

Regulation ~~5113.1~~ **5113.2**: Work Permits
Original Adopted Date: 02/05/1995

Status: ADOPTED

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including a student who has not yet graduated from high school or has not received a certificate of proficiency, shall obtain a work permit.

The

~~Approval/Revocation of Work Permits~~

- ~~1. No work permit shall be issued until the student's parent/guardian, foster parent, or residential shelter services provider has filed a written request for it with the District ***may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to*** Education Code ***51760-51769.5, 49110***)~~
- ~~2. To help in determining the extent to which outside employment may be approved, the Superintendent or designee shall:~~
 - ~~a. Inspect the student's records for evidence of satisfactory grades and attendance.~~
 - ~~b. Confer, when necessary, with at least one of the student's teachers to determine whether the student appears to have the time, stamina, motivation, and maturity to maintain academic progress while working.~~
- ~~3. After issuing a work permit, the Superintendent or designee shall periodically inspect the student's scholastic and attendance records.~~
- ~~4. The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education. (Education Code 49164)~~

~~Permits to Work Part Time When School Is in Session~~

- ~~1. A ***to a*** student ***14-16 or*** 17 years of age. ***The District also*** who has completed the seventh grade may ***issue*** receive a permit to ~~work outside of school hours for no more than four hours on any~~ ***student 12*** day on which the student is required by law to attend school. (Education Code 49112) ~~The following exceptions shall apply:~~~~

~~a. The four-hour limit may be exceeded for students 16 or 17 years of age who are employed in a school-approved work experience or cooperative vocational education program or in personnel attendance occupations as defined in Industrial Welfare Commission Minimum Wage Order #1-74. (Education Code 49116)~~

~~b. A student 16 or 17 years of age **to be employed** may receive a permit to work outside of school hours for no more than eight hours on any day on which the student is required by law to attend school, provided it is a day which immediately precedes a nonschool day. (Education Code 49112)~~

~~2. While school is in session, a student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any schoolday and no more than 18 hours in any week. (Education Code 49112, 49116)~~

~~If enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, a student 14 or 15 years of age may be employed for up to 23 hours a week, any portion of which may occur during school hours. (Education Code 49116)~~

~~3. With the consent of the Superintendent or designee, a student who is 13 years old and has completed the sixth grade may receive a permit to work for no more than two hours on any given day, up to a maximum of four hours each week, provided that: (Education Code 49112)~~

~~a. The student has been identified by the District as a potential dropout, and~~

~~b. The student is participating in an employment program that is conducted on school premises and sponsored by one or more school Districts to foster student appreciation of the importance of education in preparing for future employment and education. (Education Code 49112)~~

~~Permits to Work Full Time When School Is in Session, Students 14 or 15 Years of Age~~

~~A permit to work full time may be issued to a minor 14 or 15 years of age who holds an elementary school diploma, provided that the permit expires not later than the end of the current school year, and provided that one of the following circumstances exists: (Education Code 49130)~~

~~1. The parent/guardian presents a sworn statement that the parent/guardian is incapacitated for labor through illness or injury, or that through the death or desertion of the father or mother, the family is in need of the minor's earnings and that sufficient aid cannot be secured in any other manner.~~

~~2. The minor is unable to reside with his/her family and needs his/her earnings for his/her~~

support.

~~3.— The minor is residing with a foster care provider, or a guardian receiving foster care funds for the minor, provided that:~~

~~a.— The provider or guardian obtains written authorization from the minor's social worker, probation officer, or child protective services worker acting as an officer of the court, and~~

~~b.— The minor's case plan documents that the purpose of the employment is to further the goal of emancipation pursuant to law, or to enable the minor to learn necessary skills, habits, and responsibilities related to maintaining employment.~~

~~Superintendent or designee shall sign a statement that he/she has investigated the conditions under which the work permit application has been made and has judged that the minor's earnings are necessary for the minor's support and that sufficient aid cannot be secured in another manner.— If issuing a work permit subject to a circumstance #3 above, the Superintendent or designee shall sign a statement that he/she has received authorization from the minor's social worker, probation officer, or child protective services worker.— (Education Code 49130)~~

~~A minor who applies for a full time work permit pursuant to the above circumstances shall be duly enrolled in a work experience education program.— (Education Code 49130)~~

~~Permits to Work Full Time When School Is in Session, Students 16 or 17 Years of Age~~

~~A permit to work full time may be granted to a student 16 or 17 years of age when the Superintendent or designee has received and approved the following documents:— (Education Code 49133)~~

~~1.— The student's school record, including age, grade, and attendance for the current term, signed by the principal or teacher.~~

~~2.— Evidence of sufficient age, such as a birth certificate, passport, or affidavit of the student's age, signed by the parent/guardian.~~

~~3.— A written statement from the prospective employer stating that work is waiting for the student and describing the nature of the work.~~

~~Superintendent or designee shall give the name of the student and his/her employer to the continuation school.— The student shall then enroll in the continuation school.— (Education Code 49135)~~

~~Permits to Work When School Is Not in Session~~

~~Students 12 through 17 years of age may receive a permit to work on~~ during a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance **pursuant to Education Code 48231** because **the student** ~~she~~ arrived from another state within **10 ten** days before the end of the school term. (Education Code 49111, **49113, 49160**)

If a student has obtained an offer of employment in the entertainment industry, the student shall request a work permit from the California Department of Industrial Relations, Division of Labor Standards Enforcement, pursuant to Labor Code 1308.5 and 8 CCR 11752-11753.

