

.01 Attendance.

A. Who Shall Attend. Each child who resides in this State and is 5 years old or older and under 16 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 the Maryland Student Records System Manual 2016, which is incorporated by reference in COMAR 13A.08.02.01.

.02-1 Definitions.

A. In Regulation .02-2 of this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Full-time in a licensed child care center" means the child is enrolled in the child care center only and does not attend any other kindergarten program.

(2) "Full-time in a registered family day care home" means the child is cared for by the family day care provider only and does not attend any other kindergarten program.

(3) "Part-time in a Head Start 5-year-old program" means the child is enrolled in the Head Start program and may or may not be enrolled in another child care program.

.02-2 Exemptions to Kindergarten Attendance Requirement.

A. Level of Maturity Waiver.

(1) A child who resides in this State and is 5 years old may be exempted from mandatory school attendance for 1 year if the child's parent or guardian believes that a delay in school attendance is in the best interest of the child and the parent or guardian files a written request with the local superintendent of schools asking that the child's attendance be delayed due to the child's level of maturity.

(2) A written request for a 1-year exemption from mandatory attendance for a 5-year-old shall be filed with the local superintendent of schools or the superintendent's designee before the opening of school of the year in which the child becomes 5 years old.

(3) After a child is enrolled in kindergarten, a parent or guardian may file a written request to withdraw the child from the program and delay attendance until the following school year if the parent or guardian believes it is in the best interest of the child.

(4) The local school system shall approve the request for delay or withdrawal in writing within 5 working days from date of receipt.

(5) The local school system shall report to the State Department of Education, on forms provided by the State Department of Education, information on the number of 5-year-old children for whom requests have been received.

B. Alternative Program Settings.

(1) A child may be exempted from attending kindergarten if a parent or guardian of the child files in writing their intent to place the child in an alternative setting and verifies that the child is enrolled:

- (a) Full-time in a licensed child care center;
- (b) Full-time in a registered family day care home; or
- (c) Part-time in a Head Start 5-year-old program.

(2) A parent or guardian who elects to enroll a child full-time in a licensed child care center, full-time in a family day care home, or part-time in a Head Start 5-year-old program shall file their intent to enroll the 5-year-old child in an alternative program with the local school system before the opening of school of the year in which the child becomes 5 years old. The parent or guardian shall verify enrollment by providing the following information:

- (a) Name of program;
- (b) Address of facility location; and
- (c) License or registration number and expiration date.

(3) A parent or guardian of a child who attended an alternative program shall register the child for first grade before the opening of school of the year in which the child becomes 6 years old and shall provide documentation showing proof of attendance in the alternative program setting. Documentation includes:

- (a) Date child was enrolled; and

(b) Number of days child was absent.

(4) Program directors/providers who enroll a 5-year-old child full-time in a licensed child care center, full-time in a family day care home, or part-time in a Head Start 5-year-old program shall furnish the parent or guardian with the documentation as specified in §B(2)—(3) of this regulation.

C. Non-State Residents. A 5-year-old child who moves into Maryland who has had a kindergarten experience in another state for part of the school year shall be enrolled in kindergarten. A 6-year-old child who moves into Maryland who has not had a kindergarten experience may be enrolled in kindergarten or first grade. The local school system shall determine the appropriate grade placement of a 6-year-old child who moves into Maryland based on a review of the documentation provided by the parent or guardian.