



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**

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**MEMORANDUM**

DATE: February 20, 2012

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, <sup>Dmp/kit</sup> Chairperson  
State Council for Persons with Disabilities

RE: H.B. 244 [Compulsory School Attendance]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 244 which increases the current compulsory school attendance in Delaware from 16 to 18 years of age over a two year period. The compulsory attendance age would be raised to 17 effective January 1, 2013 and would be raised to 18 effective January 1, 2014. SCPD has the following observations.

First, background materials, including an informative January 25, 2012 News Journal article, are attached. According to the News Journal article, 20 states currently require students to attend school through age 18. According to the attached January 26, 2012 CLASP article, another 11 states mandate school attendance until age 17. With 31 states requiring school attendance to either age 17 or 18, Delaware is among the minority of states with its current age 16 standard.

Second, there are pros and cons to raising the compulsory school attendance age. The attached National Conference of State Legislatures ("NCSL") summary identifies perceived advantages and disadvantages. Advantages include encouraging more students to attend college and decreasing dropout rates, juvenile crime, and teen pregnancy. Disadvantages include financial costs and devotion of resources to truancy and disruption linked to students who do not wish to be in school. In 2010, the National Association of Secondary School Principals ("NAASP") adopted the attached position statement endorsing compulsory education to age 18. However, both the attached NAASP and CLASP materials and January 28, 2012 News Journal editorial stress the importance of adopting additional strategies to promote effective implementation of higher-age compulsory attendance. For example, the NAASP statement included the following recommendation:

Provide funding for graduation coaches, counselors who focus solely on at risk students.

They monitor student's academic progress and attendance and work with teachers to identify those who are falling behind or at risk of doing so. Graduation coaches also focus on getting parents involved and will make home or workplace visits with parents.

Third, individuals who drop out of school at age 16 typically regret the decision later. The brains of sixteen year olds may not be sufficiently developed to make mature and deliberative decisions regarding their long-term needs. See, e.g. the attached May 16, 2003 USA Today article.

According to the January 25 News Journal article, the prime sponsor, Rep. Heffernan, intends to "revise and reintroduce the bill in March." SCPD endorses the concept of the current bill subject to the following: 1) consideration of including some support components (e.g. graduation coaches, drop-out recovery system) identified by NAASP and CLASP; 2) availability of robust and comprehensive transition services for students with disabilities; and 2) correction of several technical errors in the bill. The technical errors are as follows:

A. Lines 20-21 and 23 refer to "public school or charter school". A charter school is a public school. See Title 14 Del.C. §§503, 504( c), and 8590(3). However, simply referring to a "public school" can result in confusion over the applicability of the bill to charter schools based on Title 14 Del.C. §505(a). The sponsors may wish to consider substituting "public school, including a charter school" for "public school or charter school". Compare Title 14 Del.C. §4136(a).

B. Line 38 limits a waiver to proof that a student "has an alternative learning plan for obtaining either a high school diploma or its equivalent". This would literally disallow a waiver for a student with an intellectual disability placed by parent in Melmark, Benedictine, AdvoServ or other private or home school in which a diploma is not a realistic outcome.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Ms. Susan K. Haberstroh  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 244 compulsory attendance 2-20-12

## THE TEEN BRAIN

Surprise: It grows long past childhood. So chalk up some of that baffling behavior to neurobiology, not hormones.

BY TIM WENDEL

**U**NIL SCIENTISTS began to employ MRI imaging a few years ago, the teenage brain was thought to be largely finished. After all, brain size usually doesn't change that much after childhood. Many assumed it only required fine-tuning in preparation for adulthood. "Now we're finding out how wrong we were," says Richard Restak, a neuropsychiatrist and author of *The Secret Life of the Brain*. "The teenage brain is a work in progress that we're only beginning to understand."

