

**COMPULSORY EDUCATION LAW REFORM IN PENNSYLVANIA:  
REDEFINING COMPULSORY SCHOOL AGE IN PENNSYLVANIA**

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Terence P. Meehan, EdD

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This study scrutinizes the current compulsory education law in Pennsylvania. All components of the law, including historical factors, social aspects, and attempts to amend the statute are examined. Obstacles that have prevented Pennsylvania from joining the 48 states that require enrollment before the age of eight are reviewed. The identity and motivations of lobbyists who argue against amending the law and factors leading to their success are identified. Statistics regarding unenrolled children in Pennsylvania between the ages of six and eight are compared to social issues affecting school enrollment in 2014. The study also reviews social issues from 1991, when the number of unenrolled six- and seven-year-olds was estimated to number 26,000. Finally an amendment to the Pennsylvania School Code compulsory enrollment age is presented.

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## PREFACE

Throughout my career in education I have been associated with some very dynamic individuals as students and colleagues. I have always tried to instill in those around me the motivation to seek beyond their reach. As I was attempting to influence others, I realize that I was being influenced as well. I have been blessed to have crossed paths with people who have supported and encouraged me to reach this point in my career. I could not begin to list the many teachers, colleagues, students, professors, and advisors that have each played a very critical role in every step of my professional journey.

Doctoral study was a unique experience for me, but perhaps it was meant to be that way. I know that there were many times when I could have very easily walked away from the whole process. I learned that endurance is a virtue and without the guidance and support of the following people I would not be at this point in the process. I owe each of these individuals a very heartfelt and sincere gesture of gratitude.

- My Doctoral Committee: *Dr. Charlene Trovato, Dr. Karen Vander Ven, and Dr. Mary Esther Van Shura*, each of you have given of your time and talent to help mold this study from its original topic and idea to something meaningful that may impact the lives of thousands of students each year. My time with you has been a cherished memory.
- My advisor and dissertation committee chair, Dr. Mary Margaret Kerr. Dr. Kerr took me as an advisee after I had been through a period of academic turmoil, mostly self-inflicted,

and supported me in a very genuine and caring manner. I will always remember her direct, firm, yet caring approach to her students and advisees.

- I recognize the assistance provided to me by Dr. Joel Fishman, Executive Director of Allegheny County Law Library. His time and exceptional knowledge of the involved details of legal research and document processing provided me the foundation upon which much of this study has been based.
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- My family has always been the nucleus of my world. I was inspired and motivated by my parents John and Eileen. I feel their spiritual presence during this exciting time in my life.

## 1.0 INTRODUCTION

Each state in the United States establishes laws governing the compulsory age for schooling. Although some states permit enrollment at age seven, most states require school enrollment between the ages of six and 17. Pennsylvania and Washington are the only states in the country that do not require that children enroll in school until the age of eight.

This study:

- scrutinizes the current compulsory education law in Pennsylvania;
- examines all components of the law, including historical factors, social aspects, and attempts to amend the statute;
- explores obstacles that have prevented Pennsylvania from joining the 48 states that require enrollment before the age of eight;
- inspects the identity and motivations of lobbyists who argue against amending the law and factors leading to their success;
- studies statistics regarding unenrolled children in Pennsylvania between the ages of six and eight;
- analyzes social issues affecting school enrollment in 2014 and compares those with social issues from 1991, when the number of unenrolled six- and seven-year-olds was estimated to number 26,000; and
- presents an amendment to the Pennsylvania School Code compulsory enrollment age.

This call for legislative action stems from research supporting early learning initiatives. The small and unfocused section of the Pennsylvania School Code that dictates minimum schooling requirements ignores the vast amount of research that is in favor of early learning programs. Not only do researchers value early learning programs, but practitioners in public and private school settings do as well. In order to update the law to embrace current research and implement early learning programs, legislative leadership is essential.

The beginning point for this legislation is to require that children spend a minimum of eleven years in formal schooling, an increase of two years beyond the current nine-year requirement. This proposal does not deny a parent the right to choose the setting or type of formal education; it simply mandates that the education start at an earlier age. Educational support for homeschoolers is mandated in public school settings. Along with the learning support, numerous cyber school opportunities have emerged that provide options for parents who hesitate to enroll their children by the standard Pennsylvania Kindergarten age of five years old. Those in opposition are largely comprised of cyber and home school students. They must consider the literature that clearly articulates the success rate of early learning programs.

A large quantity of research supports early learning programs. The Head Start initiative has grown for close to fifty years. The program continues to receive federal funding. State funding is also allocated for the support of early learning programs. Legislative bodies have committed funding to develop and support early learning initiatives. Many early learning programs have proven to be quite successful for increasing children's school readiness and achievement, especially in urban settings. However, suburban and rural communities have also experienced great success with extending the day for Kindergarten or developing pre-Kindergarten programs. In some cases programs are available for students as young as age three.

Our current statute does not align with the support provided for these long-standing programs. Legislative action should ensure that all students in Pennsylvania benefit from structured learning programs at the earliest possible age. Those in opposition must consider the literature that clearly articulates the success rate of early learning programs. The opponents to lowering the compulsory school age also need to know about the educational support available to their children and, most importantly, that they have many options for schooling. These schooling alternatives, some of which are for-profit, could provide a great source of political support for lowering the minimum school age.

Social factors affect the success or failure of any amendment to legislation. The lifestyle of 1949, when the Code was written, differs from that of 2014. Family norms have changed with both parents employed, in some cases with multiple jobs. Technological advancements and the manner in which education is presented have also evolved in the past 65 years. Also important is that today's global economy ensures that Pennsylvania students will compete with others around the world for academic opportunities and career positions. New advances in education, including cyber schooling, mean that it is not necessarily a hardship to add a couple of years to school requirements. And, it is responsible to require that Pennsylvania students complete similar amounts of schooling as their peers, when considering the competitive nature of today's global economy.

Financial matters seem to surface in any proposed initiative. House Bill 1344 of 2013 is currently stalled in committee due to its financial component. The bill includes amendments addressing the definition of compulsory enrollment age. It also includes language related to Kindergarten and allocations of millions of dollars to support the Kindergarten mandates. Due to the financial aspect, the entire proposal has been put on hold. Presenting an amendment without

this financial component could help lawmakers to focus on the important of issue of ensuring all students are in school at the earliest appropriate age.

Requiring school enrollment at age five or six is not an innovative idea in 48 states of the United States. Pennsylvania and Washington are the only exceptions. It is the goal of this study to present a simplified amendment that addresses the definition of compulsory school enrollment in the Pennsylvania School Code. The ultimate goal is to pass legislation that will bring Pennsylvania into alignment with other states in the country. It is also essential that the amendment be presented in a manner in which parents realize that it supports, rather than jeopardizes, their freedom to educate their children. The immense amount of research in early learning and effective programming must also be presented in a manner that is easily understood by those who will resist the change in legislation. I will present the components of the study to legislators in the hope that I gain support to present the amendment to the education committees of the House and of the Senate of the General Assembly. From there, with the proper legislation support and planning, the amendment is intended to be approved and in place for the beginning of the 2015 school year.

## 2.0 LITERATURE REVIEW

This literature review explores three key factors in the argument for amending the law and mandating enrollment for six and seven-year-olds in Pennsylvania. The first section discusses school readiness and its importance for long-term achievement. Further, the section explores the factors that influence school readiness, including child development, family and community, and pre-school and early education. The next section presents evidence related to the optimal age for children to start school. This includes the history of early learning, research about social learning, Head Start and other early intervention programs, and the long-term impact of early learning. The final section explores the development of compulsory education laws in the United States.

## 2.1 GLOSSARY OF KEY TERMS

To aid the reader, what follows is a glossary of specialized terms found in this literature and in subsequent chapters.

- Article II, Section 1 of the Constitution of Pennsylvania clearly states, “The legislative power of this Commonwealth shall be vested in a **General Assembly**, which shall consist

of a **Senate** and a **House of Representatives.**” (Pennsylvania House of Representatives, 2014, Article II, Section 1).

- According to the Pennsylvania Coalition of Public Charter Schools, “**Charter schools** are defined as public, schools that are not associated with any religious organization. Charter Schools operate under an agreement between the charter school and the sponsoring local school board” (Pennsylvania Coalition of Public Charter Schools [PCPCS], 2014, para. 1).

- **Compulsory school age** is defined in Chapter 11 of PA School Code as:

the period of a child’s life from the time the child enters school as a beginner which may be no later than at the age of 8 years, until the age of 17 or graduation from a high school, whichever occurs first. A beginner is a child who enters a school district’s lowest elementary school grade that is above kindergarten. (Pennsylvania Department of Education [PDE], 2014, § 11.13).

- **Pennsylvania Department of Education recognizes Cyber charter schools** as:

an independent public school established and operated under a charter from the Department of Education and in which the school uses technology in order to provide a significant portion of its curriculum and to deliver a significant portion of instruction to its students through the internet or other electronic means (PDE, 2014, para. 3).

- In 1988, the Pennsylvania General Assembly passed Act 169. This amendment to the Pennsylvania School Code permits parents or guardians to **homeschool** their children as an acceptable form of compulsory school attendance. This amendment to school code gives the school district where the student resides the responsibility to establish requirements and responsibilities of the parents for educational standards (PDE, 2014, para. 1).

- **Human capital** are any and all expenditures on education, training, medical care, and other aspects that contribute to a human being and their status. In 1975, Becker



explained that “they are called human capital because people are directly connected to their knowledge, skills, health, or values unlike the how individuals are often separated from their financial and tangible assets” (Becker, 1975).

- The Pennsylvania Ethics Commission (2014) defines **Legislation** as bills, resolutions, amendments and nominations pending or proposed in either the Senate or the House of Representatives. The term includes any other matter which may become the subject of action by either chamber of the General Assembly. (para. 13A03)
- The Pennsylvania State Ethics Commission (2014) explains **lobbying** as:

An effort to influence legislative action or administrative action in the Commonwealth. Any individual, association, corporation, partnership, business trust or other entity that engages in lobbying on behalf of a principal for economic consideration is considered a lobbyist. (para. 13A03)
- **Response to Instruction and Intervention** (RtII) is an initiative of the Pennsylvania Department of Education which is defined by Pennsylvania Training and Technical Assistance Network (PaTTAN) it as “a general education effort for ALL students to identify and help those students who need academic or behavioral help long before they fail (Pennsylvania Department of Education Bureau of Special Education [PaTTAN], 2010, para. 1).
- Schools in Pennsylvania operate under **School Code of 1949**. This is a statute relating to aspects of the Pennsylvania public school system, including certain provisions which also apply to private schools that operate in Pennsylvania (Pennsylvania Public School Code, 1949).

## **2.2 FACTORS INFLUENCING SCHOOL READINESS**

### **2.2.1 Defining School Readiness**

School readiness encompasses a broad variety of skills and developmental factors. The National Education Goals Panel (NEGP) released an influential definition of school readiness in 1995.

