

Introduced by Senator SteinbergFebruary 21, 2007

An act to amend Sections 49110, 49110.1, and 49117 of, and to add Section 49110.2 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 406, as introduced, Steinberg. Pupils: work permits.

Existing law authorizes the superintendent of a school district in which a minor resides or the superintendent of schools of the county in which the pupil resides, if he or she does not reside in the jurisdiction of a school district, to issue a work permit, or authorize a specified certificated employee to do so, after receipt of a written request from a parent, guardian, foster parent, or other specified persons. The superintendent of a school district, or the county superintendent of schools where the pupil does not reside within the jurisdiction of a school district, is authorized to designate the principal or other person having charge of a private school within the district as a person authorized to issue work permits to pupils of the school. The superintendent of the school district, or the county superintendent of schools, if applicable, is required to periodically ascertain that the designated person at the private school has complied with the requirements pertaining to permit issuing authorities.

An exception to the work permit requirements is provided for pupils who work or intend to work under the control of his or her parent or legal guardian upon or in connection with the premises owned, operated, or controlled by the parent or legal guardian. Special procedures apply to pupils who apply for a permit to work full time and meet one of the specified conditions regarding the financial need of the minor or his or her family.

This bill would authorize certificated employees, who are employed by the applicable school district or county office of education, authorized by the principal of the school at which that employee works to issue a permit to work to a minor enrolled in the school, and would authorize a similar procedure for private schools. The individuals responsible for issuing work permits to pupils would be required to have a working knowledge of California labor laws as they relate to minors and of education laws related to work permits.

An individual responsible for issuing work permits would have the authority to review the academic and attendance records of a pupil necessary to comply with the specified limitations on the authority of that individual to issue permits. The individual would be prohibited from issuing a work permit contrary to specified provisions related to the impact of the proposed work activities of the pupil on the future academic performance or attendance of the pupil and the ability of the pupil to remain on track for graduation, and to the past academic performance and attendance records of the pupil. A pupil who believes a work permit has been denied unfairly would be authorized to appeal the denial to the school principal, who is required to apply the specified attendance and academic performance standards in reviewing the application for a work permit. The new limitations on the issuance of a permit would not apply to pupils applying for a work permit to participate in a work education program or to deliver newspapers, to pupils to whom the financial need provisions apply, and to pupils who qualify for the family business work permit exception.

The bill would make a conforming change to existing law to permit schools, rather than school districts, to be authorized by the Superintendent of Public Instruction to produce permits to work, rather than only using the forms prepared and provided by the Superintendent.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49110 of the Education Code is amended
2 to read:
3 49110. (a) ~~It is the intent of the Legislature that school district~~
4 ~~personnel~~ *An individual* responsible for issuing work permits to
5 pupils *pursuant to this section shall* have a working knowledge of
6 California labor laws as they relate to minors ~~and be trained to~~

1 provide the pupils practical personal guidance in career education
2 and of education laws related to work permits.

3 ~~(b) The superintendent of any school district in which any minor
4 resides, a person holding a services credential with a specialization
5 in pupil personnel services authorized by the superintendent in
6 writing, or a certificated work experience education teacher or
7 coordinator authorized by the superintendent in writing, may issue
8 to certain minors permits to work. If the minor resides in a portion
9 of a county not under the jurisdiction of the superintendent of any
10 school district, the permit to work shall be issued by the
11 superintendent of schools of the county, by a person holding a
12 services credential with a specialization in pupil personnel services
13 authorized by the superintendent in writing, or a certificated work
14 experience education teacher or coordinator authorized by the
15 superintendent in writing.~~

16 *(b) A certificated employee of a school district who is authorized
17 in writing by the principal of the school at which that employee
18 works may issue a permit to work to a minor enrolled in the school.
19 If a minor resides in a portion of a county not under the jurisdiction
20 of a school district, a certificated employee of the applicable county
21 office of education who is authorized by the principal of the school
22 at which that employee works may issue a permit to work to a
23 minor enrolled in the school.*

24 (c) A permit to work shall not be issued until the written request
25 therefor from the parent, *legal* guardian, foster parent, caregiver
26 with whom the minor resides, or residential shelter services
27 provider, has been filed with the issuing authority. “Residential
28 shelter services” refers to residential and other support services
29 provided to minors by a governmental agency, a person or agency
30 under contract with a governmental agency to provide these
31 services, an agency receiving funding from community funds, or
32 a licensed community care facility or crisis resolution center on a
33 temporary or emergency basis in a facility that services only
34 minors.

