

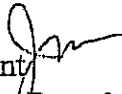


DELAINÉ EASTIN
State Superintendent of Public Instruction

DEPARTMENT
OF
EDUCATION
721 Capitol Mall
P O Box 944272
Sacramento, CA
94244-2720

July 16, 2002

To: District and County Superintendents
Private School Coordinators
School Attendance Review Board Members
District and County Pupil Services Administrators

From: Joanne Mendoza, Deputy Superintendent 
Curriculum and Instructional Leadership Branch

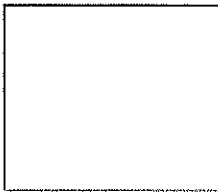
Private School Affidavits Online Process

The *California Education Code Section 33190* requires private schools to file a Private School Affidavit (PSA) with the State Superintendent of Public Instruction between October 1st and 15th of each year. Beginning with the fall 2002, the California Department of Education (CDE) will be using an online process for filing PSAs. We appreciate the continued assistance and support provided by the County Offices of Education (COEs). While the COEs will be relieved of the burden to distribute hard copies of the affidavits, CDE requests your assistance and support during the transition to the new process.

In August CDE will send a letter to schools with six or more students who filed PSAs for fall 2001 informing them of the online process and issuing passwords. The passwords will allow the private school officials to access and complete their own "preprinted" online affidavits.

The process for the online affidavit is straightforward. The filing period is between October 1st and 15th of each year. The schools complete and submit the forms directly online to CDE. A signed certification of the affidavit is required; therefore, a completed affidavit must also be printed, signed and returned to CDE. Requests for copies of the affidavits by the child welfare and attendance offices or others should be directed to CDE.

When the affidavits are submitted online, the data will automatically populate our database. This database will be made available as read only to all county offices and school districts during the affidavit period and will be updated periodically.



Home Schooling

[Resources](#) > [Private Schools](#) > Home Schooling

Note: The legal office of the California Department of Education prepared this information about the law governing home schooling in California.

As generally understood, the term *home schooling* describes a situation in which non-credentialed parents (that is, parents who lack a valid California teaching certificate) teach their own children, exclusively, at home, often using a correspondence course or other types of courses. Defined in this way, home schooling is not authorized in California, and children receiving home schooling of this kind are in violation of the state's truancy laws. Parents are certainly free to supplement their children's public school education with home schooling if they so desire; however, home schooling may not legally be used as a substitute for public school education.

Local school districts are responsible for ensuring that all children of compulsory school age in the district are either: (1) in attendance at a public school or (2) legally exempt from public school attendance requirements. Three legal choices are available in California to parents who wish to place their school-age children in a setting other than a public school classroom:

1. One choice is private tutoring, which is a legal exemption from the compulsory public school attendance law. (*Education Code* §§ 48200, 48220, and 48224.) The tutor (who may be any person, including a parent) must have a valid California teaching credential for the grade level(s) being taught, and must provide instruction in all the branches of study required in the public schools. The tutor must provide instruction for at least three hours per day, during the period between 8:00 a.m. and 4:00 p.m., for at least 175 days per calendar year, in the English language. A tutor is not required to file a affidavit, as private schools are. Unless a parent holds a teaching credential for the grade level(s) taught, his or her instruction does not qualify under the legal exemption for private tutors.
2. Another choice, which is also a legal exemption from compulsory attendance in the public school system, is to enroll students in a private full-time day school. (*Education Code* §§ 48220, 48222.) Private schools, too, must instruct pupils in all the branches of study required in the public schools. The law does not require that private school instructors hold teaching credentials, but they must be "capable of teaching." According to the California Attorney General, this means that teachers in private schools

should meet standards like those required for public school teachers in similar positions, except for the credential requirement. (See 3 Ops. Cal. Atty. Gen. 193.) Furthermore, the courts have rejected any suggestion that parents may call their own home-instruction program a "private school" in order to avoid the requirement of a teaching credential. (*People v. Turner* (1953) 121 Cal. App.2d Supp. 861, appeal dismissed 347 U.S. 972; reaffirmed in *In re Shinn* (1961) 195 Cal.App.2d 683.) Courts have also ruled that a parent's use of correspondence courses does not convert a home-schooling situation into a "private full-time day school" within the meaning of the *Education Code*. (*In re Shinn, supra*, at 693-694.)

The law requires each private school to file an annual Private School Affidavit disclosing certain information with the State Superintendent of Public Instruction. (*Education Code* § 33190.) That information is used for statistical purposes, and for publishing a directory of private K-12 schools (kindergarten through twelfth grade) in the state. However, the affidavit is not a license to operate a private school. The *Education Code* expressly states that the mere filing of a Private School Affidavit does not signify state review or approval of the "school" or its courses. (*Education Code* §§ 33190, 48222.) Therefore, the simple act of filing an affidavit does not, and cannot, transform a home-schooling parent into a legitimate private school.

