

1981

An historical and legal analysis of compulsory education and attendance policies

David Wayne Stoakes
University of Northern Iowa

Let us know how access to this document benefits you

Copyright ©1981 David Wayne Stoakes

Follow this and additional works at: <https://scholarworks.uni.edu/grp>



Part of the [Education Commons](#)

Recommended Citation

Stoakes, David Wayne, "An historical and legal analysis of compulsory education and attendance policies" (1981). *Graduate Research Papers*. 3413.

<https://scholarworks.uni.edu/grp/3413>

This Open Access Graduate Research Paper is brought to you for free and open access by the Student Work at UNI ScholarWorks. It has been accepted for inclusion in Graduate Research Papers by an authorized administrator of UNI ScholarWorks. For more information, please contact scholarworks@uni.edu.

Offensive Materials Statement: Materials located in UNI ScholarWorks come from a broad range of sources and time periods. Some of these materials may contain offensive stereotypes, ideas, visuals, or language.

An historical and legal analysis of compulsory education and attendance policies

Abstract

School attendance has been a major educational concern for many, many years. While some school patrons have expressed doubt that attendance has been a major problem, others have demanded that schools be accountable for student behavior, student learning, tax dollars being spent, and ultimately student attendance.

AN HISTORICAL AND LEGAL ANALYSIS OF COMPULSORY
EDUCATION AND ATTENDANCE POLICIES

A Research Paper
Presented to
the Department of School Administration
and Personnel Services
University of Northern Iowa

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts in Education

by
David Wayne Stoakes
July 1981

This Research Paper by: David Wayne Stoakes

Entitled: An Historical and Legal Analysis
of Compulsory Education and
Attendance Policies

has been approved as meeting the research paper
requirement for the Degree of Master of Arts in Education.

Robert P. Brimm

7/15/81
Date Approved

Director of Research Paper

Robert P. Brimm

7/15/81
Date Received

Graduate Faculty Advisor

Donald L. Hanson

7-16-81
Date Received

Head, Department of School
Administration and
Personnel Services

TABLE OF CONTENTS

Chapter	Page
1. INTRODUCTION	1
Statement of the Problem	1
Significance of the Study	2
Procedures	2
Limitations of the Study	4
Assumptions	5
Definition of Terms	5
2. REVIEW OF LITERATURE	7
3. THE EVOLUTION OF COMPULSORY EDUCATION	15
4. COMPULSORY EDUCATION IN IOWA	30
5. ATTENDANCE POLICIES	36
6. CONCLUSION	44
FOOTNOTES	49
BIBLIOGRAPHY	53

Chapter 1

INTRODUCTION

School attendance has been a major educational concern for many, many years. While some school patrons have expressed doubt that attendance has been a major problem, others have demanded that schools be accountable for student behavior, student learning, tax dollars being spent, and ultimately student attendance.

It has been estimated by the National Center for Educational Statistics that only ninety-two percent of the students enrolled in school are in attendance on any given day. Normal expectations for a 180-day school year should be ninety-six percent of the student population. It was also noted that long-term illness accounts for less than one percent of the absences.¹

To combat the problem of absenteeism, certainly nothing new to education, school boards today have adopted a various array of attendance policies. There has been much debate lately as to the legality of these policies and why absenteeism has been dealt with in this manner.

Statement of the Problem

The attendance policy of the Jesup Community School, which was similar to many in the state, has required

the teacher to assign a grade of F to a student who has been absent from a particular class twelve times. The problem, then, was whether or not these attendance policies were legal. Historically, compulsory education has been with us since 1642. What has been the evolutionary process of these laws, and have present policies met the precedents set by the laws and the courts? The answers to these questions have helped to decide the legality of attendance policies.

Significance of the Study

School boards, according to statutory law, are legislative bodies and have been granted implied powers. Due to a broad interpretation of this by the courts, school boards have been allowed to set policies without being tested before the courts. Many times these policies were adopted without any research into the legal ramifications. A school administrator, when supporting the adoption of an attendance policy, has had to be reasonably certain the policy will be upheld by a court of law.

Procedures

This analysis of compulsory attendance has been divided into three sections. It began by tracing the evolutionary process of compulsory education from the first law written in 1642 to the first compulsory attendance law in 1852. Next, the analysis looked at compulsory attendance in Iowa from 1871 to the present. Lastly,

current attendance policies have been analyzed in light of past history.

Part I: In addition to the actual Massachusetts laws the following works have been used to aid the research.

The Rise of Local School Supervision in Massachusetts, by Henry Suzzallo.

A History of Compulsory Education Laws, by M.S. Katz.

Compulsory Attendance Laws in the United States-- Report for 1888-1889, by the United States Commission of Education.

Also, various periodical articles containing previous research in this area were included.

Part II: The Iowa Code was examined from 1902-1977 to ascertain the evolution of compulsory attendance laws in Iowa.

To compliment Parts I and II the following court cases were analyzed to show the role of the American court system in the area of compulsory education.

Burdick v. Babcock (1 IA. 562)

Wisconsin v. Yoder (406 U.S. 205)

Pierce v. Society of Sisters of the Holy Name of Jesus and Mary (268 U.S. 510)

Rice v. Commonwealth (49 S.E. 2nd 342)

Dorsey v. Bail (521 S.W. 2nd 76)

Gutierrez v. School District R-1 (585 Pacific 2nd 935)

Hamer v. Board of Education of Township High School #113 (383 N.E. 2nd 231)

Prince v. Massachusetts (321 U.S. 166)

Knight v. Board of Education of Tri-Point
Community Unit School District #65 (348 N.E.
2nd 299)

Part III: Current attendance policies were examined by contacting the Iowa Department of Public Instruction. The cases that have been appealed to the D.P.I. were examined, with special emphasis placed on the Mitchell case which originated in Baxter.

Limitations of the Study

This research project was limited in the same manner as all historical research. To analyze present attendance policies, in light of past history, it has been necessary to find historical evidence to trace the evolutionary process of compulsory education. Historical evidence was derived from historical data by the process of external and internal criticism. The problem of external criticism, establishing the authenticity of the data, has not been as great a problem as the internal criticism. The majority of the data has been drawn from statutory law, specific court cases, and decisions made by the Iowa Department of Public Instruction. The other criticism of historical data, internal, was more difficult to overcome. The above mentioned evidence has been interpreted in light of prevailing societal considerations. Decisions were made regarding what in society allowed for certain laws to be passed or led the courts to making the

decisions they did.

Assumptions

1. Compulsory attendance has been a valid exercise of the police power of the state. Welfare of the state has been served by the creation of an enlightened citizenry.

2. School boards have been able to adopt reasonable rules and regulations.

3. Schools have been able to punish students who are truant without reasonable cause.

4. There were constitutional limitations placed on compulsory education statutes; attendance at a public school was not the only requirement.

Definition of Terms

COMPULSORY EDUCATION - Practice now common of requiring school attendance by law, with the responsibility placed on the parents in some states. Historically, the requirement that every child should be able to read and write by a certain age, commonly twelve years, school attendance not being mandatory.²

COMPULSORY ATTENDANCE - All school attendance in a state or country in compliance with a compulsory attendance law.³

TRUANCY - Absence of a pupil from school for which no reasonable excuse is given.⁴

EQUIVALENT INSTRUCTION - Obtaining an education

but not in a formal school setting, either public or private.

