

California Department of Education PRIVATE SCHOOL AFFIDAVIT PAPER FORM 2011-12

(Covers the period October 1, 2011 through September 30, 2012)

An asterisk (*) denotes a required field.

NOTICE

Only full-time private schools should complete this form. A full-time private school:

- Enrolls students who are not enrolled full-time in another public or private elementary or secondary school in any of grades kindergarten through 12;
- Provides instruction in the several branches of study required to be taught in the public schools of the state* to students not enrolled on a full-time basis at another private or public elementary or secondary school.

* See California *Education Code* (EC) sections 48222, 51210, and 51220

DO **NOT** FILE A PRIVATE SCHOOL AFFIDAVIT if this private organization:

- Provides only supplemental or tutorial instruction to students enrolled in other full-time schools;
- Provides instruction **ONLY** in a single subject area, such as foreign language or driver education/training;
- Provides instruction **ONLY** to students younger than four years, nine months;
- Does not yet have students enrolled; and/or
- Offers a high school diploma but does not provide instruction in the several branches of study outlined in EC 51220.
- From [Education Code Section 48222](#): This is "... a private full-time...school...[that]...offer[s] instruction in the several branches of study required to be taught in public schools of the state,...[that offers this] instruction...in English [, and that keeps]...attendance [records]..." *

SCHOOL INFORMATION

1.*Name of School:

2 Enter your CDE-assigned 14 digit CDS Code, if one was previously assigned (only for schools with 6 or more students):

3.*County in which school is located:

4.*Public school district in which school is located:

5.*Street Address (P. O. Box is not acceptable):

6.*City:

*State _____ *Zip _____

7.*School telephone number:

8. School e-mail address:

9. Optional e-mail address:

10. Mailing address, (if different from street address):

11. City:

State _____ Zip _____

12.*Type of School (Check all that apply):

- _____ Coeducational
 _____ Boys Only
 _____ Girls Only

13.*School Accommodations (Check all that apply):

- _____ Residential Boarding Only
 _____ Day Only
 _____ Both

14. Do you offer special education instruction or services:
(Check one): _____ No _____ Yes

15.*Range of grades offered?
Lowest _____ Highest _____

16.*Is a High School Diploma offered? _____ Yes _____ No

17. Classification of School:

_____ Non-Religious (Check if non-religious)
 _____ Religious (Check if religious, then write in
 denomination code from chart below here: _____)

CODE	DENOMINATION	CODE	DENOMINATION
AG	Assemblies of God	INTD	Interdenominational
APOS	Apostolic	ISLM	Al-Islam
BAPT	Baptist	JWSH	Jewish
BR	Church of the Brethren	LUTH	Lutheran
CAL	Calvary Chapel	MENN	Mennonite
CATH	Roman Catholic	METH	Methodist
CC	Church of Christ	NAZ	Church of the Nazarene
CHIS	Charismatic	PENT	Pentecostal
EPIS	Episcopal	PRES	Presbyterian
EVAN	Evangelical	REF	Reformed
FRI	Society of Friends	SDA	Seventh-day Adventist
FSG	Church of the Four Square Gospel	OTHER	Other

PRIOR YEAR SCHOOL INFORMATION

18. Has this school ever filed an Affidavit under a different name?

_____ Yes _____ No

19. Enter former name of school (if you answered "yes" to Question 18):

20. Has this school changed public school districts?

_____ Yes _____ No

21. Enter former public school district (if you answered "yes" to Question 20): _____

STATISTICAL INFORMATION

22. *Range of Students Ages (Youngest may be no younger than 4 years, nine months old):

Youngest _____ years and _____ months
 Oldest _____

23. *Enrollment on a single date: October 1 – 15, 2011
 (or the date you prepare this form):

Kindergarten _____
 Grade 1 _____
 Grade 2 _____
 Grade 3 _____
 Grade 4 _____
 Grade 5 _____
 Grade 6 _____
 Grade 7 _____
 Grade 8 _____
 Grade 9 _____
 Grade 10 _____
 Grade 11 _____
 Grade 12 _____
 Ungraded Elementary _____
 Ungraded Secondary _____

Total Enrollment _____

24. *Number of 2010-11 Twelfth Grade Graduates, (if any): _____

25. *Number of School Staff:
 Full-time teachers _____
 Part-time teachers _____
 Administrators _____
 Other Staff (aides, therapists, secretaries, etc.) _____

ADMINISTRATIVE STAFF

26. *Name of Site Administrator: _____

27. *Site Administrator's Title: _____

28. Name of Director or Principal Officer:
 (Required, but may be the same person as in Question 26):

29. *Director or Principal Officer's Title or Position
 (example: President, Board Chairperson, etc.):

30. *Director or Principal Officer's Street Address (no P. O. Boxes):

31. * Director or Principal Officer's City:
 _____ *State _____ *Zip _____

32. Director or Principal Officer's E-mail Address:

SCHOOL RECORDS

The person named as Custodian of Records below maintains 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*. Such records are true and accurate and are accessible at the place or through the person listed here.