3. As a third choice, parents might consider independent study, arranged through their local public school district. (See *Education Code* § 51745 and following.) Independent study is not an "exemption" from public school; rather, it is an alternative to classroom instruction, conducted under the administration of public schools. Independent study allows students to carry on their education outside the classroom based on written agreements with local public school districts. The agreements include requirements consistent with the local school district's course of study, and provide for general supervision of each pupil's independent study by a credentialed employee of the school district in which the child is enrolled. A child with exceptional needs may participate in independent study only if his or her individualized education program (IEP), developed pursuant to *Education Code* sections 56340 and following, provides for that participation. (*Education Code* § 51745(c).) If a particular district does not offer independent study, we encourage you to contact your county office of education to explore the availability of independent study through the county or through other districts in their area.

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Affidavit Process

Private Schools in California

[Resources](#) > [Private Schools](#) > Affidavit Process

California *Education Code* Section 33190 requires private schools to file an affidavit with the State Superintendent of Public Instruction between October 1 and 15 of each year. Beginning in fall 2002, the California Department of Education (CDE) will use an online process for filing affidavits. They will no longer be available through county offices of education.

Schools with Six or More Students

In late August CDE will mail passwords to schools with six or more students who filed an affidavit for fall 2001. Passwords will allow private school officials to complete an online affidavit.

Schools with Five or Fewer Students and New Schools

In late August schools with five or fewer students and new schools may access the online affidavit from the Private Schools home page without using a password.

Private School Affidavit Online Procedure

Private school staff should follow these steps to file an affidavit for 2002.

1. Between October 1 and 15 complete and submit online the Private School Affidavit.
2. When the Private School Affidavit is submitted online, a confirmation page will display the data. The page contains a place for signature to certify the information on the affidavit. Print two copies of the confirmation page. The owner or chief administrative officer must sign one copy and mail it to CDE. The second copy should remain at the school site.
3. Schools will have met their obligation to file a Private School Affidavit **only** when (a) the data have been submitted online and (b) the printed and signed Private School Affidavit confirmation page is returned to CDE.

Schools without Internet Access

A printed affidavit is available for schools with staff who cannot access the affidavit on the Internet. Requests must be submitted in writing to:

California Department of Education
Policy and Program Coordination Office
1430 N Street, Suite 4309
Sacramento, CA 95814

Attention: Private School Affidavit

Please do not use the 2001 affidavit to file for fall 2002. Affidavits submitted on the 2001 form and letters-in-lieu postmarked before October 1, 2002, will be processed as 2001 affidavits, and the school will not have met its obligation for fall 2002.

Questions

Teresa Cantrell, 916-319-0371; e-mail, tcantrel@cde.ca.gov.

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Updated August 26, 2002

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* User name: SOPERDG (45) Queue: FS1-EDCOE/SARB *
* File name: Server: SARB_PS *
* Directory: *
* Description: http://www.cde.ca.gov/privatesc *
* October 31, 102 2:38pm *

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Private School Affidavit Fall 2002

[Resources](#) > [Private Schools](#) > [Affidavit](#)

Who should file a Private School Affidavit?

Persons, firms, associations, partnerships, or corporations offering or conducting full-time day school at the elementary or high school level for students between the ages of six and 18 years.

Home schooling is generally understood as a situation where a noncredentialed parent teaches his or her own children, exclusively, at home, whether using a correspondence course or other types of courses. Filing an affidavit does not change the home instruction into a private school.

Filing does not grant state approval, recognition, endorsement

Filing of this affidavit shall not be interpreted to mean, and it shall be unlawful for any school to expressly or impliedly represent by any means whatsoever, that the State of California, the Superintendent of Public Instruction, the State Board of Education, the State Department of Education, or any division or bureau of the Department, or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course unless this is an actual fact (*Education Code* Section 33190). See [Selected Sections of the California Education Code Pertaining to Private Elementary or High Schools](#).

Filing an affidavit does not mean that the State of California or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course. It is not a license or authorization to operate a private school.

I have read this and need to complete an affidavit for:

[New school or school with five or fewer students.](#)

[Existing school with six or more students.](#)

[I do not need to complete an affidavit. Return to Private Schools home.](#)

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Updated August 28, 2002

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Private School Affidavit Form Fall 2002

[Resources](#) > [Private Schools](#) > [Affidavit](#) > [Affidavit Form](#)

This form should be used by new schools or schools with five or fewer students. Click on the "Submit Form" button at the bottom of the page to submit the form to CDE. You must complete the entire form during this browser session. If you do not have all the information necessary to complete the form, please print out this form, and return at a later time to submit the form. Please do not mail forms to CDE that are completed manually. Please contact CDE's Private Schools office if you have questions about completing the form.

* Denotes fields that are required to submit the form.