ATTENDANCE POLICY - A policy adopted by a school board which allows for punishment, usually a reduction in letter grade, after a certain number of absences.

Chapter 2

REVIEW OF LITERATURE

In 1642 the General Court of the Massachusetts Colony issued an order that established the principles on which compulsory education has been based. This order declared students must be educated and that parents or the community had to provide suitable education. In Iowa, this general order has evolved into Chapter 299 of the Iowa Code on Compulsory Education, which has lengthened to four pages.

David Tyack has divided the history of compulsory education into two phases. The first phase, 1850-1890, he labeled the symbolic stage. During this time period elementary schools began to expand, which attracted a larger number of children. A majority of states passed compulsory education laws, but they were generally not enforced. Educators of the time period were not too concerned with this as they did not want the unwilling pupils in their classrooms. The bureaucratic stage, beginning with the twentieth century, saw attitudes toward compulsory education begin to change. Existing laws were strengthened, school officials began to develop techniques to keep truants in school, and in some states

school financing became based on average daily attendance. By the 1920's and 1930's more and more states required youth to attend high school, and by the 1950's school attendance was so customary that those who left were called dropouts.⁵

Controversy over compulsory attendance has plagued educators since the passing of the first compulsory attendance law in Massachusetts in 1852. One hundred years after the passage of this law, there was a surge by educators to "solve" the problem of school attendance. Milner and Deering, in 1954, turned to the influence of society in attempts to resolve the problem. Milner identified the attitudes of parents and the child as the key. The child who stayed home did so because of some inner conflict derived from differences with other children. It was Milner's contention that compulsory attendance laws should not be invoked, but rather the child should be helped to resolve his difficulties.⁶ Deering, on the other hand, looked at societal factors in a broader context. In addition to the family, the school and the community effected school attendance. Homes needed to appreciate the value of education, it must be made apparent to all students the value of education, and the community as a whole, must take an active interest in the school and promote its value.⁷

In the 1970's it appeared that educators would rather debate the ramifications of compulsory attendance

laws rather than concern themselves with the student. Opponents of compulsory attendance laws today have used basically the same arguments as the opponents to that first compulsory attendance law 130 years ago. These included the creation of a new crime, truancy, which interfered with the liberty of parents, states taking away power from the citizens, and the argument that attendance had been just as great without the laws.⁸

One of the major problems with compulsory attendance laws, according to educators of the 1970's, was that they forced schools to become custodial institutions. The National Commission on the Reform of Secondary Education said, in 1973, the custodial responsibility of schools made it difficult for them to do the business of teaching and learning. According to the commission, three factors made it impossible for schools to be custodial institutions. Students were maturing at an earlier age, numerous legal and quasi-legal rights have been extended to school age people because of the Tinker case, and finally, the change in attitude toward authority that has come about in youth.

Hansen, Ovard and Everhart have also addressed the custodial issue. Hansen stated this situation began with the organizational structure of the schools, the nine-month year, fifty minute class periods, four-walled classrooms, and regular grading procedures. This then carried over into the classroom where the value of

conforming behavior on the part of students was preached, which ultimately carried over to educational success by the child demonstrating conformity.⁹ Everhart, looked at schools as custodial institutions in a historical context, and identified this as a recurring problem. The "educated person" became defined by attendance in school. Education, through compulsory attendance, became the consumption of culture rather than emphasizing the production of culture. The long-range effect of this has been to restrict the options by which most children can be educated.¹⁰

Another problem with compulsory attendance laws, according to critics, was that the laws themselves were forms of coercion. David Tyack dealt with this idea. Tyack's hypothesis stated that only the government has been able to compel parents to send their children to school, and our democratic state not only coerced such behavior, but also legitimized majority values. In evidence he interpreted education as a way to incorporate people into a nation-state, forcing their status upon them. Historically, research has shown compulsory attendance laws have become more coercive as the decisions once made by politicians shifted to administrators within their respective school system. Even though the public felt politics was being taken out of the educational setting, it was in reality governmental control under another name. Lastly, Tyack examined an economic

interpretation to support his hypothesis. Educators, dating back to Horace Mann, have coerced society in general, and students in particular, to believe that schooling has created economic benefits through greater earnings.¹¹

The first argument against compulsory attendance laws was that they were outdated. We no longer need more highly educated workers for our society to exist. The evidence, according to educators who favored this point of view, did not show that professional and technical positions required a sizable increase in the formal education level of the overall population. Many persons, according to the evidence, have already been educated beyond the actual demand of their jobs.

Those who advocate compulsory attendance laws attacked the above reasons to abolish the laws, citing evidence that was just as sound as that of those who opposed the laws.

Ovard wanted compulsory attendance laws for the good of society and the benefit of the individual. Schools could help society by perpetuating democracy and its attendant laws, values, and institutions. This could be done by defining basics for everyone, specifically listing the concepts, skills, and values which must be learned.¹² Katz also answered the charge of schools becoming custodial institutions by affirming effective teaching and creative learning were possible. While

compulsory attendance laws seemed to require that students play the games teachers constructed in their classrooms, the compulsory attendance laws have not restricted or regulated the kinds of activities teachers can develop. The de-emphasization and obscurity of the diversity of different "games," according to Katz has eliminated a great number of them that foster creative and critical thinking.¹³

Katz also attacked those who believed compulsory attendance laws were forms of coercion. He began his analysis by looking at two basic theories of law. The first one he rejected was developed by A.J.L. Austin. In Austin's theory, laws have been viewed as "orders backed by threats" and compliance with the law was compared with yielding to the coercive threat of a gunman. The theory Katz accepted by H.L.A. Hart asserted laws are legal rules that create obligations and embody standards. It has been the standards that legitimize the use of sanctions against violations, rather than sanctions creating the legal obligations themselves. Katz interpreted this theory to mean laws should not be regarded as forms of coercion, nor should compliance with the law be seen as a product of compulsion. Therefore, those who have seen compulsory attendance laws as forms of coercion have not distinguished between legal and social compulsion. "As long as attendance remains the chief avenue to schooling credentials and schooling is a pre-requisite to most jobs,

social compulsion will remain a more dominant underpinning to school attendance laws than legal rules."¹⁴

Owen Kierman and the National Association of Secondary School Principals are examples of those who feel compulsory attendance laws have not been outdated. Historically, compulsory attendance has been used to keep students out of the job market. Retaining the compulsory attendance laws has kept millions of youth off the streets where they have been more likely to become anti-social and delinquent. Other arguments that were used included keeping our enlightened electorate, protecting our youth against exploitation, and helping to develop the potential of each individual. Compulsory attendance laws have historically done these things and will continue to do them.¹⁵

As each author expressed his views on the pros and cons of compulsory attendance, solutions were offered which educators could use without changing the laws. Hansen and Johnson advocated changing the school curriculum. The curriculum should have been created distinctly for the individual and been flexible because of massive social changes, increased knowledge, and future needs of the student.¹⁶ Kierman and Passow also made suggestions along these lines. Passow advocated changing the programs and process that turn students off so that meaningful learning can take place. Action learning for all students, according to Kierman, has been a viable solution, "and should

be organized for both on-campus and off-campus credit."¹⁷
The most intriguing suggestion was offered by Johnson. The teacher, because of his close observation of student progress, would be the best person to encourage good attendance. Therefore, attendance authority should be transferred from the administrative level to the classroom teachers.¹⁸

In the current literature which was reviewed, there was no evidence suggesting the use of attendance policies to deal with the issue of compulsory attendance. However, in actuality it appeared that school boards are adopting these policies.