From the thickening and then thinning of gray matter to the development of the all-important frontal lobes, the brain undergoes dramatic change during adolescence. What parents once blamed on hormones is actually "a grand upheaval of the brain," says Barbara Strauch, a medical science editor and author of *The Primal Teen: What the New Discoveries About the Teenage Brain Tell Us About Our Kids*.

This upheaval affects everything from schoolwork to teens' propensity for taking risks.

### RISK-TAKING: Blame immature frontal lobes

All parents want their children to explore the world. But what if the family curfew has become a joke? What if a teen exhibits behavior that not only worries an adult but can be dangerous to the kid?

Ron Dahl, a pediatrician and child psychiatric researcher at the University of Pittsburgh Medical Center, says a desire for thrills and taking risks is a building block of adolescence. The frontal lobes help put the brakes on such behavior, but they're also one of the last areas of the brain to develop fully. Located right behind the forehead, the frontal lobes actually grow larger than adult size in puberty. But the process is far from complete; refinement of the lobes can continue into the early 20s. "This is a crucial stage," says Mel Levine, director of the University of North Carolina's development and learning center, "because the frontal lobes enable a person to know where they're heading as opposed to hav-



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ing no idea of what the consequences will be."

In calm situations, teenagers can rationalize almost as well as adults. But stress can hijack what Dahl calls "hot cognition" and decision-making. The frontal lobes cannot cope.

Dahl points out that studies are far from complete, but he and other experts contend that higher levels of the neurotransmitter dopamine make teens hungry for stimulation, including risky behavior.

### ACADEMICS: "Wow! It suddenly makes sense"

In addition to the frontal lobes, other key brain areas are transformed in adolescence. The corpus callosum, a thick bundle of nerve fibers that connects the brain's left and right hemispheres, enlarges. The anterior cingulate gyrus, which helps us stay focused, matures, as do key areas in the cerebral cortex that recently have been linked to language development and spatial reasoning. Such development may explain why things suddenly click for a struggling geometry student: The brain finally can make sense of the subject material.

### PARENTS: Help new brain cells connect

In childhood, brain cells grow quickly, like new stalks on a plant. As adolescence accelerates, there's an overabundance of new connections in the brain. As teens mature, some connections are pruned away, increasing the brain's efficiency. The chance to help shape this pruning makes parents more crucial, not less. "This is a sensitive time, when feelings are becoming linked with rational thought," Dahl says. "The stakes are very high, and parents need to feel that it's OK to be monitoring what their adolescents are doing." ❧

TIM WENDEL, the father of a teenager, is the author of *The New Face of Baseball, a look at 100 years of Latino baseball, to be published in June by HarperCollins*.



## Dropouts bill put on hold

**DOVER** -- A day after President Barack Obama called on states to increase the compulsory age for public education to 18, lawmakers in the Delaware House raised questions about the cost and implications of such a move.

Legislation to raise the age at which Delaware students could lawfully drop out of school was tabled after a hearing before the House Education Committee on Wednesday, amid opposition from those worried about additional costs and unintended consequences.

House Bill 244, sponsored by Rep. Debra Heffernan, would raise the minimum dropout age in Delaware from 16 to 18.

Currently, 20 states require students to attend school through age 18.

Proponents of raising the compulsory attendance age say it's an essential component to raising graduation rates.

Obama highlighted the issue in his State of the Union address Tuesday.

"[W]hen students aren't allowed to walk away from their education, more of them walk the stage to get their diploma," he said. "So tonight, I call on every state to require that all students stay in high school until they graduate or turn 18."

During the hearing on her bill, Heffernan alluded to the president's challenge and gave her own reasons for supporting a higher minimum dropout age.

"Not completing high school represents a severe lifelong limitation," said Heffernan, D-Brandywine Hundred South. "They're more likely to rely on government services like Medicaid or food stamps, or end up in the judicial system; and that is a cost to taxpayers."

Approximately 1,442 Delaware students under 18 dropped out of high school last year, representing 3.7 percent of all high school students in the state, according to the state Department of Education.