35 (d) If the ~~certificated person~~ *employee* designated by the
36 ~~superintendent~~ *school principal* to issue work permits is not
37 available, and delay in issuing a permit would jeopardize the ability
38 of a pupil to secure work, ~~a person~~ *another certificated employee*
39 authorized by the ~~superintendent~~ *school principal* may issue the
40 work permit.

1 ~~(e) If a district does not employ or contract with a person holding~~
 2 ~~a services credential with a specialization in pupil personnel~~
 3 ~~services or with a certificated work experience education teacher~~
 4 ~~or coordinator, the superintendent may authorize, in writing, a~~
 5 ~~person who does not hold that credential to issue permits to work~~
 6 ~~during periods of time in which the superintendent is absent from~~
 7 ~~the district.~~

8 SEC. 2. Section 49110.1 of the Education Code is amended to
 9 read:

10 49110.1. ~~(a) The superintendent of any school district may~~
 11 ~~designate the principal or other person having charge of a private~~
 12 ~~school within the district, in which pupils are enrolled pursuant to~~
 13 ~~Section 48222, may designate a teacher or pupil counselor as a~~
 14 ~~person authorized to issue work permits to pupils of the school, in~~
 15 ~~accordance with this chapter. Where the pupil resides in a portion~~
 16 ~~of the county not under the jurisdiction of the superintendent of~~
 17 ~~any school district, the county superintendent of schools may~~
 18 ~~designate the principal or other person having charge of a private~~
 19 ~~school as the person authorized to issue such work permits. The~~
 20 ~~superintendent of the school district, or the county superintendent~~
 21 ~~of schools as the case may be, The principal or other person having~~
 22 ~~charge of a private school shall periodically ascertain that the~~
 23 ~~designated person has complied with the requirements of this~~
 24 ~~chapter pertaining to issuing authorities.~~

25 ~~(b) An individual responsible for issuing work permits to pupils~~
 26 ~~pursuant to this section shall have a working knowledge of~~
 27 ~~California labor laws as they relate to minors and of education~~
 28 ~~laws related to work permits.~~

29 SEC. 3. Section 49110.2 is added to the Education Code, to
 30 read:

31 49110.2. (a) An individual responsible for issuing work permits
 32 pursuant to Section 49110 or 49110.1 shall comply with both of
 33 the following, and, notwithstanding any other provision of law,
 34 shall have the authority to review the records of a pupil necessary
 35 to comply with both of the following:

36 (1) The individual shall not issue a permit without considering
 37 whether the proposed work activities of the pupil could detract
 38 from the academic performance or attendance of the pupil and the
 39 ability of the pupil to remain on track for graduation.

1 (2) The individual shall review the academic and attendance
2 records of the pupil prior to issuing a work permit for that pupil
3 and shall not act contrary to either of the following, if applicable:

4 (A) If the pupil has a grade point average (GPA) lower than 2.5
5 on a 4.0 scale, or lower than a C plus, or if the pupil has not
6 maintained an attendance record of at least 90 percent for the
7 current and prior semester, or the prior two semesters if the request
8 for a work permit is made between semesters, he or she shall not
9 be issued a permit for more than 20 hours of work per week,
10 including weekends. This subparagraph does not increase the
11 maximum number of hours a pupil is permitted to work pursuant
12 to any other section, including, but not limited to, Sections 49112
13 and 49116.

14 (B) The individual shall not issue a work permit to a pupil who
15 has a GPA lower than 2.0 on a 4.0 scale, or lower than a C, or who
16 has not maintained an attendance record of at least 80 percent for
17 the current and prior semester, or the prior two semesters if the
18 request for a work permit is made between semesters.

19 (b) If a pupil believes a work permit has been denied unfairly,
20 he or she may appeal the denial to the school principal, who shall
21 apply the attendance and academic performance standards
22 established in subdivision (a) in reviewing the application for a
23 work permit.

24 (c) This section shall not apply to pupils who otherwise qualify
25 for a work permit pursuant to Section 49113 or 49130, who qualify
26 for the work permit exception pursuant to Section 49141, or who
27 are applying for a work permit for the purpose of delivering
28 newspapers to consumers.

29 (d) This section is not intended to discourage career technical
30 education or to prohibit a pupil from receiving a work permit
31 pursuant to Section 49113 for the purpose of participating in a
32 work education program pursuant to Article 7 (commencing with
33 Section 51760) of Chapter 5 of Part 28.

34 SEC. 4. Section 49117 of the Education Code is amended to
35 read:

36 49117. All permits to work or to employ, all certificates of age,
37 and certificates of health pursuant to this chapter, shall be issued
38 on forms prepared and provided by the Superintendent of Public
39 Instruction. ~~Local school districts~~ *schools* authorized to issue

- 1 permits to work may be authorized by the Superintendent of Public
- 2 ~~Instruction~~ to produce permits to work.