

# STATE OF DELAWARE

# STATE COUNCIL FOR PERSONS WITH DISABILITIES

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The Honorable John Carney Governor John McNeal SCPD Director

# **MEMORANDUM**

DATE:

February 21, 2017

TO:

All Members of the Delaware State Senate

and House of Representatives

FROM:

Ms. Jamie Wolfe, Chairperson

State Council for Persons with Disabilities

RE:

H.B. 55 (Compulsory School Attendance)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 55, which would raise the compulsory school attendance age from 16 to 18 over the next few years. The compulsory attendance age would rise to 17 effective September 1, 2018 and 18 effective September 1, 2019 (lines 12-16 and 22-25). Related Code sections addressing waivers of attendance and police detention of "off campus" students are also revised. Similar or overlapping legislation is also pending. For example, H.B. No. 17 is a simpler bill which would raise the compulsory school attendance age to 17. H.B. No. 23 would require students over 16 seeking to withdraw from school to have parental consent and an exit interview.

Similar legislation (H.B. No. 244) was introduced in 2012 to increase the compulsory school attendance age from 16 to 18. At that time, the fiscal note for raising the age to 18 reflected an estimated State cost of \$879,000 - \$1,551,000. The 2017 legislation is earmarked for a fiscal note but it is not posted on the legislative website.

SCPD has the following observations on H.B. No. 55.

First, the attached National Center for Education Statistics table reveals that Delaware's neighboring states had the following compulsory age standards as of 2015:

New Jersey: 16Pennsylvania: 17Maryland: 17

The overall national picture is compiled in the following table:

# NCES Statistics (2015)

Compulsory Education Age	Number of States (& D.C.)
16	15
17	11
18	25

Consistent with the above statistics, Delaware is in a minority in maintaining 16 as the compulsory education age.

Second, the SCPD's comments on the 2012 legislation included materials describing the pros and cons of raising the age of compulsory school attendance. <u>National organizations have generally endorsed raising the compulsory education age if accompanied by other strategies and resources to promote student success.</u> The SCPD's 2012 commentary remains apt:

(T)here 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, the sponsors may wish to review a technical observation in the context of exemptions. A student can qualify for an exemption by having an alternative learning plan approved by the head of the district or charter school of enrollment. See lines 35-37, 45-47, 78-79, and 88-90. However, a student's appeal of denial of a waiver is not filed with the board of the district or charter school of enrollment. It is filed with the board of the district of residence (line 50 and 62) which has had no involvement with the decision. Thus, a student who has opted for a "choice" program in a different district would submit a waiver to the "choice" district superintendent but appeal a denial to the board of the district of residence. Perhaps this is the intended model but it may merit review.

The SCPD is <u>endorsing</u> an increase in the compulsory education age if accompanied by targeted supports such as graduation coaches.

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

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 55 compulsory school attendance 2-23-17

Your Life Half Of

Thursday, January 26, 2017 - 5:40am

# Heffernan bill would raise minimum school attendance age

By Kelli Steele

In an effort to encourage students to graduate high school, the age at which students must attend school would be increased to 18 under legislation unveiled Wednesday.

Sponsored by Rep. Debra Heffernan, House Bill 55 would raise the age requirement for compulsory school attendance in Delaware from 16 to 18 over a two-year period. Currently, a student who is 16 years old or older. Is not legally required to be enrolled in school. The draft legislation is similar to House Bill 244, which was introduced in the 146th General Assembly.

"We stress over and over how invaluable an education is to being successful in life. We see more and more of that in the 21st century, a high school diploma is no longer optional. It really is the minimum education for young people today who want economic success and independence," sald Rep. Heffernan, D-Brandywine Hundred South. "As we continue working to improve our educational system, we need to have students staying to complete their coursework."

HB 55 Incorporates the option for alternative routes to completing high school for youth age 16 and older. The alternative learning plans would include age-appropriate academic rigor and the flexibility to incorporate the child's interests and manner of learning. The plans could include paths such as independent study, private instruction, performing groups, Internships, community service, apprenticeships, and on-line courses.

