

EDUCATION CODE

SECTION 33195-33195.6

33195. (a) Every person, firm, association, partnership, or corporation operating a heritage school as defined in Section 33195.4 shall, between the 1st and 31st day of January of each year, commencing on January 1, 2011, file with the Superintendent an electronic registration form, under penalty of perjury, by the owner or other head setting forth the following information for the current year:

(1) All names, whether real or fictitious, of the person, firm, association, partnership, or corporation under which it has done and is doing business.

(2) 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.

(3) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership, or corporation.

(4) The school enrollment, by grade span, number of teachers, and coeducational or enrollment limited to boys or girls.

(5) That the following records are maintained at the address stated, and are true and accurate:

(A) The courses of study offered by the institution.

(B) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each faculty member.

(6) Criminal record summary information that has been obtained pursuant to Section 44237.

(7) The heritage school telephone number.

(b) Whenever two or more heritage schools are under the effective control or supervision of a single administrative unit, the 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.

(c) Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any school to expressly or impliedly represent, that the State of California, the Superintendent, the state board, the department, 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.

(d) Filing pursuant to this section does not grant a heritage school any right to receive state funding.

33195.1. (a) Commencing January 1, 2011, the electronic registration form filed with the Superintendent pursuant to Section 33195 shall, under penalty of perjury, include a statement manifesting compliance with the following paragraph:

(1) A person, firm, association, partnership, or corporation offering or conducting heritage school instruction shall not employ 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.

(b) In the case of any heritage school where an instructor also serves as the administrator of the school, the electronic registration form 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.

33195.2. (a) Except as provided in subdivisions (b) and (c), if the employees of any entity that has a contract with a heritage school to provide any of the following services may have any contact with pupils, those employees shall submit or have submitted their fingerprints in a manner authorized by the Department of Justice together with a fee determined by the Department of Justice to be sufficient to reimburse the department for its costs incurred in processing the application:

- (1) School and classroom janitorial.
- (2) Schoolsite administrative.
- (3) Schoolsite grounds and landscape maintenance.
- (4) Pupil transportation.
- (5) Schoolsite food-related services.

(b) This section shall not apply to an entity providing any of the services listed in subdivision (a) to a heritage school in an emergency or exceptional situation, such as when a pupil's health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

(c) This section shall not apply to an entity providing any of the services listed in subdivision (a) to a heritage school when the heritage school determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee has limited contact with pupils, the heritage school shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If a heritage school has made this determination, the heritage school shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees.

(d) A heritage school may determine, on a case-by-case basis, to require an entity providing schoolsite services other than those listed in subdivision (a) or those described in Section 33195.3 and the entity's employees to comply with the requirements of this section, unless the heritage school determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee will have limited contact with pupils, the heritage school shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If a heritage school makes this determination, the heritage school shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees. If a heritage school requires an entity providing services other than those listed in subdivision (a) and its employees to comply with the requirements of this section, the Department of Justice shall comply with subdivision (e).

(e) (1) The heritage school contractor shall submit to the Department of Justice fingerprint images and related information

required by the Department of Justice of all employees of entities, as identified in subdivisions (a) and (d), that contract with a heritage school, as defined in Section 33195.4, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of state and federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(2) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this subdivision. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a fitness determination to the heritage school contractor.

(3) The Department of Justice shall provide a state response to the heritage school contractor pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(4) The heritage school contractor shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for employees described in paragraph (1).

(5) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in the subdivision.

(f) An entity having a contract as specified in subdivision (a) and an entity required to comply with this section pursuant to subdivision (d) shall not permit an employee to come in contact with pupils until the Department of Justice has ascertained that the employee has not been convicted of a felony as defined in Section 45122.1.

(1) This prohibition does not apply to an employee solely on the basis that the employee has been convicted of a felony if the employee 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.

(2) This prohibition does not apply to an employee solely on the basis that the employee has been convicted of a serious felony that is not also a violent felony if that employee 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 schoolsite 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 having jurisdiction where he or she is resident.

