

HOUSE BILL 1040

F1

8lr0330

By: **Prince George's County Delegation**

Introduced and read first time: February 7, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Compulsory School Attendance - Increased Age**
3 **Range**

4 **PG 402-08**

5 FOR the purpose of increasing the age range for compulsory public school attendance
6 in Prince George's County; requiring certain persons with legal custody or care
7 and control of certain children who reside in Prince George's County and who
8 are between certain ages to see that the children attend school as required;
9 establishing a certain penalty for certain persons; and generally relating to an
10 increased age range for compulsory school attendance in Prince George's
11 County.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 7-301
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2007 Supplement)

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 7-301.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**
2 **PARAGRAPH, EACH CHILD WHO RESIDES IN PRINCE GEORGE'S COUNTY AND IS**
3 **5 YEARS OLD OR OLDER AND UNDER 18 SHALL ATTEND A PUBLIC SCHOOL**
4 **REGULARLY DURING THE ENTIRE SCHOOL YEAR UNLESS THE CHILD IS**
5 **OTHERWISE RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE**
6 **SCHOOL YEAR IN THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO**
7 **CHILDREN OF THE SAME AGE.**

8 **(III) A CHILD WHO IS RECEIVING ALTERNATE INSTRUCTION**
9 **IS SUBJECT TO THE AGE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (I) OF**
10 **THIS PARAGRAPH.**

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

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

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

23 (c) **(1)** Each person who has legal custody or care and control of a child
24 who is 5 years old or older and under 16 **AND MEETS THE REQUIREMENTS OF**
25 **SUBSECTION (A)(1)(I) OR (III) OF THIS SECTION** shall see that the child attends
26 school or receives instruction as required by this section.

27 **(2) EACH PERSON WHO HAS LEGAL CUSTODY OR CARE AND**
28 **CONTROL OF A CHILD WHO IS 5 YEARS OLD OR OLDER AND UNDER 18 AND**
29 **MEETS THE REQUIREMENTS OF SUBSECTION (A)(1)(II) OF THIS SECTION SHALL**
30 **SEE THAT THE CHILD ATTENDS SCHOOL AS REQUIRED BY THIS SECTION.**

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

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

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

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

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

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

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

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

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

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

24 (2) Any person who has legal custody or care and control of a child
25 who [is 5 years old or older and under 16] **MEETS THE REQUIREMENTS OF**
26 **SUBSECTION (A)(1) OF THIS SECTION** who fails to see that the child attends school
27 or 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
29 per 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
31 to 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, Harford
2 County, Prince George's County, Somerset County, Wicomico County, and Worcester
3 County.

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

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

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

14 (4) The court may condition marking a charge under this section set
15 on participation of the defendant in the appropriate Truancy Reduction Pilot Program
16 under Title 3, Subtitle 8C of the Courts Article.

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

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2008.