

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 5000 – STUDENTS

Policy 5113.2

Work Permits

The Solano County Office of Education (SCOE) recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, SCOE students who are minors shall obtain work permits from the County Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes.

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code 49130-49131, 49135)

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including students who have not yet graduated from high school or have not passed the High School Proficiency Examination, shall obtain a work permit.

The Superintendent or designee 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, to a minor student between the ages of 14 and 18. The Superintendent or designee also may issue a permit to any minor between the ages of 12 and 18 to be employed during a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because s/he arrived from another state within 10 days before the end of the school term pursuant to Education Code 48231. (Education Code 49111, 49113)

If a minor has obtained an offer of employment in the entertainment industry, s/he 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 student shall not be required to obtain a permit to work at odd jobs such as yard work and baby-sitting in private homes where the student is not regularly employed; at a public school or other governmental agency; in connection with volunteer work; when self-employed; when age 14 or older and working as a newscarrrier; or when otherwise exempted by law.

Approval of Work Permits

The Superintendent may, in writing, delegate the authority to issue work permits to an employee holding a services credential with a specialization in pupil personnel services or to a certificated work experience education teacher or coordinator. If the designee is not available, and delay in issuing a permit would jeopardize a student's ability to secure work, the Superintendent may authorize another person to issue the permit.

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No work permit shall be issued until the student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider has filed a written request with SCOE.

The request form shall be completed by the student, employer, and, unless the student is an emancipated minor, the parent/guardian. The form shall be submitted to the Superintendent or designee, who 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 and the type of work permit to be issued and determine whether the student meets any other minimum criteria established by SCOE. 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.

Minors 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 be 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 between the ages of 14 and 18 only in accordance with Education Code 49130-49135.

All work permits shall be issued on a form approved and authorized by the Superintendent of Public Instruction. (Education Code 49117)

Each permit shall authorize work for a specific employer. Whenever a student changes employers, s/he shall request a new permit.

The student may be issued more than one work permit if s/he 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 SCOE.

After issuing a work permit, the Superintendent or designee shall periodically inspect the student's grades and attendance records to ensure maintenance of academic progress and any additional criteria established in SCOE policy.

Revocation/Expiration of Work Permits

The Superintendent or designee shall revoke a student's work permit whenever s/he determines that employment is interfering with the student's education, that any provision or condition of the permit is being violated, or that the student is performing work in violation of law. (Education Code 49116, 49164)

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

After a work permit has expired, a student may apply for a renewed work permit in accordance with the procedures specified in the section "Approval of Work Permits" above.

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)

Policy 5113.2 (Continued)

Legal Reference:

EDUCATION CODE

- 48230 Exemption from full-time school attendance for students with work permits
- 48231 Exemption from compulsory attendance for students entering attendance area near end of term
- 49100-49101 Compulsory attendance
- 49110-49119 Permits to work
- 49130-49135 Permits to work full time
- 49140-49141 Exceptions
- 49160-49165 Employment of minors; duties of employers
- 49180-49183 Violations
- 51760-51769.5 Work experience education
- 52300-52499.66 Career technical education

LABOR CODE

- 1285-1312 Employment of minors
- 1391-1394 Working hours for minors

CODE OF REGULATIONS, TITLE 5

- 16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

- 11701-11707 Prohibited and dangerous occupations for minors
- 11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

- 570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

- 18 Ops.Cal.Atty.Gen. 114 (1951)

Policy Cross-Reference:

- 3580 Records
- 5112.1 Exemptions from Attendance
- 5121 Grades/Evaluation of Student Achievement
- 5125 Student Records
- 6146.1 High School Graduation Requirements
- 6146.2 Certificate of Proficiency/High School Equivalency
- 6178 Career Technical Education
- 6178.1 Work Experience Education
- 6184 Continuation Education