(g) An entity having a contract as specified in subdivision (a) and an entity required to comply with this section pursuant to subdivision (d) shall certify in writing to the heritage school that neither the employer nor any of its employees who are required by this section to submit or have their fingerprints submitted to the Department of Justice and who may come in contact with pupils have been convicted of a felony as defined in Section 45122.1.

(h) An entity having a contract as specified in subdivision (a) on the effective date of the act adding this section and an entity required to comply with this section pursuant to subdivision (d) by a heritage school with which it has a contract on the effective date of the act adding this section shall complete the requirements of this section within 90 days of that date.

(i) Where reasonable access to the statewide electronic fingerprinting network is available, the Department of Justice may

request electronic submission of the fingerprint cards and other information required by this section.

33195.3. (a) A heritage school contracting with an entity for the construction, reconstruction, rehabilitation, or repair of a school facility where the employees of the entity will have contact, other than limited contact, with pupils shall ensure the safety of the pupils by one or more of the following methods:

(1) The installation of a physical barrier at the worksite to limit contact with pupils.

(2) Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice has ascertained has not been convicted of a violent or serious felony. For purposes of this paragraph, an employee of the entity may submit his or her fingerprints to the Department of Justice pursuant to subdivision (a) of Section 33195.2 and the Department of Justice shall comply with subdivision (d) of Section 33195.2.

(3) Surveillance of employees of the entity by school personnel.

(b) An entity that contracts with a heritage school for the construction, reconstruction, rehabilitation, or repair of a school facility is not required to comply with the requirements of Section 33195.2 if one or more of the methods described in subdivision (a) is utilized.

(c) (1) This section shall not apply to an entity providing construction, reconstruction, rehabilitation, or repair services to a school facility in an emergency or exceptional situation, such as when a pupil's health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

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

33195.4. For purposes of this article, "heritage school" means a school that serves children who are at least 4 years and 9 months of age and no older than 18 years of age, who attend a public or private full-time day school, that does all of the following:

(a) Specifies regular hours of operation.

(b) Offers education or academic tutoring, or both, in a foreign language.

(c) Offers education on the culture, traditions, or history of a country other than the United States.

(d) Offers culturally enriching activities, including, but not limited to, art, dancing, games, or singing, based on the culture or customs of a country other than the United States.

(e) Maintains membership in a state or national cultural or language association.

(f) Complies with relevant local government regulations, where applicable.

(g) Does not operate out of a residential home.

(h) Complies with the requirements of Section 33195 and maintains in its possession a copy of the registration form electronically filed with the Superintendent. The heritage school shall make this form available upon request, including to the State Department of Social Services, to verify exemption from child care licensure.

33195.5. (a) The Heritage Enrichment Resource Fund is hereby established in the State Treasury. Moneys deposited in the fund may be expended by the Superintendent upon appropriation by statute, for the purposes of this article.

(b) The electronic registration form to be filed pursuant to this article shall be filed together with a fee determined by the Superintendent to be sufficient to cover, but not exceed, the costs of the department in implementing this article. The fees shall be deposited into the Heritage Enrichment Resource Fund. The fee shall be received by the Superintendent no later than January 31 of each year in which the registration form is filed.

33195.6. (a) A director of a heritage school shall undergo at least 15 hours of health and safety training. The training shall include all of the following components:

(1) Pediatric first aid.

(2) Pediatric cardiopulmonary resuscitation (CPR).

(3) A preventive health practices course or courses that include instruction in the recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries.

(4) Training in pediatric first aid and CPR pursuant to paragraphs (1) and (2) shall be provided by a program approved by the American Red Cross, the American Heart Association, or the Emergency Medical Services Authority pursuant to Section 1797.191 of the Health and Safety Code.

(5) Training in preventive health practices pursuant to paragraph (3) shall be provided by a training program approved by the Emergency Medical Services Authority.

(6) In addition to the training programs specified in paragraphs (4) and (5), training programs or courses in pediatric first aid, pediatric CPR, and preventive health practices offered or approved by an accredited postsecondary educational institution are considered to be approved sources of training that may be used to satisfy the training requirements of paragraphs (1) to (3), inclusive.

