

File No. 86947

April 19, 1951

Honorable T. J. S. Waxter  
Director, Department of Public Welfare  
327 St. Paul Place  
Baltimore - 2, Maryland

Dear Judge Waxter:

By your letter of January 19, 1951, you ask our opinion in regard to whether girls under sixteen years of age must return to school following pregnancies. In your letter you say there is a conflict in the advice received by you on this subject as between the Juvenile Court and the Board of Education, the position of the Juvenile Court being that each girl under sixteen is required to attend school after the birth of her baby and the position of the Board of Education being that the return of such girls is handled on a case by case basis.

Although we did not undertake a study of applicable laws with the idea of reconciling or compromising upon the positions taken, we have arrived at the conclusion that the position of the Juvenile Court is basically correct, but that the practice of the Board of Education is probably justifiable under their disciplinary powers over pupils.

The subject matter is embodied in the Annotated Code of Maryland, Article 77, Public Education. Section 111 of this Article says:

"All white youths between the ages of six and sixteen years shall be admitted into such public schools of the State \* \* \*,"

and Section 192 makes similar provision for colored children. Section 112 states that each School Board "shall have the power to suspend and expel pupils for cause", from which an appeal to the State Superintendent is provided.

Chapter 21, comprising Sections 212 through 230 of this Article, is entitled "School Attendance", and Section 212 provides that every child to the age of sixteen years shall attend some day school regularly unless receiving instructions elsewhere. The section further states that a school principal may excuse necessary absence and provides that "the provisions of this section shall not apply to a child whose mental or physical condition is such as to render its instruction as above