

HOUSE BILL 271

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HB 303/96 - W&M

2000 Regular Session
0lr0510

By: **Delegates Gladden, Phillips, Grosfeld, D. Davis, and Montague**

Introduced and read first time: January 27, 2000

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Compulsory School Attendance - Age Limits**

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

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 7-206 and 7-301
11 Annotated Code of Maryland
12 (1999 Replacement Volume)

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 7-206.

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

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
21 at least 3 months, except that the State Board may waive this residence requirement
22 if it 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24 (4) Has withdrawn from a regular full-time public or private school
25 program for at least 3 months.

1 (b) The State Board shall examine individuals for a high school diploma at
2 least twice each year at places throughout this State that are reasonably convenient
3 for the applicants.

4 (c) The examination shall:

5 (1) Be offered in appropriate high school subject areas; and

6 (2) Be of a comprehensive nature as determined by the State Board.

7 (d) An individual who fails an examination may take retests.

8 (e) A member of the armed forces may earn the Maryland high school diploma
9 by taking the examinations furnished by the United States Armed Forces Institute
10 and given by the appropriate service officer.

11 (f) The diploma shall be awarded in accordance with the rules and regulations
12 adopted by the State Board.

13 7-301.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (2) Any person who has legal custody or care and control of a child who is
29 5 years old or older and under [16] 18 who fails to see that the child attends school or
30 receives instruction under this section is guilty of a misdemeanor and:

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

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

36 (3) As to any sentence imposed under this section, the court may
37 suspend the fine or the prison sentence and establish terms and conditions which

1 would promote the child's attendance. The suspension authority provided for in this
2 subsection is in addition to and not in limitation of the suspension authority under
3 Article 27, § 641A of the Code.

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

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2000.