The dropout rate has declined in recent years. In the 2008-09 school year, 1,983 students -- or 5.1 percent -- dropped out of high school, state data show.

Delaware's statewide graduation rate last school year was 87.53 percent. That graduation rate is calculated based on

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students who start in the ninth grade and graduate four years later from the same school.

A fiscal note from the Office of the Controller General says HB 244 would cost the state an additional \$1.6 million in fiscal year 2013, assuming 50 percent of potential dropouts stay in school.

The total additional cost to the state's 19 school districts could be as high as \$528,000 next fiscal year, according to the fiscal note.

Rep. Earl Jaques Jr. said he's worried more about local districts. "Those school districts are already strapped," said Jaques, D-Glasgow.

Heffernan countered by again referring to the greater cost of low high school graduation rates.

"The long-term benefits of keeping kids in school and helping them earn their diplomas far outweigh the upfront costs," she said.

Rep. Joe Miro raised another argument in opposing the bill. Students who drop out, he said, often do so because they're not well served by the traditional high school. Forcing those students to stay in school until age 18, instead of focusing efforts on alternative education programs, does them a disservice, he said.

"Quite often the school environment is improved when the students who don't

want to be in school in a regular setting are removed," said Miro, R-Pike Creek.

Heffernan's bill includes provisions that allow students to transfer to nontraditional programs, and she said focus on those types of educational options isn't affected by her legislation.

Miro said the president's challenge sounded good in the State of the Union, but "he failed to mention how we would deal with those students."

Delaware educators were enthusiastic that the president would highlight the issue at a time when the Legislature is considering raising the dropout age.

"I think it's perfect timing," said Merv Daugherty, superintendent of Red Clay Consolidated School District. "It's too easy for students or parents to sign their children out."

Representatives of education groups statewide, including top DOE staff, said

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they are lukewarm to the bill at best.

Scott Reihm, executive director of the Delaware Association of School Administrators, said he's concerned about school discipline, funding and a provision in the bill that allows an exemption for a 16-year-old who gets a job.

"With all legislation there are unintended consequences," he said. "The real challenge to the states should be identifying children at an early age so they don't drop out."

Heffernan said she plans to revise and reintroduce the bill in March.

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## Compulsory Attendance Until 18 Not Enough to Address H.S. Dropout Problem

Jan 26, 2012

[By Rhonda Tsoi-A-Fatt Bryant \(http://www.clasp.org/experts?id=0003\)](http://www.clasp.org/experts?id=0003)

In his State of the Union address, President Obama challenged governors to raise the compulsory school attendance age to 18 years. Currently, only 20 states have such a requirement and another eleven states mandate school attendance until age 17. The remaining states require attendance until 16, but many, such as Kentucky and Delaware, are now debating a change and have introduced legislation to raise the age.

It is important to ensure that high school students complete their education. Failure to do so has significant impact on them as individuals as well as on the economic viability of our communities and our nation. Raising the compulsory student attendance age, however, doesn't go far enough to assure that students complete high school. Preventing dropout requires far more than a statute that makes it illegal to do so. In fact, there is a lack of substantive evidence to demonstrate that raising the compulsory school attendance age alone significantly affects high school completion.

To truly impact the high school dropout rate, raising the compulsory student attendance age must be coupled with other key actions:

- Increase school supports for struggling students
- Create multiple pathways to attain a high school diploma, including competency-based instruction, strong career and technical education models, and alternative programs
- Ensure that compliance policies do not put truant students and dropouts into the juvenile justice system
- Train effective teachers to work diligently with struggling students
- Increase the number of school counselors available to work with students
- Create incentives to high schools to increase their graduation rates
- Build a dropout recovery system to reengage older students to complete their education
- Provide wrap-around services in schools for students to meet their needs in areas of physical and mental health, social services, housing assistance, etc.

