

## 經營中文學校 目前需注意的法規

沐惠中文學校  
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## AB 1888 法案沒通過， 一切重回原點

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### 目前的法律 - 九月至六月的課程

- Department of Social Services  
Regulation 101158 Exemption From Licensure  
第十二條:可讓中文學校的經營免於申請Day Care License.
  - Any program that provides activities for children of an **instructional nature in a classroom-like setting** and satisfies **both** of the following:
    - Is operated only during periods of the year when students in grades K-12, inclusive, are normally **not** in session in the public school district where the program is located due to regularly scheduled vacations.
    - Offers any number of sessions during the period specified in paragraph (A) that when added together **do not exceed a total of 30 days** when only schoolage children are enrolled in the program or 15 days when children younger than schoolage are enrolled in the program.

### 目前的法律- 暑期的課成

- 上課時間較長, 上述條款不適用
- 如果將暑期課程定位為 "recreation program", Regulation 101158 Exemption from Licensure, 第七條可讓中文學校的經營免於申請Day Care License.

### Regulation 101158

- 7) Any public recreation program. "Public recreation program" means a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county that meets **either** of the following criteria:
  - (A) The program is operated only during hours other than normal school hours for grades K-12, inclusive, in the public school district where the program is located, or operated only during periods when students in grades K-12, inclusive, are normally not in session in the public school district where the program is located, for **either** of the following periods:
    - For under 16 hours per week.
    - For a total of 12 weeks or less during a 12 month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.
  - In determining "normal school hours" or periods when students are "normally not in session", the California Department of Social Services shall, where appropriate, consider the normal school hours or periods when students are normally not in session for students attending a year round school.

### Regulation 101158 - continue

- (B) The program is provided to children who are over the age of four years and nine months and not yet enrolled in school and the program is operated during **either** of the following periods:
  - For under 16 hours per week.
  - For a total of 12 weeks or less during a 12 month period. This total -applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.
- (C) The program is provided to children under the age of four years and nine months with sessions that run 12 hours per week or less and are 12 weeks or less in duration. A program subject to this paragraph may permit children to be enrolled in consecutive sessions throughout the year. However, the program shall not permit children to be enrolled in a combination of sessions that total more than 12 hours per week for each child.

## Sample of Violation Notice Issued by the Department of Social Service

Subject: Notice of Operation in Violation of Law  
Child Day Care

You are hereby notified that the above referenced facility is operating without a license which is a violation of California Health and Safety Code, Sections 1596.80 and 1596.805. These sections prohibit any person, firm, partnership, association, or corporation within the state from operating, establishing, managing, conducting, or maintaining a Child Day Care Facility in the state without first obtaining a license. In accordance with Health and Safety Code, Sections 1596.89 and 1596.890 and other applicable laws, your continued operation without a license could result in civil and/or criminal action being taken against you.

Effective 09/16/88. Licensing regulations require the assessment of civil penalties for operation without a license. California Code of Regulations, Section 101209(b) states:

(b) A \$200.00 per day penalty shall be assessed for the continued operation as unlicensed facility as follows:

(1) Within 24 hours after the operator has been issued the Notice of Operation in Violation of Law and there is danger to the health and safety of children.

(A) The \$200.00 per day penalty shall continue until the operator ceases operation pursuant to Section 101209(a)(1)(A).

## 如何成爲Recreation Program

1. 必需要成爲American Camp Association 或Christian Camp and Conference Association 的會員。
2. “暑期課程”命名爲“Summer Camp”
3. 課程內必須有戶外活動(outdoor activities) (至少兩項)

## Proposed New Regulation from Department of Health Service

- Section 30704. This is a new section proposed for adoption. This new section would require an organized camp to be accredited by the American Camp Association (ACA), formerly the American Camping Association, or have activities similar to those of an ACA accredited camp. The ACA is the only nationally recognized camping industry organization and the Health and Safety Code section 18897.2 requires the Department to consider these standards when adopting regulations. However, section 18897.2 does not provide authorization to limit organized camping to activities accredited ACA. The proposed section requires submitting that information to the local health officer so he can determine whether the camp meets the ACA, or ACA equivalent, standards.

## Proposed New Regulation from Department of Health Service

- Section 30703. Notice of Intention to Operate.
- (A) At least 30 days prior to the operation of any camp in any calendar year, written notice shall be sent by the site operator to the local health officer of the city, county, or city and county which the camp is located setting forth the name, location and mailing address of the person or agency that owns that camp, the name and address of the person or agency proposing to operate the camp and proposed dates of occupancy during the calendar year. Camps which operate year-round shall provide only an initial notice of operation.

## Camping Regulation 新法何時生效?

- The revised regulations for organized camps are expected to be adopted during the first week of **April 2008** by the Secretary of State.
- All organized camps will be expected to be in full compliance with the new requirements by the 2009 camp season.

## Training for the new CA Regulations for Organized Camps

- **October 3, 2008**  
Azusa Pacific University  
901 E. Alost Avenue  
Azusa, CA 91702  
1:00 p.m. - 5:00 p.m.  
\$25/person if registered by September 19, 2009.  
\$99/person if registered after September 19th or at the door.
- Please visit <http://www.occtraining.org/index.html> for more information and to register.

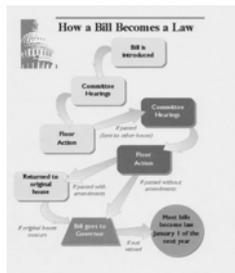
## File Private School Affidavit

- Where: Department of Education Website  
<http://www.cde.ca.gov/sp/ps/rq/>
- When: Will be activated on October 1, 2008.  
(This filing is only for 2 weeks.  
Oct. 1st – 15th. )
- The Affidavit Example (Please see hand out.)

## What's Next?

- Legislation Process takes too long, too costly.
- Pursue with Department of Education as affiliated private education facility.
- Establish a SCCCS Regulatory Committee to execute the plan.

## Legislation Process



## 建議學校應建立的檔案

1. 建立學生資料檔案
2. 學校保有每班的教學教案
3. 學校的廣告資料
4. 家長與學校的入學同意書
5. 教職員的背景資料包括指紋, criminal background check, TB test等.
6. CPR Certification.
7. 消防設備每年設備檢查更新.