

Report

Current Regulation of Private Schools

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California currently has stringent curriculum requirements for private schools. For grade 1 - 6, a private school must teach English, Mathematics, Social sciences, Science, Visual and performing arts, Health, and Physical education. (Cal. Educ. Code, sections 51210, 48222.) For grades 7 - 12, a private school must teach English, Social sciences, Foreign language or languages, Physical education, Science, Mathematics, Visual and performing arts, Applied arts, Vocational-technical education, and Automobile driver education. (Cal. Ed. Code, sections 51220, 48222.)

Here is how the laws are written. California has a compulsory education law: all children between 6 and 16 must attend a public school full-time, unless they meet one of the exemptions provided for in the Education Code. (Cal. Educ. Code, section 48200.) Education Code, section 48222 (reprinted in full below) states that attendance in private full time day school by persons capable for teaching are exempted from attending public school. However, that statute provides that such a private school "shall offer instruction in the several branches of study required to be taught in the public schools of the state."

The Education Code has two separate sets of required branches of study: California Education Code, section 51210 (reprinted in full below) sets the curriculum requirements for children in grades 1 - 6, and California Education section 51220 (reprinted in full below) sets the curriculum requirements for children in grades 7-12.

The courts enforce these requirements. In *In re Shinn* (1961) 195 Cal.App.2d 683, parents withdrew their three children from the local public school, kept them at home, and enrolled them in a correspondence course. The parent's did not meet the home schooling requirements. Instead, they argued that the correspondence schools were a qualified "private school" under the Education Code. The Court of Appeal rejected this argument because the correspondence course was not taught by a person capable of teaching and it did not offer the full set of courses required by the California Education Code. (*Id.* at p. 694.)

Similarly, a published Opinion of the California Attorney General (on an unrelated subject) explains that private schools are subject to the same curriculum requirements as public schools. "Since under section 48222 a private school must 'offer instruction in the several branches of study required to be taught in the public schools of the state,' private high schools also have a duty to offer instruction in the subjects covered by the core academic area curriculum, and a student who attends a private high school must take them as a prerequisite to graduation. [Citations.]" (70 Ops. Cal. Atty. Gen. 282 (December 17, 1987).)

In short, the private schools in California are subject to the same curriculum requirements as public schools.

Relevant Statutes

The following three Education Code statutes are quoted in full:

Education Code, § 48222. Attendance in private school

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.

Education Code, § 51210. Areas of study

The adopted course of study for grades 1 to 6, inclusive, shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

- (a) English, including knowledge of, and appreciation for literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, and composition.
- (b) Mathematics, including concepts, operational skills, and problem solving.
- (c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; contemporary issues; and the wise use of natural resources.
- (d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and on the place of humans in ecological systems.
- (e) Visual and performing arts, including instruction in the subjects of art and music, aimed at the development of aesthetic appreciation and the skills of creative expression.
- (f) Health, including instruction in the principles and practices of individual, family, and community health.
- (g) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.
- (h) Other studies that may be prescribed by the governing board.

California Education Code section 51220 mandates the areas of study for grades 7 to 12.

Education Code, § 51220. Areas of study; grades 7 to 12

The adopted course of study for grades 7 to 12, inclusive, shall offer courses in the following areas of study:

- (a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.
- (b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; instruction in our American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the State and Federal Constitutions; the development of the American economic system, including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust, and contemporary issues.
- (c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.
- (d) Physical education, with emphasis given to physical activities that are conducive to health and to vigor of body and mind.
- (e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems, and with appropriate applications of the interrelation and interdependence of the sciences.
- (f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem-solving procedures.
- (g) Visual and performing arts, including art, music, or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression.
- (h) Applied arts, including instruction in the areas of consumer and homemaking education, industrial arts, general business education, or general agriculture.
- (i) Vocational-technical education designed and conducted for the purpose of preparing youth for gainful employment in the occupations and in the numbers that are appropriate to the personnel needs of the state and the community served and relevant to the career desires and needs of the pupils.
- (j) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles. A course in automobile driver education shall include education in the safe operation of motorcycles.
- (k) Other studies as may be prescribed by the governing board.