
By: Delegate Minnick (Baltimore County Administration) and Delegate Dewberry

Introduced and read first time: January 23, 1997

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER _____

1 AN ACT concerning

2 **Education - Public Schools - Domicile**

3 FOR the purpose of requiring, subject to certain exceptions, a child to attend a public
 4 school in the county where the child is domiciled with the child's parent or
 5 guardian; authorizing a county's superintendent to allow a child who is not
 6 domiciled in the county to attend school in that county under certain circumstances;
 7 making a child's parent or guardian subject to a certain penalty if the child
 8 fraudulently attends a public school in a county where the child is not domiciled
 9 with the child's parent or guardian under certain circumstances; and generally
 10 relating to residency requirements for attending public schools in the State.

11 ~~BY renumbering~~12 ~~Article - Education~~13 ~~Section 7-301(b) through (g), respectively~~14 ~~to be Section 7-301(e) through (h), respectively~~15 ~~Annotated Code of Maryland~~16 ~~(1997 Replacement Volume)~~

17 BY repealing and reenacting, with amendments,

18 Article - Education

19 Section ~~7-301(a)~~ 7-101

20 Annotated Code of Maryland

21 (1997 Replacement Volume)

22 ~~BY adding to~~23 ~~Article - Education~~24 ~~Section 7-301(b)~~

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1 Annotated Code of Maryland
2 (1997 Replacement Volume)

3 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~
4 ~~MARYLAND, That Section(s) 7-301(b) through (g), respectively, of Article — Education~~
5 ~~of the Annotated Code of Maryland be renumbered to be Section(s) 7-301(e) through~~
6 ~~(h), respectively.~~

7 ~~SECTION 2. AND BE IT FURTHER ENACTED~~ 1. BE IT ENACTED BY THE
8 GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Education**

10 ~~7-301.~~

11 ~~(a) (1) Except as otherwise provided in this section, each child who resides in~~
12 ~~this State and is 5 years old or older and under 16 shall attend a public school regularly~~
13 ~~during the entire school year unless the child is otherwise receiving regular, thorough~~
14 ~~instruction during the school year in the studies usually taught in the public schools to~~
15 ~~children of the same age.~~

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

21 ~~(3) Except as provided in subsection [(f)](G) of this section or in~~
22 ~~regulations of the State Board of Education, each child who resides in this State shall~~
23 ~~attend a kindergarten program regularly during the school year prior to entering the first~~
24 ~~grade unless the child is otherwise receiving regular, thorough instruction in the skills and~~
25 ~~studies usually taught in a kindergarten program of a public school.~~

26 7-101.

27 (a) All individuals who are 5 years old or older and under 21 shall be admitted
28 free of charge to the public schools of this State.

29 (B) (1) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION § 7-301
30 OF THIS TITLE AND IN PARAGRAPH (2) PARAGRAPHS (2) AND (3) OF THIS
31 SUBSECTION, EACH CHILD SHALL ATTEND A PUBLIC SCHOOL IN THE COUNTY
32 WHERE THE CHILD IS DOMICILED WITH THE CHILD'S PARENT OR GUARDIAN.

33 (2) UPON REQUEST AND IN ACCORDANCE WITH A COUNTY BOARD'S
34 POLICIES CONCERNING RESIDENCY, A COUNTY SUPERINTENDENT MAY ALLOW A
35 CHILD TO ATTEND SCHOOL IN THE COUNTY EVEN IF THE CHILD IS NOT DOMICILED
36 IN THAT COUNTY WITH THE CHILD'S PARENT OR GUARDIAN.

37 (3) A CHILD MAY ATTEND SCHOOL IN A COUNTY IF ONE PARENT IS
38 DOMICILED IN THAT COUNTY.

39 (4) IF A CHILD FRAUDULENTLY ATTENDS A PUBLIC SCHOOL IN A
40 COUNTY WHERE THE CHILD IS NOT DOMICILED WITH THE CHILD'S PARENT OR

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1 GUARDIAN, THE CHILD'S PARENT OR GUARDIAN SHALL BE SUBJECT TO A PENALTY
2 PAYABLE TO THE COUNTY FOR THE PRO RATA SHARE OF TUITION FOR THE TIME
3 THE CHILD FRAUDULENTLY ATTENDS A PUBLIC SCHOOL IN THE COUNTY.

4 (5) NOTHING IN THIS SECTION ALTERS THE REQUIREMENTS FOR
5 OUT-OF-COUNTY PLACEMENTS CONTAINED IN § 4-122 AND TITLE 8, SUBTITLES 3
6 AND 4 OF THIS ARTICLE OR IN ANY OTHER STATE OR FEDERAL LAW.

7 [(b)] (C) There shall be full kindergarten programs in each county of this State.

8 SECTION ~~3~~ 2, AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 1997.