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Robert R. Corbin

February 6, 1987

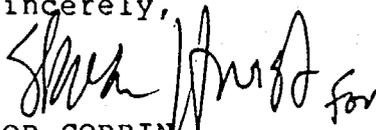
The Honorable Roy A. Mendoza
Pinal County Attorney
P.O. Box 887
Florence, Arizona 85232

Re: I87-024 (R87-003)

Dear Mr. Mendoza:

Pursuant to A.R.S. § 15-253(B) this office has reviewed the opinions expressed in your January 12, 1987 letter to Dr. Lawrence E. Mazin, Associate Superintendent to the Pinal County School Superintendent. We concur with your opinion in which you conclude that a child receiving correspondence instruction in the home is a home instruction student as expressly provided in A.R.S. § 15-802(B)(1) and (2).

Sincerely,


BOB CORBIN
Attorney General

BC:TLM:JGF:pnw

ROY A. MENDOZA
PINAL COUNTY ATTORNEY

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INVESTIGATOR
RAY R. VASQUEZ

January 12, 1987

EDUCATION OPINION
ISSUE NO LATER THAN
2-11-87

87-003

Martin
1/12/87

Mr. Lawrence E. Mazin, Ed.D.
Associate Superintendent
Pinal County School Superintendent
Pinal County Administration Bldg. #2
Post Office Box 769
Florence, Arizona 85232

Dear Mr. Mazin:

You requested a County Attorney's Opinion by letter dated December 12, 1986.

QUESTION: A student in Pinal County who is 12 years of age is being instructed at home by her parent with support through the mail from a Christian school outside of Pinal County. The principal of the Christian school sends instructions and work to the girl at home; she does this work under the supervision of her parent, who is not a certified teacher. The work is then sent back to the Christian school to be graded. The staff of the Christian school does not work directly with the student. Is this student to be considered a private school student or a home instruction student?

ANSWER: This student is to be considered a home instruction student. See Opinion below.

OPINION:

Compulsory school attendance and the exceptions are considered in A.R.S. §15-802. Arizona Revised Statutes §15-802(B)(2) defines "private school" as it is used in this section. "Private school" means a nonpublic institution other than the child's home where instruction is imparted.

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Mr. Lawrence E. Mazin, Ed.D.
County Attorney's Opinion

Arizona Revised Statutes §15-802(B)(2) contemplates that the instruction imparted occurs in a physical setting other than the child's home. No representative of the Christian school is present in the home. There is a requirement stated that the child must attend the school for the full time that the schools of the school district are in session. The only supervision of this student is that of her parent, who is not a certified teacher.

Attorney General Opinion I83-029 addresses Arizona's compulsory attendance law. That opinion makes clear that A.R.S. §15-802 should not be interpreted to allow a parent to claim private school status for what is, in fact, a home teaching situation, in order to avoid compliance with the home teaching regulations.

If the parent meets the requirements provided in A.R.S. §15-533, then the student may qualify as a home instruction student pursuant to A.R.S. §15-802(B)(1). This section contemplates an "academic program" that includes a program provided through a correspondence school of a regularly organized private school.

If the parent does not meet the requirements of A.R.S. §15-802(B)(1), then the student shall be sent to a school within the school district in which she resides.

Sincerely,

ROY A. MENDOZA
PINAL COUNTY ATTORNEY


KATHY CASTEEL
DEPUTY COUNTY ATTORNEY

KC:sez