

Arizona Families For Home Education

Statement Regarding Mandatory AIMS Testing of Homeschooled Students Enrolled in the Eagleridge Enrichment Program of the Mesa Public School District 4/8/05

The Eagleridge Enrichment Program was started in 1996 and is operated by the Mesa Public School District. In 2002 they reported that the program expected to enroll 500+ homeschooled students. Students are “fractionally enrolled” as either $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$, or full-time students for the purposes of computation of the ADM (Average Daily Membership) reimbursement. The *full* ADM allotment will be paid through state and federal money to a school that can demonstrate the child’s presence for instruction over 15 hours a week. Were your child enrolled full-time in your local public school, the ADM would be the same as what is received for instruction over 15 hours per week at Eagleridge.

What began as a one-day-a-week “Friday school” offering classes such as art, P.E., computer lab, and field trips steadily grew to what is now a comprehensive curriculum offered to homeschooled students in a piece-meal fashion. AFHE researched this program thoroughly in May of 2002 and asked Kathy Tolar, the Director of Eagleridge, some detailed questions regarding issues that we could foresee would be important to parents considering this program. One of those questions involved testing, specifically, whether they required testing and if testing was necessary to comply with either district policy, state or federal law.

Ms. Tolar’s written response did not address AFHE’s question about testing in 2002. She sent copies of their prepared materials and offered to talk about the program at our annual convention. The only mention we found regarding testing in this material was that Eagleridge offered “free standardized testing.” On their current website, it does state that students in the “Mesa Distance Education Program” are required to take the AIMS test (the district also operates a full-time distance learning program over the internet.) Whether homeschooling parents understood from the enrollment forms that the mandatory testing included the on-site program at Eagleridge is unclear.

On March 11, 2005, Ms. Tolar sent out a letter to Eagleridge parents informing them that “the state of Arizona instituted new testing procedures for 2004-05 school year. All children, who attend public or charter schools, in grades 3-8, are required to take the AIMS DPA.” Many homeschooling parents were upset by this letter and asked AFHE to investigate the matter.

At issue is the interpretation of conflicting laws. ARS 15-745 specifically exempts homeschooled students from mandatory testing in our state. However, since state and federal money pays for the students to take classes at Eagleridge, ARS 15-741 specifies that students for whom ADM (Average Daily Membership) money is received take the Arizona Instrument to Measure Standards (AIMS) test for the school to be in compliance with the law.

After several phone calls, AFHE’s Legislative Liaison, Dorie Duff, was referred to Ms. Roberta Alley at the State Department of Education. Ms. Alley thanked Dorie for bringing this to their attention and said that they recognize that there is a conflict in the statute. As of April 7, 2005,

The Department of Education turned the matter over to the Attorney General's office for a ruling. Ms. Alley said that she is sure that a ruling will not be possible before next week, and so the scheduled testing of students at Eagleridge will proceed from April 11-22nd, 2005. Ms. Alley also said that the Attorney General has ruled that students are required to take the test.

Additionally, Debbie Bonilla of Sandra Dowling's office, Maricopa County School Superintendent, investigated this issue and was told by Kathy Black, the testing coordinator for the Mesa Public Schools, that the parents were aware of the testing requirement when they enrolled the students in the enrichment program.

To add to this confusion, the Casa Vida Enrichment Program of the Kyrene School District informed AFHE that they do not test.

Parents have before them a choice. One option would be to withdraw from the program prior to the testing date. Another option follows the argument that since homeschooled students are not subject to truancy laws, keeping their child home on the testing day and the make-up day would be a solution to the requirement. Others would argue that knowingly subverting the requirement this way is a violation of the law and a refusal to abide by the terms of the enrollment document that they signed when they enrolled their child.

AFHE, along with every statewide organization in the country, has tried to educate its members about a universal pattern we have observed: *when government money is involved, eventually regulation will follow.* Despite these efforts, hybrid programs have continued to emerge in differing forms, including virtual schools, and homeschoolers have filled their ranks. We will continue to do our utmost to preserve homeschooling freedom, and to see this contradiction in the law through to its conclusion. For the moment, we can only present the facts so that individual parents make an informed decision.