

CHAPTER 406

(House Bill 557)

AN ACT to repeal and re-enact, with amendments, Sections 231 (a) and 241 (b) and (c) of Article 77 of the Annotated Code of Maryland (1965 Replacement Volume), title "Public Education," subtitle "Chapter 23. School Attendance," to make the compulsory school attendance law applicable to children with mental or physical handicaps and to change requirements for funds for such children and for reimbursement to the parents of certain children receiving education outside the public school system.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 231 (a) and 241 (b) and (c) of Article 77 of the Annotated Code of Maryland (1965 Replacement Volume), title "Public Education," subtitle "Chapter 23. School Attendance," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

231.

(a) Every child residing in Baltimore City and in any county in the State between seven and sixteen years of age shall attend some day school regularly as defined in Section 233 of this Article, during the entire period of each year, the public day schools in said city or county in which said child resides are in session, unless it can be shown that the child is elsewhere receiving regularly thorough instruction during said period in the studies usually taught in said public schools to children of the same age; provided that the superintendent or principal of any school, or persons duly authorized by said superintendent or principal may excuse cases of necessary absence among its enrolled pupils; and provided further, 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 described inexpedient or impracticable.] *who has a mental or physical handicap and special instruction as expedient or practicable shall be rendered as above described.* In any such instance it shall be within the discretion of the superintendent of schools of the particular county or of Baltimore City, acting with the advice of the school principal, supervisor, pupil personnel supervisor or visiting teacher, 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. ATTENDANCE AND WITHDRAWAL AS IT PERTAINS TO A MENTALLY OR PHYSICALLY HANDICAPPED PUPIL SHALL BE AT THE DISCRETION OF THE SUPERINTENDENT OF SCHOOLS OF THE PARTICULAR COUNTY OR BALTIMORE CITY ACTING WITH THE ADVICE OF THE SCHOOL PRINCIPAL AND THE SUPERVISOR OF SPECIAL EDUCATION. Every person having under his control a child between seven and sixteen years of age shall cause such child to attend school or receive instruction as required by this section. Nothing in the provision of this section shall be construed to require the school attendance of any child who shall have been legally withdrawn from school before July 1, 1949.