

ENROLLED BILL

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by ~~Delegate Pugh~~ Delegates Pugh, Anderson, Branch, Carter, C. Davis, Doory, Goodwin, Hammen, Harrison, Haynes, Kirk, Krysiak, Marriott, McHale, McIntosh, Oaks, Paige, and Rosenberg

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Baltimore City Compulsory Public School Attendance Increased Age~~
3 ~~Range~~
4 ~~Task Force to Study Increasing the Age Range for Compulsory School~~
5 ~~Attendance in Maryland~~
6 ~~Education - Task Force to Study Raising the Compulsory Public School~~
7 ~~Attendance Age to 18~~

8 ~~FOR the purpose of increasing the age range for compulsory public school attendance~~
9 ~~in Baltimore City; requiring certain persons with legal custody or care and~~
10 ~~control of certain children who reside in Baltimore City and who are between~~
11 ~~certain ages to see that the children attend school as required; requiring the~~
12 ~~State Board of Education, in conjunction with the Baltimore City Board of~~
13 ~~School Commissioners, to study over a certain number of years the impact of an~~
14 ~~increased age range for compulsory public school attendance in Baltimore City;~~
15 ~~requiring the State Board to submit a report to certain committees of the~~

1 General Assembly on or before a certain date that includes certain information;
 2 providing for the termination of this Act; and generally relating to an increased
 3 age for compulsory school attendance in Baltimore City establishing the Task
 4 Force to Study Increasing the Age Range for Compulsory School Attendance in
 5 Maryland; providing for the composition, chair, and staffing of the Task Force;
 6 prohibiting members of the Task Force from receiving compensation but
 7 entitling members to reimbursement for certain expenses under certain
 8 regulations; requiring the Task Force to study and make recommendations
 9 concerning increasing the age range for compulsory school attendance in the
 10 State; requiring the Task Force to submit a certain report to the Governor and
 11 the General Assembly on or before a certain date; providing for the termination
 12 of this Act; and generally relating to the Task Force to Study Increasing the Age
 13 Range for Compulsory School Attendance in Maryland.

14 FOR the purpose of establishing a Task Force to Study Raising the Compulsory Public
 15 School Attendance Age to 18; providing for the membership and staffing of the
 16 Task Force; specifying the purposes and goals of the Task Force; providing for the
 17 staffing of the Task Force; requiring the Task Force to evaluate and make
 18 recommendations regarding certain issues by a certain date and to submit a
 19 report to the Governor and the General Assembly; providing for the termination
 20 of this Act; and generally relating to a Task Force to Study Raising the
 21 Compulsory Public School Attendance Age to 18.

22 ~~BY repealing and reenacting, with amendments,~~
 23 ~~Article—Education~~
 24 ~~Section 7-301~~
 25 ~~Annotated Code of Maryland~~
 26 ~~(2004 Replacement Volume and 2005 Supplement)~~

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

29 **~~Article—Education~~**

30 ~~7-301.~~

31 (a) ~~(1) (4)~~ Except as otherwise provided in this section AND
 32 ~~SUBPARAGRAPH (II) OF THIS PARAGRAPH,~~ each child who resides in this State and is
 33 ~~5 years old or older and under 16 shall attend a public school regularly during the~~
 34 ~~entire school year unless the child is otherwise receiving regular, thorough instruction~~
 35 ~~during the school year in the studies usually taught in the public schools to children~~
 36 ~~of the same age.~~

37 ~~(II) EACH CHILD WHO RESIDES IN BALTIMORE CITY AND IS 5 YEARS~~
 38 ~~OLD OR OLDER AND UNDER 18 SHALL ATTEND A PUBLIC SCHOOL REGULARLY~~
 39 ~~DURING THE ENTIRE SCHOOL YEAR UNLESS THE CHILD IS OTHERWISE RECEIVING~~
 40 ~~REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN THE STUDIES~~
 41 ~~USUALLY 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) of this section or in regulations of~~
7 ~~the State Board of Education, each child who resides in this State shall attend a~~
8 ~~kindergarten program regularly during the school year prior to entering the first~~
9 ~~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) ~~A county superintendent, school principal, or an individual authorized by~~
12 ~~the county superintendent or principal may excuse a student for a lawful absence.~~