Careful to focus on readiness factors that correlate to long-term achievement, the panel defined school readiness as including criteria for physical and motor skills, social, emotional, cognitive and language development, as well as approaches to learning and general knowledge (National Education Goals Panel [NEGP], 1995). While these are broad concepts, they can be generally categorized as learning and development milestones, which are essential for school readiness.

### **2.2.2 Child Development and School Readiness**

Various studies have found a correlation between child learning and development milestones and school readiness (Razza & Raymond, 2013). Hamre and Pianta's study (2005) found a relationship between a child's language, social, motor, and cognitive development at Kindergarten entry, and academic success over time.

Learning begins at birth, and brain stimulation from that point forward is the result of stimuli presented to the child (Janus & Duku, 2007). As a result, motivation, orientation to learning, and behavior in the first years of life contribute to later school success (Janus & Duku, 2007). Experiences during the first years of a child's life create a foundation for cognitive,

behavioral, social, and self-regulatory capacities along with physical health (Barrington & Hendricks, 1989).

There are numerous tools to measure school readiness. These tools are all very similar with some different approaches provided to schools to assess children who enter school for the first time. Some of the leading assessment tools are Brigance® and GOLD®. Various states mandate the use of these tools for federally funded programs, such as Head Start. The common thread between all commercial assessment tools and locally developed checklists include a range of basic human traits and thinking dispositions that should be developed between birth and Kindergarten. The common areas that are focused for school readiness include social-emotional, physical, language, cognition, literacy, mathematics, arts, and often include a broad assessment of the approach to learning displayed by the child. These benchmarks for entrance to school, with age five being the standard age, are an indication of the common norms for determining school readiness. This standard practice is used by public and private schools to identify areas of specialized need and to determine appropriate classroom placement for students. Assessing school readiness is a practice that can be observed at most public and private school entrance processes. Although public schools cannot use the process to deny enrollment, private schools may use the tools and process to determine if they are able to meet the needs of the student. Many delays that are identified can be corrected and resolved with appropriate intervention. Students who wait to enroll in school beyond the age of six are at a disadvantage for early intervention for any identified need. Pennsylvania must address this matter from a developmental perspective, given research indicating the importance of early intervention and the process of cognitive development connected to various stages of a child's early life.

Table 1. *Examples of Areas That Are Assessed With the Most Common and Regularly Used Categories*

Examples of Development Areas	Examples of Traits Displayed
Social-Emotional	Control of their own emotions and behavior Builds and maintains positive relationships with others Constructive participant in group setting
Physical	Balance skills Gross-motor skills Fine-motor strength and coordination
Language	Listens and reacts accordingly Expresses thoughts and needs Conversational skills
Cognition	Recall and connection to experiences Classification skills Symbol and image recognition
Literacy	Alphabet recall Phonological awareness Books and print are recognized
Mathematics	Number concepts Counting Compares and describes Knowledge of patterns
Social	Self Awareness Understanding of people and how they live Familiar people and places are connected

The process of early intervention and assessing school readiness is not a new concept. There have been advancements in the gathering of data and electronically filtering it to provide accurate data reports, but the concept of measuring for school readiness has been a common practice in effective educational programming. The developmental issues and potential limitations in development are key factors to promote the need to amend the current Pennsylvania School Code to require enrollment in school by age six. Waiting until eight years old causes lost opportunities to identify, address, and potentially correct delayed behaviors.

Unfortunately, Flanagan and West (2004) found that a number of children in the United States enter Kindergarten with less preparation than expected. This setback can be overcome if children have reached a developmental level that enables them to adapt to formal schooling (Magnuson, Ruhm, & Waldfogel, 2007). Children vary considerably in their pre-Kindergarten experiences and their readiness to enter formal education systems (Magnuson et al., 2007). Children who are not provided with a strong foundation in the early years are at higher risk of not completing high school, facing juvenile delinquency issues, experiencing teen pregnancy, and encountering difficulties when attempting to find gainful employment in adulthood (Barrington & Hendricks, 1989).

### **2.2.3 Roles of Parents, Socioeconomic Status, and the Community**

Parents, socioeconomic status, and the community impact a child's school readiness to start school. While family, socioeconomic, and community factors may negatively affect a child's readiness for school, efforts by parents and early learning programs can make up for the difference, enabling the child to succeed.

Family living conditions of impoverished children are often quite different from those of their peers with different socio-economic statuses (Wight, Chau, Thampi, & Aratani, 2010). While parents impact their children's school readiness, parents of different income levels tend to have different approaches to learning and education (Wight et al., 2010).

Janus and Duku (2007) found that low-income children are more than twice as likely as wealthier children to live in single-parent households and in low-quality neighborhoods; they have three or more siblings, a teenage parent, and suffer from poor nutrition at birth. Children

under age six who live in poverty also are more likely to come from single parent homes, more likely to live in urban or rural areas, more likely to have moved within the last year, less likely to live in a family-owned home, and more likely to be African-American, Hispanic, or Native American (Wight et al., 2010). Children in poverty also tend to live a more transient lifestyle, with changes in residence resulting in varied school enrollments that cause setbacks in the overall development of social and academic growth (Janus & Duku, 2007).

These factors impact students' academic and social success from the start. Klebanov, Brooks-Gunn, McCarton, and McCormick (1998) found that children's ability to meet school readiness milestones is linked to both family and neighborhood resources. Later on, children from disadvantaged families suffer from a greater risk for developing emotional and behavioral problems, as well as for scoring lower on assessments of verbal ability (Janus & Duku, 2007). And in the long-term, Gershoff, Aber, Raver, and Lennon (2007) found lower academic achievement among low-income children relative to more affluent children.

Parental influence can make a difference for children from poor households. The hardships of poverty make it difficult for families to obtain the resources necessary to provide the quality and types of learning experiences necessary for school readiness. Parents can overcome this by making a conscious effort to ready their children to enter school. Winsler and Carlton (2003) found that parental behaviors can reduce the gap in school readiness experienced by disadvantaged students. Parents can overcome obstacles by reading to their children and maintaining regular contact with their children's teachers (Winsler & Carlton, 2003). And, when parents regularly engage children with cognitive stimulation, even in small amounts, it can have very positive impacts for children's overall school readiness and developmental milestones (Winsler & Carlton, 2003).

#### **2.2.4 Roles of Pre-School and Early Learning Programs**

Early learning programs also positively affect school readiness. In 2000, Rimm-Kaufman, Pianta, and Cox surveyed Kindergarten teachers and found that lack of academic skills was named as the most common obstacle children faced when entering school. Early learning programs, along with parental support, allow children to overcome that obstacle.

Early learning programs influence an increasing number of children in the United States. Statistics of pre-school and early learning programs show growth in numbers of children enrolled. In a study released in 2008, the National Institute for Early Education Research (NIEER) indicated a nationwide increase in the enrollment of three-year old children in early learning programs (National Institute for Early Education Research [NIEER], 2008).

Most states experienced modest enrollment increases, but some states have made large gains. Enrollment increased by 52% in Tennessee, 33% in Pennsylvania, and 17% in Illinois, Florida, and New York (NIEER, 2008). Three states with "Pre-K for All" served more than half of their 4-year-olds: Oklahoma (68%), Florida (58%), and Georgia (53%) (NIEER, 2008). When Head Start and pre-school special education enrollments are taken into account, Oklahoma served 90% of all 4-year-olds; Florida, 71%; and Georgia, 65% (NIEER, 2008).

Nationally, however, one-quarter of all four-year-olds and half of all three-year-olds had no access to pre-school education (NIEER, 2008). State and federal regular pre-school education, special education, and Head Start combined served only 39% of the country's 4-year-olds (NIEER, 2008). While some children attended private programs, one-quarter of 4-year-olds in the United States did not attend pre-school at all (NIEER, 2008). Worse yet, state and federal programs combined served only 15% of the total population of three-year-old children (NIEER,

2008). Even with some others attending private programs, 50% of 3-year-olds had no access to pre-school education (NIEER, 2008).

Also nationally, the number of children in the United States who attend early education programs has risen dramatically (NIEER, 2008). According to the Lehman, Sacco, and Brown (2003), 66% of four year olds were enrolled in a pre-school program in 2001, up 23% from 30 years earlier. However, this number does not reflect disadvantaged students who are less likely to attend early education programs and often have no access to pre-school education. Public funding has been directed in large volume to combat the concern that disadvantaged students enter school without the skills to succeed (NIEER, 2008). Early education programs would be highly beneficial to this population; however, despite increases in funding, children are not entering the programs (NIEER, 2008).

Since 1990, state pre-Kindergarten funding has increased by over 250% (NIEER, 2008). Recent studies estimate that only 16% of four-year-olds are now enrolled in such programs (Early et al., 2010). The lack of access to pre-school programs is an important obstacle in the focus on school readiness. NIEER research illustrates a correlation between age of entry to early learning programs and the rate of change across the pre-school year in various domains of school readiness, including emergent literacy and numeracy, social and emotional skills, and approach to learning (NIEER, 2008). This finding supports the notion that early learning helps children develop school readiness skills, especially for those who are classified at or below the poverty level (NIEER, 2008). However, the long-term benefits of this significant increase will take years to assess and evaluate.

The No Child Left Behind Act [NCLB] (2001) prioritizes school readiness, especially in the context of the high stakes testing that has resulted. School administrators and education



professionals have taken a close look at early learning programs that enhance the achievement of the goals established in the act (Kim & Sunderman, 2005). Magnuson et al. (2007) found a connection between higher reading and math skills by students who attend pre-Kindergarten in the same school system that they attend Kindergarten, showing that consistency is critical at this early stage of learning.

Additional studies have supported additional years of schooling in preparation for school readiness. Klebanov et al. (1998) found that when children participate in structured group learning activities that are aligned to a standards-based curriculum, they are most likely to meet the developmental milestones related to engaging in social-emotional behavior, cognitive, and academic skills and improved school readiness. Similarly, Kliegel and Altgassen (2006) found that children who entered school with a large vocabulary, the ability to understand speech sounds, the ability to use complete sentences, and who knew letters and numbers achieved greater academic success. The Dutch school system offers one example of short-term benefits of early education. Dutch children are required to begin school the year that they turn five years old (Jürges & Schneider, 2007). However, the children may actually begin school after their fourth birthday. The Dutch school system starts children in first grade, no matter their age. If the parents choose to start their child at their fourth birthday, the student spends the time in first grade then begins grade one again upon the school year of their fifth birthday. Jürges and Schneider (2007) found that economically disadvantaged children in the Dutch system have an increase in test scores in grade two.

Likewise, Wight et al. (2010) found that pre-school programs are most beneficial for underprivileged, low-income children. Similarly, Garces, Thomas, and Currie (2002) found that starting students into a structured educational system as early as possible, particularly in certain

populations and lower socio-economic settings, has long-term positive effects. This approach to student learning also contributes to individual growth and increased academic growth. Connection to previous knowledge is critical, and it is lacking for many students of lower socio-economic backgrounds. This leaves schools to create the child's baseline for future growth. Without early learning opportunities, the child rarely, if ever, catches up to peers with families who support and embrace learning activities as parts of daily life (Janus & Duku, 2007).