School Information	
County *	<input type="text" value=""/>
Name of School *	<input type="text" value=""/>
Telephone Number *	(<input type="text" value=""/>) <input type="text" value=""/> <input type="text" value=""/>
Street Address *	<input type="text" value=""/>
City *	<input type="text" value=""/> Zip <input type="text" value=""/>
Mailing Address (if different)	<input type="text" value=""/>
Mailing City (if different)	<input type="text" value=""/> Mailing Zip <input type="text" value=""/>
Former Name of School (if any)	<input type="text" value=""/>
Site Administrator *	<input type="text" value=""/> <input type="text" value=""/> First <input type="text" value=""/> Last <input type="text" value=""/>
Title of Administrator *	<input type="text" value=""/>
Other Administrator (if any)	<input type="text" value=""/> <input type="text" value=""/> First <input type="text" value=""/> Last <input type="text" value=""/>
Title of Other Administrator (if any)	<input type="text" value=""/>
Type of School *	<input checked="" type="radio"/> Coeducational <input type="radio"/> Boys Only <input type="radio"/> Girls Only

School Accommodations
 Residential Boarding Only
 Day Only
 Both

Grades Offered
 Lowest: Highest:

High School Diploma Offered
 Yes: No:

Public school district in which school is located
 [Find District Name](#)

Our district has changed
 Yes: No:

Statistical Information

Range of students' ages (Do not include preschool.)
 Youngest: Oldest:

Enrollment on a single date **October 1-15, 2002** (Do not include preschool enrollment. Fill in "0" for none.)

Number of Pupils

Kindergarten	<input type="text" value="0"/>
Grade 1	<input type="text" value="0"/>
Grade 2	<input type="text" value="0"/>
Grade 3	<input type="text" value="0"/>
Grade 4	<input type="text" value="0"/>
Grade 5	<input type="text" value="0"/>
Grade 6	<input type="text" value="0"/>
Grade 7	<input type="text" value="0"/>
Grade 8	<input type="text" value="0"/>
Grade 9	<input type="text" value="0"/>
Grade 10	<input type="text" value="0"/>
Grade 11	<input type="text" value="0"/>
Grade 12	<input type="text" value="0"/>
Ungraded Elementary	<input type="text" value="0"/>
Ungraded Secondary	<input type="text" value="0"/>
Total Enrollment:	<input type="text"/>

Number of Twelfth Grade Graduates in 2001-2002

School Year *

Number of School Staff* (Count each staff only once. Do Not include preschool staff. Fill in "0" for none.)

Number

Full-time Teachers: 0

Part-time Teachers: 0

Administrators: 0

Other Staff (Instructional aides, therapists, secretaries, etc.): 0

NDSL Cancellation* - Full-time teachers in private nonprofit schools having concentrations of students from low-income families may have National Direct Student Loans (NDSL) canceled. (Title 20, United States Code, § 1087ee, Title 34, Code of Federal Regulations, § 674.53.) If you believe your school can qualify in either or both categories, select "Yes"; otherwise, select "No."

Yes: No:

School has been granted

Tax-exempt, nonprofit status under Section 501(c)(3) of the 1954 U.S. Internal Revenue Code

Tax-exempt, nonprofit status under Section 23701d of the California Revenue and Tax Code

Property tax exemption under Section 214 of the California Revenue and Tax Code

No tax exemption

Classification of School *

Church-affiliated Denomination (Enter Denomination Code:)

Religious school, not church affiliated

Secular

This school offers programs for children with the following disabilities (if any)

Autism Deafness

Deaf/Blind Emotional Disturbance

Hearing Impairment Mental Retardation

Other Health Impaired Orthopedic Impairment

Specific Learning Disability Speech or Language

Traumatic Brain Injury Visual Impairment

Directors, Staff, and Principal Officers

Name *

First: Last:

Position *

Street Address *

City *

Zip:

Name *

First: Last:

Position *

Street Address *

City	<input type="text"/>	Zip	<input type="text"/>
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School Records

The attendance records required by Education Code Section 48222 and the records of courses of study, names, addresses, and educational qualifications of the faculty, as required by subdivisions (f)(2) and (3) of Education Code Section 33190, are maintained by the person and at the place listed here and are true and accurate.

Name of Individual who is Custodian of Records	<input type="text"/>	▼	First	<input type="text"/>	Last	<input type="text"/>
	Address (Location of Records)					
City	<input type="text"/>				Zip	<input type="text"/>

When school ceases operation, every effort should be made to give a copy of pupil's permanent records to his or her parents. If records cannot be given to the parents, it is recommended that the school's custodian of records retain the records permanently so that former pupils may obtain copies when needed for future education, employment or other purposes.

Private school authorities are responsible for initiating contact with the appropriate local authorities (city and/or county) regarding compliance with ordinances governing health, safety, and fire standards, business licensing, and zoning requirements applicable to private schools.

Before you submit: Review your data carefully. After submitting, you cannot make corrections online.

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Updated August 15, 2002

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Frequently Asked Questions

Private Schools in California

[Resources](#) > [Private Schools](#) > [FAQ](#)

