

# SENATE BILL 860

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HB 74/06 – W&M

71r2984

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By: **Senators Pugh and McFadden**  
Introduced and read first time: February 19, 2007  
Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Compulsory Attendance – Age**

3 FOR the purpose of clarifying that certain provisions of current law relating to  
4 compulsory attendance do not apply to certain children; requiring certain  
5 children under a certain age to attend a public school regularly during the  
6 entire school year unless certain conditions are met; raising the age to which a  
7 parent or guardian is responsible for a child's attendance at school or certain  
8 authorized instruction; making technical corrections; and generally relating to  
9 the age of compulsory school attendance.

10 BY adding to  
11 Article – Education  
12 Section 7–301(a)  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume)

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 7–301(a), (c), (d), and (e)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume)

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

22 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-301.

2 (A) THIS SECTION DOES NOT APPLY TO A CHILD UNDER THE AGE OF 18  
3 YEARS WHO HAS OBTAINED A HIGH SCHOOL CERTIFICATE OR DIPLOMA.

4 [(a)] (A-1) (1) Except as otherwise provided in this section, each child who  
5 resides in this State and is 5 years old or older and under [16] 18 shall attend a public  
6 school regularly during the entire school year unless the child is otherwise receiving  
7 regular, thorough instruction during the school year in the studies usually taught in  
8 the public schools to children of the same age.

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

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

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] 18 shall see that the child attends school or receives  
21 instruction as required by this section.

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

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

25 (i) Whose mental, emotional, or physical condition makes [his]  
26 **THE CHILD'S** instruction detrimental to [his] **THE CHILD'S** progress; or

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

29 (3) With the advice of the school principal, supervisor, pupil personnel  
30 supervisor, or visiting teacher and with the written recommendation of a licensed

1 physician or a State Department of Education certified or licensed psychologist, the  
2 county superintendent may:

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

5 (ii) Permit the parents or guardians of that student to withdraw  
6 [him] **THE CHILD** from public school, for as long as the attendance of the child in a  
7 public school would be detrimental to [his] **THE CHILD'S** progress or [his] **THE**  
8 **CHILD'S** presence in school would present a danger of serious physical harm to others.

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

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

15 (e) (1) Any person who induces or attempts to induce a child to [absent  
16 himself] **BE ABSENT** unlawfully from school or employs or harbors any child who is  
17 absent unlawfully from school while school is in session is guilty of a misdemeanor and  
18 on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30  
19 days, or both.

20 (2) Any person who has legal custody or care and control of a child  
21 who is 5 years old or older and under [16] **18** who fails to see that the child attends  
22 school or receives instruction under this section is guilty of a misdemeanor and:

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

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

28 (3) As to any sentence imposed under this section, the court may  
29 suspend the fine or the prison sentence and establish terms and conditions which  
30 would promote the child's attendance. The suspension authority provided for in this  
31 subsection is in addition to and not in limitation of the suspension authority under §  
32 6-221 of the Criminal Procedure Article.

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