



Mohammed Choudhury
State Superintendent of Schools

To: Members of the State Board of Education
From: Mohammed Choudhury, State Superintendent of Schools
Date: February 28, 2023
Subject: COMAR 13A.08.01.01
Attendance
Adoption

Purpose

The purpose of this item is to request adoption of an amendment to COMAR 13A.08.01.01 *Attendance*.

Regulation Promulgation Process

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

Background/Historical Perspective

In 2017, the Maryland legislature approved Education Article §7-301 raising the age of compulsory attendance from age 16 to age 18. COMAR 13A.08.01.01 *Attendance* continues to include the age of Compulsory Attendance as 16 rather than 18 to reflect the change in the law to age 18. For this reason, we are asking to amend the current regulation to reflect these change.

Executive Summary

The proposed regulation updates the requirements for attendance to include the legislative mandates of 2017, regarding the increase in the age of compulsory attendance from 16 to 18 years of age. The regulation came before

the State Board on September 27, 2022, requesting permission to publish. The regulation was published in the Maryland Register for comment from December 17, 2022, through January 17, 2022. No comments were received.

Action

Request permission to adopt the proposed amendment to COMAR 13A.08.01.001. *Attendance*.

Attachments

Attachment: COMAR 13A.08.01.01 *Attendance*

Title 13A
STATE BOARD OF EDUCATION

Subtitle 08 STUDENTS

Chapter 01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-101.1, 7-301, 7-301.1, 7-303—7-305, 7-305.1, 7-307, 7-308, and 8-404, Annotated Code of Maryland; Ch. 273, Acts of 2016; Federal Statutory Reference: 20 U.S.C. §§1232g and 7912

.01 Attendance.

A. Who Shall Attend. Each child who resides in this State and is 5 years old or older and under [16] 18 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age, or the child is exempted under Regulation .02-2A of this chapter.

B. A child who resides in this State shall attend a public or nonpublic kindergarten program regularly during the school year before entering the first grade unless the child is enrolled in an alternative program as specified in Regulation .02-2B of this chapter or is receiving home instruction as provided in COMAR 13A.10.01.

C. A child who resides in this State and attends a nonpublic kindergarten program for part of the year may transfer to a public kindergarten if the child meets the minimum age requirement for admission to a public school kindergarten program, as set forth in Regulation .02B(2) of this chapter.

D. Students shall be considered in attendance at school when participating in school-sponsored activities during the school day, and when that participation is approved by the local superintendent of schools or the school principal, or their designees. Students shall be considered in attendance in an alternative program setting when participating in activities during the day sponsored by the alternative program, and when that participation is approved by the director of a licensed child care center, registered family day care home, or Head Start 5-year-old program.

E. Daily Attendance Record. A record of the daily attendance of each student shall be kept in accordance with regulations of the State Board of Education and Maryland Student Records System Manual 2020, which is incorporated by reference in COMAR 13A.08.02.01.