13 (c) ~~Each person who has legal custody or care and control of a child WHO~~
14 ~~RESIDES IN THIS STATE, EXCEPT FOR BALTIMORE CITY, AND who is 5 years old or~~
15 ~~older and under 16 OR A CHILD WHO RESIDES IN BALTIMORE CITY AND WHO IS 5~~
16 ~~YEARS OLD OR OLDER AND UNDER 18 shall see that the child attends school or~~
17 ~~receives instruction as required by this section.~~

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

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

21 (i) ~~Whose mental, emotional, or physical condition makes his~~
22 ~~instruction detrimental to his progress; or~~

23 (ii) ~~Whose presence in school presents a danger of serious physical~~
24 ~~harm to others.~~

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

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

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

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

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

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

9 (2) Any person who has legal custody or care and control of a child who is
10 5 years old or older and under 16 who fails to see that the child attends school or
11 receives instruction under this section is guilty of a misdemeanor and:

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

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

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

22 (e-1) (1) This subsection applies only in Dorchester County, Somerset County,
23 Wicomico County, and Worcester County.

24 (2) A charge under this section may be filed in the juvenile court and
25 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts
26 Article.

27 (3) For a person with legal custody or care and control of a child at the
28 time of an alleged violation of this section, it is an affirmative defense to a charge
29 under this section that the person made reasonable and substantial efforts to see that
30 the child attended school as required by law but was unable to cause the child to
31 attend school.

32 (4) If the court finds the affirmative defense is valid, the court shall
33 dismiss the charge under this section against the defendant.

34 (f) A child may be exempted from attending kindergarten if a parent or
35 guardian of the child files a written request with the local school system and verifies
36 that the child is enrolled:

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

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

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

2 (g) Kindergarten programs are not subject to the requirements of § 7-103(a) of
3 this title relating to minimum days or hours of operation.

4 SECTION 2. ~~AND BE IT FURTHER ENACTED, That:~~

5 (a) ~~The State Board of Education, in conjunction with the Baltimore City
6 Board of School Commissioners, shall study over a 3-year period whether an
7 increased age range for compulsory public school attendance in Baltimore City:~~

8 (1) ~~lessens school-aged childrens' contact with the juvenile justice
9 system; and~~

10 (2) ~~increases high school graduation rates.~~

11 (b) ~~The State Board of Education shall submit a report to the Senate
12 Education, Health, and Environmental Affairs Committee and the House Ways and
13 Means Committee on or before November 30, 2009, in accordance with § 2-1246 of the
14 State Government Article, assessing the impact of an increased age for compulsory
15 public school attendance as established under Section 1 of this Act. The report shall
16 include the following information:~~

17 (1) ~~the number of students 16 years old and under 18 who dropped out of
18 high school, broken down by year and socioeconomic category;~~

19 (2) ~~the number of contacts students 16 years old and under 18 had with
20 the juvenile justice system, broken down by age and reason for contact, if available;~~

21 (3) ~~graduation rates beginning 5 years before the effective date of this
22 Act through the 2008-2009 school year;~~

23 (4) ~~a description of the materials and methods used to provide residents
24 of Baltimore City with the information about the change in age for compulsory public
25 school attendance; and~~

26 (5) ~~any other information the State Board determines is relevant.~~

27 (a) ~~There is a Task Force to Study Increasing the Age Range for Compulsory
28 School Attendance in Maryland.~~

29 (b) ~~The Task Force consists of the following members:~~

30 (1) ~~one member of the Senate of Maryland, appointed by the President of
31 the Senate;~~

32 (2) ~~one member of the House of Delegates, appointed by the Speaker of
33 the House;~~

34 (3) ~~the State Superintendent of Schools, or the State Superintendent's
35 designee;~~

