
By: **Senator McFadden**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Compulsory Public School Attendance - Increased Age**
3 **Range**

4 FOR the purpose of increasing the age range for compulsory public school attendance
5 in Baltimore City; requiring certain persons with legal custody or care and
6 control of certain children who reside in Baltimore City and who are between
7 certain ages to see that the children attend school as required; requiring the
8 State Board of Education, in conjunction with the Baltimore City Board of
9 School Commissioners, to study over a certain number of years the impact of an
10 increased age range for compulsory public school attendance in Baltimore City;
11 requiring the State Board to submit a report to certain committees of the
12 General Assembly on or before a certain date that includes certain information;
13 providing for the termination of this Act; and generally relating to an increased
14 age for compulsory school attendance in Baltimore City.

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 7-301
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) (1) (I) Except as otherwise provided in this section AND
25 SUBPARAGRAPH (II) OF THIS PARAGRAPH, each child who resides in this State and is
26 5 years old or older and under 16 shall attend a public school regularly during the
27 entire school year unless the child is otherwise receiving regular, thorough instruction
28 during the school year in the studies usually taught in the public schools to children
29 of the same age.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (2) Any person who has legal custody or care and control of a child who is
12 5 years old or older and under 16 who fails to see that the child attends school or
13 receives instruction under this section is guilty of a misdemeanor and:

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

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

19 (3) As to any sentence imposed under this section, the court may
20 suspend the fine or the prison sentence and establish terms and conditions which
21 would promote the child's attendance. The suspension authority provided for in this
22 subsection is in addition to and not in limitation of the suspension authority under §
23 6-221 of the Criminal Procedure Article.

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

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

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

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

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

- 1 (1) Full time in a licensed child care center;
- 2 (2) Full time in a registered family day care home; or
- 3 (3) Part time in a Head Start 5 year old program.

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

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

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

- 10 (1) lessens school-aged childrens' contact with the juvenile justice
11 system; and
- 12 (2) increases high school graduation rates.

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

- 19 (1) the number of students 16 years old and under 18 who dropped out of
20 high school, broken down by year and socioeconomic category;
- 21 (2) the number of contacts students 16 years old and under 18 had with
22 the juvenile justice system, broken down by age and reason for contact, if available;
- 23 (3) graduation rates beginning 5 years before the effective date of this
24 Act through the 2008-2009 school year;
- 25 (4) a description of the materials and methods used to provide residents
26 of Baltimore City with the information about the change in age for compulsory public
27 school attendance; and
- 28 (5) any other information the State Board determines is relevant.

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