

(PRE-FILED)

By: **Delegate Pugh**
 Requested: August 29, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Compulsory Attendance - Age**

3 FOR the purpose of clarifying that certain provisions of current law relating to
4 compulsory attendance do not apply to certain children; requiring certain
5 children under a certain age to attend a public school regularly during the entire
6 school year unless certain conditions are met; raising the age to which a parent
7 or guardian is responsible for a child's attendance at school or certain authorized
8 instruction; making technical corrections; and generally relating to the age of
9 compulsory school attendance.

10 BY adding to
11 Article - Education
12 Section 7-301(a)
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 7-301(a), (c), (d), and (e)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2005 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 7-301.

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

26 [(a)] (A-1) (1) Except as otherwise provided in this section, each child who
27 resides in this State and is 5 years old or older and under [16] 18 shall attend a public

1 school regularly during the entire school year unless the child is otherwise receiving
2 regular, thorough instruction during the school year in the studies usually taught in
3 the public schools to children of the same age.

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

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

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

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

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

20 (i) Whose mental, emotional, or physical condition makes [his]
21 THE CHILD'S instruction detrimental to [his] THE CHILD'S progress; or

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

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

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

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

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

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

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

6 (2) Any person who has legal custody or care and control of a child who is
7 5 years old or older and under [16] 18 who fails to see that the child attends school or
8 receives instruction under this section is guilty of a misdemeanor and:

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2006.