1. [How do I get an affidavit for fall 2002?](#)
2. [Do I need to file a private school affidavit?](#)
3. [When do I need to file an affidavit?](#)
4. [What is the affidavit used for?](#)
5. [Why is it important to file an affidavit?](#)
6. [I have filed the private school affidavit certifying that I maintain all of the required private school records. If the attendance supervisor from the public school district verifies the filing of the affidavit, am I also required to show the records to the attendance supervisor?](#)
7. [I filed a private school affidavit. How do I get a copy of the form I filed with your department?](#)
8. [What is the compulsory education law?](#)
9. [I would like to open a home-based private school. How do I open a home-based private school?](#)
10. [I understand that home schooling is not authorized in California. Shouldn't I file an affidavit for my child anyway?](#)
11. [If home schooling is not authorized in California, why does the California Department of Education continue to issue private school affidavits to parents who home school their children?](#)
12. [How many home schoolers are there in my county? How many in California?](#)
13. [I filed an affidavit listing three students. Why don't I have a CDS code? Why am I not listed in the *California Private School Directory*?](#)
14. [I have been home schooling and would like to move my child to a private or public school. The schools in my area refuse to place my child in what I believe is the appropriate grade level and are not accepting the credits my child has earned through home schooling. Can the schools refuse to accept credits earned through home schooling?](#)
15. [I am transferring my child to a different private school, but the private school my child was attending will not release his records. What should I do?](#)
16. [I am transferring my children from a private school to a public school. The public school will not give my child full credit for all their courses. Is the public school permitted to refuse credits issued by the private schools?](#)
17. [I am planning to use a correspondence course to teach my child at home. The umbrella organization that provides the course also provides testing, assigns the grades, and provides the diploma. Is this an exception from the](#)

- compulsory attendance law?
18. Other than public school classrooms, what choices are available for my child's education?
 19. Does the California Department of Education accredit private schools?
 20. My child is attending a private school. I have a complaint against his school/teacher. Whom do I talk to if I am unable to reach a resolution with the private school administration?
 21. How can I obtain a copy of my school records, transcript, or diploma?
 22. What do I do if the phone numbers listed on the affidavit are disconnected?
 23. What if my private school did not file an affidavit?
 24. I am planning to open a private school. What do I need to do?
 25. How do I get a list of private schools in my area? How do I get a list of private schools in California?
 26. How do I locate a good private school in my area?
 27. Can the Department provide a rating or ranking of private schools?
 28. Could you send me verification that you received my school's affidavit?
 29. I am a teacher and am looking for a position in a private school in California. Where do I start?
-

1. How do I get an affidavit for Fall 2002?

The affidavits will be available online in late August or early September. Check Private Schools for updates.

For those without access to the Internet, there will be a paper affidavit available. Schools should request a paper affidavit from the California Department of Education, Policy & Program Coordination 1430 N Street, Room 4309, Sacramento, CA 95814

2. Do I need to file a private school affidavit?

Every person, firm, association, partnership, or corporation offering or conducting private school instruction at the elementary or high school level for students of ages 6 through 18 years must file an affidavit. (*Education Code* Section 33190).

A parent who is "home schooling" should not file an affidavit. Home schooling is generally understood as a situation in which a non-credentialed parent teaches his or her own child(ren), exclusively, usually using a correspondence course or other types of courses. This arrangement does not qualify as a "private school," and filing an affidavit does not change the home instruction into a private school. Home schooling, as described in this paragraph, is not authorized in California.

3. When do I need to file an affidavit?

All private schools are required to file an affidavit each year between October 1 and October 15. (*Education Code* § 33190.) New schools should file their first affidavit when they open, and then file a new

affidavit each year between October 1 and October 15.

4. What is the affidavit used for?

The affidavit is a registration document. It is used to report annual information required by law from private, full-time day and boarding schools. The information is then used to publish the *California Private School Directory*.

Filing the Private School Affidavit does not mean that the State of California or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course. (*Education Code* § 33190.) The affidavit is not a license or authorization to operate a private school.

5. Why is it important to file an affidavit?

The law provides an exemption from compulsory public school attendance for children who are being instructed in a private, full-time day school. (*Education Code* §§ 48200, 48220, 48222.) However, the exemption is not valid until the attendance supervisor of the public school district verifies that the private school has complied with the requirement to file the annual Private School Affidavit. (*Education Code* § 48222.)

By filing the affidavit, the owner or other head of the school certifies, under penalty of perjury, that the information on the form is true, that the records that are required to be maintained are being maintained at the address stated on the form, that the records are true and accurate, that criminal record summary information has been obtained pursuant to *Education Code* Section 44234, and that neither the owner nor the operator of the school has been convicted of any crimes that would prohibit his or her employment in a private school. (*Education Code* §§ 33190, 44237.)

6. I have filed the private school affidavit certifying that I maintain all of the required private school records. If the attendance supervisor from the public school district verifies the filing of the affidavit, am I also required to show the records to the attendance supervisor?

Yes. *Education Code* sections 33190 and 48222 require private schools to maintain certain records. In addition, section 33190 requires the filing of the annual affidavit, and section 48222 provides that a child's exemption from public school is not valid until the district's attendance supervisor has verified the filing of the affidavit. The certification on the affidavit is not a substitute for showing the records to the attendance supervisor, on request, so that the attendance supervisor can confirm that all of the requirements of a private, full-time day school are being met.

7. I filed a private school affidavit. How do I get a copy of the form I filed with your department?

Call the California Department of Education at 916-319-0373 and request a copy.

8. What is the compulsory education law?

California's compulsory education law (*Education Code* § 48200) requires each person between 6 and 18 years of age to attend public, full-time day school, and requires their parents or guardians to send them, unless legally exempt. The two principle exemptions are (1) instruction in a private, full-time day school, or (2) instruction by a tutor or other person holding a valid California teaching credential for the grade level being taught. (*Education Code* §§ 48220, 48222, 48224.)

