” 10 15

Section 72 of principal Act amended.

5. (1.) Section seventy-two of the principal Act is hereby amended by omitting from paragraph (b) thereof all the words after the words “either sex who,” and substituting therefor the following words: “on the first day of the month in which the examination is held are not over fourteen years of age, have been resident in New Zealand for three years immediately preceding, and for the six months immediately preceding have been under regular instruction in the subjects of the Fifth Standard or a higher standard at a school in New Zealand, being a public school, a Native school, or other school subject to inspection under ~~the~~ *this Act*.” 20 25

(2.) The said section is hereby further amended by omitting the word “forty” wherever it occurs in paragraph (e) thereof, and substituting therefor the word “thirty-five,” and by adding at the end of the paragraph the following words: “For the purpose of this paragraph the word ‘schools’ shall include public schools, Native schools, and other schools subject to inspection under this Act”; and by omitting paragraph (f) thereof. 30

Section 105 of principal Act amended.

6. Section one hundred and five of the principal Act is hereby amended by inserting, after the word “upwards,” the following words: “unless such person has received a free pardon or has undergone the sentence or punishment to which he was adjudged for such offence.” 35

Medical and physical examination of school children.

7. Any Inspector or any teacher of a public school, secondary school, Native school, industrial school, or special school as defined by section *ten* hereof may make such medical or physical examination of the pupils of the school as may be prescribed by regulations, and may require the parent of any such child to give all reasonable information that may be necessary in pursuance of or in connection with such medical or physical examination. 40

Section 149 of principal Act amended.

8. Section one hundred and forty-nine of the principal Act is hereby amended by omitting from subsection one thereof all the words after the word “required,” and substituting therefor the words “to have his name enrolled on the register of some public school, and to attend the said school whenever it is open”; and by repealing subsection two thereof. 45 50

Section 150 of principal Act amended.

9. Section one hundred and fifty of the principal Act is hereby amended by omitting paragraph (e) thereof.

Education of Blind, Deaf, Feeble-minded, and Epileptic Children.

10. (1.) For the purposes of this section *and the two next succeeding sections*— Interpretation.

5 “Child” means ~~any~~ a boy or girl over six years and under twenty-one years of age, or, in the absence of positive evidence as to age, being in the opinion of the Minister apparently between six and twenty-one years of age, ~~and~~
Struck out.

10 includes an illegitimate child and also a child adopted under Part III of the Infants Act, 1908 :

“Blind child” means a child who, on account of his defective sight, cannot be efficiently taught with other children in an ordinary school; ~~and, similarly, a~~

15 “Deaf child” means a child who, on account of his defective hearing, cannot be taught orally with other children in an ordinary school:

20 “Epileptic child” means an epileptic child who is unfit by reason of severe or frequent epilepsy to attend an ordinary school, but is not idiot or imbecile, or otherwise a proper person to be sent to an institution under the control of the Mental Hospitals Department:

25 “Feeble-minded child” means a child who, not being idiot or imbecile or otherwise a proper person to be sent to an institution under the control of the Mental Hospitals Department, and not being merely backward, is by reason of mental or physical defect incapable of receiving proper benefit from instruction in an ordinary school, but is not incapable by reason of such defect of receiving benefit from instruction in a special school:

30 “Parent” means the father, stepfather, grandfather, mother, stepmother, or grandmother, or a brother (if of full age) of a child born in lawful wedlock or the mother of an illegitimate child, and includes an adopting parent within the meaning of *Part III* of the Infants Act, 1908, and the wife or husband, as the case may be, of an adopting parent; and also includes any person who has been adjudged to be the father in accordance with the provisions of section eight of the Destitute Persons Act, 1908; and further includes the executor or administrator of any person referred to in this definition:

40 “Special school” means a school established or set apart specially by the Minister for the maintenance, education, or training of deaf, blind, feeble-minded, epileptic, or otherwise physically or mentally defective children.

45 (2.) It shall be the duty of the parent of any blind, or deaf, or feeble-minded, or epileptic child to provide efficient and suitable education for such child. Education of blind, &c.

50 (3.) If the parent of such child is deemed by the Minister to be unable to ~~do so~~, provide such education, the Minister may direct that such child be sent to such institution for the education of blind, or deaf, or feeble-minded, or epileptic children, as he thinks fit; ~~or he~~

~~may, at that time or thereafter, direct that such child be boarded out with duly qualified persons under such conditions as will secure that the child will receive proper care and be under efficient and suitable instruction; and the said parent shall contribute to the cost of the maintenance and education of the child as may be agreed between such parent and the~~ 5
Minister.