Chapter 3

THE EVOLUTION OF COMPULSORY EDUCATION

Even though the history of compulsory education in the United States technically starts with the first written law in the state of Massachusetts, the concept of compulsory education has had much deeper roots. The Puritans who settled much of the northeastern part of this country were obligated to bring up their children as good Christians. This moral obligation, which was placed on masters as well as parents, was necessary to ensure the moral and economic well-being of their communities. The "compulsion" to secure themselves economically had grown from the public control of the poor in England. In New England this control was extended, by the General Court, to compulsory employment for all children. In 1641 the court ordered the employment of children, "implying that the English practice of instruction in industry was beginning to fall into disuse."¹⁹

By 1642 Puritan elders were afraid that parents were neglecting their child-rearing duties and masters were not instructing their apprentices properly. Thus, on June 14, 1642 the General Court required the selectmen of every town to

have a vigilant eye over their brethern and neighbors, to see that none of them shall suffer so much barbarism in any of their families as not to endeavor to teach, by themselves and others, their children and apprentices so much learning as may enable them perfectly to read the English tongue, and a knowledge of the capital laws, upon penalty of twenty shillings for each neglect therein.²⁰

This first compulsory education law established standards of educational responsibility on which parents and masters were judged, even though the law was exactly the opposite of what we today would consider to be a compulsory education law, as it made no schooling requirement nor even a provision for schools. However, it contained the key element for compulsion, a means of enforcement.

To demand from the people that a certain amount of education be provided for their children, with virtually no means of securing that education, was undoubtedly a grave hardship. In 1647 an act was passed which not only provided a means for securing an education, but also laid this responsibility upon the town as a whole.

It is therefore ordred, yt evry township in this jurisdiction, afr ye Lord hath increased ym to ye number of fifty householdrs, shall then forthwith appoint one wthin their towne to teach all such children as shall resort to him to write and reade, whose wages shall be paid eithr by ye parents or mastrs of such children, or by ye inhabitants in genrall, . . . and it is furthr ordred, yt where any towne shall increase to ye number of one hundred families or householdrs they shall set up a gramer schoole, ye master thereof being able to instruct youth so farr as they may be fited for ye university, provided yt if any towne neglect ye performance hereof above one yeare, yt every such towne shall pay 5X to ye next schoole till they shall perform this order.²¹

It is very easy to see this act provided the necessary means for securing an education as every town of fifty families had to appoint a teacher, and towns of one hundred families were required to open a grammar school. However, even though the law made it easier for the public to educate their children, they viewed the law with disdain. As historian Lawrence Cremin stated, "as new towns reached the stipulated sizes, they tended to disregard both requirements."²²

The first two compulsory education laws passed in Massachusetts established two very fundamental suppositions upon which compulsory education laws of today are based; first the right of the state to set minimal standards for the education of children, and secondly, the right to establish two educational provisions--teachers and schools. However, the right of the state to compel compulsory attendance was not established for another two hundred years.²³

Beginning in 1648 the General Court of Massachusetts began to revise and strengthen the laws that had begun compulsory education. For the remainder of the seventeenth century, the emphasis was placed upon making provisions to properly educate the young.

The law of 1648 required the selectmen of each town to judge whether or not parents and masters were giving proper instruction, "either in husbandry, or some other trade profitable for themselves and the

commonwealth."²⁴ The religious aspect of the children's training was not to be neglected either, as catechism was to be provided at least once a week. Because of the fact that many towns failed to provide the required schools, the penalty for not doing so was doubled in 1671 and again in 1683. Also, in 1683 a provision was added that when a town had increased to five hundred families it was required to have two writing schools and two grammar schools. In 1692 an act known as the Province Charter was passed in order to regulate the poor. This act stated these children should, "be brought up or employed in some honest calling, which may be profitable unto themselves and the publick."²⁵ This seemingly insignificant law was used as precedent for the truancy laws of the late 1800's.

By the turn of the century the concern of the General Court for the education of children was succumbing to the pressures of the people not to enforce the laws. In an attempt to alleviate the problem the law of 1701 contained many substantial revisions:

1. The former penalty of twenty pounds, about one-fourth of a grammar master's salary at this time, was restored.

2. It was provided that the master should be approved by a special committee consisting of the minister of the town and the ministers of the two towns next adjacent.

3. It was decreed that no minister should function also as a schoolmaster.

4. Justices of the peace were to put the law in force, and grand jurors were enjoined to diligently inquire and make presentment of all breaches and neglect of said laws.²⁶

In the law can be seen the growing apathy of the people toward formal education. Towns were either not maintaining schools or did not bother to enforce the law, and neglect of some of the legal requirements such as hiring a minister as the schoolmaster or hiring those not meeting the requirements to teach were common. This was the beginning of what Forest Ensign describes as "the dark days of New England."²⁷

These so-called dark days of education constituted a dividing point in the history of compulsory education. The principles that the early laws in Massachusetts set would be retained, but did not meet the needs of a society which did not recognize rank and class. With the rise of industrialization compulsory education laws became entwined with child labor laws.

The plight of children working in factories during the 1700's and 1800's both in England and the United States has been well known. However, one historian, Forest Ensign has taken a somewhat different view. "It is possible that during the earlier years of factory development, the child at work in the mills was better cared for, morally and intellectually than his neighbor and thus employed."²⁸ Ensign's reasoning for this stemmed from the fact that some manufacturers would provide "factory schools" for their workers; while on the other hand, those most in need of a free public education would be least likely to attend. As the number of youth involved

in full-time employment increased, it became apparent that working children had to be educated, regardless of the good intentions of the manufacturers. A law passed in 1813 was a good example of what needed to be accomplished.

1. The management of factories to cause all children in their employ to be instructed in reading writing, and arithmetic.

2. Attention to be given to morals; regular attendance upon public worship required.

3. Penalty for violation on the part of the mill management, either discharge of the indentures in case of apprenticed children or a fine not to exceed one hundred dollars, at the option of the court.²⁹

There was no attempt to see the law enforced, and it remained on the books until 1842. As the workingman became aware that his children were not being given the same educational opportunities as his employer, he began to demand a "free and efficient school supported by a public tax."³⁰ Many others at this time also fostered the fear that an uneducated class would form as a result of industrialization. The movement that would result in a compulsory attendance law had begun.

In 1826 Massachusetts law made provision for the selection of textbooks, prohibited the use of books favoring any religious group, with the most important part of the law stating, "a town may raise money for school purposes in a district when the district itself refuses to do so, and then assess the same on the school district."³¹ In 1836 Massachusetts passed the first law designed to limit child labor and provided them with an education. This law was expanded in 1837 to state that children under

the age of fifteen should not be employed in a factory unless they had attended a "public or private day school, taught by a legally qualified teacher, for at least three months of the preceding year."³¹ Even though a penalty of fifty dollars was levied for breaking the law, there was no provision for enforcement of it.³² Again, in 1842, changes were made. The first section of the law made the local school committees responsible for its enforcement; the second section, of far greater importance, stated that children under twelve years of age could not work longer than ten hours per day.³³

At this point there was no law requiring school attendance per se; but this was about to change. Horace Mann, in 1841, estimated that about "sixty percent of the children between four and sixteen years of age attended some school, public or private, for a part of the year." He deplored the indifference of parents, a 'most fearful and wide-spread epidemic,' and recommended that a law be passed which required all children to attend school or be removed permanently.³⁴ In 1850 the first of two laws of historical importance to compulsory attendance was passed. This law, more commonly known as the Truancy Law, gave individual towns the power to make rules concerning children absent from school.

