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2004 Regular Session 4lr1879

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By: Delegates Owings and O'Donnell

Introduced and read first time: February 2, 2004

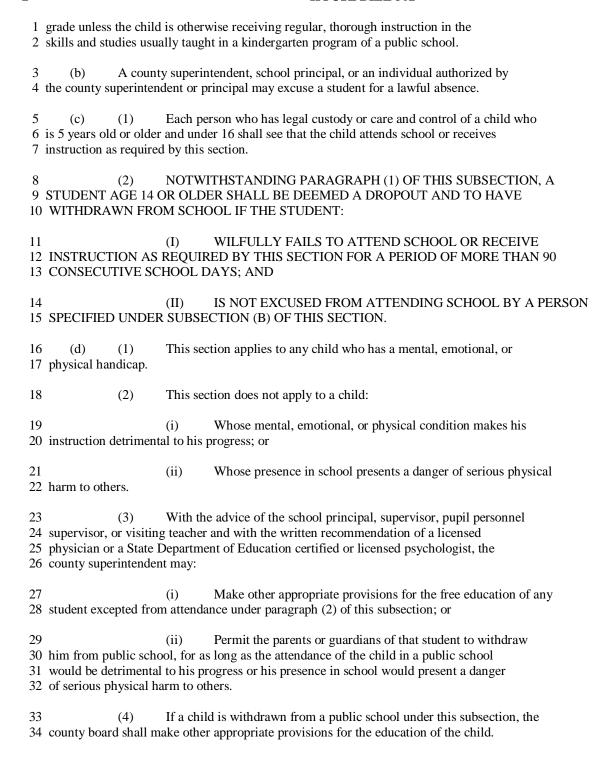
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 Education - Public School Dropouts

- 3 FOR the purpose of providing that certain students of a certain age who wilfully fail
- 4 to attend school or receive certain instruction for a certain period of time shall
- 5 be deemed dropouts and to have withdrawn from public school under certain
- 6 circumstances; and generally relating to dropouts from public schools.
- 7 BY repealing and reenacting, with amendments,
- 8 Article Education
- 9 Section 7-301
- 10 Annotated Code of Maryland
- 11 (2001 Replacement Volume and 2003 Supplement)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 13 MARYLAND, That the Laws of Maryland read as follows:
- 14 Article Education
- 15 7-301.
- 16 (a) (1) Except as otherwise provided in this section, each child who resides
- 17 in this State and is 5 years old or older and under 16 shall attend a public school
- 18 regularly during the entire school year unless the child is otherwise receiving regular,
- 19 thorough instruction during the school year in the studies usually taught in the public
- 20 schools to children of the same age.
- 21 (2) In accordance with regulations of the State Board of Education, a
- 22 child who resides in this State and is 5 years old may be exempted from mandatory
- 23 school attendance for 1 year if the child's parent or guardian files a written request
- 24 with the local school system asking that the child's attendance be delayed due to the
- 25 child's level of maturity.
- 26 (3) Except as provided in subsection (f) of this section or in regulations of
- 27 the State Board of Education, each child who resides in this State shall attend a
- 28 kindergarten program regularly during the school year prior to entering the first



HOUSE BILL 502

	(5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.
6 7	(e) (1) Any person who induces or attempts to induce a child to absent himself unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.
	(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:
12 13	(i) For a first conviction is subject to a fine not to exceed \$50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and
	(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.
19 20	(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) 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:
25	(1) Full time in a licensed child care center;
26	(2) Full time in a registered family day care home; or
27	(3) Part time in a Head Start 5 year old program.
28 29	(g) Kindergarten programs are not subject to the requirements of § 7-103(a) of this title relating to minimum days or hours of operation.
30 31	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.