Addressing the high school dropout crisis comes at a cost, which Congress and the Obama Administration must acknowledge and address. If policymakers are serious about being a nation that ranks first in educating its students, we must make the necessary investments to ensure a quality education for even our struggling students. These investments must begin in middle school, where we know there are the greatest opportunities for dropout prevention, and span all the way to dropout recovery for older students who want to come back and complete their education. The reauthorization of the Elementary and Secondary Education Act presents an opportunity to boldly address the national issue of high school dropout through meaningful reforms that signal our commitment to well-educated students and a well-prepared workforce. It is our hope that Congress and the Administration will make reauthorization of ESEA a priority in 2012.

See CLASP's recommendations for **ESEA reform** (<http://www.clasp.org/admin/site/publications/files/ESEA-Recommendations2010.pdf>) to impact high school dropout.




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## Compulsory Education

More than 150 years have passed since Horace Mann helped Massachusetts establish a statewide system of education that eventually led to the requirement that all children attend public school. In 1852, Massachusetts became the first state to pass compulsory school attendance laws, and by 1918, all states required children to receive an education.

### Compulsory Education Requirements

Today, every state and territory requires children to enroll in public or private education or to be home-schooled. More than half—32 states—require students to begin their education by age 6. Some states set their age requirements as low as age 5 and as high as age 8. All children are required to continue their education into their high school years, with 26 states setting the cutoff age at 16. The remaining states require students to stay in school through age 17 or 18.

Compulsory education laws vary greatly from state to state. While some states use a student's date of birth to determine the beginning and ending dates for compulsory education, other states require a student to begin school if he or she will turn 6 during the school year and require a student to remain in school until completion of the school year in which he or she turns 17. Four states—Arizona, Montana, Vermont and Wyoming—require students to remain in school through a specified grade. Most states allow parents to petition their local school board or principal for a waiver of these requirements under certain circumstances, such as enrollment in a vocational education program or an institution of higher education or early completion of required coursework.

### Kindergarten Enrollment

States and territories also set a minimum age for children to enroll in kindergarten, which is typically one or two years earlier than the compulsory education age. Every state or territory with a policy on this issue has established age 5 as the minimum age. However, six states—Colorado, Massachusetts, New Hampshire, New Jersey, New York and Pennsylvania—leave this decision up to local education agencies. In addition to the age requirement, each state also sets a date by which students must have attained the specified age in order to attend kindergarten. The cutoff dates range from August 1 in Indiana and Missouri to Jan. 1 in Connecticut and Vermont.

### The School Age Debate

School attendance ages are often controversial. Many early childhood experts argue that if policymakers establish early cutoff dates for kindergarten, they should also establish aggressive school readiness programs to ensure students' success. Others argue that because there has been an increased emphasis on early childhood development and school readiness, we should continue to challenge children at a younger age. Some experts assert that age may be an arbitrary indicator or measure of a child's ability to succeed in school and should not be used at all. Others point out that when a state considers legislation, such as Nebraska, allowing younger children to enter kindergarten, policymakers must understand that there is likely to be a large increase in the number of children entering kindergarten during the first year of the new policy, thereby straining already tight school district budgets and increasing the need for teachers.

The age through which students must attend school can also be controversial. To encourage more students to attend institutions of higher education and to decrease dropout rates, juvenile crime and teen pregnancy, some state legislatures have increased the school attendance requirement to age 17 or 18. Opponents are concerned about forcing students to be in the classroom against their will. They say that these students may become disruptive and may require teachers and principals to spend more time and resources disciplining such students for disruptive or violent behavior and truancy. They also point out that there probably will be a greater need for funding, teachers and classrooms for alternative education.

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## Raising the Compulsory School Attendance Age

**Purpose:** To express support for raising to 18 the minimum age at which a student is allowed to leave compulsory education and to provide school leaders and policymakers recommendations that would ensure its successful implementation.