At the same time, research has supported the noticeable improvement in school readiness for children who start in an early learning program, no matter their socio-economic backgrounds (Hamre & Pianta, 2005). Educational theorist Lev Vygotsky's zone of optimal development supports this mixed-classroom theory (Wood & Wood, 1996). Vygotsky's lower-level boundary of the zone is the independent level, what a child can do alone, and the upper boundary represents the area in which the child can perform with the assistance of others more knowledgeable, such as the teacher or other students (as cited in Wood & Wood, 1996). With a mix of students in early education classrooms, advanced students serve as more knowledgeable leaders in group learning activities.

### **2.2.5 Summary**

With the many factors that contribute to setbacks in a child's education, it is critical that schools advocate for as many years of formal education as possible. Early learners come to school with varied backgrounds. Educators desire to help students progress and achieve, no matter at what point they begin. There are a number of approaches to early learning, as evidenced by the varied published studies. However, Magnuson et al. (2007) validated the importance of adding an

additional year to public school systems that provide Kindergarten and primary education to children. Head Start and other outside pre-school programs provide educational benefit, but it appears maintaining the consistency and flow of education within a public school system creates the most benefits for long-term academic growth and success. The impact of early education and improved school readiness needs longitudinal analysis to determine if the extra time and structure benefit students throughout high school. The question remains, then: does additional schooling at the earliest years provide benefits that justify the cost?

A review of the literature reveals that child development and learning milestones influence readiness for school. Parents, socio-economic status, and community also affect whether children will meet those milestones by school age (Janus & Duku, 2007). While Janus and Duku (2007) found that a lower socio-economic status presents obstacles toward school readiness, efforts from parents and early learning programs, such as pre-school, early enrollment, or Head Start can overcome these obstacles. With all factors examined, the literature clearly supports the need for structured early learning programs. Early learning programs, beginning at age three, will have long-term benefits on social and academic development of all children, with the highest impact on students from low socio-economic backgrounds. Public education legislation and funding are critical for expanding opportunities for early learning for all children.

### **2.3 THE OPTIMAL AGE FOR CHILDREN TO START SCHOOL**

At what age should a child start school? The individual social and educational benefits, as well as the long-term societal impact of a student who learns to succeed in early learning programs,

indicate that students should start school as early as possible (Shonkoff, Phillips, & Keilty, 2000).

Currently in the United States, students who enter pre-Kindergarten or Kindergarten programs are usually four or five years old on or before September 1. According to many theories of child development, students who are younger than their classmates, having been born in July or August, tend to have greater difficulty making the initial transition into school (Williams, Davies, Evans, & Ferguson, 1970).

The benefits of investing in early intervention in the younger years of a child's life include a greater chance for producing productive members of a society with greater potential for positive contributions to society (Carniero & Heckman, 2003). In support of investing in early childhood programs, a critical point to consider is that it is far more cost-effective to invest in an early opportunity to develop social skills and foundations for future than to invest in adult rehabilitation. Long-term benefits for academic success correlate with measurable returns on the investment (e.g., increased high school graduation and college enrollment, decreased special education placement, school drop-out, and grade retention, along with a reduction in crime and welfare for adult recipients who received early childhood interventions) (Carniero & Heckman, 2003).

### **2.3.1 A Brief History of Early Learning Programs and Head Start Services**

In the United States, the discussion about early learning has been ongoing for almost half a century. Head Start began as a federally funded summer program in 1965 that provided early education services to 561,000 predominately African American children (Garces et al., 2002). It

expanded to serve almost three-quarters of a million children in the summer of 1966 (Garces et al., 2002). Initially the cost per student was \$1,000. By the early 1970s, Head Start had become an all-year program at a cost of \$4,000 per student (Garces et al., 2002). By 1999, Head Start was serving more than 800,000 children at a cost of approximately \$5,400 per child (Garces et al., 2002). Head Start, which is funded by appropriation, has never been fully funded (Garces et al., 2002).

Today, Head Start provides educational services to families with children ages three to five years old prior to these children entering formal schooling. The goal of Head Start is to assist families in minimizing negative effects of poverty by providing early childhood and special education services, health, and nutrition training, as well as parenting programs and family social support (Garces et al., 2002). The objective of the Head Start program is to reach children at risk for potential school failure due to illness, poverty, family dysfunction, and physical or mental challenges of the student or family members (Garces et al., 2002). Currently, Head Start is the largest federally funded early childhood program serving low-income families in the country (Garces et al., 2002). The percentage of four-year-olds enrolled in early childhood Head Start has risen from 68% to 74% between 2005 through 2011 (Kim & Sunderman, 2005; “Start Them Early,” 2012).

Head Start and similar programs promote social interaction in the classroom as a means of improving the cognitive and social skills of early learners (Bell, Greenfield, & Bulotsky-Shearer, 2013). According to child development theorists, social interaction with adults and peers plays an important role in child development (Bell et al., 2013). Bell et al.’s (2013) study indicates that interactions between student and environment are critical components in his or her

overall development. Bell et al. (2013) found that school readiness skills were enhanced through student interaction with teachers, as well as with peers of varied academic levels.

Much like Bell et al.'s (2013) emphasis on social interactions, Lev Vygotsky upheld a socio-cultural model of human development. Vygotsky's zone of proximal development works well in Head Start and similar programs. According to this theory, adults assist children learn and develop by structuring tasks slightly beyond the child's actual ability – tasks that the child cannot do without the help of a knowledgeable adult (Lebykh, 2008). This also works in an early learning environment of mixed ages. The National Association for the Education of Young Children (NAEYC) also endorses grouping students as young as three and as old as five together (Bredekamp, 1986). Mixing ages in the classroom enhances socialization, replicating family and neighborhood structures, and encouraging development of socialization skills that carry beyond the walls of the schools and into the lives of children (Lebykh, 2008).

It may seem that the Vygotskian approach to placement of early learners in mixed-age classroom structures endorses the current birth month system of school entrance, which sees young children in the same classrooms as their developmentally advanced peers (Niles, Reynolds, & Roe-Sepowitz, 2007). However, there is also significant research indicating that this approach can cause instruction to become fragmented with older, more experienced students losing valuable learning experiences from instruction strategies that focus on the needs of the earliest and slowest learners within the group (Kaysili & Acarlar, 2011).

While children may learn well from their peers and adults, this kind of learning is best applied in formal pre-school programs where the children can meet developmental and learning milestones before being left behind by their peers in school.

### **2.3.2 Impact of Head Start and Other Early Intervention Programs**

Head Start and other early education programs have been shown to impact children's lives. Reynolds and Temple (1998) followed a sample of children who participated in the pre-school and Kindergarten Head Start programs through their 7<sup>th</sup> grade years. Reynolds and Temple (1998) found a significant reduction in the number of grade retentions, placements into special education, and overall delinquency in the focus group, along with increases in reading scores, as compared to their peers who did not participate in the early intervention program. Differences in test scores demonstrated that students who participated in Head Start scored higher overall (Reynolds & Temple, 1998).

Reynolds and Temple (1998) also examined correlations between the participation in an early childhood program and outcomes such as juvenile delinquency and crime rates. A simple cost analysis indicated that for each dollar spent in early childhood programs, the government saves \$3.69 in future costs (Reynolds & Temple, 1998). Temple (1999) followed these Head Start students through high school, finding reduced dropout rates for Head Start program participants. Program participants were 24% less likely to drop out, with higher success rates for the students who participated in more than one year of Head Start (Temple, 1999).

Another study by Garces et al. (2002) found a difference in outcomes between Caucasian and African American students who attended Head Start. Garces et al. (2002) compared siblings who participated in Head Start with those who did not. By using siblings as the controls, any shared characteristics of the family background were eliminated as potential variables. Garces et al. (2002) reported that for children of all racial and ethnic backgrounds, there were significant long-term gains for students participating in Head Start, including higher test scores and lower

retention rates. While Caucasian students demonstrated gains into secondary education, African American student gains began to diminish during elementary school (Garces et al., 2002). Racial differences may not be associated with the Head Start program but rather with the child's experiences after finishing the program; early test scores indicated similar gains in assessment scores initially upon completing Head Start (Garces et al., 2002). Many African American children who attended Head Start went on to attend schools of lower quality than other children (Garces et al., 2002). The percentage of students enrolled in lower quality schools is much lower for Caucasian students. Therefore, poor school quality offers a potential reasoning for the reduced impact of Head Start among African American children. Garces et al.'s (2002) results indicate improved school quality could prevent this loss of benefit from Head Start programs.

For the benefits of early childhood programs to be fully realized, education and learning must be sustained by elementary and secondary schools that foster on-going academic growth and development with challenging learning opportunities for all students. Schools must align with early childhood programs to develop sequential curricula that enables and supports continued academic growth for the most vulnerable students. Reynolds and Temple (1998), Temple (1999), and Garces et al. (2002) validate the importance of Head Start programs by analyzing racial and socio-economic factors as contributors to their findings. Studies also illustrated the importance of analysis beyond the early childhood level by focusing on the quality of the primary, intermediate, and secondary level schools that these students attend after their early start (Garces et al., 2002; Temple, 1999). The literature supports the importance of public schools establishing early childhood programs that align with their district curricula by applying a scaffold learning approach each year (Bell et al., 2013). Prior research indicates that this kind



of alignment would maximize the benefits of the early years in pre-school or Head Start programs.

According to Greenfield et al. (2009), gender also influences the benefits gained from early learning programs. Findings indicate that girls and older children display higher school readiness skills than younger students and boys (Greenfield et al., 2009). In the beginning of the school year, girls and older children in the same grade level showed greater school readiness in all areas (Greenfield et al., 2009). Social and emotional skills, surprisingly, were higher for younger children. The fact that younger children were stronger in these areas is critical to examine, given that social and emotional skills and approaches to learning are important prerequisites for academic learning in pre-school (Greenfield et al., 2009). In this study, older children began the year with higher scores and maintained the initial advantage by continuing to grow at rates higher than younger children displayed (Greenfield et al., 2009). A potential reason for this may be that older students have developed the ability to interact socially and pay attention during learning situations (Greenfield et al., 2009). Kindergarten teachers may be directing instruction in early reading and math toward older children transitioning to Kindergarten, who display the strongest focused response to the instruction. Additionally, social interactions with peers could be more important to younger children (Greenfield et al., 2009). The social interaction skills fostered in a pre-primary educational setting support the importance of this type of learning environment for long-term growth. Teachers who must spend time helping children develop these skills in first grade (or even Kindergarten) lose valuable instructional time (Greenfield et al., 2009).

Early exposure to schooling appears to be a positive policy for public schools. Learning is easier in early childhood than later in life, and nutrition and cognitive stimulation early in life

are critical for long-term skill development (Shonkoff et al., 2000). Learning starts well before children enter primary school, and cognitive development begins at birth. Schools provide a systematic structure for this early learning through educational activities for children (Shonkoff et al., 2000). Lack of academic skills is one of the most common obstacles children face when they enter school (Rimm-Kaufman & Pianta, 2000). The gains of a structured approach to academic activities developed by attending pre-school programs increase as children grow older (Shonkoff et al., 2000). By reducing grade retention early in school life, one reduces the probability of subsequent grade failure and the incentive for early dropout (Berlinski et al., 2009). Pre-school exposure appears to be a proven effective educational sequence to prevent early school failure and its long lasting outcomes.