- 1 ~~(4) one teacher, appointed by the State Superintendent of Schools;~~
- 2 ~~(5) one member of the State Board of Education, designated by the State~~
3 ~~Board of Education; and~~
- 4 ~~(6) the following six members, appointed by the Governor:~~
- 5 ~~(i) one representative of the juvenile justice system;~~
- 6 ~~(ii) one representative of The Johns Hopkins University;~~
- 7 ~~(iii) one representative of a parent and teacher association;~~
- 8 ~~(iv) one parent of a child who attends a public school in the State;~~
- 9 ~~(v) one member of a local board of education representing a school~~
10 ~~with high dropout rates in the State; and~~
- 11 ~~(vi) one representative of the University System of Maryland.~~
- 12 ~~(c) The Governor shall designate the chair of the Task Force.~~
- 13 ~~(d) The Department of Education shall provide staff for the Task Force.~~
- 14 ~~(e) A member of the Task Force:~~
- 15 ~~(1) may not receive compensation as a member of the Task Force; but~~
- 16 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
17 ~~Travel Regulations, as provided in the State budget.~~
- 18 ~~(f) The Task Force shall:~~
- 19 ~~(1) study and make recommendations concerning the advantages and~~
20 ~~costs of requiring compulsory school attendance for children between the ages of 15~~
21 ~~and 18 years old;~~
- 22 ~~(2) study the number of students at least 16 years old and under the age~~
23 ~~of 18 who dropped out of high school, broken down by year and socioeconomic status;~~
- 24 ~~(3) study the number of students at least 16 years old and under the age~~
25 ~~of 18 who had contact with the juvenile justice system, broken down by age and the~~
26 ~~reason for the contact, if available; and~~
- 27 ~~(4) study and make recommendations concerning any other issues the~~
28 ~~Task Force determines relevant to whether the age range for compulsory school~~
29 ~~attendance should be extended to 18 years old.~~
- 30 ~~(g) On or before June 30, 2007, the Task Force shall report its findings and~~
31 ~~recommendations to the Governor and, in accordance with § 2-1246 of the State~~
32 ~~Government Article, the General Assembly.~~

1 (a) There is a Task Force to Study Raising the Compulsory Public School
2 Attendance Age to 18.

3 (b) The Task Force shall consist of the following members:

4 (1) One member of the Senate of Maryland, appointed by the President of
5 the Senate;

6 (2) One member of the House of Delegates of Maryland, appointed by the
7 Speaker of the House;

8 (3) The State Superintendent of Schools, or the State Superintendent's
9 designee;

10 (4) The Secretary of Juvenile Justice, or the Secretary's designee;

11 (5) The following members selected by the Governor:

12 (i) Two county superintendents of schools;

13 (ii) Two members of county boards of education;

14 (iii) A representative of a nonprofit organization;

15 (iv) A president of one of the institutions of higher education in the
16 State;

17 (v) A community education expert;

18 (vi) Two parent representatives;

19 (vii) A student representative; and

20 (viii) One representative each from Anne Arundel County, Baltimore
21 City, Baltimore County, Charles County, Montgomery County, Prince George's County,
22 Washington County, and Wicomico County.

23 (c) The purposes and goals of the Task Force shall be to:

24 (1) Study the impact of extending the compulsory public school
25 attendance age to 18; and

26 (2) Provide the General Assembly with an impact statement and
27 recommendations, if any, for guidelines and resources needed to implement the raising
28 of the compulsory public school attendance age to 18.

29 (d) The Task Force shall commence its work in November 2006.

30 (e) As part of its review, the Task Force shall:

1 (1) Gather and review data on relevant best practices related to extended
 2 learning opportunities for teens between the ages of 15 and 18, including
 3 recommendations put forth under the federal No Child Left Behind legislation (P.L.
 4 107-110);

5 (2) Examine the adequacy of facilities, staffing, programming,
 6 instructional time, and resources to accommodate raising the compulsory public school
 7 attendance age to 18;

8 (3) Project the impact on student attendance and achievement outcomes,
 9 and assess the fiscal and social benefits to the students and to the State, of raising the
 10 compulsory public school attendance age to 18;

11 (4) Develop an action plan to implement, provide professional
 12 development opportunities, and foster partnerships among governmental agencies,
 13 county boards of education, and the business community to support the successful
 14 implementation of an initiative to raise the compulsory public school attendance age to
 15 18 throughout the State;

16 (5) Examine the implications for raising the compulsory public school
 17 attendance age to 18 on standards-based outcomes, students with disabilities, and
 18 students with limited English proficiency; and

19 (6) Provide any other guidance and make any other recommendations the
 20 Task Force deems appropriate.

21 (f) A member of the Task Force:

22 (1) May not receive compensation; but

23 (2) Is entitled to reimbursement for expenses under the Standard State
 24 Travel Regulations, as provided in the State budget.

25 (g) The Maryland State Department of Education shall provide staff to the
 26 Task Force.

27 (h) The Task Force shall report its findings and recommendations to the
 28 Governor and, in accordance with § 2-1246 of the State Government Article, to the
 29 General Assembly, on or before December 1, 2007.

30 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
 31 effect July 1, 2006. It shall remain effective for a period of ~~3 years and 5 months~~ 1
 32 year and 6 months and, at the end of ~~November 30, 2009~~ December 31, 2007, with no
 33 further action required by the General Assembly, this Act shall be abrogated and of no
 34 further force and effect.

