

SENATE BILL 618

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SB 740/03 - EHE

2004 Regular Session
4r2464

By: **Senators McFadden, Della, Exum, Lawlah, Ruben, and Schrader**
Introduced and read first time: February 6, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Compulsory Attendance and Parental Responsibility - Age**
3 **Limits**

4 FOR the purpose of raising the age of compulsory school attendance; providing an
5 exception for a minor who has obtained a high school diploma or certificate;
6 raising the age up to which a parent or guardian is responsible for a child's
7 attendance at school or certain authorized instruction; raising the age at which
8 an individual may receive a high school diploma by examination; and generally
9 relating to the age of compulsory school attendance.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 7-206(a) and 7-301(a), (c), and (e)
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Education
17 Section 7-301(d)
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2003 Supplement)

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

22 **Article - Education**

23 7-206.

24 (a) An individual may obtain a high school diploma by examination as
25 provided in this section if the individual:

26 (1) Has not obtained a high school certificate or diploma;

1 (2) Has resided in this State or on a federal reservation in this State for
2 at least 3 months, except that the State Board may waive this residence requirement
3 if it considers the waiver justified;

4 (3) Is [16] 18 years old or older; and

5 (4) Has withdrawn from a regular full-time public or private school
6 program for at least 3 months, except that the State Board may waive the 3-month
7 withdrawal requirement if the State Board considers the waiver justified.

8 7-301.

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

14 (II) A CHILD UNDER THE AGE OF 18 YEARS WHO HAS OBTAINED A
15 HIGH SCHOOL CERTIFICATE OR DIPLOMA IS NOT SUBJECT TO THE PROVISIONS OF
16 THIS SUBSECTION.

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

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

27 (c) Each person who has legal custody or care and control of a child who is 5
28 years old or older and under [16] 18 shall see that the child attends school or receives
29 instruction as required by this section.

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

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

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

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

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

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

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

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

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

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

21 (2) Any person who has legal custody or care and control of a child who is
22 5 years old or older and under [16] 18 who fails to see that the child attends school or
23 receives instruction under this section is guilty of a misdemeanor and:

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

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

29 (3) As to any sentence imposed under this section, the court may
30 suspend the fine or the prison sentence and establish terms and conditions which
31 would promote the child's attendance. The suspension authority provided for in this
32 subsection is in addition to and not in limitation of the suspension authority under §
33 6-221 of the Criminal Procedure Article.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 July 1, 2004.