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Should Compulsory Education Laws be Modified?

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Laws requiring school attendance "should be modified to include funding and sanction for programs geared to meet individual needs and cultural differences," this teacher contends. The goal is to have students stay in school not because they have to, but because they want to.

should compulsory education laws be modified?

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Is there really a need for compulsory school attendance in the United States? Two legal decisions over a period of 71 years demonstrate development of opinion regarding compulsory education. An Indiana Supreme Court decision of 1901 upheld the right of the government to demand that children be educated. "No parent can be said to have the right to deprive his child of the advantages... of the enlightened and comprehensive system of education enjoined by the constitution of this state."¹ But a United States Supreme Court decision in 1972 is less strong in its defense of compulsory education. "However strong the states' interest in universal compulsory education, it is by no means absolute in the exclusion or subordination of all other interests."²

Who has the right—the state, the parents, or the child himself—to decide upon the schooling of the individual? In 1972, the Amish in the state of Wisconsin refused to send their children to public schools beyond the eighth grade because of their religious beliefs. They were brought to trial, charged with violating the state's compulsory attendance law. In finally deciding the case on appeal, the U.S. Supreme Court specifically exempted the Amish from the law's requirement with regard to secondary school attendance because of the guarantees of religious freedom provided by the First Amendment to the Constitution. However, the court's decision specifically made clear that it was not abolishing compulsory education laws.³

If exemptions were made for the Amish, cannot a case be made for exemptions on other grounds? Compulsory schooling has been with us so long that there is a possibility that it has lost its "raison d'être." Perhaps it is even defeating its original purpose. Perhaps the laws should be altered to accommodate social change and growth. Compulsory education laws were adopted at a time when immigrants, coming in large groups to America, had to learn the language, the culture, and the democratic processes of the country of which they were to become citizens. It was also necessary to protect children from the evils of child labor abuses. Although the initial reason for the law has now become relatively nonexistent, our nation has fought to guarantee educational opportunity on the ground that it is essential to good citizenship and, most would agree, correctly or not, to the pursuit of a happy life. "The theory behind all of this is that more education is not only for the good of the individual but also for society. A whole host of social ills can be cured by a strong dose of education. . . . A high school education is no longer sufficient. . . . Everybody is urged to go on to college."⁴

But does this theory endure under present social conditions? Has something changed to bring about conditions under which education is no longer considered to be a privilege, such as spurred Abraham Lincoln to devote his nights to teaching himself to read so that he might assimilate the wisdom contained in books? Why is it necessary now to state that students cannot legally withdraw from school until they reach the age of 16? Why is it that teachers find it impossible to get some children to attend school? In New York alone "the daily number of absentees from academic high schools alone has increased from 44,807 in 1966 to 66,422 in 1972. This means that on an average day, 85 attendance teachers are deployed to bring over 66,000 high school kids to school."⁵ As a result, some truants go unnoticed, are ignored, or are handled superficially. In reality, one could say that in many cases the compulsory attendance law is virtually unenforced. Moreover, the disciplinary action for truancy is often suspension! As a result, many youngsters drop out of school; indeed, probably "a large proportion of the dropouts may be doing what is best for themselves under the atrocious circumstances that exist."⁶

What are these "atrocious circumstances"? They are the circumstances behind the innovations and new trends with which education is being swamped. Perhaps the most outstanding criticisms with regard to the "atrocious circumstances" are: irrelevance and the consequent lack of motivation. The most publicized irrelevance is the educational system's treatment of the educational needs of children of the urban ghetto, usually considered to be black children. Schooling which is largely the product of white middle class standards is in no way relevant to the ghetto child. In most cases, he cannot function or succeed. Often he cannot get his mind off his home conditions long enough to concentrate on the work at hand.⁷

Ivan Illich claims that we portray education as a promise of salvation for the black poor.⁸ What follows is that we either fail to educate them or we succeed; if the latter, too often they are denied jobs when they enter the working world. We break our "promise," so to speak. Who will help the ghetto children? The junkies on the street will make victims of them if a relevant school system fails to help them. A relevant school system cannot guarantee ghetto children employment, but it can help prepare them for employers' expectations. It can also help them learn to cope with life outside the ghetto.

