

Honorable T. J. S. Waxter, Director, Department of Public Welfare (cont'd)

described inexpedient or impracticable." Senate Bill 335, Acts of 1951, effective June 1, 1951, adds to this Section and provides that -

"In any such instance it shall be within the discretion of the Superintendent of Schools * * *, acting with the advice of the school principal, supervisor * * *, to permit the withdrawal of any such pupil who has reached the age of fourteen years and who in the judgment of such person or persons can no longer profit from further continuance in school."

This section further provides that any person having a child within the age group specified under his control and who fails to comply with the provisions of attendance would be guilty of a misdemeanor. Section 220 in this Chapter states that it is the duty of the principal to report absence or irregular attendance, or report pupils "who show evidence of maladjustment, so that the causes may be studied and solutions worked out."

The above sections clearly provide for compulsory attendance (Board of Education vs. Wheat, 174 Md. 314, at page 320), and we are unable to find any case decision or dicta permitting a deviation from these requirements. The case above cited and various opinions of the Attorney General (Op. Attorney General Vol. 7, page 123; Vol. 2, page 143; Vol. 10, page 98) emphasize the responsibility for the person controlling the child to see to its attendance. In the case of Price vs. Commonwealth (1948) 495 SE 2nd 342, a Virginia Court has said,

"Valid reasons for not sending a child to school are only those enumerated by statute * * *."

Thus when any child is in the custody of your agency, you have a responsibility to see to the attendance at school of this child regardless of any temporary interruption by reason of illness, pregnancy or any other reason. If it is felt that any such child cannot attend because of mental or physical condition, a specific excuse should be obtained from the School Board as provided by Section 212, Article 77. However, any girl under sixteen years who has become pregnant, is certainly socially maladjusted within the contemplation of Section 222 and a special program within the school system could be worked out.

Assuming the child to be mentally and physically capable of attendance, the Board of Education may refuse re-admittance to such child on the basis of their