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Pursuant to Article 77, Section 182, of the Annotated Code of Maryland (Flack's Edition) and Article 41, Section 2, page 917, of the Baltimore City Code, the Board of School Commissioners has adopted rules and regulations (revised to September 1, 1939) for the management of the schools of Baltimore. Article VII, Section 7(a) of the rules provides as follows:

"Sec. 7. (a) The Principal of the school shall inquire whether the parents, or if the parents are dead, the guardian, of the pupil seeking admission are residents of the city, and no Principal shall admit or allow to remain in a school a pupil whose parents, or if the parents are dead, the guardian, are non-residents, until the required tuition has been paid. No non-resident pupil, old or new, shall be admitted to any class until he has presented a receipted bill for the first quarter's tuition.

Under this section no pupil seeking admission to the schools of this city having one or both parents living may at the same time have a guardian, within the meaning of the section.

Note: If a child has been legally adopted by a resident of this city, no tuition fee shall be required, but 'adoption' does not mean merely taking out guardianship papers."

In my opinion, this Section of the Rules is by its terms applicable only to a situation where the parents or the guardian of the pupil, as the case may be, are non-residents. There is no provision in the rules which covers the situation presented by the School Board's letter of January 10, 1941. Inasmuch as at the present time the parents of the pupil are residents of Baltimore City, the pupil seeking admission has the right to admission as a free pupil.

Article VII, Section 26 of the Rules provides that for serious misconduct pupils may be suspended under certain regulations. Sub-paragraphs (c) and (d) of Section 26 of Article VII provide as follows:

"(c) The Superintendent may suspend a pupil for serious misconduct, and shall send immediate written notification to the parent. If the suspension is for a period greater than a quarter of the school year, the case shall be reported to the Board of School Commissioners for its action.

(d) The Superintendent shall report to the Board of School Commissioners the case of any pupil, who, in the judgment of the Board of Superintendents, should not be permitted on account of serious misconduct, to remain enrolled in the schools. The Board of School Commissioners may, in its discretion, expel such pupil from the schools, and so notify the parent."