



STATE OF ARIZONA

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July 30, 1998

GRANT WOODS  
ATTORNEY GENERAL

Lisa Graham Keegan  
State Superintendent of  
Public Instruction  
1535 W. Jefferson  
Phoenix, AZ 85007

Re: AIMS Testing/Field Tests

Dear Superintendent Keegan:

You have asked for my opinion as to whether the local school districts are legally required to participate in the field/pilot tests scheduled for this Fall as part of the development of the "essential skills tests" mandated by ARS § 15-741. The statute clearly authorizes the State Board of Education to determine the manner of implementing the "essential skills tests." In my opinion, this includes the authority to take such necessary measures as scheduling field or pilot tests to validate or otherwise complete the development of the final "essential skills tests." The statute further requires the local school districts to administer the tests implemented and developed by the State Board of Education, which would include any pilot tests determined to be necessary as part of the implementation of the overall testing plan. In short, the local school districts have no legal right to decline to participate in the upcoming field tests.

I hope that this adequately addresses your questions. However, if you need any further assistance on this point, please do not hesitate to contact me.

Sincerely,

Roger T. Martindale  
Assistant Attorney General  
Consumer Protection and Advocacy Section

RTM/nm  
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