

HOUSE BILL 1115

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71r2710

By: **Delegates Stukes, Glenn, Haynes, Kirk, Krysiak, Oaks, Robinson, Rosenberg, and Tarrant**

Introduced and read first time: February 16, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Unexcused Student Absence – Repayment of State Costs**

3 FOR the purpose of requiring certain persons to reimburse the Department of
4 Education the amount of certain costs of education under certain circumstances;
5 requiring the Department to transfer the reimbursements to the Comptroller
6 for deposit in the General Fund of the State; and generally relating to the
7 repayment of certain costs by certain persons for unexcused student absences.

8 BY repealing and reenacting, without amendments,
9 Article – Education
10 Section 5–202(a)(1), (5), (8), and (12) and 7–301(a) and (c)
11 Annotated Code of Maryland
12 (2006 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 7–301(b)
16 Annotated Code of Maryland
17 (2006 Replacement Volume)

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

20 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-202.

2 (a) (1) In this section the following words have the meanings indicated.

3 (5) "Foundation program" means the product of the annual per pupil
4 foundation amount and a county's full-time equivalent enrollment.

5 (8) "Local share of the foundation program" means the product of the
6 local contribution rate and a county's wealth.

7 (12) "State share of the foundation program" means the greater of:

8 (i) The difference between the foundation program and the
9 local share of the foundation program; and

10 (ii) The result obtained by multiplying the annual per pupil
11 foundation amount by the county's full-time equivalent enrollment, and multiplying
12 this product by:

13 1. 0.25 in fiscal year 2004;

14 2. 0.24 in fiscal year 2005;

15 3. 0.22 in fiscal year 2006;

16 4. 0.19 in fiscal year 2007; and

17 5. 0.15 in fiscal year 2008 and each fiscal year
18 thereafter.

19 7-301.

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

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

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

6 (b) (1) A county superintendent, school principal, or an individual
7 authorized by the county superintendent or principal may excuse a student for a
8 lawful absence.

9 (2) (I) **UNLESS A STUDENT IS EXCUSED FOR A LAWFUL**
10 **ABSENCE IN ACCORDANCE WITH THIS SUBSECTION, FOR EACH DAY THAT THE**
11 **STUDENT IS ABSENT, THE PERSON WHO HAS LEGAL CUSTODY OR CARE AND**
12 **CONTROL OF THE STUDENT SHALL REPAY TO THE DEPARTMENT AN AMOUNT**
13 **EQUIVALENT TO THE PER-DIEM PER PUPIL AMOUNT OF THE STATE SHARE OF**
14 **THE FOUNDATION PROGRAM, AS DEFINED UNDER § 5-202(A)(12) OF THIS**
15 **ARTICLE, DISTRIBUTED TO THE COUNTY BOARD.**

16 (II) **THE DEPARTMENT SHALL TRANSFER THE**
17 **REIMBURSEMENTS COLLECTED UNDER THIS SUBSECTION TO THE**
18 **COMPTROLLER FOR DEPOSIT INTO THE GENERAL FUND OF THE STATE.**

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2007.