

July 8, 2022

Dear Sacred Heart Home Educators Families,

On June 24, 2022, the Arizona State Legislature passed the [House Bill 2853](#), which expands the current [Arizona Empowerment Scholarship Account](#) (ESA) to include any Arizona resident with a child in grades K-12 or a preschool student with a disability. Governor Doug Ducey signed it into law on Thursday, July 7, 2022.

Background and Legal Status

Empowerment Scholarships are redirected tax dollars that would ordinarily be funneled through the public education system but are instead partially distributed back to the parents of any qualified child who is not enrolled in a public school. The ESA had previously been available only to students who qualified under the following categories: diagnosed with disabilities or have a parent who is legally blind or deaf; children of active military personnel or have a parent killed in the line of duty; wards of the state; children who attend a D- or F-rated school; siblings of an existing ESA student, or children living on Native American reservations. The new law, scheduled to go into effect Sept. 24 (90 days after the end of the legislative session), has expanded its eligibility to all Arizona school-age children, and no longer requires any previous public-school enrollment, according to section 15-2401.01:

15-2401.01. Definition of qualified student for Arizona 38 empowerment scholarship accounts; expansion 39 NOTWITHSTANDING SECTION 15-2401, BEGINNING IN THE 2022-2023 SCHOOL 40 YEAR, IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES, "QUALIFIED 41 STUDENT" INCLUDES A RESIDENT OF THIS STATE WHO BOTH: 42 1. IS ELIGIBLE TO ENROLL IN A PUBLIC SCHOOL IN THIS STATE IN ANY OF 43 THE FOLLOWING: 44 (a) A PRESCHOOL PROGRAM FOR CHILDREN WITH DISABILITIES. H.B. 2853 - 4 - 1 (b) A KINDERGARTEN PROGRAM. 2 (c) ANY OF GRADES ONE THROUGH TWELVE. 3 2. DOES NOT OTHERWISE QUALIFY FOR AN ARIZONA EMPOWERMENT 4 SCHOLARSHIP ACCOUNT PURSUANT TO THIS CHAPTER.

Considerations Regarding the Homeschool Classification and Rights

Much debate has ensued over how the new law affects homeschooling rights, which were hard fought and won over the decades to the point that, here in the

state of Arizona, we enjoy virtually unregulated freedom to educate how we choose without government interference. However, it's important to keep in mind distinctions between legal status, philosophical perspective, potential versus current government oversight, and the situation as it pertains to an individual family's homeschool dynamic.

Under current Arizona law 15-802 A: "Every child between the ages of six and sixteen years shall attend a school and shall be provided instruction in at least the subjects of reading, grammar, mathematics, social studies and science. The person who has custody of the child shall choose a public, private or charter school or a homeschool as defined in this section to provide instruction or shall sign a contract to participate in an Arizona empowerment scholarship account pursuant to section 15-2402."

If parents opt out of the public education system, they must agree to accept the responsibility of educating their children by sending them to a private school or electing to homeschool. To be homeschooled or attend a private school, parents submit an affidavit to the County School Superintendent attesting that their children are *not* participating in the public education system. Homeschool parents specifically declare their intent to homeschool and waive their right to the state's compulsory education, forgoing all public-school requirements, including assessments, and agree to provide instruction in at least the above-mentioned subjects.

If parents choose to enroll in the ESA program, they withdraw the affidavit and instead go under contract with the Arizona State Department of Education, attesting that they are opting out of the public school system and its requirements, and will use ESA dollars to either enroll their child in a private school or educate their children in a micro school, online school, or homeschool in the above-mentioned required subjects.

The decision to accept funds and forgo the affidavit for intent to homeschool is both a legal and philosophical consideration, as doing so does reclassify your student under the [revised state statute 15-802](#) as an ESA student as opposed to a state-defined homeschool student. Furthermore, some argue that taking any taxpayer funds is itself an unnecessary or potentially troubling attachment to the government's education system, which could lead to future government intrusion in the educational decision-making of all parents, specifically homeschooling families. This is a just consideration for homeschool proponents.

On the other hand, others argue that because Arizona residents pay taxes that help fund the approximately [\\$14,000 of local, state, and federal funds allocated per pupil*](#) each year to the public schools, accepting the anticipated [\\$6,966](#) (90% of the calculated state portion given to public schools for the upcoming fiscal year) per child through the ESA program allows parents to redirect their state taxes from the public schools their children are *not* attending into the education option of their choice, similar to (though not exactly like) redirecting state taxes to serve as charitable donations to crisis pregnancy centers under the Arizona Charitable Tax credit law (Arizona Form 321) or redirecting state taxes to fund private school tuition through the Arizona Private School tax credit (Arizona Form 323). This is also a reasonable and fair assessment of the situation.