(4.) If no such agreement is made, or where any payment so agreed to be made is in arrear for one month, then, a Magistrate may, on application in that behalf, make an order directing the parent to pay the sum of ten shillings a week towards the main- 10
tenance and education of the child; but if the parent proves to the satisfaction of the Magistrate that he is unable to pay so much, the Magistrate may make an order for the payment of any less sum than ten shillings a week, unless the parent proves to the satisfaction of the Magistrate that he is unable to pay any sum whatever. Such 15
order may also provide for the cost of the past maintenance and education of the child on such terms as to payment as the Magistrate thinks fit, but so that the total amount to be paid shall be computed at a rate not exceeding ten shillings a week.

(5.) If the parent of the child fails to provide efficient and suit- 20
able education for that child or to send that child to such institution for blind, or deaf, or feeble-minded, or epileptic children as the Minister directs, he may be brought before a Magistrate, who may make an order directing the child to be sent to that institution, and may also make an order directing the parent to contribute to 25
the cost of the maintenance and education of the child in the manner provided by the *last preceding* subsection.

New subclause.

(5A.) Any child sent to an institution under subsection *three* or subsection *five* of this section may at any time, by direction of the 30
Minister, be boarded out with duly qualified persons under such conditions as will secure that the child will receive proper care and will be under efficient and suitable instruction; and such child, while so boarded out, shall be deemed to be at the institution to which he was 35
sent.

(6.) The Magistrate on making an order for payment under this section shall direct to whom and at what times the moneys payable under the order shall be paid.

(7.) If the person by whom moneys are payable under any such order does not pay the same at the times stated in the order, then 40
such moneys may be recovered as a debt in any Court of competent jurisdiction by the persons entitled thereto; or all proceedings may be taken for the recovery thereof as though such order had been made under the provisions of the Destitute Persons Act, 1908, or any Act hereafter to be passed relating to destitute persons. 45

(8.) If the parent proves his inability to ~~contribute any sum whatever towards~~ pay the full cost of the maintenance of the child at such special school, the cost thereof at a rate *deficiency* not exceeding ten *eight* shillings a week shall be defrayed by the Hospital and Charitable Aid Board of the district wherein such child was resident 50
when the order for his admission to such special school was made; and in case any such maintenance-moneys shall *are not be* paid by

the Board aforesaid, the Secretary for Education, in his own name, on behalf of the Crown, may recover the same from the said Board as a debt due to the Crown; or the Minister of Finance may deduct the amount of such debt from any subsidy payable in the same year or

5 any subsequent year to the said Board. On payment to the Crown of any such moneys by any Board, all *the same* rights of action as are vested in the Crown against any other person for the recovery of those moneys shall thereupon be vested *also* in the Board, and may be exercised by the Board in its own name and on its own behalf.

10 (9.) If the full cost of maintenance, education, and training of a blind, or deaf, or feeble-minded, or epileptic child at a special school is not being paid, and such child is or becomes at any time entitled to any real or personal property in New Zealand, or to any interest therein, whether the same is vested in such child or in any trustee

15 on his behalf, or otherwise howsoever, then and in such case, and whether or not any agreement or order for contributions to the support of such child at such special school has been made, and whether or not the moneys payable under any such agreement or order (if made) have been duly paid, the provisions of section thirty-eight

20 of the Industrial Schools Act, 1908, shall, *mutatis mutandis*, apply.

(10.) The Minister may provide such means as he thinks fit to secure that every blind, or deaf, or feeble-minded, or epileptic child who is receiving tuition privately is under efficient instruction.

25 (11.) The parent of any child may be granted by the Minister exemption from providing efficient instruction for such child, if the Minister is satisfied that the child is unfit to receive such instruction by reason of sickness, infirmity, or any other cause; that the child has reached a standard of education that, in the opinion of the

30 Minister, makes it unnecessary that such instruction should be continued; or that such child is sufficiently proficient in some art, handicraft, or calling to enable him to maintain himself by his own labour.

New subclause.

35 (11A.) Any application to a Magistrate under this section may be made either by the principal of the institution concerned or by any person authorised by the Minister for the purpose, either generally or for any particular case.