9. I would like to open a home-based private school. How do I open a home-based private school?

A home-based private school or "home school" is generally understood as a situation where a non-credentialed parents teach their own children, exclusively, usually using a correspondence course or other types of courses. Home schooling is not authorized in California. Filing an affidavit does not make "home school" a private school.

If a parent chooses to teach his or her child at home, as described in this paragraph, as a substitute for public school, and that parent does not hold a valid credential for the grade(s) taught, the child is truant.

10. I understand that home schooling is not authorized in California. Shouldn't I file an affidavit for my child anyway?

No. The affidavit is for private schools only. Filing an affidavit will not change your home into a private school. If a parent chooses to teach his or her child at home as a substitute for public school, and that parent does not hold a valid credential for the grade(s) taught, then the child is truant--regardless of whether an affidavit is filed.

11. If home schooling is not authorized in California, why does the California Department of Education continue to issue private school affidavits to parents who home school their children?

The Private School Affidavit is a public document and is available to anyone upon request. However, it is our policy to inform parents that home schooling is not an authorized exemption from compulsory public school attendance in California, and to explain their legal options.

12. How many home schoolers are there in my county? How many in California?

Under California law, home schooling is not an authorized alternative to public school. Therefore, the Department does not compile or maintain home school data.

13. I filed an affidavit listing three students. Why don't I have a CDS code? Why am I not listed in the California Private School Directory?

The CDS (county-district-school) code is a system devised as an administrative convenience for counting public and private schools. Private schools with six or more students that offer instruction in kindergarten or any of grades one through twelve are assigned a CDS code when they file the affidavit required by *Education Code* Section 33190.

However, neither the filing of the affidavit nor the assignment of a CDS number is evidence that the entity is a legitimate private school or that the entity has been evaluated or approved by the state or any governmental agency.

Private schools with five or fewer students are not given a CDS code, nor are they listed in the *California Private School Directory*. The Department is prohibited by the Budget Act from using funds to compile information on private schools with five or fewer students.

14. **I have been home schooling and would like to move my child to a private or public school. The schools in my area refuse to place my child in what I believe is the appropriate grade level and are not accepting the credits my child has earned through home schooling. Can the schools refuse to accept credits earned through home schooling?**

There is no law requiring that credits granted by parents who have been teaching their own children be accepted by public or private schools. Private schools, which are private businesses, establish their own policies regarding the evaluation and placement of new enrollees, and have the discretion to make this determination on the basis of assessments, such as end-of-course tests or other methods they deem suitable.

15. **I am transferring my child to a different private school, but the private school my child was attending will not release his records. What should I do?**

There is no state law governing the release of pupil records by one private school to another.

When a student moves from a private school to a public school, or from a public school to a private school, the law requires that the student's permanent record, or a copy, must be transferred by the former school when requested by the receiving school. (*Education Code* § 49068.)

A private school cannot refuse to transfer student records to a requesting school because of any charges, including tuition or fees, that are owed by the student or parent. (*Cal. Code Regs., tit. 5, § 438(c)*.) However, a private school may keep certain records from the parents, provided that the governing body of the school has established rules governing procedures for withholding those records, if monies are owed for property damage or a failure to return school property. (*Education Code* § 48904(b).)

16. **I am transferring my children from a private school to a public school. The public school will not give my child full credit for all their courses. Is the public school permitted to refuse credits issued by the private schools?**

The law does not require public schools to accept credits from private schools. Public school districts have the responsibility to evaluate the appropriate placement for a student. The district may make this determination on the basis of assessments, such as end-of-course tests, or

other methods they deem suitable.

17. I am planning to use a correspondence course to teach my child at home. The umbrella organization that provides the course also provides testing, assigns the grades, and issues the diploma. Is this an exception from the compulsory attendance law?

No. A correspondence course is not "private, full-time day school" within the meaning of the *Education Code*, and the private school exemption is not met. (*In re Shinn (1961) 195 Cal.App.2d 683, 693-694.*) If you use a correspondence course as a substitute for public school, your child is truant.

18. Other than public school classrooms, what choices are available for my child's education?

In California, there are three choices available to parents who wish to provide a setting other than a public school classroom for their child:

1. A tutor who holds a current California teaching credential for the grade level being taught. (*Education Code* § 48224.) The tutor must provide instruction:
 - In the English language
 - In all the branches of study required in the public schools
 - For at least 175 days per calendar year
 - For at least three hours a day between 8:00 a.m. and 4:00 p.m.

Because the tutor must provide instruction in all branches of study required in the public schools, the Multiple Subject Teaching Credential satisfies the credential requirement at all grade levels, but the Single Subject Teaching Credential is not sufficient at any grade level. The Multiple Subject Teaching Credential is valid kindergarten through grade twelve in self-contained classrooms, whereas the Single Subject credential authorizes teaching a special subject only, such as mathematics or English. Further credential information is available online from the [California Commission on Teacher Credentialing](#).

The credentialed tutor may be the parent or any person employed by the parent. A tutor is not required to file the Private School Affidavit.

