

SENATE BILL 194

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2000 Regular Session  
0lr0301

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By: **Senator Della**

Introduced and read first time: January 24, 2000

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Compulsory Attendance**

3 FOR the purpose of requiring certain children to attend public school regularly during  
4 the entire school year unless certain conditions are met; providing that this Act  
5 does not apply to certain children; requiring certain persons to ensure that  
6 certain children attend public school or receive instruction required by law  
7 unless certain conditions are met; establishing certain penalties for certain  
8 persons who fail to ensure that certain children attend school or receive  
9 instruction required by law; and generally relating to compulsory attendance in  
10 public schools.

11 BY repealing and reenacting, with amendments,  
12 Article - Education  
13 Section 7-301(a), (c), and (e)  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume)

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

18 **Article - Education**

19 7-301.

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

25 (II) EACH CHILD WHO RESIDES IN THIS STATE AND IS 16 OR 17  
26 YEARS OLD SHALL ATTEND A PUBLIC SCHOOL REGULARLY DURING THE ENTIRE  
27 SCHOOL YEAR UNLESS:

1                                   1.       THE CHILD'S PARENT OR GUARDIAN PROVIDES WRITTEN  
2 PERMISSION TO THE LOCAL SCHOOL SYSTEM EXCUSING THE CHILD FROM  
3 ATTENDING PUBLIC SCHOOL; OR

4                                   2.       THE CHILD IS OTHERWISE RECEIVING REGULAR,  
5 THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN THE STUDIES USUALLY  
6 TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE SAME AGE.

7                   (2)       In accordance with regulations of the State Board of Education, a  
8 child who resides in this State and is 5 years old may be exempted from mandatory  
9 school attendance for 1 year if the child's parent or guardian files a written request  
10 with the local school system asking that the child's attendance be delayed due to the  
11 child's level of 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  
15 grade unless the child is otherwise receiving regular, thorough instruction in the  
16 skills and studies usually taught in a kindergarten program of a public school.

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

19       (c)       (1)       Each person who has legal custody or care and control of a child who  
20 is 5 years old or older and under 16 shall see that the child attends school or receives  
21 instruction as required by this section.

22                   (2)       EACH PERSON WHO HAS LEGAL CUSTODY OR CARE AND CONTROL OF  
23 A CHILD WHO IS 16 OR 17 YEARS OLD SHALL ENSURE THAT THE CHILD ATTENDS  
24 PUBLIC SCHOOL REGULARLY OR RECEIVES INSTRUCTION AS REQUIRED BY THIS  
25 SECTION, UNLESS THE CHILD HAS BEEN EXCUSED FROM ATTENDING PUBLIC  
26 SCHOOL UNDER SUBSECTION (A)(1)(II) OF THIS SECTION.

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

32                   (2)       Any person who has legal custody or care and control of a child who is  
33 5 years old or older and under 16, OR A CHILD WHO IS 16 OR 17 YEARS OLD AND HAS  
34 NOT BEEN EXCUSED FROM ATTENDING PUBLIC SCHOOL UNDER SUBSECTION  
35 (A)(1)(II) OF THIS SECTION, who fails to see that the child attends school or receives  
36 instruction under this section is guilty of a misdemeanor and:

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

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

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

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