40 11. (1.) Where, in the opinion of the Minister, a feeble-minded or epileptic child who is or is apparently twenty years and six months of age and is through mental or physical defect or otherwise not (in his own or the public interest) a proper person to be free from guidance or control in a special school, the Minister may direct the principal of such school to make application to a Magistrate for an order directing that the said person be kept under

45 guidance and training in the said school or in any other special school for a further period.

(2.) On receipt of such application, the Magistrate shall assign counsel to such person, and such counsel shall be given all reasonable means of ascertaining the full facts of the case.

50 (3.) If, on hearing the evidence, the Magistrate is satisfied that such an extension of the period of guidance and training should be

Extended period of instruction in certain cases.

made, he may direct that the said person shall so remain *at under the guidance and control of the principal* of such school for a further period not exceeding four years.

(4.) Within six months of the expiry of such extended period a like direction may be applied for to the Court, and the Magistrate may make an order for a further extension of the period of control for a time not exceeding four years from the date of the expiry of the first extended period; and so on, in a like manner, proceedings may be taken and an order made within six months of the expiry of any period of control:

Provided, however, that during the currency of any such order the provisions of subsection *eleven* of the *last preceding* section shall apply.

(5.) Every ~~adult~~ person over the age of twenty-one years who is maintained at a special school wholly or in part by the Government, or by any local authority, or by the Trustees of any benevolent institution, shall be deemed to be a "destitute person" within the meaning of the Destitute Persons Act, 1908, and all proceedings for payment for his or her maintenance at such school may be taken under the provisions of that Act.

12. Every parent, teacher of a school (either public or private), constable, or officer of a charitable or kindred institution who is aware of the place of residence (either temporary or permanent) of a blind, deaf, feeble-minded, or epileptic child, and the householder in whose house any such child resides, ~~is required to~~ shall send notification of the fact to the Minister, giving the name, age, and address of the child; and if any such person neglects or fails to comply with this provision, such person shall on conviction thereof be liable to a fine not exceeding *one* pound, or in the case of a second or subsequent offence, whether relating to the same or another child, not exceeding *five* pounds.

13. Section one hundred and sixty-seven of the principal Act is hereby repealed.

14. (1.) The Governor may cause inspection to be made from time to time by an Inspector of the Education Department of any educational institution maintained wholly or in part by a grant or grants from the public revenue or by endowments derived from a grant or grants of land made at any time by the Governor or otherwise.

(2.) The Governor may cause all orphanages or kindred institutions to be inspected from time to time by such Inspectors of the Education Department as are specially approved by him for the purpose of ascertaining that the children maintained under the direction of such institutions are receiving efficient instruction, and that such institutions are in their management acting consistently with the Acts and regulations now or hereinafter to be in force in New Zealand for the proper conduct of schools, orphanages, or other institutions established for the education, care, and upbringing of children maintained apart from their parents or guardians.

(3.) Section one hundred and seventy-one of the principal Act is hereby repealed.

15. Section one hundred and seventy-seven of the principal Act is hereby amended by omitting all the words after the words

Notice to be given to Minister as to blind and other children.

Repeal.

Inspection of educational and other institutions.

Repeal

Section 177 of principal Act amended.

“means a class” down to the words “Saturday and,” inclusive, in the definition of “continuation class,” and by inserting the following definition:—

5 “‘Technical high school’ means a technical school recognised by the Minister as a technical high school in which are held before six o’clock in the afternoon on five days in each week, for at least twenty hours in each week, and for at least thirty weeks in each year, special, associated, or College classes recognised by the Minister under this Part of the Act.”

10 16. (1.) Section one hundred and eighty-four of the principal Act is hereby amended by repealing subsection one thereof, and substituting therefor the words “Subject to the provisions of this Act, every controlling authority of classes under this Part of this Act (not being school classes or classes at technical high schools) shall be entitled to receive, by way of capitation, payment out of the public funds in respect of the attendances of pupils at the several classes. Such payment shall be in accordance with regulations under this Act:

Section 184 of principal Act amended.

20 Provided that the rate thereof shall not be less than three halfpence and not more than ninepence for every attendance at a class:

25 Provided also that in the case of technical high schools there may be paid in lieu of capitation at the rate specified above such annual grants not exceeding ten pounds in respect of each pupil, or fifteen pounds in respect of each free pupil as may be prescribed by regulations:

30 Provided further that, except as prescribed by regulations under this Act, no payment shall be made in respect of any pupil who is under the age of fourteen years, nor in respect of any pupil who is on the roll of a public school or secondary school:

35 Provided further that in the case of associated classes other than those specified in Part II of the *Twelfth* Schedule hereto the controlling authority shall pay over all moneys to the managers of the classes.

