

92.

(a) Every child between six and sixteen years of age residing in the State shall attend some public school regularly during the entire period of each school year, unless it can be shown that the child is elsewhere receiving regular, thorough instruction during [said] THE period in the studies usually taught in [said] THE public schools to children of the same age; provided that the superintendent or principal of any school, or persons duly authorized by [said] THE superintendent or principal may excuse cases of necessary absence among its enrolled pupils. The provisions of this section shall apply to any child who has a mental, emotional or physical handicap [and who under the bylaws, rules and regulations of the State Board of Education is educable and qualified for special instruction as provided for in this article; and provided further, that]. HOWEVER, the provisions of this section shall not apply to a child whose mental, emotional, or physical condition is such as to render his instruction as above described detrimental to his progress nor shall it apply to a child whose presence in school constitutes a danger of serious physical harm to others. 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, and with the written recommendation of a licensed physician or certified psychologist, [to permit the withdrawal] TO MAKE OTHER APPROPRIATE PROVISION FOR THE FREE EDUCATION of any pupil to whom [in the judgment of [such] THAT person or persons TO WHOM] the above provisions apply, OR TO PERMIT THE PARENTS OR GUARDIANS OF THAT PUPIL TO WITHDRAW HIM FROM PUBLIC SCHOOL, FOR AS LONG AS [Withdrawal as it pertains to mentally, emotionally or physically handicapped pupils shall not be construed as to exclude permanently the return of any pupil whose condition improves to the degree that] the child's attendance in a public school [is no longer] CONTINUES TO BE detrimental to his progress []. Neither shall any provision of this section be construed as to exclude permanently any pupil whose [OR HIS] presence in school [no longer constitutes] CONTINUES TO CONSTITUTE a danger of serious physical harm to others. When a child is withdrawn from the public school as provided in this section the board of education of the particular county or of Baltimore City shall make some other appropriate provision for the child's education. If no appropriate educational placement is immediately available the board of education of the particular county or Baltimore City shall make some interim provisions for the child's education until such time as appropriate placement becomes available. Every person having under his control a child between six and sixteen years of age shall cause [such] THAT 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, 1969.

(b) Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and be fined not exceeding fifty dollars (\$50.00) for each offense.

(c) Any person who induces or attempts to induce a child to absent himself unlawfully from school or employs or harbors while school is in session any child absent unlawfully from school shall be deemed guilty of a misdemeanor and be fined not more than fifty dollars (\$50.00).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 21, 1973.

-----