Each of the several towns in this commonwealth is hereby authorized and empowered to make all needful provision and arrangement concerning habitual truants, and children not attending school, without any regular and lawful occupation, growing up in

ignorance, between the ages of six and fifteen years . . . and there shall be annexed to such ordinances suitable penalties, not exceeding twenty dollars."³⁵

The second of these two laws, the first compulsory attendance law written in 1852, was what Horace Mann and his associates had striven for. As the United States Commissioner of Education stated in his annual report of 1889, this law "was a practical embodiment of the principle that it is the right and duty of the state, for its own safety and advantage, to intervene and compel the parent to accord to his child, as a fundamental right, so much of education as shall fit him to be a citizen of a free state."³⁶ As will be shown later in the paper, this law was very similar to the compulsory attendance laws of today. This statute stated:

Every person having under his control a child between the ages of eight and fourteen years shall annually during the continuance of his control send such child to some public school in the city or town in which he resides at least twelve weeks, if the public schools of such city or town so long continue, six weeks of which time shall be consecutive; and for every neglect of such duty the party offending shall forfeit to the use of such city or town a sum not exceeding twenty dollars; but if it appears upon the inquiry of the truant officer . . . , that the party so neglecting was not able, by reason of poverty, to send such child to school . . . , or that his bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, the penalty before mentioned shall not be incurred.³⁷

Again, by looking to the United States Commissioner of Education and his annual report in 1889, the effect these two laws had upon education can be determined. He

first made note of the fact that the law was completely ignored for about twenty years in the reports of the state board of education. As evidence, the commissioner used information obtained from the town of Lowell, Massachusetts for the year 1869. Of the 717 cases of truancy investigated 447 were absent with parental permission. The commissioner then quoted the state constable who said in reference to the compulsory attendance law, "nobody looks after it, nobody thinks of obeying the school laws, and most people are ignorant that there is any such law."³⁸

In an attempt to deal with these problems the Massachusetts legislature re-wrote the Truancy Act and the Compulsory Attendance Act. The Truancy Act was changed in two ways. First, the offenses for missing school were categorized; one known as truancy and the other as absenteeism. Secondly, anything that was optional under the first law was now mandatory, in other words, what was a law that allowed the towns to "make provisions" for truancy was now a law which mandated that "each city and town shall make" truancy regulations. The biggest problem of enforcing the Truancy Act, that of what to do with the truant, was finally settled when special institutions were established "for the purpose in which manual and mental 'labor' should be combined." There were now three basic changes in the Compulsory Attendance Law. The first had cut the period of attendance from eight to fourteen years of age to those who were eight

to twelve years old. In addition the minimum school year was increased from twelve weeks to twenty. Secondly, the truant officers were now placed under the jurisdiction of the school board; and finally, the school board was not to object to any students who wished to attend a private school because of religious reasons.³⁹ In an attempt to help solve the school attendance difficulties, the commissioner offered several suggestions. The school boards were instructed to keep better census records, an effort needed to be made to show parents the benefits of school instruction, and finally, letting truants know that they would be sent to a good truant school if they did not abide by the law.

As the evolution of these laws were studied it has been noted that only writing a means of enforcement into the law have any gains taken place in school attendance. By 1920 seventy-eight percent of those eligible for enrollment were in public schools, and another seven percent were in non-public schools. So, roughly fifteen percent of those required to go to school were not enrolled. For those who were at an age at which they were not allowed to work, ninety-one percent were attending school. The laws themselves had again changed, and by 1920 a longer school year had been established, a school census had been started, and many of the exemptions such as equivalent instruction, mental or physical deficiency, or poverty, had been eliminated. Compulsory attendance

was emerging as socially acceptable, as well as being demanded by law.⁴⁰

As conflict had arisen over the first compulsory education law in 1642, there has been conflict over every subsequent law. The conflicts which have had the greatest bearing upon compulsory attendance laws of today have occurred in the twentieth century. The mechanism that has been used to deal with these problems is the court system, with ultimate authority lying in the hands of the Supreme Court.

The major area of conflict concerning compulsory education has boiled down to parental rights vs. states rights. Who should have the most control over a child's formal education? Parents have felt that they have a natural right which should be immune from state interference, while the state contended it had the legal right under the doctrine of "parens patriae."

One of the first major court decisions regarding this conflict arose over an Oregon law passed in 1925. The law stipulated that normal children between the ages of eight and sixteen who had not completed the eighth grade would attend public school. An injunction was immediately brought by the Society of the Holy Name of Jesus and Mary. The Supreme Court, in its ruling, stated that enforcement of the law would impair, if not destroy, the school's business and diminish the value of its property. Special mention was made of the fact that

parents do have a fundamental right to direct the upbringing and education of their children. The state, on the other hand, had the power to regulate all schools and to set up qualifications for teachers and required that certain studies be taught to all. "Even though the state can regulate non-public schools, it is not empowered to eliminate them indirectly or directly." With this statement the court placed a basic constitutional limitation on compulsory education laws. Since the purpose of the law was to require that one obtain a minimum level of education, then attendance at a public school was not the only way to satisfy the law.⁴¹

A challenge to the child labor aspect of compulsory education arose in Massachusetts in 1944. Sarah Prince appealed her conviction of three complaints filed against her as guardian of nine year old Betty Simmons. The complaints were as follows: 1. Refusal to disclose Betty's identity and age to a public officer whose duty was to enforce the statutes. 2. Furnishing her with religious magazines, knowing she was to sell them unlawfully on the street. 3. As Betty's custodian, permitting her to work contrary to law. She based her appeal on the first amendment, stating her actions were founded on her religious beliefs, being a Jehovah's Witness. The court stated, in its judgment, that the family is not beyond regulation in the public interest, and that, "acting to guard the general interest in a

youth's well-being, the state as parens patriae may restrict the parent's control by requiring school attendance, regulating or prohibiting the child's labor, and in many other ways."⁴² Again, the right of the state to control its citizens was affirmed.

Four years later in the state of Virginia, a conflict having not only religious ramifications, but overtones of at-home instruction requirements, of which we hear so much of today, was dealt with. The Rice family refused to send their children to school because of their religious beliefs. The parents provided instruction at home for their children, though a tutor or other qualified teacher was not hired, and there was no attempt by the parents to become qualified as teachers. It was the Rice's conviction that by sending their children to a public school, "their control of their children and their right to bring them up according to the interpretation which they place upon the Bible as commanding them to teach and train their children," would be destroyed. It was their contention that the compulsory education law of Virginia infringed upon the right to raise, instruct and educate their children as they saw fit, provided they received an adequate education. The court's ruling was much the same as in the Prince case; that the constitutional protection of religious freedom did not provide immunity from abiding by the laws of the state. However, the avenue for home instruction was left open to the parent, if qual-

ified, when the court stated, "It is not and cannot be questioned that the parent should possess some learning and some training in the art of training," if they were to educate their own children.⁴³

Probably the most famous of the cases concerning religious exemption from compulsory education was *Wisconsin vs. Yoder* which was a culmination of a twenty-five year struggle by the Amish to resist compulsory education statutes. The Amish based their case on the environment of high schools. It was their contention that modern high schools emphasized "intellectual and scientific accomplishments, self-distinction, competitiveness, worldly success, and social life with other students." In contrast Amish society was one of informal learning; where children learned by doing, and a separation from the evils of the "worldly" society was mandatory. The state of Wisconsin based their case on two arguments: First, education was necessary to prepare citizens to participate in our political system to maintain freedom and independence. Secondly, education prepared the students for participation in our society.

