



Written by [Joe Wolverton, II, J.D.](#) on October 30, 2015

## Arizona AG: Parents Can't Exempt Kids From Common Core Tests

Parents cannot opt their kids out of Common Core-mandated testing in the state of Arizona, according to the state's attorney general.

Attorney General Mark Brnovic issued this edict in response to a request from the state superintendent of education, Diane Douglas, to clarify whether parents were within their rights under state law to keep their kids from taking the statewide assessment test, known in Arizona as AZMerit.



The AZMerit test — a battery of standardized exams that has come under significant fire in the Grand Canyon State for its futility — is administered annually to the state's 1.1 million public and charter school students.

Last year, there was a movement among many parents concerned about the potential for data mining and other controversial uses of such tests to boycott them, keeping their kids home from school and the announced test administration days.

One of these groups, [OptOutAZ](#), reported on several significant problems with the statewide assessment tests (and the company that created them) in an information sheet provided for parents who were considering opting their children out of the exams.

For example, OptOutAZ revealed that the test is not unique to Arizona, as had been reported by the state government, but in reality the test

was created by the company AIR (American Institutes for Research) — the same company that created Utah's and Florida's Common Core assessments. AIR is a partner of Smarter Balanced who is one of two testing consortia that received \$330 million from the U.S. Department of Education to create and administer Common Core tests. So far, the sample test questions are the exact same as Utah's and Florida's.

Furthermore, and perhaps most shocking of all, the parental rights advocacy group informed parents that the data obtained by AIR on the AZMerit tests would be stored on databases that are shared with the U.S. Department of Labor.

Also, AIR, the group claims, was recently the victim of a "data breach." That's hardly reassuring to parents concerned for the safety of their children and their families' private information that could be revealed in answers to questions on the tests, answers innocently provided by children simply doing what they are told they must do.

All of this should give pause to parents in Arizona with children in public and charter schools.

Regardless of these troubling revelations, the state attorney general says parents have no right to exempt their children from taking the tests.



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In a [five-page legal opinion](#) published by the *Arizona Republic*, Brnovic cited state law and case law in support of his statement that parents of children in kindergarten through 12th grade are not legally allowed to opt their kids out of those tests.

“Our conclusion remains the same: parents do not have a legal right to withdraw their children from state-mandated assessments in Arizona’s public schools,” Brnovic declares.

Brnovic goes on in the letter to point the finger at the state legislature, claiming that lawmakers did not include the right to opt out of assessment tests in the “Parents’ Bill of Rights” enacted in 2010. “The legislature could have included a parental right to exempt a child from statewide assessments, but did not.”

He goes on to explain that the state legislature “limited the authority of parents who choose public education.”

Remarkably, Brnovic cites federal case law in support of his statement that parents have a right to choose where their children are educated, but not how.

Finally, apparently in response to last year’s demonstration of parental repugnance to the statewide assessment tests, Brnovic orders that if students are in school the day the tests are administered, they may not refuse to take them.

As for superintendent Douglas’s response to the attorney general’s legal opinion, the *Arizona Republic* reports that “Sally Stewart, a spokeswoman for Douglas, responded with a one-line e-mail: ‘We will seek legislation in the next session and ask the federal government for flexibility.’”

Parents of public and charter schools in Arizona are encouraged to contact their state legislators and demand that the unalienable rights of parents be protected and that bureaucrats not be empowered to revoke those rights, forcing students to submit to tests that have been shown to be springboards for greater federal intrusion into the classroom.





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