Sacred Heart Home Educators' Position

Sacred Heart Home Educators is a homeschool community designed to support and encourage Catholics who have chosen to homeschool their children in accord with Church teaching, using the methods, curriculum, and resources they deem most beneficial to their homeschool journey. In alignment with the Church's clear teachings on solidarity and subsidiarity, Sacred Heart Home Educators is not in the business of micromanaging the homeschool decisions of any family nor disqualifying any member based on his or her choice of homeschooling, including whether he or she accepts ESA funds. Provided they attest that they are practicing Catholics in good standing, and they homeschool at least one of their children, all Catholic homeschoolers in the Valley are welcome to join SHHE.

Furthermore, as a support network to help families connect and be in communion under the shared mission of homeschooling our children in the Catholic faith, it is the opinion of the SHHE Executive Relations Committee (Board) that it is not our jurisdiction to *advise* members on whether they should remain under the homeschool classification as outlined under the statute 15-802 or enter into an ESA contract, which allows for all versions of school choice, including private school, micro school, or homeschool. Rather, the Board wishes to provide as much information as we can gather to help each family prayerfully discern and make their *own* decision.

As such, we've provided links to both the Homeschool Legal Defense Association (HSLDA) Arizona [email](#) and an Arizona Families for Home Education (AFHE) [article](#) regarding the bill and your continued right to homeschool by filing an affidavit. In summary, HSLDA "cautions against enrolling in the AZ ESA," and

AFHE states that it “supports parents in choosing the education option that is best for each of their children,” while noting that “it is critical to understand and maintain the clear distinction between homeschooling and other education options in our state in order to preserve the freedom parents currently enjoy in directing the education of their children. Homeschooling in Arizona is the maximum-freedom minimum-regulation education option.”

We’ve also provided a link to [an article](#) from the Goldwater Institute, a school choice advocacy group that was heavily involved in drafting the bill, as well as a [webinar](#) with representatives from [Center for Arizona Policy](#) (CAP) and Goldwater Institute outlining some details of the new law. You can also read the ESA Parent Handbook [here](#). The Goldwater Institute reminds homeschoolers that there are no testing requirements of homeschoolers, and that “many families currently make financial sacrifices and shoulder the expense of private school tuition or paying for homeschool supplies. These families are currently entitled to send their child to a public school (at a cost of over \$10,000 per year to taxpayers), regardless of their incomes. This bill would ensure that all families have the freedom to choose whatever form of education best fits their child.”

Due to the strong opinions on both sides of the issue regarding ESA funding, we want to encourage members to have conversations about the bill, homeschooling, and our role as first and primary educators of our children, but we believe these are most productive and charitable when done in person and in a private manner. Therefore, the Board requests that any discussions take place outside the SHHE forums and that respect for all homeschoolers in our group remain the utmost concern.

Conclusion

Some hold a philosophical objection to removing themselves from the state’s defined homeschool classification and do not wish to compromise their conscience and their valid concerns over their legal status under current law; some are weighing the pros and cons, recognizing that at present there are no regulatory issues that undermine the practice of home-educating under an ESA but are cautious and concerned about potential legal ramifications to homeschooling rights down the road; others, after genuine research and discernment, may find the trade-off worth their while due to the circumstances in their own family’s homeschool journey and, as such, determine that the funds would be helpful in advancing the educational opportunities for one or more of their homeschooled children. Each

family has the right and duty to make their own informed decisions about this issue. Fundamentally, this is a prudential judgment on which families can come to different conclusions and remain in good standing as Catholics and as homeschoolers in the eyes of SHHE.

Know that whatever you decide, we as a Board are praying for you and your upcoming homeschool year, and we are grateful you have become a member of our Sacred Heart Home Educators.

Should you have specific questions related to SHHE's position, you may contact Board Presidents Steve and Becky Greene or Vice-Presidents Daniel and Candice Hines.

Sincerely,

The Sacred Heart Home Educators Executive Relations Committee Members

Steve and Becky Greene – President

Daniel and Candice Hines – Vice President

Lloyd and Elizabeth Hayward – Secretary

Ivan and Diane Nogalo – Treasurer

Aaron and Jenny Martin – Central Valley Representative

Daniel and Jennifer Bosold – East Valley Representative

Greg and Margaret Russo – West Valley Representative

Marcos and Maria Herrera – Past President

*This was the expected amount at the time this document was released. As of September 1, 2022, the Joint Legislative Committee released new numbers based on the calculated federal distribution, adjusting the total amount to \$13,300 per pupil. ESA amount remains the same.