The court gave a rather lengthy explanation for ruling, on a six to one vote, in favor of the Amish. It was noted that for three hundred years the Amish life had been regulated by their faith, and enforcement of compulsory education, in a formal setting, would destroy their way of life. Also noted was the first amendment

and the "traditional interest" it offered parents in regard to the religious upbringing of their children. Finally, the court looked at the historical aspects of compulsory education. Compulsory education was related to child labor, and child labor laws had permitted earlier school-leaving if the child was to enter agricultural employment. This, according to the court, was what the Amish children were doing after the eighth grade.

We should also note that compulsory education and child labor laws find their historical origin in common humanitarian instincts, and that the age limits of both laws have been coordinated to achieve their related objectives.⁴⁴

The decision in this case has dealt a blow to the importance placed on secondary education.

From the first compulsory education law in 1642 to the legal challenges of the twentieth century a set of principles forming the basis for public schools has been established. First, universal education has been essential to maintain the privileges of our political system. Secondly, the obligation to furnish education has rested primarily upon the parent, though the state may have made reasonable requirements to enforce this obligation. Third, standards have been set which specified the kind and amount of education. Lastly, compulsory attendance, with its various exceptions, was a legal right of the state.⁴⁵

Chapter 4

COMPULSORY EDUCATION IN IOWA

Compulsory education began in Iowa in 1902, four years after the initial bill was introduced in the House of Representatives. Iowa was somewhat unique in the fact that the major Supreme Court decision which had been used extensively as a precedent, occurred approximately twenty-five years before compulsory education became mandated by law. Although the laws did not call for compulsory education, it did require attendance.

Burdick v. Babcock, a case which was resolved in 1875, centered around two rules passed in the Decorah Public School system.

Rule 10 - Any pupil absent six half-days in any consecutive four weeks and two times tardy, counted as one absent, unless detained by sickness or other unavoidable cause, shall be suspended from the schools until the end of the term, or until re-instated by the superintendent or board.

Rule 11 - Teachers may require absence and tardiness to be certified by parent or guardian, in writing or personally, or by special messenger, and all lessons lost on account of absence may be made up at the discretion of the teacher.⁴⁵

This case was again unique as there were actually two plaintiffs with different circumstances. In the first instance the father had kept his son at home to work

maintaining that it was his right to do so, and could not guarantee the situation would not happen again. The second situation involved a girl being kept home by her parents to go visiting. It was the parent's contention that they couldn't afford a sitter, so found it necessary to take their children with them.

On a two-to-one vote the court found in favor of the school system. Justice Beck, in writing the majority opinion, stated that through state law a school board did have the authority to establish reasonable and proper rules to control the conduct of the pupils. The focus in the case, then, came to making a determination as to whether the rules in question were reasonable and proper. Reasonable and proper rules, according to Justice Beck, were defined as those that didn't deny rights, didn't conflict with divine law, and "advances the object of the law in establishing public schools." Beck admitted absences and tardiness are committed outside of school hours, but stated, "Irregular attendance also interferes with the progress of those pupils who may be regular and prompt."

Two other issues in the case, that the established rules infringed upon parental rights and the rules punished the child for the parent's actions, were also discussed. Justice Beck, in response to the first issue, felt that any parent wanting the benefits of education for his children would have to do without the "profits" of the

child's labor. In answer to the second issue it was noted that the statement would be true if only the one child was to be taken into consideration. However, Beck felt the whole school was being injured because of this action. He even went so far as to say, "The child through no fault of his own or of his parents, may be afflicted with a contagious disease, yet, as the good of other pupils demanded it, he may be for that reason forbidden attendance at the school."

Justice Miller, casting the lone dissenting vote, showed the other side of the issue by stating what a large proportion of the public felt. Schools, in Justice Miller's opinion, could only dismiss students "for gross immorality or for persistent violation of the regulations of the school" He also felt that the Decorah School Board could not establish the afore-mentioned rules because state law only allowed them to establish "rules for the government of the schools." These rules, then had governed parents and children away from the school setting. This action, according to Justice Miller, should not have been authorized by the school.⁴⁷

Irregardless of the conflicts that had been and those that were bound to occur, Iowa's first compulsory education law was enacted in 1902. The Iowa law, which follows, was very similar to the 1852 law passed in Massachusetts.

Section I - Duties of parents or guardians - penalty. Any person having control of any child of the age of seven (7) to fourteen (14) years inclusive, in proper physical and mental condition to attend school, shall cause such child to attend some public, private, or parochial school where the common school branches of reading, writing, spelling, arithmetic, grammar, geography, physiology, and United States history are taught, or to attend upon equivalent instruction by a competent teacher elsewhere than school, for at least twelve (12) consecutive school weeks in each school year.

Section 4 - Truant schools - The board of directors of any school corporation may establish truant schools, or set apart separate rooms in any public school building for the instruction of children who are habitually truant from instruction, as contemplated by this act. Such directors may provide for the confinement, maintenance, and instruction of such children in such schools, under such reasonable rules and regulations as they may prescribe. If any child committed or sent to the truant school shall prove insubordinate and escape from such school during school hours, or absent himself or herself therefrom without the consent of the persons in charge thereof, then it shall be the duty of the person in charge of said school with the consent of the parent or guardian to file information before the judge of a court of record who may, . . . commit such child to one of the industrial schools of the state, . . .

Once the compulsory education law was passed it did not take too long for the legislators to make changes in the requirements of the law. In the very next legislative session, 1904, the required time a student had to attend school was lengthened from twelve to sixteen weeks.⁴⁹ In 1909 the length of the school year was increased to twenty-four weeks. In addition, schools could require attendance for the entire time they were in session.⁵⁰ The age limit for school attendance was raised from fourteen to sixteen years of age in 1913. However, a clause was added that removed some from the requirement providing for

a student, "who is over the age of fourteen and is regularly employed, or has educational qualifications equal to that of pupils who have completed the eighth grade."⁵¹ The first equivalent instruction clause was added in 1924 when the law was amended to read, "In lieu of such attendance such child may attend upon equivalent instruction by a competent teacher elsewhere than at school."⁵²

The present code, except for a few major changes, was adopted in 1927. It called for at least twenty-four consecutive weeks of school, and the equivalent instruction clause was changed in 1953 to include the words, "certified teacher," instead of a "competent teacher."⁵³ The final major change came in 1967 when Section 299.24 "Religious groups excepted from school standards" was added.

When members or representatives of a local congregation of a recognized church or religious denomination established for ten years or more within the state of Iowa prior to July 1, 1967, which professes principles or tenets that differ substantially from the objectives, goals, and philosophy of education embodied in standards set forth in Section 257.25, . . . the state superintendent, subject to the approval of the state board of public instruction may exempt the members of the congregation or religious denomination from compliance with any or all educational standards law for two school years.⁵⁴

Though many felt this law was intended only for the Amish, the language of the law did not make this limitation. In 1974 the Attorney General of Iowa ruled that the law was applicable to any religious group which qualified under the law.