But the black ghetto is only one area where "atrocious circumstances" exist. Many Spanish-American children with special problems will be denied entrance to the mainstream of American life if their educational needs continue to receive scant attention from a system geared to their middle class neighbors. Also, the recent Indian studies, in the opinion of Donald Warren of the University of Illinois, confirms that these "first Americans" are receiving educational experiences in reservation schools, boarding schools, or urban public schools (Chicago, for example, has a concentration of 16,000 urban Indians) which constitute a national disgrace.⁹

The charge that too much of our educational system is irrelevant for minority groups is serious enough. But a sizable

number of white American students have given up on the schools, too, and rightly or otherwise are vocal in their criticism of schooling as a process and as an institution. In a series of taped conversations with James Krohe, Jr., a graduate student at Sangamon State University, Springfield, Illinois, students of a small middle-class high school in a Midwestern town sarcastically described their school system and their instructors. "A friend of mine said that school made him feel unhuman, like he was a machine. I don't think that's right. You're not a machine; you're machine material. The school's the machine." (Robert, age 15.) "It's just a continuous program, like they planned it all out. They just harass you constantly. . . ." (Susan, age 14).¹⁰ Even allowing for adolescent exaggeration, these criticisms seem to have some validity.

Perhaps these are some of the perversities in education leading to the swamping of education today with innovations, such as desegregation, decentralization, alternative schools, open classrooms, career education, schools without walls, Summerhill, Parkway, free schools, and the idea that teaching doesn't always mean that learning is taking place. A number of modern educators have written books proposing alternatives to the concept of universal compulsory education. Some of these books, such as Ivan Illich's *Deschooling Society*, Jonathan Kozol's *Free Schools*, John Bremer's *The School Without Walls*, "indicate an awareness of the perversity of the educational system."¹¹

However, there is also the opinion that compulsory education will not be abolished but that the laws with regard to it may be modified. Frances Caston quotes Luvern Cunningham, former Dean of the College of Education of The Ohio State University, who says, "I'm not sure the state should not protect kids from families where education is nonexistent and no motivation is provided."¹²

In various cities throughout the country, free schools are experimenting with non-compulsory attendance. One of these is Southeast Alternatives in Minneapolis, Minnesota. Tom O'Connell, a teacher in this educational program, says, "If compulsory education were abolished, programs would start adapting a little more. . . . Do you think the law actually keeps kids in school? I think it gets them to come to school once in a while, but doesn't guarantee them learning anything. Society has an obligation to teach them basic skills so they can cope and survive. . . . Schools have been breaking down because they haven't provided these basics to racial minorities. We should drop compulsory education: i.e., six hours a day in stone buildings. We should not drop commitments. We should appropriate funds to find new solutions."¹³

The National Education Association Task Force on Compulsory Education has suggested that compulsory education and compulsory attendance are not synonymous. It agreed that all Americans should be required to receive an education, but not necessarily during a 6-hour day and 180 days per year. It recommended a flexible school timetable and urged the adoption of amendments to laws to give schools the right to develop alternate programs.¹⁴ At present, state aid is allocated on the basis of an average daily attendance. If this were to be changed, if a school's income

were not to depend upon the physical presence of the student, educational flexibility should increase and programs relevant to the student or at least aesthetically and personally exciting could develop. As one example, a program such as this, funded by the State of Missouri to provide career, job, vocational, and training information on the streets of St. Louis to teenagers who were unable to find rewarding employment, was so successful during the summer of 1972 that its workers were employed by the school system during the regular school year to assist school counseling personnel.

