

ENROLLED BILL*-- Education, Health, and Environmental Affairs/Ways and Means --*Introduced by **Senator McFadden**

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._____
President.

CHAPTER _____

1 AN ACT concerning

2 **~~Baltimore City—Compulsory Public School Attendance—Increased Age~~**
 3 **~~Range~~**
 4 **Education - Task Force to Study Raising the Compulsory Public School**
 5 **Attendance Age to 18**

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.~~

17 FOR the purpose of establishing a Task Force to Study Raising the Compulsory Public

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

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

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

~~Article—Education~~

~~7-301.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (2) Any person who has legal custody or care and control of a child who is
34 5 years old or older and under 16 who fails to see that the child attends school or
35 receives instruction under this section is guilty of a misdemeanor and:

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

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

4 (3) As to any sentence imposed under this section, the court may
5 suspend the fine or the prison sentence and establish terms and conditions which
6 would promote the child's attendance. The suspension authority provided for in this
7 subsection is in addition to and not in limitation of the suspension authority under §
8 6-221 of the Criminal Procedure Article.

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

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

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

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

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

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

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

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

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

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

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

33 (1) lessens school-aged childrens' contact with the juvenile justice
34 system; and

35 (2) increases high school graduation rates.

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

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

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

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

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

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

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

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

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

(1) ~~Three members~~ One member of the Senate of Maryland, to include at least one member of the minority party, selected appointed by the President of the Senate;

(2) ~~Three members~~ One member of the House of Delegates of Maryland, to include at least one member of the minority party, selected appointed by the Speaker of the House;

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

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

(5) The following members selected by the Governor:

(i) Two county superintendents of schools;

(ii) Two members of county boards of education;

- 1 (iii) A representative of a nonprofit organization;
2 (iv) A president of one of the institutions of higher education in the
3 State;
4 (v) A community education expert;
5 (vi) Two parent representatives;
6 (vii) A student representative; and
7 (viii) One representative each from Anne Arundel County, Baltimore
8 City, Baltimore County, Charles County, Montgomery County, Prince George's County,
9 Washington County, and Wicomico County.

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

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

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

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

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

18 (1) Gather and review data on relevant best practices related to
19 extended learning opportunities for teens between the ages of 15 and 18, including
20 recommendations put forth under the federal No Child Left Behind legislation (P.L.
21 107-110);

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

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

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

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

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

3 (f) A member of the Task Force:

4 (1) May not receive compensation; but

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

7 (g) The Maryland State Department of Education and the Department of
8 Legislative Services jointly shall provide staff to the Task Force.

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2006. It shall remain effective for a period of 1 year and 6 months and, at the
14 end of December 31, 2007, with no further action required by the General Assembly,
15 this Act shall be abrogated and of no further force and effect.