Most researchers who investigate the impact of early childhood educational programs tend to agree on the benefits of starting formal education programs as early as possible (Shonkoff et al., 2000). However, the debate that appears to remain unresolved is the optimal time in a child's life to *start* structured educational programs. The economic benefits to society point toward more pre-primary education starting as early as possible (Shonkoff et al., 2000). The intervention strategies in place in early childhood programs, such as Head Start, validate the effectiveness of the programs over the course of the child's academic life and beyond (Magnuson et al., 2007). These intervention strategies, if properly established and implemented, provide the benefit of eliminating or reducing the need for costly special services as a student matriculates through the K-12 system of education (Magnuson et al., 2007).

Shonkoff et al. (2000) highlight the levels of interventions as key variables in predicting program effectiveness. Early intervention programs that maintained long-term educational impacts were those that began during students' early years, continued for multiple years, and

provided on-going support to families (Shonkoff et al., 2000). Therefore, continued focus on early intervention throughout primary grade levels might be one factor that influences a child's overall achievement in school. The challenge is in establishing a baseline for analysis of the interference of socio-economic and demographic differences in the students who are evaluated.

Shonkoff et al. (2000) found that students who were part of a cohort of early learners displayed decreased hyperactivity and problem behaviors, stronger social skills, and a positive attitude for learning. These traits were especially evident in students who began early childhood programs at age three (Shonkoff et al., 2000). Positive benefits were evident through first grade for most students who completed at least two years of school prior to their entry into first grade; however, students who only participated in an early learning program for one year prior to Kindergarten did not display similar strengths regarding academic readiness (Shonkoff et al., 2000). For three-year-old children, there were a few sustained benefits, including a stronger parent relationship and quicker positive response to discipline for hyperactive behaviors (Shonkoff et al., 2000). These results suggested the importance of the duration of early learning programs. Differences in demographics and socio-economic backgrounds of the participants make it challenging to formulate conclusions that are more substantial.

More convincing evidence to support early learning can be found in reviewing data from the Chicago Child-Parent Center Program (CPC). Established in 1967, CPC is the second-oldest federally funded pre-school program in the country (second only to Head Start) and offers intervention services from pre-school through third grade (Niles et al., 2007). Participants who attended the CPC program for two years before Kindergarten showed significant increases in reading and mathematics achievements and reductions in grade retention and special education placement (Niles et al., 2007).

In 1998, Reynolds conducted a study comparing one versus two years of pre-school attendance for the CPC children, finding that two-year participants began and ended Kindergarten with more academic competence than one-year participants. However, Reynolds' (1998) indicated that the CPC-related benefits disappeared throughout the upper elementary years in the students who initially benefitted from the program. It is important to consider the duration of these benefits. Although this study showed that two years of pre-school intervention can lead to better outcomes, the duration of these positive effects was not sustained. While this is worrisome, one must interpret with caution and consider differing educational settings and varied socio-economic backgrounds of the students. These factors indicate a need for further study to examine the reason behind the deterioration of the benefits gained from two years of pre-Kindergarten educational programs.

### **2.3.3 The Role of the Parent in Early Learning**

Along with studying the optimal age for school entry, it is critical to analyze the role of the parent. The intervention strategies in effective early learning programs include parent participation with program activities. A study by Reynolds (1998) indicated that students who displayed the greatest increase in performance through grade three were those with parents who were highly involved in the early intervention strategies.

Child development theorists agree that learning begins at birth and that the home is the first school (Aron & Aron, 1989). Results from Head Start and CPC studies both point to the correlation of parent involvement in overall achievement in student academic growth (Niles et al., 2007). Most evidence of early learning programs is derived from studies of small-scale

programs (Wen, Leow, Hahs-Vaughn, Korfmacher, & Marcus, 2012), thus limiting the generalizability of the findings to larger programs, such as Head Start. This literature review reveals that the duration of public early education intervention needs further investigation with a focus on the role of the parent throughout the duration and intervention strategies.

#### **2.3.4 Long-Term Impact of Early Learning Programs**

There is conflicting data on the long-term academic impact of early learning programs. Some research indicates that by second or third grade, students without early childhood programs are at the same academic level as students who had one or two years of pre-Kindergarten programming (Huang & Invernizzi, 2012). In 1997, Morrison, Alberts, and Griffith examined age of entry into school to compare the academic growth of first grade children born just after the entry date with the academic growth of students born just before the entry date. In addition, to obtain pre-post research data, Morrison et al. (1997) identified Kindergarten children just short of the age to enter first grade (those born in early September) as the control group. In doing so, the researchers wanted to determine how much a child at the same age (within days) would have achieved when not being in first grade. Results indicated that the oldest children in first grade had similar growth in achievement and that the youngest first graders did significantly better than the control group; hence, early school enrollment resulted in a positive impact on student performance in early grades (Morrison et al., 1997). Consistent with other research findings, these results do not provide strong evidence regarding the long-term impact of Pre-K education.

Researchers have compared the impact of student age of entry to school on the behaviors of the student. Shephard and Smith (1986) found that children who were born closest to the cut-

off date for enrollment had a higher risk of grade repetition and behavior incidents. These findings support the need for early childhood learning programs that provide the opportunity for emotional growth, which can add to school readiness. This research is significant as the implications can have long-term impact on the overall success for students in school and reduce the rate of behavior incidents in classrooms.

Enrollment decisions made by parents are important to consider. Parents may be motivated by influences including family structure and needs, athletic goals for the child, and other individual concerns. In fact, Wolter and Vellacott (2002) indicate that birth order within a family can often contribute to enrollment of the first-born child in an early learning program to ease the need for childcare when younger children are part of the family. Furthermore, older children within a family often achieved higher test scores and a higher likelihood to enroll in college, possibly as a result of early interventions and resources provided by the family before the birth of other children (Wolter & Vellacott, 2002).

### **2.3.5 The High/Scope Perry Pre-School Program**

Schweinhart, Barnes, and Weikart (as cited in American Youth Policy Forum, n.d.) studied 123 impoverished African American students in the High/Scope Perry Preschool Program. Conducted at the Ypsilanti School District in Michigan between 1962 and 1967, the study randomly separated students aged three and four into a preschool education group and a control group (American Youth Policy Forum, n.d.). Data were collected from both groups beginning at age three and continuing through age eleven. The study then continued to analyze the data from the two groups at age 14, 15, 19, 27, 39, and 41 (American Youth Policy Forum, n.d.)

Lawrence J. Schweinhart of the High/Scope Educational Research Foundation presented findings in 2003 (as cited in American Youth Policy Forum, n.d.). According to this report, when compared with members of the control group, the participants of the study experienced:

- higher monthly earnings;
- higher percentages of home ownership and second-car ownership;
- higher levels of schooling completed;
- lower percentage receiving social services at some time between ages 18 and 27; and
- fewer arrests including crimes of drug making or dealing (as cited in American Youth Policy Forum, n.d.).

In addition, participants showed greater intellectual and educational performance. When compared with the control group, study participants displayed:

- higher scores on the Adult Performance Level Survey at age 19;
- greater school achievement at age 14; and
- better performance on the Intelligence Scale from age 4 through 7 (as cited in American Youth Policy Forum, n.d.).

Differences continued across genders in the participant and control groups. When compared to females in the control group, females who attended the High/Scope Perry Preschool Program displayed:

- higher monthly earnings at age 27;
- higher employment rates;
- fewer children out-of-wedlock;
- greater percentage of marriages by age 27 (as cited in American Youth Policy Forum, n.d.).

Males in the participant group also fared better than their non-participating counterparts. When compared to men in the control group, men who participated in the High/Scope Perry Preschool Program reported:

- higher monthly earnings at age 27;
- higher percentage of home ownership at age 27; and
- lower percentage receiving social services between ages 18 and 27

(as cited in American Youth Policy Forum, n.d.).

Program participants also reported lower incidence of criminal behavior. An analysis of criminal behavior between program participants and non-participants showed:

- The average number of arrests for participant males was 3.8 vs. 6.1 for non-participants (as cited in American Youth Policy Forum, n.d.).
- The average number of arrests for participant females was 0.4 vs. 2.3 for non-participants (as cited in American Youth Policy Forum, n.d.).

Schweinhart reported that the economic benefit of the program was \$7.16 returned to the public for every dollar invested in the program (as cited in American Youth Policy Forum, n.d.). In addition researchers estimated that the public at large experienced financial benefits, including: savings of \$68,584 by the potential victims of crimes never committed, based on typical legal settlements; savings of \$15,240 by reducing justice system costs; increased taxes of \$10,537 paid by participants due to their higher lifetime earnings; savings of \$7,488 per participant due to reduced need for special education; and savings of \$3,475 per participant in welfare costs (as cited in American Youth Policy Forum, n.d.). These economic benefits validate the importance of effective preschool education programs.



### **2.3.6 Summary**

At what age should a child start early learning programs? The Perry Pre-School Project and other studies demonstrate the long-term benefits of children entering school at a young age. The evidence points to starting formal schooling as early as possible. The economic benefits to society of a child who is prepared to socially interact, learn in a formal setting, and succeed without special help are undeniable. While Head Start and similar early education programs provide a key role in learning and development, they also help the student to overcome obstacles caused by low socio-economic status.

However, the literature indicates that children have mixed long-term results from early learning programs. Many social factors contribute to the varied findings, such as family structure, parental involvement, socio-economic factors, and length of pre-Kindergarten programs. Further research is needed regarding secondary school performance for students who started school earlier than their classmates. Including secondary school achievement data in the analysis of early childhood programs may indicate a need to investigate the impact of the transition between elementary and secondary school programs as a contributing factor for diminished benefits of early learning programs.

Given the significance of the literature reviewed, it is imperative that the Commonwealth of Pennsylvania change its compulsory school enrollment age. Changing the compulsory enrollment age to six years old will benefit children's cognitive, psychosocial, economic, and educational development.

## 2.4 DEVELOPMENT OF COMPULSORY EDUCATION LAWS

The promise of a public education, particularly American public education, is that anyone can succeed. Poverty, while a deterrent, is not insurmountable. With hard work, determination, and an education, every child can ideally be a successful, contributing member of society. This principle is central to the philosophy of public compulsory education (Perry, 2005). Social reformists have often seen public education as a tool for righting society's wrongs and equalizing differences between rich and poor (Pigott & Israel, 2005).

In order to obtain a basic education, children in the United States are required to attend school until a certain age, and this age is determined by each individual state. Historically, the quality of basic education has been subjected to constant scrutiny, and the topic has recently emerged as the subject of much public and political debate (Perry, 2005). In 1996, The National Commission on Teaching and America's Future (NCTAF) reported that education for public school students in grades K-12 has steadily declined over the past three decades (Zimpher, 1996). After examining standardized test scores in each state, the Commission argued that American children lacked basic comprehension in fundamental subjects such as reading, math, and writing (Zimpher, 1996). As a result, the Public School Reformation Act of 2001, better known as the No Child Left Behind (NCLB) Act, began requiring all American public schools to improve in the area of academic achievement.