Though the compulsory education law in Iowa has

undergone other changes than what has been shown here, the sections dealing with attendance requirements, truancy and religious groups were examined because of their direct link with attendance policies.

Chapter 5

ATTENDANCE POLICIES

An attendance policy as defined in this paper, has been a policy developed by a local school in an attempt to deal with absenteeism. These policies have varied from school to school, while some school boards have declined to adopt this type of policy. The major problem in researching policies of this kind has been the variation in policies. Basically, policies that called for a reduction in a student's grade after a certain number of absences, were examined.

In February of 1978 Max Mitchell, on behalf of his two daughters, appealed a decision made by the Board of Education of the Baxter Community School District to the Iowa State Department of Public Instruction. The Mitchells had asked the board of education to allow their two daughters to work at a livestock operation, which was owned and operated by the family. It had been anticipated that the girls would miss seven half-days of school, and that coupled with illness and other unavoidable reasons they would miss more than the maximum allowable under the school's attendance policy.

Each student may be absent from a class a maximum of five times a semester without penalty, however, each absence must be approved by a student's

the principal. These absences may be for any reasons acceptable to the parent or guardian - such as for a funeral, family trip, illness not requiring a medical doctor, and so on. Also included in these five absences from a class are those caused by suspension from school.

A student who is absent from a class more than five (5) times during a semester shall be dropped from the class and receive no credit, such action subject to review by the principal and if necessary, a parental meeting with the Board of Directors. Absences specifically excused by a medical doctor or dentist will not be counted among the five (5) days described above. Three (3) unexcused tardies, the teacher deciding whether a tardy is excused or unexcused, will count as one absence.

The hearing board dealt primarily with two issues; whether or not parents have the primary authority for determining whether an absence was justified, and the validity of the rule itself. In the first instance the hearing board cited *Burdick v. Babcock* when determining that in the interest of maintaining order in the schools, the school's authority overrides the interest of the parent. However, the second issue was not decided as to the school board's liking when the hearing board said, "We feel, generally, that an absence policy used to administer punishment to students should distinguish between reasonable and unreasonable causes for absence." The board also stated that the school district's policy was lenient for the first five absences, but any absence after the fifth, without a doctor's excuse, would meet with a very harsh punishment. The policy also lacked due process protections as it did not outline the criteria or guidelines upon which exemptions to the rule would be considered. In

general, the state hearing board felt that it was inappropriate to lump all absences into one category, and administrators needed to look at the specific reason for each absence.⁵⁵

Because of the limited amount of cases dealing with attendance policies it was necessary to go to rulings made by other quasi-judicial officials. The New Jersey Commissioner of Education, who has the same powers as the State Superintendent of Iowa, dealt with the issue of attendance policies long before they were being used in Iowa.

In 1973 the attendance policy of the Burlington, New Jersey Board of Education was challenged by nine students.

1. Any student who is absent from a subject thirty days or more may not be given credit for that subject. Thirty days is approximately seventeen percent of the school year. It also represents two-thirds of a working period in the high school.

2. Each student's case will be reviewed by a the Attendance Credit Council. The council will consist of the Principal, Vice-Principal, Disciplinarian, Nurse, Guidance Counselor, and the subject teacher involved. Each case will be reviewed individually and the decision based on the facts.

3. Warning letters are sent to the parents by the Vice-Principal when the absence of a student reaches a total of 15, 20, or 25 days.

4. Seniors - if given a C in the subject he may get credit at the discretion of the Attendance Credit Council. If a grade of D, then the student may have to go to summer school because of the absenteeism of over thirty days.

The absences referred to in the policy included excused absences, for illness, observances for religious holidays, college visitations, or even being in another part of

the building on legitimate business, unexcused absences were also included in the total of thirty.

The commissioner's ruling in this case was two-fold. As reported in most legal bulletins, such as the ones published by the National Association of Secondary School Principals and the Iowa Association of School Boards, the primary response of the commissioner was to back the board of education's decision. Eight of the nine students were instructed to take the courses over or attend summer school. The commissioner stated, "the public schools have the consistent obligation to require that their pupils be present in school in order that they may be taught. This policy is for the benefit of the pupils, their parents, and the community at large." However, upon closer examination of the commissioner's decision, it was found that he ordered the school board to set-aside their attendance policy. In the commissioner's judgment the policy of allowing (emphasis added) thirty absences was impairing the state law of compulsory education. "Given only approximately 182 school days, any policy which condones, excuses or encourages any absences by pupils, constitutes a derogation of the long-standing state policy for compulsory and maximum attendance at school."⁵⁶

In a related case the New Jersey Commissioner dealt with the Phillipsburg School District's policy of assigning a grade of zero for the entire school day when a student was truant or suspended. The student was,

however allowed to make up any exams he missed with no penalty. The commissioner ruled in the petitioner's favor stating that the penalty imposed diluted the student's achievement and that if there were only a few grades the zero assigned had a significant impact on the final grade. The commissioner cited his own ruling in a 1969 case to show how adamantly he felt about policies that reduced grades as punishment.

The use of marks and grades as deterrents or as punishment is likewise usually ineffective in producing the desired results and is educationally not defensible. Whatever system of marks and grades a school may devise will have serious inherent limitations at best, and it must not be further handicapped by attempting to serve disciplinary purposes also.⁵⁷

The decisions made by quasi-judicial officials had the impact of law, even though they can be appealed through the court system. At times the courts have looked to these decisions for recommendation and even precedent. The only recorded appellate court decision that was directly applicable was heard in Illinois, and used the New Jersey Commissioner of Education to back their decision.

The plaintiff was a senior at the Tri-Point Community School District during the 1973-74 school year. He didn't attend class on April 25 or April 26, 1974 and the absences were deemed unexcused by the school's administration. The school's attendance policy stated, "Under an unexcused absence, make-up work shall be done without credit and grades shall be lowered one

letter grade per class." Knight's grades were ultimately lowered two letter grades per class for the fourth quarter as a result of the policy.

It was the contention of the plaintiff that because of the sanctions imposed he was deprived of substantive due process of law and equal protection of the law, which was contrary to the Fourteenth Amendment. The deprivation of substantive due process charge was leveled because it was maintained that there was no relationship between grades and truancy. It was also the plaintiff's contention that grades had to be given only on the basis of "scholastic attainment." The court's main concern, then, was to determine if there was a relationship between misconduct of students and grades, and then what the grades themselves represented. "Truancy is a lack of effort and the plaintiff here exhibited a lack of effort. There was, therefore a sufficiently rational connection between the grade requirements of both equal protection and substantive due process." In addition, citing *Goss v. Lupez*, the court felt there was damage to the plaintiff's property right because of the lower grades he received.

The dissenting opinion in this case took a much different view. The constitutional right, it was felt, was taken away with no semblance of procedural due process. The record showed that the reduction of the quarterly grade effectively reduced the final grade.

