

SENATE BILL 157

F3
SB 201/11 – EHE

2lr1322

By: **Senators Pugh, Conway, Jones–Rodwell, and McFadden**

Introduced and read first time: January 19, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Age for Compulsory Public School Attendance – Exemption**

3 FOR the purpose of altering, in Baltimore City, the age at which certain children are
4 required to attend a public school regularly during the entire school year,
5 subject to certain exceptions; requiring certain parents or guardians of certain
6 children to provide written consent before the children may withdraw from
7 public school attendance; requiring certain school officials to provide a certain
8 notification under certain circumstances; requiring certain persons with legal
9 custody or care and control of certain children to see that the children attend
10 school, receive instruction, or have written consent to withdraw from public
11 school attendance; providing for certain penalties for certain persons; and
12 generally relating to the age for compulsory public school attendance in
13 Baltimore City.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 7–301(a)(1)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2011 Supplement)

19 BY adding to
20 Article – Education
21 Section 7–301.1
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2011 Supplement)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-301.

2 (a) (1) Except as otherwise provided in this section AND IN **§ 7-301.1 OF**
3 **THIS SUBTITLE**, each child who resides in this State and is 5 years old or older and
4 under 16 shall attend a public school regularly during the entire school year unless the
5 child is otherwise receiving regular, thorough instruction during the school year in the
6 studies usually taught in the public schools to children of the same age.

7 **7-301.1.**

8 (A) **THIS SECTION SHALL APPLY ONLY IN BALTIMORE CITY.**

9 (B) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
10 **SUBSECTION, EACH CHILD WHO RESIDES IN BALTIMORE CITY AND IS 5 YEARS**
11 **OLD OR OLDER AND UNDER 18 SHALL ATTEND A PUBLIC SCHOOL REGULARLY**
12 **DURING THE ENTIRE SCHOOL YEAR UNLESS THE PARENT OR GUARDIAN OF A**
13 **CHILD WHO IS 16 OR 17 YEARS OLD PROVIDES WRITTEN CONSENT TO THE**
14 **LOCAL SCHOOL SYSTEM FOR THE CHILD TO WITHDRAW FROM SCHOOL**
15 **ATTENDANCE.**

16 (2) **THE COUNTY SUPERINTENDENT, SCHOOL PRINCIPAL, OR AN**
17 **INDIVIDUAL AUTHORIZED BY THE COUNTY SUPERINTENDENT OR PRINCIPAL**
18 **SHALL PROVIDE A WRITTEN NOTIFICATION OF RECEIPT TO THE PARENT OR**
19 **GUARDIAN OF A CHILD FROM WHOM WRITTEN CONSENT HAS BEEN RECEIVED**
20 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

21 (3) **THIS SUBSECTION DOES NOT APPLY TO A CHILD WHO IS**
22 **RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN**
23 **THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE**
24 **SAME AGE.**

25 (C) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH PERSON WHO**
26 **HAS LEGAL CUSTODY OR CARE AND CONTROL OF A CHILD WHO IS 5 YEARS OLD**
27 **OR OLDER AND UNDER 18 SHALL SEE THAT THE CHILD ATTENDS SCHOOL,**
28 **RECEIVES INSTRUCTION, OR HAS WRITTEN CONSENT TO WITHDRAW FROM**
29 **SCHOOL ATTENDANCE.**

30 (D) (1) **ANY PERSON WHO INDUCES OR ATTEMPTS TO INDUCE A**
31 **CHILD TO BE ABSENT UNLAWFULLY FROM SCHOOL OR EMPLOYS OR HARBORS**
32 **ANY CHILD WHO IS ABSENT UNLAWFULLY FROM SCHOOL WHILE SCHOOL IS IN**
33 **SESSION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A**
34 **FINE NOT TO EXCEED \$500 OR IMPRISONMENT NOT TO EXCEED 30 DAYS OR**
35 **BOTH.**

1 **(2) ANY PERSON WHO HAS LEGAL CUSTODY OR CARE AND**
2 **CONTROL OF A CHILD WHO IS 5 YEARS OLD OR OLDER AND UNDER 18 WHO**
3 **FAILS TO SEE THAT THE CHILD ATTENDS SCHOOL, RECEIVES INSTRUCTION, OR**
4 **HAS WRITTEN CONSENT TO WITHDRAW FROM SCHOOL ATTENDANCE IS GUILTY**
5 **OF A MISDEMEANOR AND:**

6 **(I) FOR A FIRST CONVICTION IS SUBJECT TO A FINE NOT TO**
7 **EXCEED \$50 PER DAY OF UNLAWFUL ABSENCE OR IMPRISONMENT NOT TO**
8 **EXCEED 10 DAYS OR BOTH; AND**

9 **(II) FOR A SECOND OR SUBSEQUENT CONVICTION IS**
10 **SUBJECT TO A FINE NOT TO EXCEED \$100 PER DAY OF UNLAWFUL ABSENCE OR**
11 **IMPRISONMENT NOT TO EXCEED 30 DAYS OR BOTH.**

12 **(3) (I) AS TO ANY SENTENCE IMPOSED UNDER THIS SECTION,**
13 **THE COURT MAY SUSPEND THE FINE OR THE PRISON SENTENCE AND ESTABLISH**
14 **TERMS AND CONDITIONS THAT WOULD PROMOTE THE CHILD'S ATTENDANCE.**

15 **(II) THE SUSPENSION AUTHORITY PROVIDED FOR UNDER**
16 **SUBPARAGRAPH (I) OF THIS PARAGRAPH IS IN ADDITION TO AND NOT IN**
17 **LIMITATION OF THE SUSPENSION AUTHORITY UNDER § 6-221 OF THE CRIMINAL**
18 **PROCEDURE ARTICLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2012.