According to the National Center for Education Statistics, 24 other states require school attendance until students are 18. Another 11 states require attendance until students reach 17. Maryland's General Assembly passed a law in 2012 increasing its age from 16 to 17 in 2015 and to 18 later this year.

NCES notes that in 2014 the median earnings of young adults (ages 25-34) with a high school diploma (\$30,000) was 20 percent higher than the median earnings of those without a high school diploma (\$25,000).

"Ensuring that students continue their education is critical for their personal economic futures," said Rep. Heffernan, a former Brandywine School Board president. "This bill not only will provide the requirement that students get that education in school, but allow flexibility for them to seek alternative plans to complete their coursework."

The measure would be phased in over two years, with a one-year interim period in which the required school attendance age would be 17 years beginning September 1, 2018, and increasing to 18 years the following September. The bill also would increase the age for truancy to coincide

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with the school attendance age changes.

The proposal also preserves an exemption allowing a child to be excused from required attendance at the request of the child's parent or legal guardian with written support from a qualified health professional. It also . DNREC set to hold two presentations for allows an exemption for children who graduate from high school before they turn 18.

HB 55 was drafted with input from the state Department of Education and . Facial hair: a lum-on, or a lum-off? has been assigned to the House Education Committee.

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Table 5.1. Compulsory school attendance laws, minimum and maximum age limits for required free education, by state: 2015

State	Age of required school attendance	Minimum age limit to which free education must be offered	Maximum age ilmit to which free education must be offered	
Alabama	6 to 17	51	17 <sup>2</sup>	
Alaska	7 to 16 A	5	20	
Arizona	6 to 16 4	5	21	
Arkansas	5 to 18	5	21	
California	6 to 18	5	21	
		_	21	
Colorado	6 to 17	5 5	21	
Connecticut	5 to 18 <sup>3</sup>	5	21	
Delaware	5 to 16 .	5 £	+1	
District of Columbia	5 to 18.	Company of the Company of	anderijas salarinas karis laikini <u>u</u> niteta	950.000 00000 00000000000000000000000000
Fiorida	6 to 16			
	6 to 16	5	20	
Georgia	5 to 18	5	20	
Hawaii	7 to 16	5	21	
Idaho	6 to 17	4	21 🖡	
Illinois	7 to 18	5 <sup>12</sup>	22	
Indiana	7 10 10	47		
Terus :	6 to 16 2	5	21	
Iowa ' Sansas Sa	7 to 18	5	+	
	6 to 18	5	21	
Kentucky Loùisiana	7 to 18	2 10	- 20 11	
Maine	7 to 17	5 12	20	
mattie	72		**	
Maryland	5 to 17	5	21	
Massachusetts	6 to 16	3 17	22	
Michigan	6 to 18	5	20	
Minnesota	7 to 17	H 25 5 15	21	
Mississippi	6 to 17	5	21	
4 8			21 ·	
Missouri	7 to 17 14	511	19	*
Montana	7 to 16 16	5	21	9
Nebraska	6 to 18	5	ŧ	
Nevada	7 to 18	5	21	
New Hampshire	6 to 18 '		€ ***	
	Ch.16	5	20	
New Jersey	6 to 16 5 to 18	5 ;	, ti	
New Mexico	6 to 16'17	5	21	
New York	7 to 16	Ω 5	21	
North Carolina North Dakota	7 to 16'	5	5) <b>21</b>	
North Dakota	7 10 20	, , , , , , , , , , , , , , , , , , ,		
Ohlo	6 to 18	5	Ø 22	
Oklahoma	5 to 18	5 <sup>18</sup>	21	
Oregon	7 to 18	5 (	19 12	
Pennsylvania	8 to 17	6 20	21	
Rhode Island	6 to 18 21	5	21	
C440 F 400F III	44.60	15 8		
South Carolina	5 to 17	5	22	
South Dakota	6 to 18 22	. 5	21	
Tennassae	6 to 18	. 5	†	
Texas	6 to 18	5	26	
Utah	6 to 18-	5	_	
		-		8
Vermont	6 to 16 21	5	20	
Virginia	5 to 18	5	20 21	
Washington	8 to 18	5	22	
West Virginia	6 to 17	5	20	
Wisconsin	6 to 18.	4 8	21	
Wyoming	7 to 16 24	5	to not excellable to the statute	