**Issue:** In recent years, the drop-out rate in US schools, currently estimated at 20% overall and overrepresented among low income, Black, and Latino students, has gained a great deal of attention, because of its impact on the students and on the communities in which they live. Research indicates that students who drop out of schools are more likely to be unemployed, earn dramatically lower salaries when they do work, and are more likely to become involved in the criminal justice system.

In an attempt to curb the drop-out rate, governors and state legislators are considering raising the compulsory school attendance age under state law from 16 or 17 to 18 years of age. According to the Department of Labor, seventeen states and the District of Columbia have already raised the minimum age at which a student is legally allowed to leave compulsory education to 18. Thirteen more states are considering legislation to raise the compulsory school attendance age. The trend continues to grow as governors and state legislators consider the impact of the dropout on tax revenues in the context of an economic recession. Other countries are experiencing the same trend toward a higher compulsory school attendance age.

Opponents of this policy argue that:

- It interferes with parents' rights to make educational choices for their children
- It raises the burden on taxpayers and increases the cost of education
- It represents an intrusion into the lives of individuals
- It fails to retain students who are already disengaged from their schools
- It creates disruptions in the classroom (by students who are forced to stay in school against their will).

Supporters of this policy argue that:

- Coupled with supports for struggling students, it curtails the drop-out rate (according to one study, 25% of potential dropouts remain in school because of compulsory schooling laws)
- It enables students to earn higher wages in the future (because they attend school longer)
- It affords students additional benefits, such as better health and better satisfaction with their lives
- It reflects the realities of the 21<sup>st</sup> century, with an increased need for higher levels of education.
- It increases the prosperity of the states and the nation
- It promotes social mobility by enabling students of poverty to stay in school longer and complete their education.

Consistent with its efforts to advance student achievement for all and close the achievement gap, NASSP affirms its support for raising the minimum age at which a student is allowed to leave compulsory education to 18, provided the following recommendations are implemented.

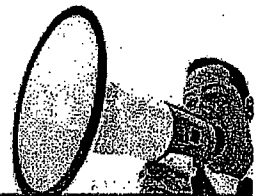
**NASSP Guiding Principles:**

- NASSP believes that all students should graduate from high school with the skills to help them succeed in postsecondary education and the workplace.
- In a 2007 Achievement Gap position statement, NASSP affirmed its commitment to closing the achievement gap and offered recommendations to help policymakers and school leaders address it.
- In a 2009 position statement *Preparing All Students for Postsecondary Success*, NASSP expressed support for challenging graduation requirements and provided recommendations for federal, state, and local policymakers to help schools ensure that all students met those high standards.

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- *Breaking Ranks II* and *Breaking Ranks in the Middle* provide school leaders with a framework for improving the performance of each student by implementing best practices through collaborative leadership and professional learning communities; creating relevance through personalizing the environment; and addressing issues of rigor through curriculum, instruction, and assessment.
- In a February 2009 position statement *Preparing All Students for Postsecondary Success*, NASSP expressed support for challenging graduation requirements and provided recommendations for federal, state, and local policymakers to help schools ensure that all students meet those high standards.
- NASSP has identified a number of high-achieving middle level and high schools serving large numbers of low-income students. Access to rigorous coursework for all coupled with intensive and personalized supports are key components of Breakthrough Schools. Those schools offer valuable lessons on how they raised expectations and supported their students in the process.
- NASSP has been a long-time supporter of policies that seek to promote equity and excellence, including the work of Pathways to College Network, the Data Quality Campaign, Adolescent Literacy, National Standards and Assessments, the National Forum to Accelerate Middle Grades Reform, and the National High School Alliance.

#### Recommendations

##### Federal Leaders

Create a separate funding stream to improve student achievement in middle level and high schools, reduce the number of high school dropouts, and ensure that all students graduate from high school with the skills they need to succeed in college and the workforce.

##### State and District Leaders

Make every effort to increase the maximum compulsory age for school attendance to 18 for all students who have not already completed the requirements for a high school diploma.

