

Legislative Analysis



COMPULSORY SCHOOL ATTENDANCE UNTIL 18

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4042 (Substitute H-3)
Sponsor: Rep. LaMar Lemmons, Jr.
Committee: Education

First Analysis (1-30-08)

BRIEF SUMMARY: The bill would require students who enter grade 9 in 2009 or later to attend public school until their 18th birthday. (Currently, the school-leaving age is 16.) Current exceptions would be retained; for example, for students who have already graduated from high school and students educated privately or at home.

FISCAL IMPACT: Raising the compulsory school attendance age from 16 to 18 would create additional costs for the State and school districts. If all students actually remain in school until age 18, it would raise pupil memberships by 25,000 to 35,000 statewide. At the current per pupil weighted average foundation allowance of \$7,625, the bill could cost between \$190.6 million and \$266.9 million annually.

THE APPARENT PROBLEM:

A report entitled *The Case for Reform: Raising the Compulsory School Attendance Age*, published by Civic Enterprises, with support from the Bill & Melinda Gates Foundation and others, notes that "today's globally competitive economy requires at least a high school diploma and often additional education and training to provide the knowledge and skills needed for the 21st century."

Despite the need for higher levels of education, the report argues that the "United States has a dropout epidemic. Almost one-third of all public high school students—and one-half of African Americans, Hispanics, and Native Americans—fail to graduate from high school with their class."

According to committee testimony offered by two members of the Michigan State Board of Education, Kathleen Strauss and Elizabeth Bauer, the 2000 Michigan census indicates there are 220,000 school-age residents who are not enrolled in school—a number which if accurate would boost Michigan's total school enrollment of 1.65 million students by about 21 percent.

Schools themselves report varied drop-out rates. For example, in the *Detroit News* "Special Report: Crisis in the Classroom" (a week-long series of reports beginning May 29, 2005), investigators calculated graduation rates (based on estimates from both the Manhattan Institute and the Urban Institute) for every school in Livingston, Macomb, Oakland, and Wayne counties, and then compared those rates to the official rates reported by metro Detroit schools. Graduation rates varied a great deal between schools within a county. For example, in Oakland County, the average completion rate was 51 percent in

Pontiac and 59 percent in Hazel Park; in contrast, the completion rate was 92.7 percent in Royal Oak and 95.9 percent in Troy. Further, graduation rates reported within each school district also varied. For those same schools, the official graduation rates (reported by the school) compared with the two institutes' estimates were as follows: Pontiac: 77.3 percent vs. 44.8 percent and 57.2 percent; Hazel Park: 90.8 percent vs. 51.7 percent and 66.3 percent; Royal Oak: 100 percent vs. 95.2 percent and 90.1 percent; and Troy: 97.5 percent vs. 96.8 percent and 95 percent. In every instance, school officials under-reported their number of drop-outs, some by a significant number of students.

Some observe that school drop-out rates remain high because Michigan's compulsory school attendance law allows students to leave school on their 16th birthday. (The law was originally enacted in 1895, according to testimony. However, compulsory attendance was first proposed in Michigan in the 1830's by state school superintendent John D. Pierce, and then began in 1871 according to the North Central Regional Educational Laboratory headquartered in Chicago; it was the first such policy in the Midwestern states.) Many students make their decision to leave school unilaterally, absent parental or counseling guidance, and without knowing the decision's effects on their lifelong happiness and economic well-being. Over their lifetimes, economists calculate that female high school dropouts earn between \$120,000-\$244,000 less than female graduates, and males \$117,000-\$322,000 less than male graduates.

Currently, 23 states allow students to leave school on their 16th birthday; 17 states and the District of Columbia say students must stay until their 18th birthday; the others require school attendance until 17 years of age. Increasingly, state governors are urging that the school leaving age be set at 18 years, taking into account the need for more schooling in today's world of work.

To impress upon Michigan students the importance of a high school education, legislation has been introduced to prohibit school leaving until a student reaches 18 years of age.

THE CONTENT OF THE BILL:

The bill would amend the Revised School Code to require that those students who enter grade 9 in 2009 or later, attend public school until their 18th birthday. For others, the current school-leaving age of 16 would stay in effect. (Current exceptions would be retained; for example, for students who have already graduated from high school and students educated privately or at home.)

Specifically, the bill requires parents and guardians to send children to school during the entire school year from the age of six until the child's 18th birthday.