40 (2.) The said section is hereby further amended by repealing subsection two thereof, and substituting therefor the words “When in the case of a class of less than twenty pupils in a country district it is shown to the satisfaction of the Minister that such class is required by the circumstances of the locality, and is efficiently taught, and further that the attendance at such class is as large as could reasonably be expected, payment at the rate specified above may be made as for a class of twenty pupils or such less number as the Minister after consideration of the case may determine.”

45 (3.) The said section is hereby further amended by adding to subsection ~~four~~ thereof the words *after subsection three the following subsections*:—

New.

50 “(4.) A register shall be kept for every such class showing the duration of the class, and the presence or absence of each pupil at any such class shall be recorded in the register within fifteen minutes after the time appointed for the meeting of the class:

“Provided that in the case of a technical high school it shall be

sufficient to mark the attendance of the pupils in the manner prescribed by regulations under this Act."

Struck out.

(4.) The said section is hereby further amended by repealing subsection five thereof, and substituting therefor the words

(5.) "It shall not be lawful to enter on the register for any special, associated, or College class, except as provided by regulations under this Act, the name of any person under the age of fourteen years, nor the name of any person on the roll of any public school, district high school, or secondary school."

New subclause.

(4.) Subsection two of section twenty of the Education Amendment Act, 1908, is hereby repealed.

Education Boards may make regulations requiring attendance at continuation and technical classes.

17. (1.) On the application of the School Committee, the Education Board may, with the concurrence of the Minister, make, vary, and revoke regulations requiring the attendance (at such times and for such periods as may be prescribed) at continuation classes or technical classes of young persons above the age of fourteen years within the school district who are not otherwise receiving a suitable education or who are not specially exempted by the regulations:

Struck out.

Provided that no such regulation shall apply to young persons over the age of seventeen years:

Provided also that no young person shall be required to attend a continuation class or technical class if it is held beyond two miles measured along the nearest road from the residence of such young person, or to attend such classes for more than five hours in any one week, or for more than one hundred and fifty hours in any year.

(2.) If any person fails to notify the School Committee or the Education Board in terms of any such regulation in regard to any young person employed by him, or knowingly employs a young person at any time (other than the ordinary hours of employment prescribed for such young person by any Act or award or industrial agreement) when his attendance is by any such regulation required at a continuation class or technical class, or for a number of

Struck out.

hours which, taken with the time required under any such regulation to be spent at a continuation class or technical class, causes the hours of employment and one-half of the time so spent to exceed in any week the period of employment permitted for such young person by any Act he shall be liable to a fine not exceeding two pounds and not less than five shillings, or in the case of a second or subsequent offence, whether relating to the same or another young person, not exceeding five pounds.

(3.) If any parent of a young person by wilful default or by habitually neglecting to exercise due care has conduced to the commission of an offence under the last preceding subsection, or otherwise to failure on the part of a young person to attend a class or classes as required by such regulations, he shall be liable to the like penalties as aforesaid.

(4.) All proceedings under the *two* last preceding subsections may be had and taken in the manner and by the persons prescribed in sections one hundred and fifty-four, one hundred and fifty-five, and one hundred and fifty-six of the principal Act.

5 (5.) For the purposes of this section "technical class" means a class for technical instruction, and "young person" means a boy or girl over the age of fourteen years but not over the age of seventeen years.

10 18. Section one hundred and ninety-six of the principal Act is hereby amended by inserting the following definition:—

Section 196 of principal Act amended.

"'Board' means either the Education Board of any district constituted under this Act or the governing body of a secondary school, as the case may be":

15 and also by inserting in the definition of "teacher," after the words "public schools," the words "or in the secondary schools," and by inserting after the words "New Zealand" the words "who has been so employed for not less than two years."

20 19. Section one hundred and ninety-seven of the principal Act is hereby amended by adding the following subsection:—

Section 197 of principal Act amended.

"(2.) Any society consisting of any number of teachers in the secondary schools of New Zealand, not less than ten, who are associated for any lawful purpose connected with their profession (not being for purposes of gain), may be in like manner and on the like conditions registered under this Act."

