

A few weeks ago, I posted that I sent off my "Opt Out" letter to my daughter's school, and they, of course, responded threatening me with withdrawal (mind you, with less than 9 weeks to go of school for my daughter who has maintained Honor Roll throughout the year and received an invitation to the National Honor Society). I cannot tell you how that pisses me off. In any event, I just sent off my reply to them so we will see how it goes. WISH ME LUCK!

For those interested, my reply is below (I know it's a little wordy...sorry).

"Dear Ms. _____I:

Thank you for your response to my Opt Out Letter dated March 11, 2014.

In reply to your response, please be advised that I have been a paralegal in Arizona for more than 20 years, and my husband has been an attorney for more than 26 years. We are both familiar with the Arizona Revised Statutes that you have referenced in your response. We are also familiar with federal law, constitutional law, and our constitutional rights. Any federal law "mandating" Arizona residents to do anything regarding education of our children is clearly unconstitutional.

Parents' federal constitutional right: The Supreme Court has repeatedly held that parents possess the "fundamental right" to "direct the upbringing and education of their children." Furthermore, the Court declared that "the child is not the mere creature of the State: those who nurture him and direct his destiny have the right coupled with the high duty to recognize and prepare him for additional obligations." (Pierce v. Society of Sisters, 268 U.S. 510, 534-35) The Supreme Court criticized a state legislature for trying to interfere "with the power of parents to control the education of their own." (Meyer v. Nebraska, 262 U.S. 390, 402.) In Meyer, the Supreme Court held that the right of parents to raise their children free from unreasonable state interferences is one of the unwritten "liberties" protected by the Due Process Clause of the Fourteenth Amendment. (262 U.S. 399.)

In recognition of both the right and responsibility of parents to control their children's education, the Court has stated, "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for the obligations the State can neither supply nor hinder." (Prince v. Massachusetts, 321 U.S. 158.)

When I enrolled my daughter, while I may have stated that I "understood" AZVA's position with respect to standardized testing that does not mean that I consented with AZVA's position.

As far as your statement "AIMS testing is mandatory for all students", the state can mandate anything it wants through its contract with AZVA. However, AZVA is the one in privity of contract with the state. I am not a party to that contract. Despite what your statement claims, the state cannot penalize me or my child for claiming that all this testing violates our moral commitment to make sure our child receives education and not test-preparation while she is enrolled in school.

Even if your contract with the Arizona Department of Education allowed or dictated you to suspend or withdraw my daughter from AZVA, you both would be opening yourselves up to a court challenge because as I stated previously you both would be violating our child's constitutional rights to an education.

With respect to Ms. Hall's email to me dated March 23, 2014 wherein she stated if I did not confirm testing details by the end of the school day today, my daughter's classes will be "placed on hold by March 31st until they are confirmed," I would strongly advise AZVA not place my daughter's classes on hold or withdraw her from AZVA with less than nine weeks of school left.

Please be advised that I belong to various groups including, but not limited to, Stop Common Core in Arizona, Stop Common Core in America, AZ Parents & Teachers Against CCS and Tests, and OPT OUT OF THE STATE TEST: The National Movement along with other AZVA parents.

I have contact information of other parents whose children have attended AZVA and are presently attending AZVA who have also opted out of the standardized testing, and their children were NOT withdrawn and are still attending AZVA.

I am sure I do not need to explain to you that by law you cannot discriminate against me and my child by suspending or withdrawing her while allowing other students to continue attending AZVA who have also opted out of the AIMS standardized testing. This would open AZVA up to a discrimination lawsuit which my husband and I would be forced to file – keeping in mind that it would cost us nothing but a filing fee to do so since we both have many years' experience in the legal field.

Once again, let me reiterate, I do not want my child, _____, to take the AIMS test presently scheduled for her 8th grade class on April 7, 2014 through April 11, 2014. The range of my child's intellectual and emotional qualities is not measured by the AIMS standardized test.

We are dissatisfied with these tests because they do NOT measure meaningful learning, they create inappropriate pressures on children, they create counterproductive rivalry among schools, they're responsible for less rigorous and engaging education because teachers feel compelled to raise the scores, and better forms of assessment are available.

We object on moral grounds to standardized tests contributing to discrimination, increasing pupil alienation, and spurring unsuccessful students to drop out. We find standardized testing socially unconscionable – leading to gate keeping and perpetuating social segregation.

As concerned parents with the responsibility and right to be involved in the academic training of our child (A.R.S. §15-102), it is within our legal and moral right to opt out of standardized testing and insist upon better ways of evaluating our child's understanding of ideas. We request useful assessments which advance fairness, accuracy, quality, and equity: evaluations such as the Learning Record (analysis of students' learning over time by a teacher who knows them well), work sampling over time, structured and informal observations and interviews, performance and exhibitions, audio and videotapes, portfolio and journal assessments, and evaluation including input from teachers, students, parents, counselors, and principals.

As I stated in my letter to you on March 11, 2014, I would ask that the school please provide an alternative activity for my child during administrative sessions of testing (not makeup tests). However, I understand that an alternative activity is NOT required on the part of the school. If you are unable to provide an alternative activity for my child, I will have her resume reading her literature assignment of Romeo & Juliet.

Since AZVA is a virtual/online school, I am reserving the option of removing my child from the testing facility set up by AZVA during the test administration session depending on the emotional anxiety of my child on the day of refusal and whether or not AZVA will provide appropriate alternate activities for my child.

Thank you very much. I look forward to finishing up a great school year with Arizona Virtual Academy."