Wyoming 7 to 16 24 5 21

—Not available. In this state, local education agencies determine their maximum or minimum age, or the information is not available in the statute.

\*Not applicable. State has not set a maximum age limit.

\*In Alabama, the parent or legal guardian of a 6-year-old child may opt out of enrolling their child by notifying the local board of education, in writing, that the child will not be in school until he or she is 7 years old.

\*In Alabama's city school systems, students are entitled to admission until age 19.

\*In Alabama's city school systems, students are entitled to admission until age 19.

\*In Arizona, students must attend until they are 16 or complete 12<sup>th</sup> grade.

\*In Arizona, students must attend until they are 16 or complete 10<sup>th</sup> grade.

\*In Connecticut, the parent of a 5-or 6-year-old child may opt out of enrolling their child until he or she is 7 by signing an option form.

\*In Connecticut, the parent of a 5-or 6-year-old child may opt out of enrolling their child until he or she is 7 by signing an option form.

\*In Illinois, reenrollment is denied to any child 19 years of age or older who has dropped out of school and who cannot, because of age and lack of

Maximum age limit to which free education Minimum age limit to which free education must be offered Age of required school attendance must be offered credits, attend classes during the normal school year and graduate before his or her 21<sup>th</sup> birthday.

In Iowa, children enrolled in preschool programs (4 years old on or before September 15) are considered to be of compulsory attendance age.

In Iowa, children enrolled in preschool programs (4 years old on or before September 15) are considered to be of compulsory attendance age.

In Iowa, children enrolled in preschool board may provide for a child younger than 5 to enter kindergarten if that child has been identified as gifted by the state Description of the state of the the child is enrolled in a non-public school or home instruction. New York local boards of education may require 16-and 17-year old students who are not employed to attend school.

½ in Oklahoma, children who are least 4 years old but not older than 5 on or before September 1 may attend either half-day or full-day programs in their district.

½ in Oregön, a district may admit a student who has not yet turned 21 if he or she requires additional education to receive a diploma.

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½ in Rhode Island, the compulsory age is 16 if a student has an alternative learning plan for obtaining a high school diploma or its equivalent.

½ in South Dakota, the compulsory age limit is 16 if a child enrolis in a general education development test preparation program that is school-based or for which a school contracts, and the child successfully completes the test or reaches the age of 18.

½ in Vermont, individuals who are at least 20 years old may enroll in high school if they do not yet have their diploma. Individuals who between the ages of 16 and 20 may enroll in the General Educational Development Program.

½ in Worming requires students to attend school until they are 16 or complete 10th grade.

5 UNCE: Education Commission of the States, Free and Compulsory School Age Requirements in the United States, retrieved June 15, 2015, from http://www.ecs.org/clearinghouse/01/18/68/11868.pdf.

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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 walver 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 relead 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 of the government into the lives of individuals
- It falls 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 reising the minimum age at which a student is allowed to leave compulsory education to 18 ,provided the following recommendations are implemented.

### NASSP Gulding 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 achools 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 Campelon, Adolescent Literacy, National Standards and Assessments, the National Forum to Accelerate Middle Grades Reform, and the National High School Alliance.

#### Recommendations

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

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

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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# 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)

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. Fallure 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
- Bulld 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 <u>ESEA reform (http://www.clasp.org/admin/site/publications/files/ESEA-Recommendations2010.pdf)</u> to impact high school dropout.

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**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

# MORE THAN

graduate from high school. However, as she ac-

knowledged, 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.