(7) Persons who, prior to the effective date of this section, have completed a course or courses in preventive health practices as described in paragraph (3), and have a certificate of completion of a course or courses in preventive health practices, or certified copies of transcripts that identify the number of hours and the specific course or courses taken for training in preventive health practices, shall be deemed to have met the training requirement for preventive health practices pursuant to paragraph (3).

(b) All employees and volunteers of a heritage school shall be in good health, as verified by a health screening, including a test for tuberculosis, performed by, or under the supervision of, a licensed physician and surgeon.

(c) Pupils attending heritage schools shall have access to working sinks, toilets, and drinking water.

(d) No pupil attending a heritage school shall have access to medication or cleaning supplies, except as otherwise provided by law.

(e) A heritage school, as defined in Section 33195.4, shall not be subject to licensure by the State Department of Social Services as a child day care center pursuant to Chapter 3.4 (commencing with Section 1596.70) or Chapter 3.5 (commencing with Section 1596.90) of

Division 2 of the Health and Safety Code.

(f) Upon a pupil's enrollment in a heritage school, the heritage school shall provide a notice to the pupil's parent or guardian stating that the heritage school is exempt from child care licensure, and that attendance at a heritage school does not satisfy California's compulsory education requirements pursuant to Section 48200.

Frequently Asked Questions Heritage Schools

Frequently asked questions pertaining to heritage schools.

1. What is a heritage school?

California [Education Code \(EC\) Section 33195.4](#) (Outside Source) defines "heritage school" as a school that serves children who are at least four (4) years and nine (9) months of age and no older than 18 years of age, and who also attend a public or private full-time day school. Also included in the definition is the requirement that heritage schools do all of the following:

- Specify regular hours of operation.
- Offer education or academic tutoring, or both, in a foreign language.
- Offer education on the culture, traditions, or history of a country other than the United States.
- Offer culturally enriching activities, including, but not limited to, art, dancing, games, or singing, based on the culture or customs of a country other than the United States.
- Maintain membership in a state or national cultural, or language association.
- Comply with relevant local government regulations, where applicable.
- Do not operate out of a residential home.
- Comply with the requirements of [EC Section 33195](#) (Outside Source) and maintain in its possession a copy of the registration form electronically filed with the Superintendent. The heritage school shall make this form available upon request, including to the State Department of Social Services, to verify exemption from child care licensure.

Note: A heritage school, as defined above, is exempt from licensure by the State Department of Social Services as a child day care center. Attendance at a heritage school does not satisfy California compulsory education requirements pursuant to [EC Section 48200](#) (Outside Source).

2. Where can I find all of the requirements pertaining to heritage schools?

California [EC Section 33195](#) (chaptered on September 24, 2010) establishes and defines in statute heritage schools. It includes requirements pertaining to filing the Heritage School Registration (HSR) Form annually; cultural activities offered; health and safety; membership in a state or national cultural, or language association; parent notification; employment and contracting practices; payment of a registration filing fee; and other operational issues.

3. Have the heritage schools that appear in the California Department of Education (CDE) Heritage School Registration Form Search Page been licensed, evaluated, or approved by the CDE?

[Heritage School Registration Form Search Page](#)

No. Consistent with [EC Section 33195\(c\)](#) (Outside Source), neither the Superintendent of Public Instruction nor the CDE evaluate, approve, recognize, accredit, nor endorse any heritage school.

Note: The CDE has no regulatory authority over heritage schools and does not monitor heritage school operations, instruction, or data submitted. The CDE's only role with respect to heritage schools is to maintain the HSR Form and process defined by [EC Section 33195](#).

4. How can I locate a heritage school in my area?

The [Heritage School Registration Form Search Page](#) contains registration forms submitted by heritage schools that have completed the annual Heritage School Registration filing process. The search feature allows users to search heritage schools by city, county, or name of the heritage school.

5. May heritage school coursework be given credit by public schools or colleges?

Local school districts, colleges, and universities make their own determinations regarding granting school credit for outside activities. Contact the school, college, or university directly for a determination regarding course credit.

6. Are heritage schools that have filed the Heritage School Registration Form entitled to state funding?

No. [EC Section 33195\(d\)](#) (Outside Source) specifies that filing the HSR Form does not grant a heritage school any right to receive state funding.