Critics of the American education system and NCLB have pointed to the need to re-evaluate outdated compulsory attendance laws that mandate children to attend school (Perry, 2005). These laws were implemented in America during the 1800s to help create social control, enhance democracy, regulate learning, and provide universal education opportunity (Perry, 2005). Since these laws were first enacted, political, social, and legal concerns remained

consistent. Political concerns continued to focus on regulatory and financial constraints, and social factors emerged regarding parental rights over the control of their children's education (Perry, 2005). Along with these issues, public schools are seen as largely based on geography and class status with low performing schools in low-income, high-crime communities, while the more successful and progressive schools serve the upper-middle class communities (Perry, 2005). In the 1970s, the National Education Association (NEA) endorsed modifications to compulsory school laws as a response to the decline in school performance (Everhart, 1977); however, these laws were believed to decrease the value of learning in public schools. The premise for this argument specifies that the laws do not mandate quality; rather, they merely guarantee student presence in the schools.

The compulsory attendance laws leading to the current American laws are not new and have deep historic roots. The earliest record of compulsory school attendance laws originates in ancient Greece (Good & Teller, 1969). The ancient Greeks realized the importance of an educated society and established a focus on educating children (Good & Teller, 1969). Other societies followed this example, with the next recorded adaptation of compulsory education laws formed during Europe's religious crusades in the 1440s (Good & Teller, 1969). At this time, education was a role of the church. Eventually, compulsory school attendance laws resulted in a transfer of educational functions from church to state. As a result, elementary and secondary schools became secular and civil, rather than religious or Christian institutions of learning. This transformation was not always successful and took great time to evolve (Good & Teller, 1969).

In fact, many early establishments of compulsory school attendance laws were not very successful, and the systems established did not include all classes of people (Good & Teller, 1969). Additionally, schools needed funding to operate (Good & Teller, 1969). These

challenges joined politics, curricula, age requirements, and teacher training in areas of great debate over public education (Good & Teller, 1969). In spite of these challenges, public schools continued to expand because of the quest for a civilized society (Good & Teller, 1969).

Prior to the establishment of compulsory school attendance laws, school attendance was voluntary in America. Schools were loosely structured, and students did not attend on a daily basis (Everhart, 1977). In early colonial life, families, churches, and communities transmitted culture and education because of the lack of availability of other institutional forms of education (Everhart, 1977). As population expanded and the colonies grew, states began creating varied local school systems. Massachusetts was the first state to pass laws requiring each town to provide schools to children for reading, writing, mathematics, and religion instruction (Everhart, 1977). Since local towns were supported by taxation and town taxes funded these schooling endeavors, this action was the first to require local communities to provide for publicly supported education (Everhart, 1977). Hence, the pattern of requiring states to establish local taxation for the support of schools became the blueprint for education funding throughout the country (Everhart, 1977). Schooling and religion remained intermixed, with the formation of ministries as a primary focus of schools in early America (Perry, 2005).

The evolution of common schools was a result of economic developments that created a demand for universal education (Huntley, 1988). By the time of the Industrial Revolution, settlers from New England began moving west into new territories, taking the support for the common school movement with them (Huntley, 1988). Horace Mann, a Massachusetts legislator, was a prominent leader in the common school approach. In 1838, Mann founded and published *The Common School Journal* (Mann, 1983). Mann hoped that by bringing all classes of children together, they would have common learning experiences, which led to the term

“common school.” He argued that common schooling would create good citizens and unite society (Mann, 1983). Because of this effort, free public education at the elementary level became available for all American children by the end of the nineteenth century (Cramer & Browne, 1965).

As most children worked to help support their families, the campaign against child labor became a political argument with reformers fearing that poverty would rise out of control if Americans were not able to sustain themselves economically (Trattner, 1970). Common school proponents believed that work at family homes or farms jeopardized physical development and education (Trattner, 1970). This type of childhood experience had negative outcomes and reduced the chance for preparing children for better paying jobs as adults (Trattner, 1970).

Despite these concerns, the common school movement prevailed, resulting in the formal establishment of America’s public school system. Along with the establishment of the system, legislators enacted compulsory attendance laws. Gradually, the belief grew that educated citizens could only be developed if all students attended school (Good & Teller, 1969). Each state eventually established criteria for age requirements of schooling. See Table A1 for the year and age requirements set forth by each state. The common thread for support of compulsory education laws focused on cultural, economic, and social equality. When examining the current structure of schools, it is critical to review these perspectives as the original objectives of schools.

### **2.4.1 Compulsory Education Laws and Mandates for Attendance**

Compulsory attendance laws have had a great impact on America. The promotion of citizenship, moral and ethical character, and the appreciation of civilization can only be established if students are required to become educated (Moberly, 1980). Mandated education has an economic impact, as students learn skills that allow them to earn income and become independent citizens (Moberly, 1980). Education has been the most effective tool for helping a family rise out of poverty; a basic education is necessary for learning to read, write, and calculate math (Moberly, 1980).

By the end of the Industrial Revolution, child labor had reduced tremendously. The masses embraced the notion of education as a beneficial means of establishing society (Stadum, 1995). As the number of children in schools increased, so did the value of obtaining a formal education; it became difficult to obtain employment without a secondary education (Stadum, 1995). Furthermore, compulsory attendance laws served a critical role in the movement toward higher education for lower income students (Stadum, 1995). Since higher education requires a high school education prior to the mandates for education attendance, lower-income students were rarely able to obtain a college education due to failure to obtain the diploma (Stadum, 1995). Poverty levels began to decline due to the enforcement of the compulsory attendance laws and the development of well-educated students who were either employable or eligible for higher education opportunities (Stadum, 1995).

Because of compulsory school attendance, education became a collective effort in the United States. After Horace Mann established the common school movement, compulsory school attendance laws became a constructive standard for education designed to achieve

specific public policies (Dotts, 2010). In addition, compulsory school attendance laws and the common school approach to public education resulted in a standardized curriculum across the county for all students (Dotts, 2010). Each state established their own guidelines, but the national standardized curriculum ensured a common learning experience for all students (Dotts, 2010). Another major benefit to compulsory school attendance was the elimination of discrimination (Dotts, 2010). Originally, females and certain minorities were not permitted to participate in formal education. The laws enabled the evolution of schools open to all students, regardless of ethnicity, gender, or socio-economic background (Dotts, 2010). We continue to embrace these virtues to this day.

The benefits of the long struggle for the establishment and enforcement of compulsory school laws remain. However, there have always been arguments against the laws. The enforcement of these laws contradicts the foundation of a democracy because it creates an obligation for all parents to have their children attend school until a certain age for a specific amount of time (Aron & Aron, 1989). Some have argued that the laws violate American civic entitlement of choice and liberty, as parents can be fined, imprisoned, or denied parental custody if their children are not in school (Aron & Aron, 1989). Other arguments against the laws for school attendance have focused on the monopolization of the educational system (Aron & Aron, 1989). With government funding through mandated taxation, public schools have established a sense of ownership of the education process. Taxation funds are made available to schools and the students have no choice but to attend. Although private schools have been sustained (and in many areas thrived), middle and lower socio-economic students have not had a real opportunity to choose their schooling (Dotts, 2010). This argument has gained increasing credibility with the advent of charter, cyber, and home-schooling options (Dotts, 2010).

Those who oppose earlier compulsory education laws believe that, for some students, schools are a place for socialization often with a lack of appreciation for learning. Forced attendance may contribute to students' devaluing of learning and reduced motivation to learn. This claim extends to a belief that this attitude contributes to frustrations for educators, as students who focus on socialization tend to exhibit inappropriate behaviors, refuse participation and fail to comply with school rules (Aron & Aron, 1989).

#### **2.4.2 Summary**

Although some challenge the beliefs behind compulsory attendance laws, mandatory school attendance has remained a part of the American culture. The benefits to society have withstood the test of time and have advanced social structures. Oppositions to the laws are outweighed by public and political belief in the benefits provided.

### **2.5 LEGISLATIVE PROCESS IN THE COMMONWEALTH OF PENNSYLVANIA**

In order to change an existing statute, an individual citizen asks a legislator to sponsor an amendment to the law. Amendments modify legislation in a variety of ways. They might add new language, strike out certain provisions, or otherwise revise and improve a bill to gain enough votes to win its passage. After the sponsors have introduced a bill, other members will offer amendments to make it more acceptable to their constituents. Lobbyists for private groups and the executive branch also encourage amendments to modify a bill for their interested parties. Most amendments are added in committee, but others are added on the legislative floor or later in



the conference committee. All amendments must be passed by the full Senate and House before becoming part of the bill (General Operating Rules of the House of Representatives, 2012).

Proposed legislation starts in the Pennsylvania General Assembly. Initially it is presented as a bill. Pennsylvania has two legislative bodies, the House of Representative and the Senate. House and Senate bills can have three different sets of numbers assigned to them: bill number, printer's number, and act number. Bills are numbered in the order in which they are introduced into the respective legislative bodies. Printer's numbers are assigned in accordance with committee referral dates and change whenever the bill is amended. If a bill becomes law, it is listed by the Act number. Acts are numbered chronologically in the order they are passed (Widener University School of Law, 2008). According to Widener University School of Law (2008):

Once introduced, bills are assigned to a committee to be studied. A bill's final Printer's Number is the committee report. Committee documents associated with bills are to be turned over to either the House Records Center of the Senate Library. Amendments to Pennsylvania legislation may be proposed in either the Senate or the House of Representatives but must pass in both by a majority vote of the members elected. (p. 1)

## **2.6 SUMMARY OF LITERATURE REVIEW**

This literature review explores key factors related to the argument that compulsory school age in Pennsylvania should be lowered. First, school readiness is an essential requirement to ensure long-term success for the child. A low socio-economic status often has negative effects on school readiness, but this can be counteracted by parental involvement and early intervention programs. An exploration of early intervention programs illustrates that the impact on child and society is worth the cost of the program, but the long-term effects might be mitigated by social

factors and need more study. Finally, an exploration of the history of the development of compulsory enrollment laws in the United States provides a foundation for considering the change necessary to the current law in Pennsylvania. Given the significance of the literature reviewed, it is imperative that the Commonwealth of Pennsylvania lower the compulsory school age to six, for educational as well as social benefits with long term benefits.

This study examines the legislative action that occurred in reference to the current compulsory enrollment and attendance laws for schools in Pennsylvania. Ultimately, this case for legislative action leads to a proposed amendment to the school code, developed and prepared for potential endorsement by a state legislator. The case for the amendment is supported by research literature that supports early learning opportunity, specifically school readiness, an analysis of the optimal age for students to start school, and an examination of the development of compulsory education laws in this country. This supporting literature provides a solid argument for amending the current code, which does not require enrollment until age eight. This research is critical for strengthening the efforts to amend the school code. It is also critical to strengthen the amendment in the event that lobbyists attempt to stop the legislative action. Historically the home school advocates were the key lobbyists when there was an effort to amend the School Code. This study does not imply that parents should not have the choice to home-school. The study advocates for requiring all students—traditional or home-school and cyber-school—be enrolled by the age of six. By examining the school code and prior attempts to amend sections relative to compulsory enrollment in school, this study provides a starting point for legislators to focus their efforts in making this important change in school code.

