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By: **Senator McFadden**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2006

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

25 ~~BY repealing and reenacting, with amendments,~~  
26 ~~Article – Education~~

1 Section 7-301  
 2 Annotated Code of Maryland  
 3 (2004 Replacement Volume and 2005 Supplement)

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

6 **Article—Education**

7 ~~7-301.~~

8 (a) (1) (I) Except as otherwise provided in this section AND  
 9 SUBPARAGRAPH (II) OF THIS PARAGRAPH, each child who resides in this State and is  
 10 5 years old or older and under 16 shall attend a public school regularly during the  
 11 entire school year unless the child is otherwise receiving regular, thorough instruction  
 12 during the school year in the studies usually taught in the public schools to children  
 13 of the same age.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (2) Any person who has legal custody or care and control of a child who is  
26 5 years old or older and under 16 who fails to see that the child attends school or  
27 receives instruction under this section is guilty of a misdemeanor and:

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

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

33 (3) As to any sentence imposed under this section, the court may  
34 suspend the fine or the prison sentence and establish terms and conditions which  
35 would promote the child's attendance. The suspension authority provided for in this  
36 subsection is in addition to and not in limitation of the suspension authority under §  
37 6-221 of the Criminal Procedure Article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           (i)     Two county superintendents of schools;

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

26           (iii)   A representative of a nonprofit organization;

27           (iv)    A president of one of the institutions of higher education in the  
28 State;

29           (v)     A community education expert;

30           (vi)    Two parent representatives;

31           (vii)   A student representative; and

1                   (viii) One representative each from Anne Arundel County, Baltimore  
2 City, Baltimore County, Charles County, Montgomery County, Prince George's County,  
3 Washington County, and Wicomico County.

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

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

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

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

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

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

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

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

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

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

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

32       (f)       A member of the Task Force:

33                   (1)       May not receive compensation; but

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

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

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

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