SENATE BILL 60

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By: Senator Della

Introduced and read first time: January 20, 2003

Assigned to: Education, Health, and Environmental Affairs

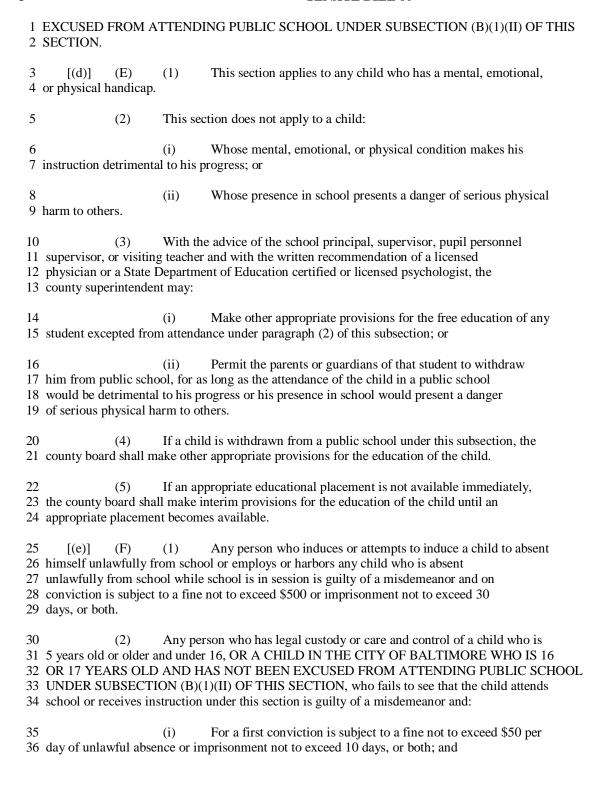
A BILL ENTITLED

1 AN ACT concerning

2 Baltimore City - Education - Public Schools - Compulsory Attendance

- 3 FOR the purpose of requiring certain children in the City of Baltimore to attend
- 4 public school regularly during the entire school year unless certain conditions
- 5 are met; clarifying that certain provisions of current law relating to compulsory
- 6 attendance of public school do not apply to certain children; requiring certain
- 7 persons to ensure that certain children in the City of Baltimore attend public
- 8 school or receive instruction required by law unless certain conditions are met;
- 9 establishing certain penalties for certain persons who fail to ensure that certain
- 10 children in the City of Baltimore attend school or receive instruction required by
- 11 law; providing for the effective date of certain provisions of this Act; providing
- 12 for the termination of certain provisions of this Act; and generally relating to
- compulsory attendance in the public schools in the City of Baltimore.
- 14 BY repealing and reenacting, with amendments,
- 15 Article Education
- 16 Section 7-301
- 17 Annotated Code of Maryland
- 18 (2001 Replacement Volume and 2002 Supplement)
- 19 BY repealing and reenacting, with amendments,
- 20 Article Education
- 21 Section 7-301
- 22 Annotated Code of Maryland
- 23 (2001 Replacement Volume and 2002 Supplement)
- 24 (As enacted by Chapter 288 of the Acts of the General Assembly of 2002)
- 25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 26 MARYLAND, That the Laws of Maryland read as follows:

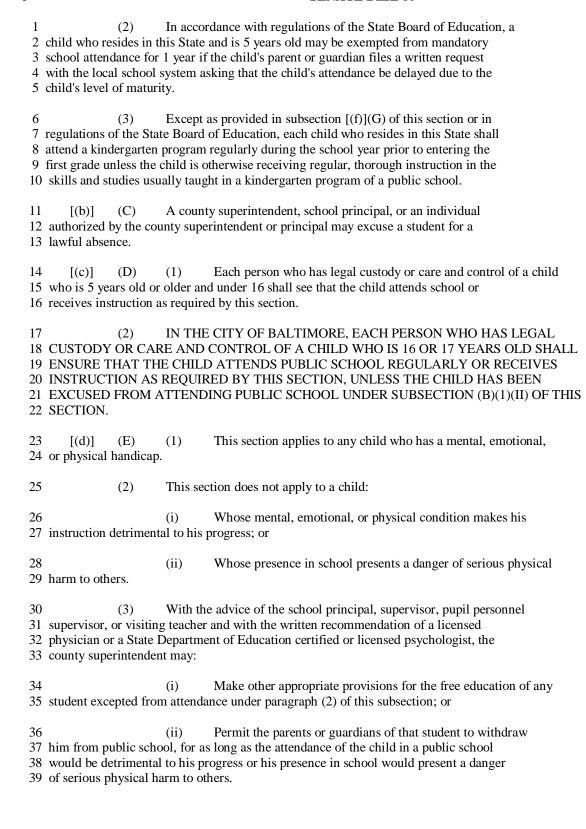
1 **Article - Education** 2 7-301. 3 (A) THIS SECTION DOES NOT APPLY TO A CHILD UNDER THE AGE OF 18 YEARS 4 WHO HAS OBTAINED A HIGH SCHOOL CERTIFICATE OR DIPLOMA. 5 Except as otherwise provided in this section, each child who [(a)](B) (1) (I) 6 resides in this State and is 5 years old or older and under 16 shall attend a public 7 school regularly during the entire school year unless the child is otherwise receiving 8 regular, thorough instruction during the school year in the studies usually taught in 9 the public schools to children of the same age. 10 (II)IN THE CITY OF BALTIMORE, EACH CHILD WHO RESIDES IN THE 11 CITY AND IS 16 OR 17 YEARS OLD SHALL ATTEND A PUBLIC SCHOOL REGULARLY 12 DURING THE ENTIRE SCHOOL YEAR UNLESS: 13 THE CHILD'S PARENT OR GUARDIAN PROVIDES WRITTEN 1. 14 PERMISSION TO THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM EXCUSING THE 15 CHILD FROM ATTENDING THE PUBLIC SCHOOL; OR THE CHILD IS OTHERWISE RECEIVING REGULAR, 16 THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN THE STUDIES USUALLY 17 TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE SAME AGE. 19 In accordance with regulations of the State Board of Education, a (2)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 Except as provided in subsection [(f)] (G) of this section or in 25 regulations of the State Board of Education, each child who resides in this State shall 26 attend a kindergarten program regularly during the school year prior to entering the 27 first grade unless the child is otherwise receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school. A county superintendent, school principal, or an individual 29 30 authorized by the county superintendent or principal may excuse a student for a 31 lawful absence. 32 (D) Each person who has legal custody or care and control of a child [(c)](1) 33 who is 5 years old or older and under 16 shall see that the child attends school or 34 receives instruction as required by this section. 35 IN THE CITY OF BALTIMORE, EACH PERSON WHO HAS LEGAL 36 CUSTODY OR CARE AND CONTROL OF A CHILD WHO IS 16 OR 17 YEARS OLD SHALL 37 ENSURE THAT THE CHILD ATTENDS PUBLIC SCHOOL REGULARLY OR RECEIVES 38 INSTRUCTION AS REQUIRED BY THIS SECTION, UNLESS THE CHILD HAS BEEN