33. *Name of the Individual who is Custodian of Records

34. *Custodian of Records Street Address:

35. *Custodian of Records City:
 _____ *State _____ *Zip _____

36. Custodian of Records E-mail Address:

TAX STATUS OF SCHOOL

School has been granted (Check all that apply)

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

38. ___ Tax-exempt, NONPROFIT status under Section 23701d of the California Revenue and Taxation Code

39. ___ Property tax exemption under Section 214 of the California Revenue and Taxation Code

40. ___ None of the Above (Do Not have NONPROFIT Status)

COUNT OF IMMIGRANT STUDENTS AND LIMITED ENGLISH PROFICIENT (LEP) IMMIGRANT STUDENTS

QUESTIONS 41 AND 42 ARE ONLY FOR SCHOOLS WITH SIX OR MORE STUDENTS:

Please contact Michele Anberg-Espinosa at 916-323-4872 with questions about counting immigrant students and LEP immigrant students. . _____

41. How many immigrant students in grades K through 12 are enrolled in your schools? * _____

"Immigrant student" is defined as an individual who (a) is age 3 through 21, (b) was not born in any State, and (c) has not been attending one or more schools in any one or more States for more than 3 full academic years. "State" means the 50 states, the District of Columbia, and Puerto Rico. Therefore, children born to U.S. citizens abroad (e.g., children born on a military base overseas) are considered immigrants if they meet the criteria in the definition of immigrant.

42. How many of the immigrant students reported in Question 41 are not English learners/LEP? *

A LEP student (also known as an English Learner in California) is a student aged 3 through 21, enrolled or preparing to enroll in an elementary school or a secondary school, with difficulties with the English language which may prevent the student from meeting proficiency level of achievement on state assessments; or from achieving in English language classrooms; or deny the student the opportunity to participate fully in society. Additionally, the student is either not born in the United States or has a primary language other than English; Native American or Alaska Native, or a native resident of the outlying areas and whose exposure to languages other than English impacts proficiency in English; or is migratory, and whose first language and linguistic surroundings are other than English.

STATUTORY ACKNOWLEDGEMENTS AND NOTICES

(Checking each box is required. Checking a box indicates your school's compliance with statute and your understanding of the statement):

43. All Private School Affidavits are public documents viewable by the public.

44. The Private School Affidavit is for 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 6 and 18 years of age.

45. Preschools should contact the Community Care Licensing Division (CCLD) of the California Department of Social Services. The CCLD's Web page has information regarding their current licensing and application process or call (916) 229-4530 or contact a regional office.

46. The Affidavit is not a license or authorization to operate a private school.

47. The Private School Affidavit does not indicate approval, recognition, or endorsement by the state. 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 (see Education Code Section 33190)

48. 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.

49. When school ceases operation, every effort should be made to give a copy of each pupil's permanent records to his or her parents or guardians. If records cannot be given to the parents or guardians, 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.

50. Retain a copy of this document for a period of three years.

51. Filing a Private School Affidavit is not equivalent to obtaining accreditation. A Private School Affidavit does not signify that any agency has made any evaluation, recognition, approval, or endorsement of the school or courses offered by the school.

52. A private school shall not employ a person who has been convicted of a violent or serious felony or a person who would be prohibited from employment by a public school district pursuant to EC Section 44237. This school is in compliance with EC Section 44237 to the extent that it applies.

53. The students enrolled in this private school and included in the school's enrollment total are full-time students in this school and are not enrolled in any other public or private elementary or secondary school on a full-time basis.

SIGNATURE

By submitting this form and the signature hereto, I declare under penalty of perjury and the laws of the State of California that I am the owner or other head of the school, and the information contained herein is true, accurate, and complete and this school is in compliance with EC Section 44237 to the extent that it applies.

Signature of Owner or Head of School:

X _____ Date _____

Title Telephone Number

E-Mail Address (optional) () _____

Mail Original Document to:

California Department of Education
Title II Leadership Office, Room 4309
Private School Affidavit
1430 N Street
Sacramento, CA 95814

SELECTED SECTIONS OF THE CALIFORNIA EDUCATION CODE PERTAINING TO PRIVATE SCHOOL

Affidavit by Agency Conducting Private School Instruction at Elementary or High School Level; List of Schools

33190. Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall between the first and 15th day of October of each year, commencing on October 1, 1967, file with the Superintendent of Public Instruction an affidavit or statement, under penalty of perjury, by the owner or other head setting forth the following information for the current year.

