

STUDENT WORK PERMITS

The Governing Board 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, district students who are minors shall obtain work permits from the Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session. (cf. 6178 - Career Technical Education)

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

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230) (cf. 5112.1 - Exemptions from Attendance)

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) (cf. 6178.1 - Work Based Learning) (cf. 6184 - Continuation Education)

Students 16 and 17 Years of Age must submit proof of course grades each 9 weeks to the Principal's designee or Work Experience teacher at the school that has issued the work permit. Students with work permits may work a maximum of 28 hours per week. Students in work experience courses may work up to 35 hours per week.

Students 14 and 15 Years of Age must submit proof of course grades each 9 weeks to the Principal's designee or the Work Experience teacher at the school that has issued the work permit. Students may work a maximum of 18 hours per week.

The District requires that a home-schooled student maintain a 2.0 GPA each 9 weeks during the District's school year. The student must submit proof of course grades each 9 weeks to the Work Experience teacher at the school that has issued the work permit.

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

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SECTION 5000
STUDENTS

ADMINISTRATIVE REGULATIONS
BP 5113.2

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 Based Learning)

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

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)

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)

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 age 14-17 only in accordance with Education Code 49130-49135. (cf. 6184 - Continuation Education)

Criteria for work permits:

I. Students 16 and 17 Years of Age

- A. The District requires the student maintain a 2.0 GPA each 9 weeks during the District's school year. The student must submit proof of course grades each 9 weeks to the Principal's designee or Work Experience teacher at the school that has issued the work permit.
- B. Amount of Hours
 - 1. Work Permit Students: A policy of 28 hours per week.
 - 2. Work Experience Students: Student can work up to 35 hours per week.
- C. Spread of Hours
 - 1. Work Permit Students:
 - a. Monday-Thursday, 4 hours until 10:00 pm.
 - b. Friday, Saturday, or a day before a non-school day, 8 hours until 12:30 a.m.
 - c. Sunday—8 hours until 10:00 p.m.
 - 2. Work Experience Students
 - a. Monday-Thursday, 6 hours until 10:00 p.m.
 - b. Friday, Saturday, or a day before a non-school day, 8 hours until 12:30 a.m.
 - c. Sunday—8 hours until 10:00 p.m.

II. Students 14 and 15 Years of Age

- A. The District requires the student maintain a 2.0 GPA each 9 weeks during the District's school year. The student must submit proof of course grades each 9 weeks to the Principal's designee or the Work Experience teacher at the school that has issued the work permit.
- B. Maximum of 18 hours per week.
- C. Monday - Thursday, 3 hours a day until 7 p.m.
- D. Friday, Saturday, or a non-school day, 8 hours until 9:00 p.m.
- E. Sunday, 8 hours until 7:00 p.m.

III. Home Schooled Youth

- A. The District requires that a home-schooled student maintain a 2.0 GPA each 9 weeks during the District's school year. The student must submit proof of course grades each 9 weeks to the Work Experience teacher at the school that has issued the work permit.
- B. The student and family must provide a signed and dated note stating why student is on home hospital teaching. The family and student may also have to provide a signed and dated physician's, psychiatrist's, or licensed therapists note clearing the student to work.
- C. In addition, the home-schooled student must select from Option 1 or 2 below. If home-schooled student meets the criteria identified in Option 1 or Option 2, the District will issue a work permit through the school where the student geographically resides. The District bears no liability in issuance of work permits to home-schooled students.

Option 1: A home-schooled student will be a part of a home-schooled consortium that:

1. Shows an affidavit that has been filed with the California Department of Education
2. Shows evidence that the teacher(s) providing instruction have teaching certification.

Option 2: The home-schooled youth enroll in Independent Study in the OUHSD, if room is available, or show evidence of enrollment, as a full time student, in a state approved distance learning program.

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)

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)

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

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)

Legal Reference:

EDUCATION CODE

49112 School days

49116 Maximum work outside school hours

LABOR CODE

1391

1392

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