In the opinion of at least one justice final grades measured academic attainment, "and that prospective employers as well as institutions of higher learning concern themselves with the academic achievement."⁵⁸

Three other court decisions all dealt with attendance policies and all arrived at similar conclusions. In *Dorsey v. Bail* the court ruled that reducing a student's grade for an unexcused absence imposed an additional punishment for conduct that had already resulted in a suspension, and this invalidated the policy.⁵⁹ In the Colorado School District R-1 a policy existed which stated a student would receive no academic credit for a class in which he was absent more than seven times a semester. A Colorado statute required school attendance for 172 days, and that days on which a student was "temporarily ill or injured, or has been suspended or expelled" were counted as part of the 172 days. It was very clear, then, that the rule violated this statute and non-attendance sanctions could not be imposed because of the absences.⁶⁰ In Illinois High School District #113 had an attendance policy which called for reduction in grades for unexcused absence from school. The court recalled the *Knight* case which stated a student was not deprived of substantive due process when a grade reduction was because of an unexcused absence. Though a decision in this case wasn't necessary, the court required a hearing to determine if due process had been violated and if an

arbitrary grade reduction had been imposed.⁶¹

It was found that all attendance policies contain different elements, and so each must be examined separately and judged on its own merits when determining legality.

Chapter 6

CONCLUSION

The General Court of Massachusetts could not have predicted the controversies that have occurred over compulsory education. The very basic foundations that were derived from the first compulsory education laws, the right of the state to establish schools and the right to set minimal standards of education, have been challenged. As these basic rights were expanded, with compulsory education laws always becoming more stringent, they were met by challenges from parents, industrial leaders, and religious groups. In many cases, the courts have been called upon to solve the conflicts.

As educators have become more "accountable" for the quality of education, some have responded, in part, by establishing attendance policies. These policies have come under attack, and this attack will undoubtedly be continued. Though it has been impossible to say which attendance policies have been legal, and which have not been, there were several generalizations made about the courts and attendance when writing a policy.

The first concern when dealing with an academic penalty, or any disciplinary penalty, has been the

maintenance of due process. The severity of the punishment was the key to the amount of due process protection that had to be afforded. If a student's constitutional interest in life, liberty, or property was in jeopardy because of punishment, then due process procedures had to be followed. This led to the second consideration, the property interest of students. The courts have already determined that a student's property must be protected if that student has paid tuition to a public school such as a medical school. The reason for this was because the dismissal could have an effect upon the student in the future. However, it has not been certain whether a particular letter grade, as given in a public high school, is a protected interest. Finally, some courts have looked at the relationship of the disciplinary measure to the infraction. Judges have found a constitutionally protected property interest when the punishment seemed disproportionate to the offense.⁶² Educators have to be very careful when assessing academic penalties for non-academic offenses. The policy which has been used must afford all constitutional guarantees to the student, and not be unreasonable or capricious. At the present time, if these guidelines have been met, problems should not arise over the policy.

Keeping the above guidelines in mind, the following recommendations need to be included when writing an attendance policy.

1. Statement of Rationale

This paragraph(s) should explain the school's reasons for student attendance. It should explain why students will be expected to attend school, and what the probable problems a student can cause for himself if he is frequently absent from school. This introduction to the policy is necessary to show that the policy has an adequate educational foundation, and that the policy maintains the philosophy of the school system as a whole. This will prevent charges that the policy is capricious or unreasonable if it happens to be taken to court.

2. Excused Absences

A list of reasons that a student's absence will be considered excused by the school's administration should be compiled. To give the administrator enough latitude in this area the last reason stated for an excused absence should be those justified from an educational standpoint. Also included in this section should be a statement concerning expected make-up of school work missed.

3. Unexcused Absences

A statement as to what constitutes an unexcused absence should be next. Generally, any absence not covered under section two, Excused Absences, would be considered unexcused. Also, a statement concerning forged notes from parents constituting an unexcused

absence should be made.

4. Tardies

If the board of directors wishes, a statement could be made stating that a certain number of tardies would constitute an unexcused absence.

5. Attendance Requirements

This portion of the policy states the number of absences a student may accumulate before the parents are notified. This notification should be in the form of a letter asking the parents to visit the school and including the school's reasoning for students attending school. Also included in this section will be the penalties imposed if and when a student misses more than the allowed number of school days.

6. Automatic Grade Reduction for Truancy

This will be allowed by the courts if a reasonable educational relationship to the offense can be shown. To do this the rationale for the rule should be stated; it should not be so harsh as to impede justification of the rule educationally.

7. Appeal Procedures

As all due process procedures must be afforded, an appeal procedure for the student's use must be set up. In general, a teacher's decision concerning tardiness and make-up work may be appealed to the principal. The principal's decision regarding this

or another aspect of the attendance policy may be appealed to the superintendent and likewise the superintendent's decision may be appealed to the board of education. It should be noted that a committee could be set up as a student's first method of appeal. Though this would not be necessary it would help to alleviate the charge of unfairness by one administrator.

8. Review of policy

A policy of this nature needs to be reviewed at the end of every school year. As the courts delve into attendance policies with more frequency, policies must be updated in order to stay current.

In looking at the high rates of absenteeism and truancy, it seemed as if the compulsory education laws our forefathers labored so long for, have not been working. For those who do attend, it has been a social compulsion rather than a legal compulsion. It seems as if we have come full circle and have the same fears the Puritan leaders in Massachusetts had; our children have not been receiving the type of education deemed necessary to prepare them for life.

FOOTNOTES

¹Larry Barlett et al, Absences: A Model Policy and Rules (Des Moines: Iowa State Department of Public Instruction, 1978), p. 5.

²Carter v. Good, Dictionary of Education (New York: Mc Graw-Hill Book Co., Inc., 1945), p.89.

³Good, p. 36.

⁴Good, p. 432.

⁵David B. Tyack, "Ways of Seeing: An Essay on the History of Compulsory Schooling," Harvard Educational Review, August 1976, pp. 355-375.

⁶John G. Milner, "Understanding the Pressure of Compulsory School Attendance," California Journal of Elementary Education, May 1954, pp. 197-206.

⁷E.R. Deering, "The Effect of Environmental Factors on School Attendance," California Journal of Elementary Education, May 1954, pp. 207-210.

⁸Passow, "Early School Leaving - An Invitation to Disaster," Educational Leadership, December 1977, p. 210.

⁹Morell J. Hansen, "Sacred Cows: The Compulsory Elements of Schooling," Educational Leadership, March 1974, pp. 512-515.

¹⁰Robert B. Everhart, "Compulsory Education, Not Compulsory Attendance!" N.A.S.S.P. Bulletin, January 1976, pp. 71-76.

¹¹Tyack, op. cit., pp. 375-389.

¹²Glen F. Ovard, "Compulsory Attendance: The Right Thing for the Wrong Reason," N.A.S.S.P. Bulletin, May 1978, p. 121.

¹³M.S. Katz, "Compulsion and the on Compulsory School Attendance," Educational Theory, Summer 1977, p. 167.

¹⁴Katz, p. 179.

Footnotes, Continued

¹⁵Owen B. Kierman, "A Defense for Extending Compulsory Education to Age 18," N.A.S.S.P. Bulletin, September 1975, p.61.

¹⁶Howard M. Johnson, "Are Compulsory Attendance Laws Outdated?" Phi Delta Kappan, December 1973, p. 227.

¹⁷Kierman, op. cit., p. 63.

¹⁸Johnson, op cit., p. 228.

¹⁹Forest C. Ensign, Compulsory School Attendance and Child Labor (Iowa City: Athens Press, 1921), p. 19.

²⁰William T. Harris (ed.), United States Office of Education - Annual Report, I(Washington: Government Printing Office, 1891), p. 471.

²¹Henry Suzzallo, The Rise of Local School Supervision in Massachusetts, (New York: Columbia University, 1906) pp. 10-11.

²²Katz, op. cit., p. 13.

²³Katz, p. 14.

²⁴Katz, p. 13.

