

Compulsory Attendance Policy

Alex J. Anderson

Liberty University

EDAS 747

Author Note

Alex J. Anderson

I have no known conflict of interest to disclose.

Correspondence concerning this article should be addressed to Alex J. Anderson.

Email: Ajohna85@comcast.net

Compulsory Attendance Policy

Many court cases have been decided related to compulsory attendance. We should not have to argue this in a court of law. School-aged children should go to school and get an education. Often people need to remember what the reason for going to school is. We have to provide a better-educated community for our future generations. There are various reasons children don't go to school. To understand the reasons why a court of law may have to intervene in a compulsory attendance policy or attendance, a review of past court cases will prove to be beneficial.

Millis Public Schools v. M.P. 478 Mass. 767

A fifteen-year-old student missed more than eight days of school each quarter during the 2016 and 2017 school year. The school district petitioned court and argued that her absences were unexcused and she willfully failed to attend school. The student had a combination of physical and mental disabilities. The student had some serious medical concerns that prevented her from attending school. It was not as though she wanted to miss school her physical and mental disabilities of inter alia, autism, obsessive-compulsive disorder, and a severe bladder condition that required her to use the bathroom frequently, prevented her from attending. This was not a student that was going down the path of being a juvenile delinquent. This was a student that did not have a quality of life that permitted her to come to school on a daily basis. The judge vacated the petition. The school district, in my opinion did not do their due diligence by investigating this matter thoroughly. They could

LEP: PART 3 – CASE LAW REVIEW

have reached out to the guardian of the student and worked out a solution that was in the best interest of her.

R.B. v. Mastery Charter School., 532 Fed. Appx. 136

A student diagnosed with Trisomy 21 (Down Syndrome) was dis-enrolled from Mastery Charter school because they missed ten consecutive days of school as outline in § 11.24 of the Pennsylvania School Code. The background on this case is that Mastery Charter school was initially Pickett school where the student was initially enrolled. The school provided the special education services under Individuals Disabilities Education Act (IDEA). Mastery Charter school took over managing Pickett school. Since the student was already enrolled at Pickett she automatically became a student at Mastery. The concern is they were not taking attendance prior to an incident at Mastery where the mother of the student got into a heated debate with the principal. Once that incident occurred the relationship between the mother and Mastery started to deteriorate. On April 28, 2009 Mastery started to mark the student absent and when the student missed ten consecutive days the student was dropped from the attendance roll. The judge sided with the parent of the student. This was a clear case of retaliation. Often people placed in roles take full advantage of their position and retaliate to prove a point.

WIS. V. Yoder

The Supreme Court overturned a conviction of parents that violated the compulsory public-school attendance law. The parents practiced the Amish Mennonite religions and argued that sending their children to public school after eighth grade violated their religious beliefs as well as threatened their religious way of life. The Supreme court found that the

LEP: PART 3 – CASE LAW REVIEW

compulsory school attendance law was in conflict with the Free Exercise Clause of the First Amendment. The parents contended that they educated their children at home and this prepared them to be functioning adults in their communities. The court felt at no time would keeping the children in school to satisfy the compulsory education would impair the physical and mental health of the children.

United States v. Jackson

The state compulsory school attendance law was violated when the parent failed to take reasonable steps to ensure her child attended school. The parent argued that this was a juvenile status offense and that she was not the one required to attend school. Her offense was based solely on her inability to take measures to ensure her child's attendance. Furthermore, the parent pled guilty to making a false statement to an agency or department of the United States in violation of 18 U.S.C. § 1001. She claimed that District Court in error calculated her criminal history category thereby giving her a stiffer penalty. Unfortunately for the parent she had a history of crime and the appellate court affirmed the judgement of the district court.