The success of non-compulsory attendance alternatives such as the St. Louis experience are making an increasingly strong case that our required attendance education laws should be modified to include funding and sanction for programs geared to meet individual needs and cultural differences. If educational programs can succeed in meeting these needs and differences, many a now potential dropout probably will stay in his or her innovative school, will learn, will earn a diploma, and will become a productive member of our American society. Whether a "butcher, a baker or candle stick maker," he or she will then no longer be doomed to public welfare and to a life of alienation from the societal mainstream. His or her diploma can be a passport from an essentially non-productive to a productive community. With his or her diploma and—more importantly, with developed social and occupational skills—the student who now finds irrelevance and lack of motivation in schooling will be able to meet the set of demands for productivity that the technological system of business, industry, and bureaucratic rationality has developed. Coupling modifications of compulsory school attendance laws with innovative educational alternatives might yet help students effectively

achieve the ideal individual integration of freedom and responsibility educators have talked about for so many years. Dare we have enough faith in our older children, in ourselves, to work for the day when students will stay in school not because they have to, but because they want to?

FOOTNOTES

1. Frances Caston, "Will Compulsory Education Laws Be Abolished or Modified," *The Education Digest*, vol. XXXVIII (January 1973), p. 10. Condensed from *Scholastic Teacher*, Junior/Senior High Teacher's Edition (October 1972), pp. 20-24.
2. *Ibid.*, p. 10.
3. *State v. Yoder*, 182 N.W. 2d 539 (Wis. 1971) aff'd 40 U.S.L.W. 4476 (U.S. May 15, 1972).
4. Alton Harrison, "The Educational Suppression of Freedom," *Educational Forum*, vol. XXI (May 1967), p. 466.
5. Caston, *op. cit.*, p. 10.
6. Edgar Z. Friedenberg, *The Dignity of Youth and Other Atavism* (Boston: Beacon Press, 1965), p. 137.
7. Such is this educator's opinion.
8. Ivan Illich, *Deschooling Society* (New York: Harper and Row, 1970), p. 15.
9. Donald Warren's opinion is cited by James Krohe, Jr., "School Is Something You Put Up With," *Illinois Journal of Education*, vol. LXIII (September 1972), pages 29, 32.
10. James Krohe, Jr., "School Is Something You Put Up With," *Illinois Journal of Education*, vol. LXIII (September 1972), pp. 29, 32.
11. Peter H. Wagschal, "The Free Enterprise Teacher," *School and Society*, vol. XCVII (April 1969), p. 228.
12. Caston, *op. cit.*, p. 11.
13. Tom O'Connell, as quoted by Caston, *op. cit.*, p. 12.
14. Caston, *op. cit.*, p. 12.

upgrading the employment scene in Chicago

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negative approach to secure a position in higher education. In fact, some would contend that the procedures in Chicago are not too far removed from Flaubert's *Agriculture Show in Madame Bovary*, where animals are described in terms of people and people are described in terms of animals.

Much of the inhumanness may be attributed to lack of organization by the attending institutions, inappropriate expectations on the part of applicants, and, from a select few, an elitist condescendence to go through the motions of an interview. Our primary task is to recognize the complexity of the placement process in Chicago and that it revolves around human interaction. Human interaction at the AACTE meeting is a group problem that must be solved by those seeking employees and those seeking employment. Only by extending ourselves as courteous and concerned human beings can we hope to translate our truly humane character into a visible professional atmosphere.

The suggested steps of action for graduate candidates, hiring institutions, and placement officers have been engendered with the belief that the placement process can be a much more productive and satisfying experience for all people involved. In light of the pressing employment problems, however, additional cooperative efforts must be sought if we are to find viable solutions. The need for making placement procedures more systematic in order to insure well-adjusted and satisfied personnel in professorial ranks of higher education has never been greater than at the present time.

FOOTNOTES

1. Enrollment of graduate students should double by 1980. See Lewis B. Mayhew, *Graduate and Professional Education, 1980*. (New York: McGraw Hill, 1970).
2. See Earl F. Cheit, *The New Depression in Higher Education*, (New York: McGraw Hill, 1971).

EDUCATIONAL CONSIDERATIONS