

SENATE BILL 60

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SB 194/00 - EEA

2003 Regular Session
3r0683

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
13 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 [(a)] (B) (1) (I) Except as otherwise provided in this section, each child who
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 1. THE CHILD'S PARENT OR GUARDIAN PROVIDES WRITTEN
14 PERMISSION TO THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM EXCUSING THE
15 CHILD FROM ATTENDING THE PUBLIC SCHOOL; OR

16 2. THE CHILD IS OTHERWISE RECEIVING REGULAR,
17 THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN THE STUDIES USUALLY
18 TAUGHT IN THE PUBLIC 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)] (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
28 skills and studies usually taught in a kindergarten program of a public school.

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

32 [(c)] (D) (1) Each person who has legal custody or care and control of a child
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 (2) 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

1 EXCUSED FROM ATTENDING PUBLIC SCHOOL UNDER SUBSECTION (B)(1)(II) OF THIS
2 SECTION.

3 [(d)] (E) (1) This section applies to any child who has a mental, emotional,
4 or physical handicap.

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

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

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

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

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

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

20 (4) If a child is withdrawn from a public school under this subsection, the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

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

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

30 (2) Any person who has legal custody or care and control of a child who is
31 5 years old or older and under 16, OR A CHILD IN THE CITY OF BALTIMORE WHO IS 16
32 OR 17 YEARS OLD AND HAS NOT BEEN EXCUSED FROM ATTENDING PUBLIC SCHOOL
33 UNDER SUBSECTION (B)(1)(II) OF THIS SECTION, who fails to see that the child attends
34 school or receives instruction under this section is guilty of a misdemeanor and:

35 (i) For a first conviction is subject to a fine not to exceed \$50 per
36 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 6-221 of the Criminal Procedure Article.

9 [(f)] (G) A child may be exempted from attending kindergarten if a parent or
10 guardian of the child files a written request with the local school system and verifies
11 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 [(g)] (H) Kindergarten programs are not subject to the requirements of §
16 7-103(a) of this title relating to minimum days or hours of operation.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the laws of Maryland
18 read as follows:

19 **Article - Education**

20 7-301.

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

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

28 (II) IN THE CITY OF BALTIMORE, EACH CHILD WHO RESIDES IN THE
29 CITY AND IS 16 OR 17 YEARS OLD SHALL ATTEND A PUBLIC SCHOOL REGULARLY
30 DURING THE ENTIRE SCHOOL YEAR UNLESS:

31 1. THE CHILD'S PARENT OR GUARDIAN PROVIDES WRITTEN
32 PERMISSION TO THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM EXCUSING THE
33 CHILD FROM ATTENDING THE PUBLIC SCHOOL; OR

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

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

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

11 [(b)] (C) A county superintendent, school principal, or an individual
12 authorized by the county superintendent or principal may excuse a student for a
13 lawful absence.

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

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

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

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

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

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

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

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

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

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

11 (2) Any person who has legal custody or care and control of a child who is
12 5 years old or older and under 16, OR A CHILD IN THE CITY OF BALTIMORE WHO IS 16
13 OR 17 YEARS OLD AND HAS NOT BEEN EXCUSED FROM ATTENDING PUBLIC SCHOOL
14 UNDER SUBSECTION (B)(1)(II) OF THIS SECTION, who fails to see that the child attends
15 school or receives instruction under this section is guilty of a misdemeanor and:

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

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

21 (3) As to any sentence imposed under this section, the court may
22 suspend the fine or the prison sentence and establish terms and conditions which
23 would promote the child's attendance. The suspension authority provided for in this
24 subsection is in addition to and not in limitation of the suspension authority under §
25 6-221 of the Criminal Procedure Article.

26 [(f)] (G) A child may be exempted from attending kindergarten if a parent or
27 guardian of the child files a written request with the local school system and verifies
28 that the child is enrolled:

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

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

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
33 take effect October 1, 2003. It shall remain effective until the taking effect of Section
34 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act shall be
35 abrogated and of no further force and effect.

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.