### **3.0 METHODS**

For this study, a legal research method was used to explain how and why the current compulsory attendance law in Pennsylvania came to be and why it has not changed over time despite changes to similar laws in other states.

#### **3.1 PURPOSE OF THE STUDY**

This study is driven by the belief that early learning experiences and the need for intervention creates a foundation for a lifetime learning disposition. This belief has been validated in extensive study for many years, with various valid research citations in the literature review section. The importance of developing formal learning skills no later than the age of six is emphasized through long-term, on-going research and practice in the field. The importance of child development and school readiness support the need for earlier enrollment into school than age eight. The question becomes why all students in the Commonwealth of Pennsylvania are not mandated to begin a formal, documented, and monitored educational process earlier than the age of eight. The study seeks to uncover any valid reason or obstacle that has resulted in this detail of compulsory school attendance and enrollment being overlooked in Pennsylvania School Code. Part of the study looks to the actions across the nation related to school enrollment age. Realizing that 48 other states require earlier enrollment and have amended this law many years

ago leads to the need to determine what has delayed Pennsylvania. Although the fact that the other states have taken action does not, in itself, cause Pennsylvania to be negligent. It does, however, create a solid starting point for the study and certainly validates an examination into what has occurred in Pennsylvania. In determining what has caused Pennsylvania to be one of two states in the country with the highest required entry age to school, historical and legal factors must be reviewed closely and connected to social issues throughout the years since the inception of compulsory school enrollment mandates across the country.

Ultimately, the study intent is to create a solid argument for the support of amending Pennsylvania School Code to reduce the age required for school enrollment. Once the legal aspects have been explored and documented, obstacles and those who motivated the resistance are examined and connected to the delayed reaction to join the other 48 states in requiring early enrollment in school. The importance of child development and school readiness in overall human growth and development are the cornerstones of the argument of requiring the earlier enrollment in Pennsylvania Schools. This study will lead to a proposed amendment to School Code and a call for immediate legislative action supported by well-founded and documented research and comparisons to other states that have successfully been requiring enrollment at an earlier age for numerous years. With strong and valid supporting information, the Pennsylvania Legislation will be best equipped to take action and be prepared to respond to any obstacles that may occur in the process. This study is intended to cause a change in school law and ideally have a positive impact on the over 25,000 students in Pennsylvania who currently do not enter formal schooling until the age of eight.

## 3.2 RESEARCH QUESTIONS

This section outlines the research questions then follows with an overview of the sources of evidence to address the question and links to the research literature.

### 3.2.1 Research Questions

The aim of this study was to document the history of the current compulsory education law in the Commonwealth of Pennsylvania. To accomplish this goal, the study sought evidence to address three research questions:

*Research Question 1.* What historical factors contributed to the current Pennsylvania Compulsory Education Laws?

*Research Question 2.* Why has the law remained unchanged in Pennsylvania despite many years of compulsory education reform in other states?

*Research Question 3.* What barriers prevented changes to the Pennsylvania law in comparison to the national school entry age?

To answer these questions, a review of the legislative history of Pennsylvania compulsory education laws was conducted. Analysis of the findings uncovered the historical factors leading to the current law as well as barriers that have prevented its change.

### **3.3 LEGAL RESEARCH METHOD**

This study used a legal research method by researching the legislative activity related to compulsory education in Pennsylvania. In researching legislation, once an inquiry is narrowed to a specific section of the law, the researcher must analyze all related amendments and bills presented to the legislators for consideration. Along with the legislation action records, the research includes analysis of any court cases that were related to the topic. The court cases provide a snapshot into the resistance of a particular law and how the legal system interpreted the administration of a particular section of law. According to publications of the Widener University School of Law, there is not a “correct way” to conduct legal research, as every legal question is unique. There are, however, several points of evaluation which must be done for most situations associated with legislative review. A researcher should typically perform the following four steps when tackling legislative research (Widener University School of Law, 2008).

#### **3.3.1 Step One: Identifying Starting Point of Legislative Review**

In this study, the established starting point for legislative review was with the Pennsylvania Public School Code of 1949. The year is critical as this defines the initial focus time frame of the research. There were certainly older laws related to education and compulsory enrollment and attendance, but starting with the date of the current school code was more relevant to the current compulsory attendance and enrollment law. Beginning with 1949 and continuing through the current time, legal journals of the Pennsylvania General Assembly were referred to in order to locate the documents associated to the specific area of the law. This required a

comprehensive application of the legal coding system to locate the appropriate journal holding the legal action taken by the legislature. Some of the older documents are located in journals that are coded by the law and the date of the action. Documentation is stored in law journals while the newer bills and amendments are stored online for review. All of the legal documentation related to the legal process of enacting or amending a law are public records and stored in county and state law libraries. The Allegheny County Law Library contains a complete history of Pennsylvania legislation with some of the newer documents retrieved from an electronic database. The transition to electronic record keeping has been staggered and did not have an exact starting date for transition, as some of the related documents for this study were accessed in traditional law journals while others are available in electronic format. Currently, all new legal action can be accessed through electronic searches of appropriate and relevant database systems.

### **3.3.2 Step Two: Identification of Relevant Bills**

Once the starting date of the law was identified, the research included locating any bills with reference to Public School Code of 1949. There were numerous bills introduced and adopted that amended the Public School Code since its enactment in 1949. When a law is large and has multiple subsections, such as the Public School Code, it is critical to identify the area within the overall code that addresses the research at hand. To fully research an area that is broad, such as compulsory education, it is critical to identify each subsection within the code that compulsory education is mentioned. Numerous areas of school code can be relative to compulsory education. For example, compulsory attendance is quite often referenced in the legal journals. Compulsory attendance, although closely related to compulsory enrollment, refers specifically to

attending school once enrolled. The focus of this study was narrowed directly to school enrollment. Compulsory attendance legislation has sustained through numerous amendments to the initial inception. There have been numerous federal and state court cases related to the attendance component of compulsory education. Although related and contributory, in certain cases, the legislation associated to attendance does not directly apply to the purpose of this study.

### **3.3.3 Step Three: Legal History Related to the Topic**

After identifying relevant sections of the law, the next step involved consulting legislative history. A bill number is assigned for each bill introduced (Widener University School of Law, 2008). Not all bills reach full adoption and amend the law. For this study, it was critical to determine if there had been bills introduced that failed in the past. The law journals with history of bills introduced by the state house and state senate contain the verbatim debate on the floor of the House or Senate concerning the bill in question (Widener University School of Law, 2008). Other references to action on the bill are listed as procedural actions if there is not discussion or debate on the floor of the House or Senate. Remarks in the journals of legislative history are general in nature (Widener University School of Law, 2008). The current journal system of coding dates to 1960; prior to 1960, a researcher must look in the indexes of the journals by subject and bill number (Widener University School of Law, 2008).



### **3.3.4 Step Four: Analysis of Amendments to Relative Legislation and Bills Failing to Pass Into Law**

The legislative research process included identifying all bills and amendments associated with the section in question. It was critical to examine any amendments to compulsory education law to determine the level of support and the background of the introducing legislator or legislative committee. Specific amendments do not always pass into law. This leads to looking deeper into legislative journals to determine bills that were introduced and did not receive support for adoption. If a bill had reached the level of introduction, yet never reached adoption, this leads to the inquiry into contributory factors that lead to the failure to pass into law. The research process involved the evaluation of lobbyists that may have influenced the blockage of support for the amendments proposed.

## 4.0 DATA PRESENTATION AND FINDINGS

To review, the research questions addressed by this legislative review were:

*Research Question 1.* What historical factors contributed to the current Pennsylvania Compulsory Education Laws?

*Research Question 2.* Why has the law remained unchanged in Pennsylvania despite many years of compulsory education reform in other states?

*Research Question 3.* What barriers prevented changes to the Pennsylvania law in comparison to the national school entry age?

For the past 65 years, schools in Pennsylvania have followed the provisions set forth by Public School Code Act of 1949, P. L. 30 (1949). Since its adoption by the Commonwealth, legislators have amended the Code to clarify, adjust, and update sections throughout the Code that have changed for a variety of reasons. Some requirements, such as mandatory Kindergarten, have been amended over time, while limited attempts to amend compulsory school age have failed.

## **4.1 COMPULSORY SCHOOL AGE**

While shorter and less detailed than other sections of the Code, Section 1326 includes the critical component of school attendance. Of importance to my research is the definition of compulsory school age. Compulsory age in Pennsylvania includes “the period of a child’s life from the time the child’s parents elect to have the child enter school, which shall be not later than at the age of eight (8), until the age of seventeen (17) years” (Public School Code Act, P. L. 30, § 1326, 1949).

Unlike many other aspects of the code, this section has never been amended. This is particularly noteworthy as school entry is not mandated until the age of eight; yet, 48 other states have either established or amended laws that require entry to school no later than age seven and, in most cases, age six (Education Commission of the States, 2013).

## **4.2 THE CODE AND AMENDMENTS**

Sections 503 and 1326 of the Code address the start of school, Kindergarten, and compulsory school age (Public School Code Act, P. L. 30, § 503, 1326, 1949). A review of the legislative and legal documents associated with the 1949 Public School Code Act, P. L. 30, led to the discovery that the compulsory enrollment age has received little attention. While legislators have amended Kindergarten requirements in Section 503, Section 1326 has been left untouched. The following sections summarize amendments to Section 503, along with failed attempts to amend Sections 503 and 1326.

#### 4.2.1 Amendments to Section 503

The Pennsylvania State Senate amended Section 503 in 1959, and again in 1965. Also, two proposed amendments to Section 503 currently remain in committee status. Of these, only House Bill 1344 (2013) recommends a change to Section 1326, regarding compulsory school age. However, this bill still remains in referred status in the Committee on Education.

- **1959 Amendment:** In 1959, the Kindergarten requirement in Section 503 was amended with the following sentence, “Kindergartens shall be an integral part of the elementary school system of the district, and be kept open for not less than two and one-half hours each day of the full school term as provided in section 1501” (P. L. 925, No. 373, 1959).
- **1965 Amendment:** Six years later, legislators approved the following amendment to Section 503:

If the average attendance in any one Kindergarten in any district is ten or less for the school year, the school directors shall, at the close of the school year, discontinue the same. The board of school directors shall appoint and assign a sufficient number of teachers to such Kindergartens, who shall be certified in accordance with the rules and regulations prescribed by the Council for Basic Education. (P. L. 601, No. 312, 1965).

#### 4.2.2 Proposed Amendments of 2013

Two proposed amendments to the Code address the start of school and Kindergarten. Introduced in 2013, both bills remain in referred status in the Committee on Education.

- **House Bill No. 103 of 2013.** Representative O’Brien introduced House Bill 103 (2013) to the General Assembly of the Commonwealth of Pennsylvania in January, 2013. The bill, which was referred to the Committee on Education on January 14, 2013, included

the provision that Kindergarten class size not exceed twenty students. This amendment to Section 503 of the Code has remained in the Committee since its introduction.