- (a) All names, whether real or fictitious, of the person, firm, association, partnership, or corporation under which it has done and is doing business.
- (b) The address, including city and street, of every place of doing business of the person, firm, association, partnership, or corporation within the State of California.
- (c) The address, including city and street, of the location of the records of the person, firm, association, partnership, or corporation, and the name and address, including city and street, of the custodian of such records.
- (d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership, or corporation.
- (e) The school enrollment, by grades, number of teachers, coeducational or enrollment limited to boys or girls and boarding facilities.
- (f) That the following records are maintained at the address stated, and are true and accurate:
 - (1) The records required to be kept by section 48222.
 - (2) The courses of study offered by the institution.
 - (3) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each.
- (g) Criminal record summary information has been obtained pursuant to section 44237.

Whenever two or more private schools are under the effective control or supervision of a single administrative unit, such administrative unit may comply with the provisions of this section on behalf of each of the schools under its control or supervision by submitting one report.

Affidavit; Criminal Record Summary; Requirements

33191(a) Commencing October 1, 1985, the affidavit or statement filed with the Superintendent of Public Instruction pursuant to section 33190 shall, under penalty of perjury, include a statement manifesting compliance with the provisions of section 44237.

(b) In the case of any private school where the instructor also serves as the administrator of the school, the affidavit or statement shall be made available upon request to the parents or guardians of all pupils currently enrolled in the school and to any parent or guardian considering whether to enroll his or her child in the school.

Criminal Record Summary; Prohibitions on Employment; Notification; Violent or Serious Felonies; Exceptions (selected subdivisions)

44237(a) Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall require each applicant for employment in a position requiring contact with minor pupils who does not possess a valid credential issued by the Commission on Teacher Credentialing or is not currently licensed by another state agency that requires a criminal record summary that directly relates to services provided in a facility described in this section and has background clearance criteria that meets or exceeds the requirements of this section, to submit two sets of fingerprints prepared for submittal by the employer to the Department of Justice for the purpose of obtaining criminal record summary information from the Department of Justice and the Federal Bureau of Investigation.

(b)(1) As used in this section, "employer" means every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level

(2) As use in this section, "employment" means the act of engaging the services of a person, who will have contact with pupils, to work in a position at a private school at the elementary or high school level on or after

September 30, 1997, on a regular, paid full-time basis, regular, paid part-time basis or paid full- or part-time seasonal basis.

(3) As used in this section, "applicant" means any person who is seriously being considered for employment by an employer.

(4) This section does not apply to a secondary school pupil working at the school he or she attends or a parent or legal guardian working exclusively with his or her children.

(c)(1) Upon receiving the identification cards, the Department of Justice shall ascertain whether the applicant has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the department and forward the information to the employer submitting the fingerprints no more than 15 working days after receiving the identification cards. The Department of Justice shall not forward information regarding criminal proceedings that did not result in a conviction but shall forward information on arrests pending adjudication.

(d) An employer shall not employ a person until the Department of Justice completes its check of the state criminal history file as set forth in this section.

(e)(1) A person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall not employ a person who has been convicted of a violent or serious felony or a person who would be prohibited from employment by a public school district pursuant to any provision of this code because of his or her conviction for any crime.

(2) A person who would be prohibited from employment by a private school pursuant to paragraph (1) may not, on or after July 1, 1999, own or operate a private school offering instruction on the elementary or high school level.

(f) An employer shall request subsequent arrest service from the Department of Justice as provided under section 11105.2 of the Penal Code.

(g) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.

(h) For purposes of this section, a violent felony is any felony listed in subdivision (c) of section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of section 1192.7 of the Penal Code.

(i) Notwithstanding subdivision (e), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with section 4852.01) of Title 6 of Part 3 of the Penal Code.

(j) Notwithstanding subdivision (e), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a serious felony that is not also a violent felony if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he or she has been rehabilitated for the purposes of school employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the county in which he or she is a resident.

Attendance in Private School

48222. Children who are being instructed in a private full-time day school by persons capable of teaching shall be exempted. Such school shall, except under the circumstances described in Section 30, be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state. The attendance of the pupils shall be kept by private school authorities in a register, and the record of attendance shall indicate clearly every absence of the pupil from school for a half day or more during each day that school is maintained during the year.

Exemptions under this section shall be valid only after verification by the attendance supervisor of the district, or other person designated by the board of education, that the private school has complied with the provisions of section 33190 requiring the annual filing by the owner or other head of a private school of an affidavit or statement of prescribed information with the Superintendent of Public Instruction. The verification required by this section shall not be construed as an evaluation, recognition, approval, or endorsement of any private school or course

Full statutes available at www.leginfo.ca.gov .