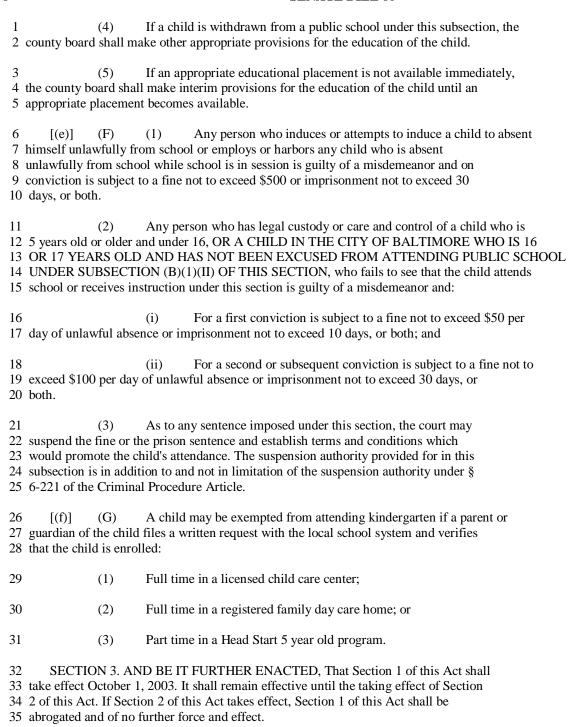


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	(ii) For a second or subsequent conviction is subject to a fine not to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.
6 7	(3) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions which would promote the child's attendance. The suspension authority provided for in this subsection is in addition to and not in limitation of the suspension authority under § 6-221 of the Criminal Procedure Article.
	[(f)] (G) A child may be exempted from attending kindergarten if a parent or guardian of the child files a written request with the local school system and verifies that the child is enrolled:
12	(1) Full time in a licensed child care center;
13	(2) Full time in a registered family day care home; or
14	(3) Part time in a Head Start 5 year old program.
15 16	[(g)] (H) Kindergarten programs are not subject to the requirements of § 7-103(a) of this title relating to minimum days or hours of operation.
17 18	SECTION 2. AND BE IT FURTHER ENACTED, That the laws of Maryland read as follows:
19	Article - Education
	7-301.
20 21	
20 21 22 23 24 25 26	7-301. (A) THIS SECTION DOES NOT APPLY TO A CHILD UNDER THE AGE OF 18 YEARS
20 21 22 23 24 25 26 27 28 29	7-301. (A) THIS SECTION DOES NOT APPLY TO A CHILD UNDER THE AGE OF 18 YEARS WHO HAS OBTAINED A HIGH SCHOOL CERTIFICATE OR DIPLOMA. [(a)] (B) (1) (I) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in
20 21 22 23 24 25 26 27 28 29 30 31 32	7-301. (A) THIS SECTION DOES NOT APPLY TO A CHILD UNDER THE AGE OF 18 YEARS WHO HAS OBTAINED A HIGH SCHOOL CERTIFICATE OR DIPLOMA. [(a)] (B) (1) (I) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age. (II) IN THE CITY OF BALTIMORE, EACH CHILD WHO RESIDES IN THE CITY AND IS 16 OR 17 YEARS OLD SHALL ATTEND A PUBLIC SCHOOL REGULARLY

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- 36 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
- 37 take effect July 1, 2007, the effective date of Section 3 of Chapter 288 of the Acts of the

- 1 General Assembly of 2002. If the effective date of Chapter 288 is amended, Section 2
 2 of this Act shall take effect on the taking effect of Section 3 of Chapter 288.
- 3 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions 4 of Sections 3 and 4 of this Act, this Act shall take effect October 1, 2003.