- **House Bill No. 1344 of 2013.** On May 8, 2013 Representative Harkins presented House Bill 1344 (2013) to amend the Sections 503 and 1326 of the Code. This bill recommends lowering the age of compulsory enrollment from age eight to age six. The bill also includes modifications to Kindergarten as described in Section 503. Prior to introducing the bill, Representative Harkins provided the following memorandum to the members of the State House of Representatives:

In the near future I will be introducing legislation that will amend the Public School Code of 1949 (P. L. 30 No. 14) to require school districts to offer Kindergarten to students who reside within their districts, as well as changing the minimum compulsory attendance age from eight to six. My proposed bill would also provide for annual funding for this important program.

Research is clear: effective early learning programs are crucial to a child's development and educational achievement later in life. Pennsylvania is one of a handful of states that does not require students to attend, or require school districts to offer, Kindergarten---whether half-day Kindergarten or full-day Kindergarten. In addition, the Commonwealth and Washington State have the highest minimum compulsory attendance ages in the nation at eight years of age.

Unfortunately, in an age of decreased appropriations for crucial line-items such as the Accountability Block Grants, school districts across the state are contemplating completely eliminating their current Kindergarten programs. In response to this, my legislation will amend Section 503 of the Public School Code to require all school districts to establish and maintain at least part-time Kindergarten programs for the full academic year. School Districts may establish age policies but may not deny Kindergarten to any child who is five years of age or older on the first day of the school year. Furthermore, my bill will amend Section 1326 of the Public School Code, specifically the definition of "compulsory school age", to change the minimum required age of attendance from eight to six.

Finally, this proposed legislation establishes a constant stream of funding each year for schools to offer Kindergarten by requiring \$100 million of sales tax revenue to be annually deposited in a special fund within the Treasury Department for providing grants to school districts. The amount provided to school districts under my legislation shall be in

addition to any other amount otherwise appropriated for Kindergarten and early learning programs, such as the Accountability Block Grants. (Harkins, 2012)

Currently the law reads that school districts “may” offer Kindergarten (Public School Code Act, P. L. 30, § 503, 1949). In the proposed bill, the word “may,” will be replaced by “shall,” thereby making it a requirement for all public school districts in the Commonwealth of Pennsylvania to offer Kindergarten programs (PA H. 1344, 2013). House Bill 1344 (2013) also proposes to add a clause to Section 503, which will permit school districts to establish age policies but prevent them from denying Kindergarten to any child who is five years of age or older on the first day of the school year. The largest amendment included in House Bill 1344 (2013) is the following addition to Section 503:

One hundred million dollars (\$100,000,000) collected by the Department of Revenue each fiscal year pursuant to Article II of the act of March 4, 1971 (P. L. No. 2), known as the “Tax Reform Code of 1971” shall annually be transferred to a special fund within the State Treasury, which fund is hereby established. The monies of the fund are hereby appropriated on a continuing basis to the Department of Education for the purpose of providing grants to school districts under this section. The amounts awarded to school districts under this subsection shall be in addition to any other amount annually appropriate for the purpose of providing Kindergarten and other early learning programs in the school districts, including, but not limited to, accountability grants established under section 2599.2. (PA H. 1344, 2013)

As might be expected, the financial aspect of this bill has caused discussion. Representative Harkins argues that the requested funding will permit school districts to sustain Kindergarten programs (Harkins, 2012). Ready to Learn Accountability Block Grants currently supplement school district funding for full-day Kindergarten and Pre-Kindergarten programs (“2014-2015 Fiscal Year,” n.d.). However, the block grants are annual and cannot be guaranteed from year-to-year. This amendment would provide secure, continuous funding, allowing school

districts to maintain early learning programs. If passed, the bill would remove the financial obstacles that prevent some school districts from offering Kindergarten and Pre-Kindergarten programs. It is important to realize that mandates and legislation cannot be made without funding. If legislators amend the Code to mandate Kindergarten programs for all children who are age five, they must also establish funding to support the change. When funding is part of the discussion, legislation tends to take more time and often never reaches resolution. These delays cause bills to fail and statutes to remain unchanged. At the current time, House Bill 1344 of 2013 remains referred to the Committee on Education.

#### **4.2.3 Failed Amendment: House Bill 1695 of 1991**

Amendments often fail to reach adoption, due to a variety of reasons. An example is House Bill 1695 (1991), sponsored by Governor Robert Casey during a three-year campaign to adjust the Code, specifically compulsory school age. Lobbyists on behalf of home-schooling interests succeeded in stopping the bill and preventing its adoption. While the campaign was extensively covered by the media, the bill was not recorded in the history of Pennsylvania legislative action, since it was never adopted (Richman, n.d.).

From June 1991 to February 1994, Governor Robert Casey and other Democratic legislators attempted to pass amendments through both the Pennsylvania House of Representatives and State Senate. These amendments would have lowered the compulsory school enrollment age to six. Even though Governor Casey's Democratic Party controlled both the House and the Senate during part of that time, lobbyists successfully stopped the bills from

passing. When Governor Casey retired, his successor, Republican Governor Tom Ridge, did not support lowering the compulsory school age (Richman, n.d.).

On June 12, 1991, Representative Payton introduced House Bill 1695 in the Pennsylvania House of Representatives. This bill proposed lowering the school entrance age from eight to six and raised the exit age from seventeen to eighteen. The Pennsylvania Department of Education argued that lowering the school age would give school districts a tool to force "at risk" children into school at age six. The bill passed the House Education Committee just six days after introduction, and it was expected to have passed the House and Senate in June or July as part of the budget compromise. However, an intensive lobbying campaign by home-schooling advocates succeeded in stopping the bill before it passed (Richman, n.d.).

Parents of home-schooled children telephoned and wrote to their legislators. On October 16, 1991, home-schooling families organized a lobbying day at the state capitol and visited their state legislators with prepared fact sheets. At the time, the Department of Education estimated that approximately 26,000 six and seven year old children were not enrolled in school (Richman, n.d.). Among these 26,000 students were approximately 5,000 home-schooled children. Also included were children whose parents had held them back for a year before starting them in school (Richman, n.d.).

Home-schooling advocates aggressively argued their case. They cited research into the "birth date effect," which indicates that younger children in the grade level are more likely to be labeled with "special needs" than those who are older in the grade (Richman, n.d.). Home-schooling pioneer Dr. Raymond Moore presented this research to the state legislature on behalf of those who hoped to stop the change to compulsory school age in Pennsylvania. By 1994, the bill had effectively died. It has not resurfaced since (Richman, n.d.).



### **4.3 NEED FOR LEGISLATIVE ACTION**

Since 1991, the only recorded attempt to amend compulsory age of enrollment in Pennsylvania School Code is the current House Bill 1344 of 2013, which is still referred to the Committee on Education. Often, legislation is the result of cases within the legal system. Accordingly, a comprehensive review of lawsuits related to compulsory school age was performed. Although there have been several interesting cases related to the age of enrollment in school in Pennsylvania, none relate to reducing the starting age of enrollment.

Some of those who oppose compulsory attendance laws argue that these laws take away individual freedoms (Jackson & Marx, 2013). They argue that the age requirement in the Code should not be expanded, unless there is a very good reason to do so (Jackson & Marx, 2013). House Bill 1695 was defeated because home-schooling advocates contended that the proposed legislation would expand governmental control and thus negate the rights of parents to direct their children's education (Richman, n.d.).

In summary, there has been limited attention paid to reforming the compulsory enrollment section of Pennsylvania School Code. Although in 1991 a strong effort for an amendment to this section of the Code was made, the opposition from home school advocates and associated lobbyists contributed to the failure of adoption of the amendment.

## **5.0 PROPOSED LEGISLATIVE ACTION AMENDING DEFINITION OF COMPULSORY SCHOOL AGE IN PENNSYLVANIA**

Since 1991, the only recorded attempt to amend compulsory age of enrollment in Pennsylvania School Code is the current House Bill 1344 of 2013, which at this time is still referred to Committee on Education. Some of those who oppose compulsory attendance laws argue that these laws take away individual freedoms (Jackson & Marx, 2013). They argue that the age requirement in the Code should not be expanded unless there is a very good reason to do so (Jackson & Marx, 2013). House Bill 1695 was defeated because home-schooling advocates contended that the proposed legislation would expand governmental control and thus negate the rights of parents to direct their children's education (Richman, n.d.).

In education as in life, time is critical. We must effectively manage and use the time we have in order to reach a successful and meaningful outcome for students. While we cannot add time to most of our efforts in life, we have the uncommon opportunity to add time to compulsory education in Pennsylvania.

### **5.1 AMENDING THE CODE**

In order to change an existing statute, an individual citizen asks a legislator to sponsor an amendment to the law. Amendments modify legislation in a variety of ways. They might add

new language, strike out certain provisions, or otherwise revise and improve a bill to gain enough votes to win its passage. After the sponsors have introduced a bill, other members will offer amendments to make it more acceptable to their constituents. Lobbyists for private groups and the executive branch also encourage amendments to modify a bill for their interested parties. Most amendments are added in committee, but others are added on the legislative floor or later in the conference committee. All amendments must be passed by the full Senate and House before becoming part of the bill (General Operating Rules of the House of Representatives, 2012).

Extensive research supports the importance of early learning (Hamre & Pianta, 2005). Therefore, the Commonwealth of Pennsylvania must focus on this important section of the Code. Pennsylvania should amend this section of the Code to change the starting age of compulsory education to age six. Changing the minimum age of compulsory education to six would affect approximately 25,000 children each year (Richman, n.d.).

In order to align the benefits of early learning programs with state mandates for school improvement and high stakes annual assessments, Pennsylvania should adopt and enforce this amendment for all students in public, private, cyber, or home-school settings. The state's responsibility includes both provision and enforcement of education at the appropriate levels.

## **5.2 RESEARCH SUPPORTS STARTING SCHOOL AT AGE SIX**

As presented in the literature review, a significant amount of research illustrates the benefits of early learning. Students who enter school at the ages of seven or eight have already lost important opportunities, ones that would have been freely presented to them with early education. These opportunities are critical in the argument for amending the School Code to

mandate enrollment to school to the age of six in Pennsylvania. Most critical is the opportunity for the process of early intervention for any delayed development. The stage of the child growth is critical to examine during the earliest years of life. This growth and development is directly linked to the age of the child. When a child is delayed until age eight, often this loss of opportunity to address delayed development and implement appropriate intervention strategies. The importance of early learning does not only impact those with identified delays, however. Research literature supports the importance of stimulating the child's learning opportunity and monitoring their growth. The earlier this can occur, the more growth and development that can be experienced by the student.

Along with this, the economic benefit of earlier enrollment is unequivocally supported by extensive research. In *The Sandbox Investment* (2007) David Kirp clearly defines the economic benefits of early education. Kirp's studies of exemplary pre-schools, such as Perry Pre School and The Chicago Child Parent Center, along with numerous evaluations of Head Start programs, clearly show that early education can have big payoffs. Explaining in terms of "human capital" investment, Kirp (2007) demonstrates that preschools generate returns on the public investment through social benefits associated with education. Kirp explained that "it is good policy and good politics to offer earlier education to all children. Kids-first politics is smart economics: paying for preschool now can help save us from paying for unemployment, crime, and emergency rooms later" (Kirp, 2007).