²⁵Ensign, p. 26.

²⁶Ensign, p. 27.

²⁷Ensign, p. 28.

²⁸Ensign, p. 32.

²⁹Ensign, pp. 34-35.

³⁰Ensign, p. 36.

³¹Amos B. Carbile, "One Hundred Years of Compulsory School Attendance Laws in Massachusetts," Educational Administration and Supervision, January 1954, p. 2.

³²Ensign, op. cit., p. 39.

³³Ensign, p. 49.

³⁴Ensign, p. 50.

³⁵Carbile, op. cit., p. 4.

³⁶Harris, op. cit., p. 472.

Footnotes, Continued

- 37Harris, p. 472.
- 38Harris, p. 473.
- 39Harris, p. 473.
- 40Katz, op. cit., p. 20.
- 41Pierce v. Society of Sisters of the Holy Name
of Jesus and Mary (268 U.S. 510)
- 42Prince v. Massachusetts (321 U.S. 158)
- 43Rice v. Commonwealth (49 S.E. 2nd 342)
- 44Wisconsin v. Yoder (406 u.S. 205)
- 45Ensign, op. cit., p. 23.
- 46Burdick v. Babcock (31 IA 562)
- 47Burdick v. Babcock (31 IA 562)
- 48Laws of Iowa, Twenty-ninth General Assembly
(Des Moines: State Printer, 1902), p. 78.
- 49Laws of Iowa, Thirtieth G.A. (1904), p. 113.
- 50Laws of Iowa, Thirty-third G.A. (1908), p. 180.
- 51Laws of Iowa, Thirty-fifth G.A. (1913), p. 272.
- 52Code of Iowa, Edited U.G. Whitney (1924),
p. 566.
- 53Laws of Iowa, Fifty-fifth G.A. (1953), p. 204.
- 54Code of Iowa, Sixty-second G.A. (1967), p. 605.
- 55Mitchell v. Baxter Community School District
(1 D.P.I. App. Dec. 201).
- 56Wheatley v. Board of Education of the City of
Burlington (Commissioner of Education Decision - State of
New Jersey - 9/23/74).
- 57Minorics v. Board of Education of Phillipsburg,
New Jersey (Commissioner of Education Decision - State of
New Jersey - 3/24/72).
- 58Knight v. Board of Education of Tri-Point
Community Unit School District No. 6J (348 N.E. 2nd 299).

Footnotes, continued

⁵⁹Dorsey v. Bail (521 S.W. 2nd 76).

⁶⁰Gutierrez v. School District R-1 (585 Pacific 2nd 935).

⁶¹Hamer v. Board of Education of Township High School District #113 (383 N.E. 2nd 231).

⁶²Ivan Gluckman, Grade Reduction, Academic Dismissal and the Courts (Virginia: National Association of Secondary School Principals, 1977) pp. 2-4.

BIBLIOGRAPHY

- Bartlett, Larry. Absences: A Model Policy and Rules.
Des Moines: Iowa State Department of Public
Instruction, 1978.
- Brown, Frank B. "A Defense for Extending Compulsory
Education to Age 18," N.A.S.S.P. Bulletin, September,
1975.
- Burdick v. Babcock (31 IA. 562).
- Campbell, Ronald F. The Organization and Control of
American Schools. Columbus: Merrill Publishing
Company, 1975.
- Carlile, Amos B. "One Hundred Years of Compulsory School
Attendance Laws in Massachusetts," Educational
Administration and Supervision, 40:1-11, January, 1954.
- Code of Iowa, Forty-First General Assembly, 1924, 566.
- Code of Iowa, Sixty-Second General Assembly, 1967, 605.
- Dorsey v. Bail (521 S.W. 2nd 76).
- Deering, E.R. "The Effect of Environmental Factors on
School Attendance," California Journal of Elementary
Education, 22: 207-210, May, 1954.
- Ensign, Forest C. Compulsory School Attendance and Child
Labor. Iowa City: Athens Press, 1921.
- Everhart, Robert B. "Compulsory Education, Not Compulsory
Attendance!" N.A.S.S.P. Bulletin, 60:71-76, January,
1976.
- Everhart, Robert B. "Compulsory School Attendance Laws,"
Education Digest, 43:56-59, February, 1978.
- Gluckman, Ivan. Grade Reduction, Academic Dismissal and
the Courts. Virginia: National Association of
Secondary School Principals, 1977.
- Good, Carter v. Dictionary of Education. New York:
Mc Graw-Hill Book Co., Inc., 1945.
- Gutierrez v. School District R-1 (585 Pacific 2nd 935).

Bibliography, continued

- Hamer v. Board of Education of Township High School District #113 (383 N.E. 2nd 231).
- Harris, William T. (ed). United States Office of Education - Annual Report. Washington: Government Printing Office, 1891.
- Hansen, Merell J. "Sacred Cows: The Compulsory Elements of Schooling," Educational Leadership, 31:512-515, March, 1974.
- Johnson, Howard M. "Are Compulsory Attendance Laws Outdated?" Phi Delta Kappan, 55:226-232, December, 1973.
- Katz, M.S. "Compulsion and the Discourse on Compulsory School Attendance," Educational Theory, 27:177-185, Summer, 1977.
- Kierman, Owen B. "A Defense for Extending Compulsory Education to Age 18," N.A.S.S.P. Bulletin, 59:61-64, September, 1975.
- Knight v. Board of Education of Tri-Point Community Unit School District No. 6J (348 N.E. 2nd 299).
- Laws of Iowa, Twenty-Ninth General Assembly, 1902, 78.
- Laws of Iowa, Thirtieth General Assembly, 1904, 113.
- Laws of Iowa, Thirty-Third General Assembly, 1909, 180.
- Laws of Iowa, Thirty-Fifth General Assembly, 1913, 272.
- Laws of Iowa, Fifty-Fifth General Assembly, 1953, 204.
- Levanto, Joseph. "High School Absenteeism," N.A.S.S.P. Bulletin, 59:100-104, October, 1975.
- Milner, John G. "Understanding the Pressure of Compulsory School Attendance," California Journal of Elementary Education, 22:197-206, May 1954.
- Minorities v. Board of Education of Phillipsburg. (Commissioner of Education Decision - State of New Jersey), 1972.
- Mitchell v. Baxter Community School District (1 D.P.I. App. Dec. 201).

Bibliography, continued

- Ovard, Glen F. "Compulsory Attendance: The Right Thing for the Wrong Reason," N.A.S.S.P. Bulletin, 62:120-125, May, 1978.
- Passow, Harry A. "Early School Learning - An Invitation to Disaster," Educational Leadership, 14:209-214, December, 1977.
- Pierce v. Society of Sisters of the Holy Name of Jesus and Mary (268 U.S. 510).
- Prince v. Massachusetts (321 U.S. 158).
- Reutter, E.E., Jr. The Law of Public Education, New York: The Foundation Press, Inc., 1976.
- Rice v. Commonwealth (49 S.E. 2nd 342).
- Suzzalo, Henry. The Rise of Local School Supervision in Massachusetts, New York: Columbia University, 1906.
- Tyack, David B. "Ways of Seeing: An Essay on the History of Compulsory Schooling," Harvard Educational Review, 46:355-389, August, 1976.
- Wheatley v. Board of Education of the City of Burlington (Commissioner of Education Decision - State of New Jersey), 1974.
- Wisconsin v. Yoder (406 U.S. 205).