MCL 380.1561 and 1596

ARGUMENTS:

For:

Public schools have long served two purposes in America: to prepare people for the world of work thus ensuring their economic well-being and also the economic prosperity of the country; and to ready people for the responsibilities of citizenship as active and enlightened leaders and electors in our participatory democracy. As these two overarching goals have evolved during the past 200 years, so too have the teaching, learning, assessment, and curricular policies embodied in public schools. For example, in the 1830's, rural Michigan students attended school for three months in the winter when the family farm did not need their work. Thirty years later, the urban school district in Detroit boasted the state's first high school. In the interim, industrialization vied with agriculture for properly prepared and motivated workers.

Proponents of raising the compulsory attendance age from 16 to 18 argue that the 16-year-old school-leaving laws in Michigan and across the United States are policies for a bygone era. In the report Raising the Compulsory School Attendance Age: The Case for Reform issued by Civic Enterprise with support from the Bill and Melinda Gates Foundation and others, the authors note that while "most states allow students to drop out before high school graduation (generally at age 16 or 17), most compulsory school attendance laws were enacted between 1870 and 1910, a time when fewer than 10 percent of 17 year olds graduated from high school. In an economy that was still significantly agrarian, a high school education was not a prerequisite to participating in the mainstream workforce. Fifty-two percent more Americans lived in rural than in urban areas in 1900. One hundred years later, the situation had changed entirely, and nearly four times more Americans live in urban than in rural areas...Clearly times have changed, though state laws have not always kept up."

The report continues: "It is common knowledge that the U.S. economy needs college graduates. At a time when two-thirds of high-growth, high-wage jobs require a college degree and only one-third of Americans have college degrees, it makes little sense to us that state laws would continue to make it easy for students to avoid the prerequisite to college: a high school diploma."

Proponents of the bill note two years ago, the Michigan legislature enacted a far more intellectually rigorous high school course of study—called the Michigan Merit Curriculum—in order to prepare Michigan graduates for the world of work and advanced study beyond high school. Meeting the challenges of that curriculum requires that students spend four (and sometimes more) years in high school in order to master the science, mathematics, social science, foreign language, and English language skills required before high school graduation. If a student is to succeed with these studies, dropping out before high school graduation is not an option.

Proponents of raising the compulsory attendance age to 18 argue the new policy will keep students in high school longer, and better help to ensure their success. They point out that nationwide only about 70 percent of students earn their high school diplomas.

Among minority students, about 58 percent of Hispanics, 53 percent of African American, and 49 percent of American Indian and Alaska Native students graduate with a regular diploma (compared to 76 percent of white students and 80 percent of Asian Americans). The gaps in achievement and graduation rates between groups of learners in the United States could be compressed, if students were required to stay in school and study longer.

Proponents argue that taxpayers in Michigan pay a high price when students do not finish high school. In 2003, the *Detroit News* reported that 40 percent of Michigan residents who got cash welfare were dropouts, costing the state roughly \$156 million. And, about 70 percent of convicts who entered prison were dropouts; housing them for just one year was estimated to cost taxpayers \$200 million. Taxpayers are not only paying to house the prisoners, but also to give them the education they missed. In 2003, Michigan was paying \$12.6 million on GED and pre-GED programs in prisons and jails. According to *The Case for Reform*, dropping out of school early also places a burden upon society as a whole. Annual public health costs for dropouts have been estimated at \$58 billion, and approximately \$10 billion could be saved each year in public assistance if all our students graduated from high school. A 10 percent increase in the high school completion rate would reduce the cost of crime by \$14 billion.

Those who support the bill point again to the Gates-sponsored report, *The Case for Reform*, to note "that the economic consequences of dropping out are dramatic. In the United States, high school graduates earn 43 percent more than individuals without high school diplomas, and college graduates earn more than 150 percent—one and a half times—more. Further, research has shown a 10 percent rise in earnings for people who simply stay in school one year longer. The unemployment rate among individuals who have not graduated from high school is 65 percent higher than for graduates, and three times higher than it is for college graduates. Clearly, dropping out of high school is often equivalent to choosing a life of financial hardship.

Against:

Opponents of the bill note that an estimated 20,000 students between the ages of 13 and 15 drop out of the Michigan school system each school year. Yet there is little or no enforcement of the current truancy law, since few schools employ truant officers. Further, opponents of raising the compulsory attendance age to 18 argue that the proposal, while well-intended, is a premature action that will have little impact, since it does not address the issues which cause the drop-out problem. For example, the Michigan Business Leaders for Education Excellence say that although the corporations they represent never employ students who drop out of school, they fear the bill will simply increase the *legal* dropout age. They note that other action is necessary before such a step is taken.