2. A private full-time day school or boarding school (*Education Code* § 48222) where instruction is provided by persons capable of teaching, that maintains an attendance register indicating clearly every absence of the pupil from school for a half day or more during each day the school is maintained during the year, and that provides instruction in the English language and all the branches of study required in California public schools.
3. Independent study through a public school district or county office of education (*Education Code* §§ 51745 and following), where the student is enrolled in a school of the district and enters into a written agreement, prior to beginning independent study, that specifies the

curriculum and methods of study, the arrangements for meeting with the teacher and submitting assignments, and other information.

Independent study is an alternative to classroom instruction that is offered by many public school districts pursuant to *Education Code* sections 51745 and following. Independent study is not an exemption from public school attendance. Rather, it is an instructional strategy that allows students to carry on their public school education outside the classroom based on a written agreement. The agreement includes requirements consistent with the local school district's course of study. A certificated employee of the district is designated as the "supervising teacher," and this person makes the assignments, evaluates the student's work, and assigns grades.

A child with exceptional needs may participate in independent study only if his or her individualized education program, developed pursuant to *Education Code* sections 56340 and following, provides for that participation. (*Education Code* § 51745(c).)

If a student's school district does not offer independent study, we encourage parents to contact their county office of education regarding the availability of independent study through the county or other districts in their area. Contact your local school district or county office of education for more information.

19. Does the California Department of Education accredit private schools?

California law does not require public or private schools to be accredited, and the state does not accredit schools. Most public high schools are accredited, and many private schools are accredited by a variety of accrediting organizations. For example, the Western Association of Schools and Colleges (WASC) accredits public and private schools. See [WASC](#) or call (650) 696-1060. You may also inquire at the public school district or private school.

20. My child is attending a private school. I have a complaint against his school/teacher. Whom do I talk to if I am unable to reach a resolution with the private school administration?

The Department has no authority over private schools and does not investigate complaints against them. If the complaint concerns:

- Criminal issues: Contact your county child protective services or the local law enforcement authorities
- Health and safety issues: Call your local county health or fire departments
- Discrimination based on sex, race, color, religion, ancestry, national origin, disability or medical condition: Contact the Office of Civil Rights of the United States Department of Education
- Other complaints: Report your complaint to your local Better

Business Bureau or the California Department of Consumer Affairs,
800-952-5210

21. How can I obtain a copy of my school records, transcript, or diploma?

If you are looking for private college or vocational records, call the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education, at 916-445-3427.

The California Department of Education does not collect or store private school records, transcripts, or diplomas. However, if you are looking for records for private kindergarten through twelve grade schools, we may be able to tell you the name, address, and telephone number of the custodian of records stated on the affidavit last filed by your school. Write to the California Department of Education at 1430 N Street, Room 4309, Sacramento, CA 95814, and provide the following information:

- County in which the school was located
- Year the student graduated
- Name of the school

For certain schools that are part of a religious school system, such a Catholic or Seventh-day Adventist, the records may be maintained at the church headquarters.

Parents who are concerned about this issue should ask their children's school about its policy for storing records if the school closes.

22. What do I do if the phone numbers listed on the affidavit are disconnected?

The last affidavit filed by a closed private school is the most complete and current information held by the Department.

23. What if my private school did not file an affidavit?

If your school did not file an affidavit, the Department will have no record of its existence and cannot help you.

24. I am planning to open a private school. What do I need to do?

The Legal Office of the California Department of Education has prepared a Summary of California Laws Relating to the establishment and maintenance of private schools, kindergarten, elementary, and high school grades. A copy will be sent to you upon request. You may also check California laws relating to private schools. The compulsory education law and the exemptions from public school attendance are in the *Education Code* at sections 48200, 48220, 48222, 48224. The requirement for private elementary and high schools to file an annual affidavit is in *Education Code* Section 33190, and the prohibition on hiring persons who have been convicted of certain crimes is in *Education Code* Section 44237.

25. How do I get a list of private schools in my area? How do I get a list of private schools in California?

CDE Press publishes the *California Private School Directory* each year.

Visit [CDE Press](#) online or call 800-995-4099. This directory lists all private elementary and high schools registered with the Department with six or more students. A listing in this directory is not evidence that the entity is actually a private school, or that the entity has undergone any evaluation by the state or been approved in any way by any state or other government agency.

Information about each school includes:

- Contact information
- Enrollment
- Religious affiliation (if any)
- Gender restrictions (boys or girls)
- Boarding information
- Special education programs (if any)

26. How do I locate a good private school in my area?

The Department has no authority over private schools and neither collects any information on student performance nor evaluates private school instructional programs. You may visit [How to Evaluate Your Child's School](#) at CDE Press. Although the focus of this site is public schools, it can be a useful tool for evaluating private schools and may assist you when you visit private schools.

27. Can the Department provide a rating or ranking of private schools?

California law does not require private schools to administer standardized tests, and no single entity or group oversees the private schools in California. Therefore, the Department is unable to provide comparative data regarding private schools.

28. Could you send me verification that you received my school's affidavit?

The fact that a Private School Affidavit has been filed with the CDE is not evidence that the entity is actually a private school, or that the entity has been evaluated or approved by the State or any governmental agency. Therefore, the Department does not issue verifications that an affidavit has been received.