7. Who determines that the building where a heritage school operates is safe and properly equipped?

A heritage school building, like any other privately owned building, must comply with the requirements imposed by the county, city, and other agencies within whose jurisdiction the building is located. Such requirements include zoning, health and safety codes, fire codes, and other local ordinances.

8. Are there health and safety requirements for heritage schools?

Yes. EC Section 33195(d) (Outside Source) identifies specific health and safety requirements for all heritage schools, as follows:

a) A director of a heritage school shall undergo at least 15 hours of health and safety training, which must include all of the following components:

1) Pediatric first aid

2) Pediatric cardiopulmonary resuscitation (CPR)

3) A preventive health practices course or courses that include instruction in the recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries.

4) Training in pediatric first aid and CPR, pursuant to (1) and (2), shall be provided by a program approved by the American Red Cross, the American Heart Association, or the Emergency Medical Services Authority pursuant to California Health and Safety Code Section 1797.191 (Outside Source).

5) Training in preventive health practices, pursuant to (3) above, shall be provided by a training program approved by the Emergency Medical Services Authority.

6) In addition to the training programs specified in (4) and (5) above, training program or courses in pediatric first aid, pediatric CPR, and preventive health practices offered or approved by an accredited postsecondary educational institution are considered to be approved sources of training that may be used to satisfy the training requirements of paragraphs (1) to (3), inclusive.

7) Persons who, prior to the effective date of this section, have completed a course or courses in preventive health practices as described in paragraph (3), and have a certificate of completion of a course or courses in preventive health practices, or certified copies of transcripts that identify the number of hours and the specific course or courses taken for training in preventive health practices, shall be deemed to have met the training requirement for preventive health practices pursuant to paragraph (3).

b) All employees and volunteers of a heritage school shall be in good health, as verified by a health screening, including a test for tuberculosis, performed by, or under the supervision of, a licensed physician and surgeon.

c) Pupils attending heritage schools shall have access to working sinks, toilets, and drinking water.

d) No pupil attending a heritage school shall have access to medication or cleaning supplies, except as otherwise provided by law.

9. Are heritage schools licensed?

No. Consistent with EC Section 33195.6(e) and (f) (Outside Source), heritage schools (as defined in EC Section 33195.4) are not subject to licensure by the State Department of Social Services as child day care centers. Upon a pupil's enrollment in a heritage school, the heritage school must provide a notice to the pupil's parent or guardian that states that the heritage school is exempt from child care licensure, and that attendance at a heritage school does not satisfy California's compulsory education requirements defined in EC Section 48200 (Outside Source).

However, child care facilities that enroll students younger than four (4) years and nine (9) months must be licensed through the Community Care Licensing Division of the California Department of Social Services (Outside Source).

10. Is there a fee associated with filing the Heritage School Registration Form?

Yes. Consistent with EC Section 33195.5(b) (Outside Source), the California Department of Education (CDE) may charge a fee that is sufficient to cover, but not exceed, the costs incurred by the CDE to implement the registration process. The 2012 fee is \$250 per heritage school, and it is payable by money order, cashier's check, or credit card. Step 9 of the Instructions for Filing the Heritage School Registration Form details the payment process.

11. Can a registered Heritage School make changes to the submitted information?

A Heritage School which has registered with the California Department of Education can only make changes to the following

submitted information:

- The physical address of the Heritage School
- The name of the director of the Heritage School

In order to change the physical address of the Heritage School, the director, owner, or board of trustees, named on the registration form needs to submit the change by email to heritageschools@cde.ca.gov .

In order to change the name of the director of the Heritage School, please mail the change of information on letter head, signed by the board of directors or the owner of the Heritage School, to:

Heritage School Office
California Department of Education
1430 N Street, Suite 4309
Sacramento, CA 95814

All other changes need to be made at the time of the next Heritage School Registration period, which is January 1 – 31st each year.

Questions: Heritage Schools | heritageschools@cde.ca.gov | 916-445-7331

California Department of Education
1430 N Street
Sacramento, CA 95814

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