

# HOUSE BILL 1092

F1

11r0444

---

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

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Age for Compulsory Public School Attendance –**  
3 **Exemption**

4 **PG 406–11**

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

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 7–301(a)(1)  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2010 Supplement)

21 BY adding to  
22 Article – Education  
23 Section 7–301.1  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2010 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

**Article – Education**

2 7–301.

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

8 **7–301.1.**

9 (A) THIS SECTION SHALL APPLY ONLY IN PRINCE GEORGE’S COUNTY.

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

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

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

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

31 (D) (1) ANY PERSON WHO INDUCES OR ATTEMPTS TO INDUCE A  
32 CHILD TO BE ABSENT UNLAWFULLY FROM SCHOOL OR EMPLOYS OR HARBORS  
33 ANY CHILD WHO IS ABSENT UNLAWFULLY FROM SCHOOL WHILE SCHOOL IS IN  
34 SESSION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A

1 FINE NOT TO EXCEED \$500 OR IMPRISONMENT NOT TO EXCEED 30 DAYS OR  
2 BOTH.

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

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

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

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

17 (ii) THE SUSPENSION AUTHORITY PROVIDED FOR IN THIS  
18 SUBSECTION IS IN ADDITION TO AND NOT IN LIMITATION OF THE SUSPENSION  
19 AUTHORITY UNDER § 6-221 OF THE CRIMINAL PROCEDURE ARTICLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 July 1, 2011.