29. I am a teacher and am looking for a position in a private school in California. Where do I start?

The Department is not involved in the internal operations of private schools. You will need to contact the private schools directly. You may purchase a copy of the *California Private School Directory* online from the [CDE Press](#) or call 800-995-4099.

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Letter to Parent Regarding Home Schooling

(Issue on district letterhead.)

Date

Name

Address

City, State, ZIP

Dear Parent:

This letter explains alternatives to the comprehensive public school classroom and our approach to ensuring that youths attend educational programs that will prepare them for their future.

The California compulsory education law requires everyone between the ages of 6 and 18 to attend school, except 16- and 17-year-old teenagers who have graduated from high school or have passed the *California High School Proficiency Examination (CHSPE)*. However, one legal alternative to the comprehensive public school classroom is to enroll your child in an independent study program through the local public school system or a charter school. No teaching credential is required of parents who enroll children in an independent study program offered by a public school. Private tutors, whether they are parents or not, must hold a valid, appropriate credential for the grade level being taught and must provide instruction in all the branches of study required by the public schools at least three hours per day between 8:00 a.m. and 4:00 p.m. for 175 days per calendar year.

Another legal exemption from public education would be to enroll your child in a private full-time day school. The law requires private schools to file a Private School Affidavit, and the California Department of Education maintains a directory of private schools in the state.

If the local public school district or a charter school does not provide an alternative to classroom instruction, you may contact your county office of education to determine which suitable programs are offered in your area.

This district operates a School Attendance Review Board (SARB) composed of representatives from various youth-serving agencies that can meet with you and your child to collaboratively recommend alternative solutions or identify resources to resolve problems related to school attendance. As the supervisor of attendance for this area, I have the responsibility of ensuring that all compulsory school-age children are in attendance at a public school or are legally exempt. I also verify that the local private schools have complied with the provisions of the *Education Code* required by the annual filing of the Private School Affidavit. Please call me if you have further questions about the compulsory attendance laws.

Sincerely,

[Typed Name]
Supervisor of Attendance

Hi Dave,

Per our conversation, here's the information prepared by our Legal Office.

Under Education Code Section 33190, every private school must file an affidavit with the California Department of Education (CDE). The filing of such an affidavit with CDE does not constitute certification that the filer is actually operating a private school.

Under Education Code Section 48222, a child is exempt from compulsory public school attendance if he or she is "being instructed in a private full-time day school," and enrollment in the private school has been verified by the district attendance supervisor. Whether an individual child is enrolled in a legitimate private school, or is truant, is to be determined by local education agencies otherwise responsible for those children based on residence. The rules regarding enforcement of the truancy laws are found in Education Code sections 48260-48325.

If a parent providing instruction to his or her own child at home files a private school affidavit with CDE, it is still the responsibility of the local education agency to determine whether the pupil is entitled to the exemption created by Sec. 48222.

Sincerely,

Teresa Cantrell
Elementary Education Office
School Improvement Division
California Department of Education

Date: Thu, 22 Jul 2004 09:02:31 -0700
From: "David Kopperud" <DKopperu@cde.ca.gov>
To: <cjohnson@scoe.org>
Subject: Re: FW: Handout on Private Schooling Laws

Dear Colleagues:

The most recent letter regarding home schooling from CDE is a sample document from page 57 of the School Attendance Review Boards Handbook that may be sent to parents and issued on district letterhead.

The SARB Handbook is available at
<http://www.cde.ca.gov/ls/ai/sb/documents/sarb02.pdf>

Exemptions from compulsory public school attendance by attendance in private schools are verified by the attendance supervisor of the district or other person designated by the board of education (Education Code Section 48222). The State SARB has recommended that the attendance supervisor or other person use the SARB panel in determining if there is a violation of compulsory education law in persistent cases. Since a claim of home schooling can greatly complicate the "full and impartial investigation" required by Education Code Section 48290, the State SARB recommends that the local SARB be used to combine its expertise to resolve these complex problems. The State SARB has also recommended that individual solutions should incorporate the strengths of the family and build on areas in which the family has assets."(page 4) This approach is based more on the needs of the child than on clarification of the law.

The letter recommended by State SARB presents the SARB meeting as supportive, not punitive or judgmental. SARB's challenge is to make a full and impartial investigation and involve families and youth in selecting services and resources and in developing solutions to school attendance problems. The letter emphasizes collaborative problem solving with the family and student. Legal actions are reserved only "in the event that any such parent, guardian, or other person continually and willfully fails to respond to directives of the school attendance review board or services provided." (Education Code Section 48291)

Using local SARBs to determine individual cases may make more sense than CDE issuing a general statement that applies to all cases, since each parent and child's situation and response to the panel is in some way unique.

