

# SENATE BILL 41

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SB 239/10 – EHE

11r0829

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By: **Senators Pugh, Garagiola, Jones–Rodwell, King, McFadden, Raskin,  
Robey, and Stone**

Introduced and read first time: January 17, 2011

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Age for Compulsory Public School Attendance – Exemptions**

3 FOR the purpose of altering the age at which certain children are required to attend a  
4 public school regularly during the entire school year, subject to certain  
5 exceptions; altering the age of certain children for which certain persons are  
6 responsible for the child’s attendance at school or receipt of certain instruction;  
7 making certain stylistic changes; providing for delayed effective dates; and  
8 generally relating to the age for compulsory public school attendance.

9 BY repealing and reenacting, with amendments,  
10 Article – Education  
11 Section 7–301  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Education  
16 Section 7–301(a), (a–1)(1), (c), and (e)(2)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2010 Supplement)  
19 (As enacted by Section 1 of this Act)

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

22 **Article – Education**

23 7–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (a)   **THIS SECTION DOES NOT APPLY TO A CHILD UNDER THE AGE OF 17**  
2 **YEARS WHO:**

3                   (1)   **HAS OBTAINED A MARYLAND HIGH SCHOOL DIPLOMA, AN**  
4 **EQUIVALENT OUT-OF-STATE HIGH SCHOOL DIPLOMA, OR A GED;**

5                   (2)   **IS A STUDENT WITH DISABILITIES AND HAS COMPLETED THE**  
6 **REQUIREMENTS FOR A MARYLAND HIGH SCHOOL CERTIFICATE OF**  
7 **COMPLETION;**

8                   (3)   **IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING**  
9 **THE SCHOOL YEAR IN THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS**  
10 **TO CHILDREN OF THE SAME AGE, INCLUDING HOME SCHOOLING UNDER**  
11 **COMAR 13A.10.01;**

12                  (4)   **IS SEVERELY ILL AND REQUIRES HOME OR HOSPITAL**  
13 **INSTRUCTION;**

14                  (5)   **IS MARRIED;**

15                  (6)   **IS IN MILITARY SERVICE;**

16                  (7)   **IS COMMITTED BY COURT ORDER TO AN INSTITUTION**  
17 **WITHOUT AN EDUCATIONAL PROGRAM;**

18                  (8)   **PROVIDES FINANCIAL SUPPORT TO THE CHILD'S FAMILY AS**  
19 **DOCUMENTED BY A LOCAL DEPARTMENT OF SOCIAL SERVICES;**

20                  (9)   **SUBJECT TO THE APPROVAL OF THE COUNTY**  
21 **SUPERINTENDENT, HAS BEEN EXPELLED UNDER § 7-305 OF THIS SUBTITLE;**

22                  (10) **IS PREGNANT OR A PARENT AND IS ENROLLED IN AN**  
23 **ALTERNATIVE EDUCATIONAL PROGRAM;**

24                  (11) **ATTENDS AN ALTERNATIVE EDUCATIONAL PROGRAM;**

25                  (12) **SUBJECT TO WRITTEN PARENTAL CONSENT AND WRITTEN**  
26 **AGREEMENT WITH THE COUNTY BOARD, ATTENDS A PUBLIC SCHOOL ON A**  
27 **PART-TIME BASIS AND ATTENDS A PRIVATE CAREER SCHOOL AS DEFINED**  
28 **UNDER § 10-101 OF THIS ARTICLE OR PARTICIPATES IN GED COURSES ON A**  
29 **PART-TIME BASIS; OR**

30                  (13) **IS WAIVED FROM THE PROVISIONS OF THIS SECTION BY THE**  
31 **STATE SUPERINTENDENT.**

1           (A-1) (1) Except as otherwise provided in this section, each child who  
2 resides in this State and is 5 years old or older and under [16] 17 shall attend a public  
3 school regularly during the entire school year [unless the child is otherwise receiving  
4 regular, thorough instruction during the school year in the studies usually taught in  
5 the public schools to children of the same age].

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

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

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

18           (c) Each person who has legal custody or care and control of a child who is 5  
19 years old or older and under [16] 17 shall see that the child attends school or receives  
20 instruction as required by this section.

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

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

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

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

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

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

34                   (ii) Permit the parents or guardians of that student to withdraw  
35 [him] **THE CHILD** from public school, for as long as the attendance of the child in a

1 public school would be detrimental to [his] **THE CHILD'S** progress or [his] **THE**  
2 **CHILD'S** presence in school would present a danger of serious physical harm to others.

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

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

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

14 (2) Any person who has legal custody or care and control of a child  
15 who is 5 years old or older and under [16] **17** who fails to see that the child attends  
16 school or receives instruction under this section is guilty of a misdemeanor and:

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

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

22 (3) As to any sentence imposed under this section, the court may  
23 suspend the fine or the prison sentence and establish terms and conditions which  
24 would promote the child's attendance. The suspension authority provided for in this  
25 subsection is in addition to and not in limitation of the suspension authority under §  
26 6-221 of the Criminal Procedure Article.

27 (e-1) (1) This subsection applies only:

28 (i) In a county in which the circuit administrative judge has  
29 established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article;  
30 and

31 (ii) To the extent that funds are provided in an annual State  
32 budget for a Truancy Reduction Pilot Program.

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



1           (7) Is committed by court order to an institution without an  
2 educational program;

3           (8) Provides financial support to the child's family as documented by a  
4 local department of social services;

5           (9) Subject to the approval of the county superintendent, has been  
6 expelled under § 7-305 of this subtitle;

7           (10) Is pregnant or a parent and is enrolled in an alternative  
8 educational program;

9           (11) Attends an alternative educational program;

10           (12) Subject to written parental consent and written agreement with  
11 the county board, attends a public school on a part-time basis and attends a private  
12 career school as defined under § 10-101 of this article or participates in GED courses  
13 on a part-time basis; or

14           (13) Is waived from the provisions of this section by the State  
15 Superintendent.

16           (a-1) (1) Except as otherwise provided in this section, each child who  
17 resides in this State and is 5 years old or older and under [17] 18 shall attend a public  
18 school regularly during the entire school year.

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 [17] 18 shall see that the child attends school or receives  
21 instruction as required by this section.

22           (e) (2) Any person who has legal custody or care and control of a child  
23 who is 5 years old or older and under [17] 18 who fails to see that the child attends  
24 school or receives instruction under this section is guilty of a misdemeanor and:

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

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

30           SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
31 take effect July 1, 2015.

32           SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in  
33 Section 3 of this Act, this Act shall take effect June 1, 2013.