

# HOUSE BILL 1325

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By: **Delegate Stukes**

Introduced and read first time: February 18, 2009

Assigned to: Rules and Executive Nominations

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## 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 a certain dedicated fund; establishing an Unexcused Student  
7 Absence Dedicated Fund; establishing the purpose, administration, sources, and  
8 uses of the Fund; providing that expenditures from the Fund may be made only  
9 in accordance with the State budget; and generally relating to the repayment of  
10 certain costs by certain persons for unexcused student absences.

11 BY repealing and reenacting, without amendments,  
12 Article – Education  
13 Section 5–202(a)(1), (5), (8), and (12) and 7–301(a) and (c)  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume)

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 7–301(b)  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume)

21 BY adding to  
22 Article – Education  
23 Section 7–301.1  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**Article – Education**

2 5–202.

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

4 (5) “Foundation program” means the product of the annual per pupil  
5 foundation amount and a county’s full–time equivalent enrollment.6 (8) “Local share of the foundation program” means the product of the  
7 local contribution rate and a county’s wealth.

8 (12) “State share of the foundation program” means the greater of:

9 (i) The difference between the foundation program and the  
10 local share of the foundation program; and11 (ii) The result obtained by multiplying the annual per pupil  
12 foundation amount by the county’s full–time equivalent enrollment, and multiplying  
13 this product by:

14 1. 0.25 in fiscal year 2004;

15 2. 0.24 in fiscal year 2005;

16 3. 0.22 in fiscal year 2006;

17 4. 0.19 in fiscal year 2007; and

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

20 7–301.

21 (a) (1) 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.26 (2) In accordance with regulations of the State Board of Education, a  
27 child who resides in this State and is 5 years old may be exempted from mandatory  
28 school attendance for 1 year if the child’s parent or guardian files a written request  
29 with the local school system asking that the child’s attendance be delayed due to the  
30 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 PARAGRAPH (1) OF THIS SUBSECTION**  
18 **TO THE COMPTROLLER FOR DEPOSIT INTO THE UNEXCUSED STUDENT**  
19 **ABSENCE DEDICATED FUND ESTABLISHED IN § 7-301.1 OF THIS SUBTITLE.**

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

23 **7-301.1.**

24           (A) **IN THIS SECTION, "FUND" MEANS THE UNEXCUSED STUDENT**  
25 **ABSENCE DEDICATED FUND.**

26           (B) **THERE IS AN UNEXCUSED STUDENT ABSENCE DEDICATED FUND.**

27           (C) **THE PURPOSE OF THE FUND IS TO:**

28                       (1) **SERVE AS A DEPOSITORY FOR REIMBURSEMENTS COLLECTED**  
29 **UNDER § 7-301(B)(2) OF THIS SUBTITLE; AND**

30                       (2) **CONTRIBUTE TO THE COST OF IMPLEMENTING SUSPENSION**  
31 **PROGRAMS IN PUBLIC SCHOOLS.**

32           (D) **THE DEPARTMENT SHALL ADMINISTER THE FUND.**

1           **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
2 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

3           **(2) THE STATE TREASURER SHALL HOLD THE FUND**  
4 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

5           **(F) THE FUND CONSISTS OF:**

6           **(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 7-301 OF**  
7 **THIS ARTICLE;**

8           **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

9           **(3) INVESTMENT EARNINGS OF THE FUND; AND**

10           **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**  
11 **FOR THE BENEFIT OF THE FUND.**

12           **(G) THE FUND MAY BE USED ONLY FOR THE PAYMENT OF COSTS**  
13 **ASSOCIATED WITH THE IMPLEMENTATION OF SUSPENSION PROGRAMS IN**  
14 **PUBLIC SCHOOLS.**

15           **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
16 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

17           **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**  
18 **CREDITED TO THE FUND.**

19           **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**  
20 **ACCORDANCE WITH THE STATE BUDGET.**

21           **(J) MONEY EXPENDED FROM THE FUND FOR THE IMPLEMENTATION OF**  
22 **SUSPENSION PROGRAMS IN PUBLIC SCHOOLS IS SUPPLEMENTAL TO AND IS NOT**  
23 **INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**  
24 **APPROPRIATED FOR THE IMPLEMENTATION OF SUSPENSION PROGRAMS IN**  
25 **PUBLIC SCHOOLS.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2009.