David Kopperud
Education Programs Consultant
California Department of Education




DELAINÉ EASTIN
State Superintendent of Public Instruction

DEPARTMENT
OF
EDUCATION
721 Capitol Mall
P O Box 944272
Sacramento, CA
94244-2720

July 16, 2002

To: District and County Superintendents
Private School Coordinators
School Attendance Review Board Members
District and County Pupil Services Administrators

From: Joanne Mendoza, Deputy Superintendent 
Curriculum and Instructional Leadership Branch

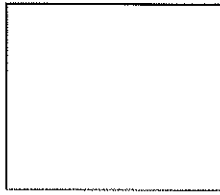
Private School Affidavits Online Process

The *California Education Code Section 33190* requires private schools to file a Private School Affidavit (PSA) with the State Superintendent of Public Instruction between October 1st and 15th of each year. Beginning with the fall 2002, the California Department of Education (CDE) will be using an online process for filing PSAs. We appreciate the continued assistance and support provided by the County Offices of Education (COEs). While the COEs will be relieved of the burden to distribute hard copies of the affidavits, CDE requests your assistance and support during the transition to the new process.

In August CDE will send a letter to schools with six or more students who filed PSAs for fall 2001 informing them of the online process and issuing passwords. The passwords will allow the private school officials to access and complete their own "preprinted" online affidavits.

The process for the online affidavit is straightforward. The filing period is between October 1st and 15th of each year. The schools complete and submit the forms directly online to CDE. A signed certification of the affidavit is required; therefore, a completed affidavit must also be printed, signed and returned to CDE. Requests for copies of the affidavits by the child welfare and attendance offices or others should be directed to CDE.

When the affidavits are submitted online, the data will automatically populate our database. This database will be made available as read only to all county offices and school districts during the affidavit period and will be updated periodically.



Home Schooling

[Resources](#) > [Private Schools](#) > Home Schooling

Note: The legal office of the California Department of Education prepared this information about the law governing home schooling in California.

As generally understood, the term *home schooling* describes a situation in which non-credentialed parents (that is, parents who lack a valid California teaching certificate) teach their own children, exclusively, at home, often using a correspondence course or other types of courses. Defined in this way, home schooling is not authorized in California, and children receiving home schooling of this kind are in violation of the state's truancy laws. Parents are certainly free to supplement their children's public school education with home schooling if they so desire; however, home schooling may not legally be used as a substitute for public school education.

Local school districts are responsible for ensuring that all children of compulsory school age in the district are either: (1) in attendance at a public school or (2) legally exempt from public school attendance requirements. Three legal choices are available in California to parents who wish to place their school-age children in a setting other than a public school classroom:

1. One choice is private tutoring, which is a legal exemption from the compulsory public school attendance law. (*Education Code* §§ 48200, 48220, and 48224.) The tutor (who may be any person, including a parent) must have a valid California teaching credential for the grade level(s) being taught, and must provide instruction in all the branches of study required in the public schools. The tutor must provide instruction for at least three hours per day, during the period between 8:00 a.m. and 4:00 p.m., for at least 175 days per calendar year, in the English language. A tutor is not required to file a affidavit, as private schools are. Unless a parent holds a teaching credential for the grade level(s) taught, his or her instruction does not qualify under the legal exemption for private tutors.
2. Another choice, which is also a legal exemption from compulsory attendance in the public school system, is to enroll students in a private full-time day school. (*Education Code* §§ 48220, 48222.) Private schools, too, must instruct pupils in all the branches of study required in the public schools. The law does not require that private school instructors hold teaching credentials, but they must be "capable of teaching." According to the California Attorney General, this means that teachers in private schools

should meet standards like those required for public school teachers in similar positions, except for the credential requirement. (See 3 Ops.Cal.Atty.Gen. 193.) Furthermore, the courts have rejected any suggestion that parents may call their own home-instruction program a "private school" in order to avoid the requirement of a teaching credential. (*People v. Turner* (1953) 121 Cal. App.2d Supp. 861, appeal dismissed 347 U.S. 972; reaffirmed in *In re Shinn* (1961) 195 Cal.App.2d 683.) Courts have also ruled that a parent's use of correspondence courses does not convert a home-schooling situation into a "private full-time day school" within the meaning of the *Education Code*. (*In re Shinn, supra*, at 693-694.)

The law requires each private school to file an annual Private School Affidavit disclosing certain information with the State Superintendent of Public Instruction. (*Education Code* § 33190.) That information is used for statistical purposes, and for publishing a directory of private K-12 schools (kindergarten through twelfth grade) in the state. However, the affidavit is not a license to operate a private school. The *Education Code* expressly states that the mere filing of a Private School Affidavit does not signify state review or approval of the "school" or its courses. (*Education Code* §§ 33190, 48222.) Therefore, the simple act of filing an affidavit does not, and cannot, transform a home-schooling parent into a legitimate private school.

3. As a third choice, parents might consider independent study, arranged through their local public school district. (See *Education Code* § 51745 and following.) Independent study is not an "exemption" from public school; rather, it is an alternative to classroom instruction, conducted under the administration of public schools. Independent study allows students to carry on their education outside the classroom based on written agreements with local public school districts. The agreements include requirements consistent with the local school district's course of study, and provide for general supervision of each pupil's independent study by a credentialed employee of the school district in which the child is enrolled. A child with exceptional needs may participate in independent study only if his or her individualized education program (IEP), developed pursuant to *Education Code* sections 56340 and following, provides for that participation. (*Education Code* § 51745(c).) If a particular district does not offer independent study, we encourage you to contact your county office of education to explore the availability of independent study through the county or through other districts in their area.

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