
By: Delegates Shriver, Heller, Bozman, C. Mitchell, and McKee

Introduced and read first time: January 24, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Compulsory School Attendance - Age Limits**

3 FOR the purpose of raising the age of compulsory school attendance; providing an
4 exception for a minor who has obtained a high school diploma or certificate; raising
5 the age at which an individual may receive a high school diploma by examination;
6 providing for the application of this Act; and generally relating to the age of
7 compulsory school attendance.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 7-205(a) and 7-301
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Education**

16 7-205.

17 (a) An individual may obtain a high school diploma by examination as provided in
18 this section if the individual:

19 (1) Has not obtained a high school certificate or diploma;

20 (2) Has resided in this State or on a federal reservation in this State for at
21 least 3 months, except that the State Board may waive this residence requirement if the
22 State Board considers the waiver justified;

23 (3) Is [16] 18 years old or older; and

24 (4) Has withdrawn from a regular full-time public or private school program
25 for at least 3 months, except that the State Board may waive the 3-month withdrawal
26 requirement for a student enrolled in the Paquin School in Baltimore City if the State
27 Board considers the waiver justified.

1 7-301.

2 (a) (1) Except as otherwise provided in this section, each child who resides in
3 this State and is 5 years old or older and under [16] 18 shall attend a public school
4 regularly during the entire school year unless the child is otherwise receiving regular,
5 thorough instruction during the school year in the studies usually taught in the public
6 schools to children of the same age.

7 (2) In accordance with regulations of the State Board of Education, a child
8 who resides in this State and is 5 years old may be exempted from mandatory school
9 attendance for 1 year if the child's parent or guardian files a written request with the local
10 school system asking that the child's attendance be delayed due to the child's level of
11 maturity.

12 (3) Except as provided in subsection (f) of this section or in regulations of
13 the State Board of Education, each child who resides in this State shall attend a
14 kindergarten program regularly during the school year prior to entering the first grade
15 unless the child is otherwise receiving regular, thorough instruction in the skills and
16 studies usually taught in a kindergarten program of a public school.

17 (4) A CHILD UNDER THE AGE OF 18 YEARS WHO HAS OBTAINED A HIGH
18 SCHOOL CERTIFICATE OR DIPLOMA IS NOT SUBJECT TO THIS SUBSECTION.

19 (b) A county superintendent, school principal, or an individual authorized by the
20 county superintendent or principal may excuse a student for a lawful absence.

21 (c) Each person who has legal custody or care and control of a child who is 5 years
22 old or older and under [16] 18 shall see that the child attends school or receives
23 instruction as required by this section.

24 (d) (1) This section applies to any child who has a mental, emotional, or
25 physical handicap.

26 (2) This section does not apply to a child:

27 (i) Whose mental, emotional, or physical condition makes his
28 instruction detrimental to his progress; or

29 (ii) Whose presence in school presents a danger of serious physical
30 harm to others.

31 (3) With the advice of the school principal, supervisor, pupil personnel
32 supervisor, or visiting teacher and with the written recommendation of a licensed
33 physician or a State Department of Education certified or licensed psychologist, the
34 county superintendent may:

35 (i) Make other appropriate provisions for the free education of any
36 student excepted from attendance under paragraph (2) of this subsection; or

37 (ii) Permit the parents or guardians of that student to withdraw him
38 from public school, for as long as the attendance of the child in a public school would be
39 detrimental to his progress or his presence in school would present a danger of serious
40 physical harm to others.

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1 (4) If a child is withdrawn from a public school under this subsection, the
2 county board shall make other appropriate provisions for the education of the child.

3 (5) If an appropriate educational placement is not available immediately,
4 the county board shall make interim provisions for the education of the child until an
5 appropriate placement becomes available.

6 (e) (1) Any person who induces or attempts to induce a child to absent himself
7 unlawfully from school or employs or harbors any child who is absent unlawfully from
8 school while school is in session is guilty of a misdemeanor and on conviction is subject to
9 a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

10 (2) Any person who has legal custody or care and control of a child who is 5
11 years old or older and under [16] 18 who fails to see that the child attends school or
12 receives instruction under this section is guilty of a misdemeanor and:

13 (i) For a first conviction is subject to a fine not to exceed \$50 per day
14 of unlawful absence or imprisonment not to exceed 10 days, or both; and

15 (ii) For a second or subsequent conviction is subject to a fine not to
16 exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

17 (3) As to any sentence imposed under this section, the court may suspend
18 the fine or the prison sentence and establish terms and conditions which would promote
19 the child's attendance. The suspension authority provided for in this subsection is in
20 addition to and not in limitation of the suspension authority under Article 27, § 641A of
21 the Code.

22 (f) A child may be exempted from attending kindergarten if a parent or guardian
23 of the child files a written request with the local school system and verifies that the child
24 is enrolled:

25 (1) Full time in a licensed child care center;

26 (2) Full time in a registered family day care home; or

27 (3) Part time in a Head Start 5 year old program.

28 (g) Kindergarten programs are not subject to the requirements of § 7-103(a) of
29 this title relating to minimum days or hours of operation.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not affect
31 the termination provisions of Chapter 312 of the Acts of the General Assembly of 1994 or
32 Chapter 404 of the Acts of the General Assembly of 1995.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1996.