A work permit shall not be required for a student who is not receiving pay or financial reimbursement for services rendered in volunteer services or educational purposes, is not in an employer-employee relationship in accordance with the Fair Labor Standards Act, is serving as an unpaid trainee or volunteer or in an in-school placement, and has submitted written parent/guardian permission. (5 CCR 10121)

In addition, a student shall not be required to obtain a work permit if the student is self-employed; is working at odd jobs such as yard work and babysitting in private homes where the student is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed in agricultural, horticultural, viticultural, or domestic labor during non-school hours when the work is performed for or under the control of the parent/guardian and is performed upon or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

Persons Authorized to Issue Work Permits

The following individuals are authorized to issue a work permit to a student in the District: (Education Code 49110)

- 1. The Superintendent***
- 2. An employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the Superintendent in writing***
- 3. A principal, or another school administrator designated by the principal, provided that the principal or designee:***
 - a. Provides a self-certification that the principal or designee understands the requirements of law for issuing a work permit***
 - b. Does not issue a work permit to the principal's or designee's own child***

If the person designated to issue work permits is not available and delay in issuing a permit would jeopardize a student's ability to secure work, the Superintendent may temporarily authorize another person to issue the permit. (Education Code 49110)

Application

The student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider shall file a written request for a work permit.

(Education Code 49110)

The request for a work permit shall be submitted to the Superintendent or designee on a form approved by the California Department of Education (CDE).

If the student is applying for a full-time work permit, the student and the student's parent/guardian shall generally be required to appear before, and submit the application to, the Superintendent or designee. (Education Code 49132)

In the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency, the required documentation, including signatures, may be collected electronically. In addition, if the application is for a full-time work permit, the student and parent/guardian shall not be required to appear in person before the Superintendent or designee if the completed application has been successfully submitted electronically and the student and parent/guardian have attended a video conference with the person issuing the work permit. (Education Code 49132, 49200)

Approval Process

The Superintendent or designee shall have discretion to determine whether or not to issue the work permit.

In determining whether to approve a work permit, the Superintendent or designee shall verify the student's date of birth, the type of work permit to be issued, and whether the student meets any other criteria established by the Governing Board. The Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

However, a work permit shall not be denied based on a student's grades, grade point average, or school attendance under either of the following circumstances: (Education Code 49120, 49200)

- 1. The student's school has been physically closed for an extended time due to a natural disaster, pandemic, or other emergency.***
- 2. The student is applying for a work permit in order to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the student's school.***

Students shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor laws. (Labor Code 1290-1298; 29 CFR 570.33, 570.50-570.72)

The Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will occur while school is in session and/or not in session. (Education Code 49111, 49112, 49116; Labor Code 1391-1391.1; 29 CFR 570.35)

Full-time employment may be authorized for students 14-17 years of age in accordance with Education Code 49130-49135.

All work permits shall be issued on forms provided by or authorized by CDE. (Education Code 49117)

Each permit shall authorize work for a specific employer. Whenever a student changes employer, the student shall request a new permit.

The student may be issued more than one work permit if the student works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and the District.

Whenever a work permit is issued by a principal or other designated school administrator, the principal or designee shall submit to the Superintendent a copy of each work permit issued, along with a copy of the application. (Education Code 49110)

The Superintendent or designee shall periodically inspect the grades and attendance records of students granted work permits to ensure maintenance of academic progress and any additional criteria established in Board policy.

Expiration of Work Permits

Work permits issued during the school year shall expire five days after the opening of the next succeeding school year. (Education Code 49118)

Before the work permit expires, a student may apply for a renewed work permit in accordance with the procedures specified in the section "Approval Process" above.

Revocation of Work Permits

The Superintendent or designee shall revoke a student's work permit whenever the Superintendent or designee determines that the employment is impairing the health or education of the student, any provision or condition of the permit is being violated, the student is performing work in violation of law, or any condition for the issuance of the permit no longer exists or never existed. (Education Code 49116, 49164; Labor Code 1300)

The Superintendent may revoke a work permit issued by a principal of a public or private school located within the District if the Superintendent becomes aware of any grounds upon which the student may be deemed ineligible for a work permit under law. (Education Code 49110)

Retention of Records

The Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued. (5 CCR 16026)
