

CVUSD

Administrative Regulation

AR 5113.2

Work Permits

Students

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 received a certificate of proficiency, shall obtain a work permit.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

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, to a minor student age 14-17. The district also may issue a permit to any minor age 12-17 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 he/she arrived from another state within 10 days before the end of the school term pursuant to Education Code 48231. (Education Code 49111, 49113, 49160)

(cf. 6178.1 - Work Experience Education)

If a minor has obtained an offer of employment in the entertainment industry, he/she 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 work permit if he/she is self-employed; is working at odd jobs such as yard work and babysitting in private homes where he/she is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed by his/her parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

Persons Authorized to Issue Work Permits

***Note: Education Code 49110 specifies persons authorized to issue work permits in the district, including the Superintendent, a designated employee holding a services credential with a specialization in pupil personnel services, a certificated work experience education teacher or coordinator, and, as amended by AB 66 (Ch. 214, Statutes of 2009), a principal or other school administrator designated by the principal. Pursuant to Education Code 49110, if the district does not employ or contract with a person holding a

services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, the Superintendent may provide written authorization for a person without such qualifications to issue work permits when the Superintendent is absent from the district. Education Code 49110 also authorizes a charter school chief executive officer or designee, the County Superintendent of Schools or designee, or private school principal or designee to issue a work permit. ***

The following individuals are authorized to issue a work permit to a minor 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 he/she:

a. Provides a self-certification that he/she understands the requirements of law for issuing a work permit

b. Does not issue a work permit to his/her 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 authorize another person to issue the permit. (Education Code 49110)

Approval Process

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)

Note: The request for a permit must be submitted to the district on a form approved by the CDE pursuant to Education Code 49162-49163 (CDE Form B1-1, "Statement of Intent to Employ Minor and Request for Work Permit").

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). 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.

(cf. 5121 - Grades/Evaluation of Student Achievement)

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)

***Note: AB 66 (Ch. 214, Statutes of 2009) amended Education Code 49110 to clarify that the hour limitations that apply to a work permit issued by the district must be based on the school calendar of the school that the student attends. ***

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)

***Note: Pursuant to Education Code 49130-49131, the district may issue a work permit authorizing full-time employment while school is in session to a student age 14-17. However, for students age 14-15, Education Code 49130 specifies narrow circumstances under which the student may be issued a permit for full-time employment. ***

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

(cf. 6184 - Continuation Education)

All work permits shall be issued in a format approved and authorized by the CDE. (Education Code 49117)

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

The student may be issued more than one work permit if he/she 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 he/she issues, 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 he/she 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)

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

***Note: According to the CDE, a work permit is a "continuing record" which shall not be destroyed until the fourth year after it has been classified as Class 3 - Disposable Record pursuant to 5 CCR 16026. See AR 3580 - District Records for further information about the classification and disposal 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)

(cf. 3580 - District Records)
(cf. 5125 - Student Records)

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