Compulsory Schooling Laws Under Scrutiny in Michigan Following Deadly Tragedy

In the wake of the devastating school shooting in Oxford, Michigan this week that claimed the lives of four teenagers and injured seven others, state board of education member Tom McMillin called for an end to Michigan's compulsory schooling laws.

"Repeal compulsory schooling laws," McMillin announced in a Facebook post on Thursday. "State needs to stop dictating terms of education of our kids," he wrote.

The Associated Press reports that details have emerged indicating that the teen shooter's parents—who on Friday were charged with involuntary manslaughter—met with school officials a few hours before the massacre, but the student remained at school.

"Should there have been different decisions made?" said Oakland County prosecutor Karen McDonald when asked about keeping the teen in school. "Probably they will come to that conclusion."

McMillin, a Certified Public Accountant and former Michigan state representative who lives just 10 minutes away from Oxford, has long been in favor of eliminating compulsory schooling laws, but this week's tragedy prompted him to come out publicly against the statutes for the first time.

"Oxford highlights that the mental health of kids often needs to be the total focus," McMillin told me in an interview about his social media post. "School meetings with a troubled child, parents, and administrators need to not end with 'we have to treat the child like all others.' Parents should be able to get their kid out for a week, a month, a year. And open all kinds of alternative options of which parents can avail themselves," he explained.

Compulsory schooling, or compulsory attendance, statutes date back to the 19th century, when Massachusetts enacted the first law of this kind in 1852. Horace Mann, then president of the Massachusetts state board of education who is considered to be the architect of the American public school system, was captivated by the Prussian model of education that hinged upon compulsion and standardization. Mann imported that model to the US, where widespread anti-immigrant sentiment in places such as Massachusetts made it easier to pass compulsory schooling laws.

In the first half of the 1800s, immigrants flocked to American cities seeking a better life and fleeing famine and oppression abroad. In 1847, for example, 37,000 Irish immigrants arrived in Boston, which at the time had a population of just over 100,000 people.[i] These Irish, mostly Catholic immigrants challenged the dominant Anglo-Saxon Protestant mores

at the time, and were seen as threats to the social order. “Those now pouring in upon us, in masses of thousands upon thousands, are wholly of another kind in morals and intellect,” lamented the Massachusetts state legislature in 1848.[ii]

This xenophobia helped to spur the introduction of compulsory schooling laws, something that advocates of universal government schooling had been pushing for. In 1851, the editor of *The Massachusetts Teacher*, William Swan, articulated the widespread contempt for the state’s Irish Catholic immigrants. He wrote:

> *“In too many instances the parents are unfit guardians of their own children…Nothing can operate effectually here but stringent legislation, thoroughly carried out by an efficient police; the children must be gathered up and forced into school, and those who resist or impede this plan, whether parents or priests, must be held accountable and punished.”*

One year later, Massachusetts passed the country’s first compulsory schooling statute which mandated school attendance under a legal threat of force. Soon, other states followed suit, with Mississippi the final holdout, passing its compulsory schooling law in 1918.

Prior to the passage of compulsory schooling laws, education was broadly defined and diversely offered. In the 17th century, early American colonies passed compulsory *education* laws that mandated cities and towns provide schools and teachers for those parents that wanted them, but parents were not compelled to send their children to these schools. Indeed, many of them did not. Homeschooling, apprenticeship programs for teens, and a wide assortment of public, private, and charity schools for the poor were ubiquitous in the country’s early years. Literacy rates reflected the success of these varied educational options, with historians estimating that three-quarters of the US population, including slaves, was literate at the time compulsory schooling laws began to emerge.[iii]

Eliminating compulsory schooling laws would remove the state’s authority and influence over education. Parents would be put back in charge of their children’s learning, choosing between a panoply of options supported by a bustling free market in education. New learning models would sprout, as entrepreneurs and educators rise to meet parent demand, free from the fetters of government oversight. Cities and towns could still be required to provide education services to parents that want them, just as they were prior to the passage of compulsory schooling laws, but parental choice would be paramount.

“Repealing compulsory schooling laws would enable complete and total parental education

freedom to do whatever their child needs, without one glance back at truancy officers or any state statute," said Michigan's McMillin. "It would 'allow' parents to focus on exactly what their child needs, including mental health," he added.

An xenophobic remnant of the 19th century, compulsory schooling statutes obstruct education innovation and hamper choice. More education officials should follow McMillin's lead in calling for an end to these restrictive laws.

[i] David B. Tyack, *The One Best System: A History of American Urban Education* (Cambridge, MA: Harvard University Press, 1974), 30.

[ii] Paul E. Peterson, *Saving Schools: From Horace Mann to Virtual Learning* (Cambridge, MA: Belknap Press, 2010), 26.

[iii] Samuel Bowles and Herbert Gintis, "The Origins of Mass Public Education," *History of Education: Major Themes, Volume II: Education in Its Social Context*, ed. Roy Lowe (London: RoutledgeFlamer, 2000), 78.