Prior studies indicate that the earlier children start school, where trained educators monitor, assess, and review their learning, the sooner that deficiencies can be addressed and exceptionalities identified. Based on the research reviewed for this study, it is clear that regardless of the setting (public, private, parochial, cyber, or home school) students in

Pennsylvania must be formally engaged in an accredited program of study no later than age six. One could argue the specific chronological age for mandatory school attendance and enrollment. It would appear that six, approved by 22 states is reasonable. Five adjacent states to Pennsylvania: New Jersey, New York, Ohio, and West Virginia, enacted legislation in the 1800s which requires school enrollment by age six. Another neighboring state, Maryland, enacted legislation in 1902, which requires enrollment by age five. This proposal does not suggest enrollment by age five, because that would mandate Kindergarten in all schools. That is a financial barrier with potential to stall the process of reducing the age for enrollment in Pennsylvania schools.

Although the precedence set by other states is a valid argument, it is not the only focus of the need to amend Pennsylvania law. The development of the child and the need for school readiness as discussed is the primary focus for this call for action. However, it is critical to look at other states and their response to the process of mandating enrollment in school. Currently 48 states in the country require students to enter school at five, six, or seven. Pennsylvania students will compete with these peers for higher education opportunities as well as job options in the future. The delayed start in Pennsylvania schools puts our students at a disadvantage by providing them with one of the lowest amounts of required education. Only the state of Washington allows children to enroll in school so late.

### **5.3 BARRIERS**

There are barriers to any amendment to legislation. Anticipated barriers to amend School Code to lower the mandated enrollment in Pennsylvania will likely include:

- Home School Advocates;
- Lobbyist and Special Interest Groups;
- Delay in Committee;
- Loss of individual freedoms related to a child's education;
- Financial constraints;
- Social factors impacting attempts to amend law.

### **5.3.1 Home School Advocates**

According to the findings of this study, the most significant opposition to amending the Code comes from home school advocates. They argue that change equates a loss of their freedom to choose educational programming for their child. There is no evidence to support this claim. The attempt to reduce the mandatory enrollment age to six does not impact the freedom of parents to choose homeschooling. The opportunity to choose the educational setting is not in jeopardy from amending the law to require enrollment by age six. Parents can choose from traditional home school options along with cyber schools, which have advanced tremendously since the attempt for amendment in 1991. Like traditional brick and mortar schools, homeschooled students should be enrolled and actively learning by age six.

### **5.3.2 Lobbyists and Special Interest Groups**

Legislators are impacted by the actions of extensive lobbying and special interest groups. In analyzing historical factors impacting amendments to School Code, lobbyist influence was critical in the failure to get the bill to pass. The primary special interest group that motivated

lobbying against the amendment came from home school parents. This group must be addressed with the extensive research related to child development and assured their right to choose school settings is not impacted by the amendment to enrollment age in school. Their freedom to choose their school setting will remain and has been extended with the advancement of cyber schooling.

### **5.3.3 Delay in Committee**

The current House Bill 1344 (2013) to amend the Sections 503 and 1326 of the Code is delayed in committee. This delay can cause the bill to die on the floor and require process of introduction to the House and Senate to start over. This delay can be the result of numerous factors including special interest lobbying efforts. In order to avoid this barrier, it is critical that proper presentation of the amendment occurs both within the legislation and to those impacted. This requires precision in timing and appropriate introduction to the amendment to all involved with compelling research to support the intention of the proposed amendment.

### **5.3.4 Loss of Individual Freedoms Related to a Child's Education**

The loss of individual freedom is usually the root of special interest groups. This freedom is a coveted aspect of the American lifestyle. It is critical that effective campaigns to ensure the benefits of this amendment address this and emphasis that there is no attempt to impact the freedom of choice in educational settings. Historical factors indicate that this sense of loss of freedom was a driving factor in the failure to adopt the amendment in the past. This cannot be ignored when approaching this new attempt for legislative action.

### **5.3.5 Financial Barriers**

As with all changes in legislated policies, financial constraints are usually a factor. Legislators are cautious to impose mandates that are not funded. Schools are facing serious financial concerns with a number of unfunded mandates such as high stakes state assessment and associated remediation. This proposed amendment does not have financial implications for schools. The schools will not experience extensive expenses associated with requiring enrollment by age six. This factor must be part of the campaign to pass the proposed amendment. If funding is made available, such as Representative Harkins proposed, it should help to gain support in the legislative body making the decision to pass the amendment. This barrier must be addressed and appropriate funding sources must be identified to support the efforts to amend the School Code.

### **5.3.6 Social Factors Impacting Attempts to Amend Law**

Social factors change over time. In 1991, the issues facing society were different than experienced today. The home school advocates who played a critical role in lobbying against the amendment had limited choices for early learning education in the home school setting. The advancements in technological learning and cyber curriculum available today should reduce the resistance of home school parents. The options for cyber classrooms developed for early learners have advanced and provide a whole new option for home school parents to provide a meaningful program of study for younger children without the burden of developing and delivering effective early learning programs. Social factors are always a focus of lawmaker's



decisions. These advancements in technology are aligned with society and the tremendous use of technology in our daily life. This has impacted the options of home school advocates.

The barriers that exist are not obstacles that cannot be overlooked. Each must be addressed and an effective campaign to inform those involved or interested of the extensive research associated with early childhood development and school readiness. The approach used to introduce this amendment is critical to the outcome.

In an attempt to see this study result in legislative action, it will be my goal to obtain support of influential state education associations. The Pennsylvania School Board Association (PSBA) and the Pennsylvania Association of School Administrators (PASA) are both powerful enough to have an impact on legislators and can counter act any lobbyist's involvement. It does not seem that there was large scale involvement from such associations in 1991. The support of these associations and their endorsement of the initiative to lower the required age for enrollment to school in Pennsylvania can create a tremendous benefit to the overall outcome of the efforts to amend the School Code.

As mentioned in my findings, House Bill number 1344 of 2013 was referred to committee in May of 2013. The bill focused on furthering provision of Kindergartens in public school districts in Pennsylvania. It also modified the definition of compulsory school age by changing the beginning to age six rather than eight. Within this bill, new language includes one hundred million dollars each fiscal year to be transferred to a special fund within the state treasury. The funds are to be continually appropriated by the Department of Education for the purpose of awarding annual grants to school districts, for the purpose of providing Kindergarten and other early childhood programs. The bill has yet to be adopted, and it remains in committee and will most likely not receive the support necessary to be adopted. The financial component

associated with mandating full-day Kindergarten programs and the associated financial implications are most likely the cause for the delay in committee. By narrowing the bill to only focus on the enrollment age removes the financial barriers which should increase legislative support.

An effective campaign, supported by large state educational agencies such as PSBA, PASA, and teacher associations such as Pennsylvania State Education Association (PSEA) will help to inform all parties of the benefits for child development and school readiness. This support and large scale campaign will contribute to the likelihood of the amendment receiving support of the Pennsylvania House and Senate of the General Assembly. By properly reaching out to legislators with the support of state associations will help to combat the barriers that have been identified. In order to gain the support of the state associations it is important to start at that level and campaign for their support of the proposed amendment. This study will serve as a source to establish this support both at the legislative level and with associations that influence educational initiatives across the Commonwealth of Pennsylvania.

This study intended to examine legislation associated with compulsory school attendance. The findings indicate that there has been limited attention to this small, yet critical, component of Pennsylvania School Code. The age of six is recommended for a number of reasons, primarily based on the extensive research available to support the importance of child development and the long-term positive impact on the child and ultimately on society. It is also recommended to require enrollment at age six, which represents first grade. This avoids the mandate to require full day Kindergarten programs, which could be financially crippling to certain school districts. All districts in the Commonwealth of Pennsylvania have first grade programs, which is where students would be required to begin their formal education under this proposed legislation. The

relevance of other states also provides great political support and sustains the argument. However, it must be clear that the benefits associated with child development and school readiness that are referenced throughout this study are the driving factors for legislative action.

Learning from barriers, particular the financial constraints and other identified barriers, this recommended amendment to school code only addresses the definition of mandatory enrollment. It does not address the issue of funding in the same bill. Section 5.4 includes the text of the proposed legislation.

#### **5.4 PROPOSED AMENDMENT TO PENNSYLVANIA LAW (P. L. 30)**

An Act amending the act of March 10, 1949 (P.L. 30), entitled “An act relating to the public school system, including certain provision applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto, “defining compulsory school age.”

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1326 of the Public School Code is amended to read: Section 1326. Definitions. The term “compulsory school age,” as hereinafter used, shall mean the period of a child’s life from the time the child’s parents elect to have the child enter school, which shall be not later than at the age of [eight (8)] six (6) years, until the age of seventeen (17) years. The term shall not include any child who holds a certificate of graduation from a regularly accredited senior high school.

The term “migratory child,” wherever used in this subdivision of this article, shall include any child domiciled temporarily in any school district for the purpose of seasonal employment,

but not acquiring residence therein, and any child accompanying his parent or guardian who is so domiciled.

Section 2. This act amendment shall take effect July 1, 2015. (Public School Code, 1949).

## APPENDIX A

### STATE COMPULSORY ATTENDANCE LAWS

Table 2. *State Compulsory Attendance Laws*

State	Enactment Year	Age Requirements
Alabama	1915	7-16
Alaska	1929	7-16
Arizona	1899	6-16
Arkansas	1909	5-17
California	1874	6-18
Colorado	1889	None
Connecticut	1872	7-16
Delaware	1907	5-16
District of Columbia	1864	None
Florida	1915	6-18
Georgia	1916	6-16
Hawaii	1896	6-18
Idaho	1887	7-16
Illinois	1883	7-16
Indiana	1897	7-16
Iowa	1902	6-16
Kansas	1874	7-18
Kentucky	1896	6-16
Louisiana	1910	7-17
Maine	1875	7-17
Maryland	1902	5-16
Massachusetts	1852	6-16
Michigan	1871	6-16
Minnesota	1885	7-18
Mississippi	1918	6-17
Missouri	1905	7-16
Montana	1883	7-16

*State Compulsory Attendance Laws (continued)*

Nebraska	1887	7-16
Nevada	1873	7-17
New Hampshire	1871	6-16
New Jersey	1875	6-16
New Mexico	1891	5-18
New York	1874	6-16
North Carolina	1907	7-16
North Dakota	1883	7-16
Ohio	1877	6-18
Oklahoma	1907	5-18
Oregon	1859	7-18
Pennsylvania	1895	8-17
Rhode Island	1883	6-16
South Carolina	1915	5-16
South Dakota	1883	6-16
Tennessee	1905	6-17
Texas	1915	6-18
Utah	1890	6-18
Vermont	1867	7-16
Virginia	1908	5-18
Washington	1871	8-18
West Virginia	1897	6-16
Wisconsin	1879	6-18
Wyoming	1876	6-16

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