

(PRE-FILED)

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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 FOR the purpose of ~~increasing the age range for compulsory public school attendance~~
7 ~~in Baltimore City; requiring certain persons with legal custody or care and~~
8 ~~control of certain children who reside in Baltimore City and who are between~~
9 ~~certain ages to see that the children attend school as required; requiring the~~
10 ~~State Board of Education, in conjunction with the Baltimore City Board of~~
11 ~~School Commissioners, to study over a certain number of years the impact of an~~
12 ~~increased age range for compulsory public school attendance in Baltimore City;~~
13 ~~requiring the State Board to submit a report to certain committees of the~~
14 ~~General Assembly on or before a certain date that includes certain information;~~
15 ~~providing for the termination of this Act; and generally relating to an increased~~
16 ~~age for compulsory school attendance in Baltimore City~~ establishing the Task
17 Force to Study Increasing the Age Range for Compulsory School Attendance in
18 Maryland; providing for the composition, chair, and staffing of the Task Force;
19 prohibiting members of the Task Force from receiving compensation but
20 entitling members to reimbursement for certain expenses under certain
21 regulations; requiring the Task Force to study and make recommendations
22 concerning increasing the age range for compulsory school attendance in the
23 State; requiring the Task Force to submit a certain report to the Governor and
24 the General Assembly on or before a certain date; providing for the termination
25 of this Act; and generally relating to the Task Force to Study Increasing the Age

1 Range for Compulsory School Attendance in Maryland.

2 ~~BY repealing and reenacting, with amendments,~~

3 ~~Article—Education~~

4 ~~Section 7-301~~

5 ~~Annotated Code of Maryland~~

6 ~~(2004 Replacement Volume and 2005 Supplement)~~

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

9 **~~Article—Education~~**

10 ~~7-301.~~

11 (a) (1) (I) ~~Except as otherwise provided in this section AND~~
12 ~~SUBPARAGRAPH (II) OF THIS PARAGRAPH, each child who resides in this State and is~~
13 ~~5 years old or older and under 16 shall attend a public school regularly during the~~
14 ~~entire school year unless the child is otherwise receiving regular, thorough instruction~~
15 ~~during the school year in the studies usually taught in the public schools to children~~
16 ~~of the same age.~~

17 (II) ~~EACH CHILD WHO RESIDES IN BALTIMORE CITY AND IS 5 YEARS~~
18 ~~OLD OR OLDER AND UNDER 18 SHALL ATTEND A PUBLIC SCHOOL REGULARLY~~
19 ~~DURING THE ENTIRE SCHOOL YEAR UNLESS THE CHILD IS OTHERWISE RECEIVING~~
20 ~~REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN THE STUDIES~~
21 ~~USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE SAME AGE.~~

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

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

32 (b) ~~A county superintendent, school principal, or an individual authorized by~~
33 ~~the county superintendent or principal may excuse a student for a lawful absence.~~

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

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

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

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

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

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

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

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

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

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

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

28 (2) Any person who has legal custody or care and control of a child who is
29 5 years old or older and under 16 who fails to see that the child attends school or
30 receives instruction under this section is guilty of a misdemeanor and:

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

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

36 (3) As to any sentence imposed under this section, the court may
37 suspend the fine or the prison sentence and establish terms and conditions which

1 would promote the child's attendance. The suspension authority provided for in this
 2 subsection is in addition to and not in limitation of the suspension authority under §
 3 6-221 of the Criminal Procedure Article.

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

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

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

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

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

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

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

28 (1) lessens school aged childrens' contact with the juvenile justice
 29 system; and

30 (2) increases high school graduation rates.

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

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

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

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

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

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

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

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

14 (1) one member of the Senate of Maryland, appointed by the President of
15 the Senate;

16 (2) one member of the House of Delegates, appointed by the Speaker of
17 the House;

18 (3) the State Superintendent of Schools, or the State Superintendent's
19 designee;

20 (4) one teacher, appointed by the State Superintendent of Schools;

21 (5) one member of the State Board of Education, designated by the State
22 Board of Education; and

23 (6) the following six members, appointed by the Governor:

24 (i) one representative of the juvenile justice system;

25 (ii) one representative of The Johns Hopkins University;

26 (iii) one representative of a parent and teacher association;

27 (iv) one parent of a child who attends a public school in the State;

28 (v) one member of a local board of education representing a school
29 with high dropout rates in the State; and

30 (vi) one representative of the University System of Maryland.

31 (c) The Governor shall designate the chair of the Task Force.

1 (d) The Department of Education shall provide staff for the Task Force.

2 (e) A member of the Task Force:

3 (1) may not receive compensation as a member of the Task Force; but

4 (2) is entitled to reimbursement for expenses under the Standard State
5 Travel Regulations, as provided in the State budget.

6 (f) The Task Force shall:

7 (1) study and make recommendations concerning the advantages and
8 costs of requiring compulsory school attendance for children between the ages of 15
9 and 18 years old;

10 (2) study the number of students at least 16 years old and under the age
11 of 18 who dropped out of high school, broken down by year and socioeconomic status;

12 (3) study the number of students at least 16 years old and under the age
13 of 18 who had contact with the juvenile justice system, broken down by age and the
14 reason for the contact, if available; and

15 (4) study and make recommendations concerning any other issues the
16 Task Force determines relevant to whether the age range for compulsory school
17 attendance should be extended to 18 years old.

18 (g) On or before June 30, 2007, the Task Force shall report its findings and
19 recommendations to the Governor and, in accordance with § 2-1246 of the State
20 Government Article, the General Assembly.

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