

# SENATE BILL 688

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By: **Senators Pugh and McFadden**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **High School – Compulsory Attendance – Diploma by Examination**

3 FOR the purpose of requiring certain children of a certain age who withdraw from a  
4 certain school program to take the examination for a high school diploma at a  
5 certain time; requiring certain children who fail the examination for a high  
6 school diploma to enroll in certain school or educational programs; requiring  
7 certain persons with legal control and custody of certain children of a certain  
8 age who failed a certain examination to see that the children attend school or  
9 receive certain instruction; providing for certain violations and penalties;  
10 providing for a delayed effective date; and generally relating to compulsory  
11 school attendance and obtaining a high school diploma by examination.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 7–206 and 7–301  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume)

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

19 **Article – Education**

20 7–206.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) An individual may obtain a high school diploma by examination as  
2 provided in this section if the individual:

3 (1) Has not obtained a high school certificate or diploma;

4 (2) Has resided in this State or on a federal reservation in this State  
5 for at least 3 months, except that the State Board may waive this residence  
6 requirement if it considers the waiver justified;

7 (3) Is 16 years old or older; and

8 (4) [Has] **EXCEPT AS PROVIDED IN § 7-301 OF THIS TITLE, HAS**  
9 withdrawn from a regular full-time public or private school program for at least 3  
10 months, except that the State Board may waive the 3-month withdrawal requirement  
11 if the State Board considers the waiver justified.

12 (b) The State Board shall examine individuals for a high school diploma at  
13 least twice each year at places throughout this State that are reasonably convenient  
14 for the applicants.

15 (c) The examination shall:

16 (1) Be offered in appropriate high school subject areas; and

17 (2) Be of a comprehensive nature as determined by the State Board.

18 (d) [An] **EXCEPT AS PROVIDED IN § 7-301 OF THIS TITLE, AN** individual  
19 who fails an examination may take retests.

20 (e) A member of the armed forces may earn the Maryland high school  
21 diploma by taking the examinations furnished by the United States Armed Forces  
22 Institute and given by the appropriate service officer.

23 (f) The diploma shall be awarded in accordance with the rules and  
24 regulations adopted by the State Board.

25 7-301.

26 (a) (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 shall attend a public  
28 school regularly during the entire school year unless the child is otherwise receiving

1 regular, thorough instruction during the school year in the studies usually taught in  
2 the public schools to children of the same age.

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

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

13 (A-1) (1) **A CHILD WHO RESIDES IN THIS STATE AND IS 16 YEARS OLD**  
14 **OR OLDER AND HAS WITHDRAWN FROM A REGULAR FULL-TIME PUBLIC OR**  
15 **PRIVATE SCHOOL PROGRAM SHALL TAKE THE EXAMINATION FOR A HIGH**  
16 **SCHOOL DIPLOMA PROVIDED UNDER § 7-206 OF THIS TITLE AT THE FIRST**  
17 **OFFERING OF THE EXAMINATION AFTER THE DATE THE CHILD WITHDRAWS**  
18 **FROM A SCHOOL PROGRAM.**

19 (2) **IF A CHILD REQUIRED TO TAKE THE EXAMINATION FOR A**  
20 **HIGH SCHOOL DIPLOMA UNDER PARAGRAPH (1) OF THIS SUBSECTION FAILS**  
21 **THE EXAMINATION, THE CHILD SHALL ENROLL AND ATTEND REGULARLY:**

22 (I) **A FULL-TIME PUBLIC OR PRIVATE SCHOOL PROGRAM;**

23 (II) **AN ALTERNATIVE EDUCATIONAL PROGRAM; OR**

24 (III) **A WORKFORCE DEVELOPMENT PROGRAM.**

25 (3) **AN INDIVIDUAL WHO IS 18 YEARS OLD OR OLDER MAY NOT BE**  
26 **REQUIRED TO ATTEND ANY TYPE OF EDUCATIONAL PROGRAM.**

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

29 (c) Each person who has legal custody or care and control of a child who is 5  
30 years old or older and under 16 **OR A CHILD WHO MEETS THE REQUIREMENTS OF**

1 **SUBSECTION (A-1) OF THIS SECTION** shall see that the child attends school or  
2 receives instruction as required by this section.

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

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

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

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

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

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

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

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

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

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

1           (2) Any person who has legal custody or care and control of a child  
2 who is 5 years old or older and under 16 **OR A CHILD WHO MEETS THE**  
3 **REQUIREMENTS OF SUBSECTION (A-1) OF THIS SECTION** who fails to see that the  
4 child attends school or receives instruction under this section is guilty of a  
5 misdemeanor and:

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

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

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

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

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

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

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

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

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

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

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

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

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 2009.