25 20. Section two hundred and fourteen of the principal Act is hereby amended by omitting all the words after the words "Provided further that" and substituting therefor the following words: "the determination by the Board of the engagement of any male teacher on the ground that he has reached the age of sixty-five years, or of the engagement of any female teacher on the ground that she has reached the age of fifty-five years, shall be deemed to be reasonable without regard to any other circumstances."

Section 214 of principal Act amended.

30 21. Section two hundred and eighteen of the principal Act is hereby amended by omitting the words "a similar position in another school, and," and substituting therefor the following words:

Section 218 of principal Act amended.

35 "another position to which the same salary is attached; or if by such decision it appears that the appellant is fit to be appointed to another position to which a lower salary is attached, he shall, if the Court so orders, be entitled to be appointed to such lower position.

40 In either of these cases he".

45 22. Part II of the Twelfth Schedule to the principal Act is hereby amended by omitting the names of the following classes: Auckland Technical Classes, Christchurch School of Domestic Instruction, Dunedin Technical Classes, Invercargill Technical Classes.

Twelfth Schedule to principal Act amended.

23. Section five of the Education Amendment Act, 1908, is hereby amended by omitting from subsection one thereof all the words after the words "in accordance with," and substituting therefor the words "the average attendance as prescribed in the

Section 5 of amending Act of 1908 amended.

50 Second Schedule hereto."

Section 7 of
amending Act of
1908 amended.

24. Section seven of the Education Amendment Act, 1908, is hereby amended by repealing subsection five, and substituting therefor the following:—

“(5.) Notwithstanding the provisions of the last preceding subsection, if a teacher in a public school is transferred from one position to another position (whether those two positions are in the same school or in different schools, or under the same Board or under different Boards), his salary in his new position shall be determined in the manner following:—

“(a.) If the amount of the final salary which he received in his former position is less than the minimum salary of the grade or subgrade of salary attached to his new position, he shall receive as his initial salary in his new position the amount of such minimum salary, and thereafter shall receive an annual increment in the manner provided in the last preceding subsection.

“(b.) If the amount of the final salary which he received in his former position is greater than the maximum salary of the grade or subgrade of salary attached to his new position, he shall receive as his salary in his new position the amount of such maximum salary.

“(c.) In any other case he shall receive as his initial salary in his new position the amount of the final salary which he received in his former position, and shall receive his first increment of salary on the same date as if he had continued in the position from which he was so transferred.”

Section 7 of
amending Act of
1908 further
amended.

25. Section seven of the Education Amendment Act, 1908, is hereby further amended by omitting from subsection eight thereof all the words after the words “had taken place.”

Section 8 of
amending Act of
1908 amended.

26. Section eight of the Education Amendment Act, 1908, is hereby amended by omitting the words “having more than eight pupils in average daily attendance,” and substituting therefor the words “of Grade I or a higher grade.”

Repeal.

27. Subsection one of section twenty of the Education Amendment Act, 1908, is hereby repealed.

Second Schedule to
amending Act of
1908 amended.

28. (1.) The Second Schedule to the Education Amendment Act, 1908, is hereby amended in manner indicated in the Schedule hereto.

SCHEDULE.

Schedule.

SECOND SCHEDULE TO EDUCATION AMENDMENT ACT, 1908, AMENDED.

(a.) By inserting, before the first column of Part I of the said Second Schedule, the following column :—

Col. A.
Average Attendance.
9-15
16-25
26-35
36-80
81-120
121-160
161-200
201-250
251-300
301-350
351-400
401-450
451-500
501-550
551-600
601-650

(b.) By adding to the said Part I the following new paragraph :—

“(f.) The number of assistants and pupil-teachers in a school shall be determined by the average attendance shown in Column A hereof in the manner prescribed by regulations; such average attendance shall be the average attendance for a period immediately preceding not greater than one year.”

(c.) By inserting, before column 1, in each of the tables (i), (ii), (iii), of Part II of the said Schedule, the following column :—

Col. A.
Average Attendance.
201-250
251-300
301-350
351-400
401-450
451-500
501-550
551-600

(d.) By inserting, after paragraph (d) of the said Part II, the following new paragraph :—

“(e.) The number of assistants and pupil-teachers in a school shall be determined by the average attendance shown in Column A of the tables (i), (ii), and (iii) herein, in the manner prescribed by regulations; such average attendance shall be the average attendance for a period immediately preceding, not greater than one year.”