The group recommends that the state initiate programs that assign "graduation coaches" to work with each student at risk of dropping out; create a more extensive system of optional vocational and technical training for 16 year olds; modify the community college system to accept students who feel they no longer fit in high schools; consider

establishing the "middle college": for at-risk students; hold schools accountable for student retention programs, and use an average daily attendance count when calculating reimbursement under the State School Aid Act; develop a system of enforcement and penalties for students who drop out early; fully integrate the 21st Century Skills Applied Learning Core; and require would-be dropouts to enroll in GED certificate programs.

The Mackinac Center for Public Policy questions whether raising the compulsory attendance age to 18 would result in higher graduation rates or foster higher achievement. Results are mixed. They note that "of the 10 states with the best graduation rates (based on 2001-02 data from the National Center for Education Statistics), only two (Utah and Wisconsin) compel attendance to the age of 18. Of the 10 states with the lowest graduation rates, one (New Mexico) mandates attendance to age 18..." Further, of the six countries scoring highest on the Program for International Student Assessment (PISA) mathematics exam in 2003, only one, The Netherlands, requires school attendance to the age of 18. The others range from age 14 (Korea, Hong Kong, and Macao-China) to 16 (Canada, Finland, and Liechtenstein).

Against:

Some opponents of this bill question the state's right to intervene in family life, interrupting the right of parents to determine when their children are ready to begin or finish formal education. Groups such as the Home School Legal Defense Association support efforts wherever possible to roll back compulsory attendance laws. The association acknowledges that many factors contributed to the transfer of responsibility for education from the family to the states over the past 200 years, including the hope that compulsory attendance laws would level the disparity between the poor and the wealthy, and "Americanize" great waves of immigrants. They argue, however, that in the scriptural model, the home is the center of nurture, education, and life itself. Compulsory education undermines the integrity of the home by usurping parents' authority to make educational decisions for their children. They note that long (240-250 days each year) and compulsory school attendance are the practice in two countries whose school systems are much admired by school reformers: Japan and Germany. They ask, "Is it merely a coincidence that the two countries whose educational systems we have most admired gave rise to totalitarian states in the 20th century, bent on world domination?" They caution, "Looking into the dying embers of two world wars should remind us that the utopian impulse that lures men to entrust control of the individual--including compulsory attendance and state control of education--to the wisdom of the state, sets the stage for corrupt and domineering governments."

In the "Home School Court Report," opponents of compulsory school attendance say "we need to re-establish the right of parents to decide when their children are ready to begin formal education and of young children to enjoy the brief years of childhood without the threat of government interventions. A shadow is cast across the joyful teaching of loving parents when education is no longer a natural product of their love for each other, but a product of state compulsion. The failure of the public school system and the success of home schooling demand that a thoughtful dialogue move forward on whether or not compulsory attendance laws should be retained."

Finally, some opponents of the bill question the constitutionality of the legislation, arguing that were it enacted into law, it would likely be challenged as infringing upon the parental right to educate children. They suggest an exemption for home, church, and private schools is therefore in order.

Response:

It should be noted that compulsory public school attendance does not apply if a child is being educated in an approved nonpublic school or is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. Michigan is reputed to have very permissive home schooling policies.

POSITIONS:

The Michigan Department of Education supports the bill. (1-29-08)

The State Board of Education supports the bill. (1-29-08)

The Citizens Alliance to Uphold Special Education supports the bill. (1-29-08)

The Detroit Public Schools support the bill. (1-29-08)

The American Federation of Teachers - Michigan supports the bill. (1-29-08)

The Michigan Association of School Boards supports the bill. (1-29-08)

The Michigan Association of Secondary School Principals supports the bill. (1-29-08)

The Michigan Association of School Administrators is neutral on the bill. (1-29-08)

Citizens for Traditional Values opposes the bill. (1-29-08)

The Michigan Chamber of Commerce opposes the bill. (1-29-08)

The Michigan Business Leaders for Education Excellence opposes the bill. (1-29-08)

The Michigan Catholic Conference opposes the bill. (1-29-08)

Legislative Analyst: J. Hunault
Fiscal Analyst: Mary Ann Cleary
Bethany Wicksall

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.