Implement a systemic transition plan for all students and encourage collaboration between elementary, middle level, and high schools.

Target resources to middle level and high schools with high student-mobility rates and significant proportions of low-income students, English language learners, students with disabilities, and low-achieving students to help all students meet high expectations.

Provide funding for graduation coaches, counselors who focus solely on at risk students. They monitor student's academic progress and attendance and work with teachers to identify those who are falling behind or at risk of doing so. Graduation coaches also focus on getting parents involved and will make home or workplace visits with parents.

Provide at-risk students with nonmonetary incentives for staying in school.

Provide funding and technical assistance to help schools address the educational and social needs of students who would otherwise be tempted to drop out prior to their 18th birthday.

Provide incentives to high schools that increase their graduation rates and to middle schools that increase the number of promoted students who are adequately prepared for high school.

Provide ongoing and targeted professional development to teachers and school leaders to increase their capacity to engage students in their own education.

Build a drop-out recovery system for older students who are willing to go back to school to complete their education.

Implement a significant literacy initiative that supports students from early childhood through their high school years.

Allow schools to give some students, particularly English language learners and students with disabilities, more time to complete graduation requirements.

Ensure that students have access to academic supports that will help them stay on track toward graduation, including:

- Challenging core curricula at the middle level that are aligned with the high school curricula and will help students get on target for college and career readiness by the end of grade 8
- Counseling services for middle level and high school students that provide information and assistance about the requirements for high school graduation, college admission, and career success
- Personalized academic plans to support completion of middle level requirements and progress toward graduation
- Targeted and tiered interventions for middle level and high school students who are falling behind
- Online learning opportunities
- Extended learning time during the school day, week, and year
- Job shadowing, internships, and community service
- In-school and community-based social supports, such as counselors, social workers, and mental health services.

**School Leaders**

Create small units in their schools, where anonymity is eliminated.

Create a personal plan for progress for each student to support his or her talents and interests. Review the plan often to ensure that the school takes individual needs into consideration.

Offer career and technical education or curriculum-based service learning.

Assign a personal adult advocate to each student.

Engage families as partners in their students' education.

Help coordinate the delivery of physical and mental health and social services for students in conjunction with agencies in the community

Provide intensive interventions to students who are at risk of dropping out.

Promote policies and practices that recognize diversity and offer substantive, ongoing professional development to help educators appreciate issues of diversity.

Promote and convey a sense of caring so that students know that teachers have a stake in student learning.

**Resources**

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Adopted May 7, 2010



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1-28-12 NS

# OPINION

**Howard L. Griffin,**  
President and Publisher  
**David F. Ledford,**  
Executive Editor  
**John Sweeney,**  
Editorial Page Editor

The NewsJournal ...

## OUR VIEW

# School dropout problem needs to be revisited

State Rep. Debra Heffernan made the right choice this week to delay a bill on school dropouts.

The representative has the right target - getting more students to graduate from high school. However, as she acknowledged, some more work has to be done before the bill is brought to a vote.

Rep. Heffernan wants to raise the age a student can leave school from 16 to 18. Several of her colleagues worried the bill as it now stands would be costly.

That's true, but it's not the point. Keeping more than 1,400 would-be dropouts a year in school until they are 18 will add to costs. But society as well as the dropouts pay a much higher cost in lost earnings and wasted talent.

The challenge is to make the extra

years worthwhile. It is beyond the education system's purview to fix society's problems. Students drop out for a variety of reasons. They range from a problematic home life to learning difficulties not previously spotted. A simple command to stay in school would push a number of the would-be dropouts toward a high school diploma. However, for a greater number, they would spend the extra years marking time, and that only extends the problem.

It would be better to attack the dropout problem with all of the tools that the education system has available. That would include tracking and adjusting the student's progress long before he or she becomes a dropout candidate.

We encourage Rep. Heffernan to come back to the problem because she has recognized dropping out imposes severe limits over a lifetime.