

Introduced by Senator Steinberg

February 21, 2007

An act to amend Sections 49110, 49110.1, ~~49111~~, and 49117 of, and to add Section 49110.2 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law authorizes the superintendent of a school district in which a minor resides or the *county* 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~~ *if* 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 *that issue work permits*.

~~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~~ *superintendent* of the school-~~at~~ *district in* 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~~ *be required* 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~~ *prior to issuing a permit*. 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~~ *Exceptions to these* new limitations on the issuance of a ~~permit~~ *work permits* would ~~not apply to~~ *be made for certain* 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 ~~also~~ would make ~~a~~ *other clarifying and 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 *changes*.

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) An individual responsible for issuing work permits
4 to pupils pursuant to this section shall have a working knowledge
5 of California labor laws as they relate to minors and of education
6 laws related to work permits.

7 (b) A certificated employee of a school district who is authorized
8 in writing by the ~~principal of the school at which that~~
9 *superintendent of the school district in which the employee works*
10 may issue a permit to work to a minor enrolled in the school. A
11 *principal authorized by a superintendent may in turn designate*
12 *certificated employees at the schoolsite to issue work permits.* If
13 a minor resides in a portion of a county not under the jurisdiction
14 of a school district, a certificated employee of the applicable county
15 office of education who is authorized by the principal of the school
16 at which that employee works may issue a permit to work to a
17 minor enrolled in the school.

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

29 (d) If the certificated employee designated by the ~~school~~
30 *principal superintendent* to issue work permits is not available,
31 and delay in issuing a permit would jeopardize the ability of a
32 pupil to secure work, another certificated employee authorized by
33 ~~the school principal~~ *superintendent* may issue the work permit.

34 (e) *A permit to work may not be issued to a pupil by a person*
35 *who may request a work permit for that pupil pursuant to*
36 *subdivision (c).*

37 (f) *The county superintendent or his or her designee shall issue*
38 *a work permit to a pupil who does not attend a school which has*

1 *a person authorized to issue a work permit to that pupil, provided*
2 *that the person issuing the work permit complies with Section*
3 *49110.2 in reviewing the pupil's attendance and grade point*
4 *average records prior to issuing a work permit.*

5 SEC. 2. Section 49110.1 of the Education Code is amended to
6 read:

7 49110.1. (a) *The superintendent of a school district may*
8 *designate the principal or other person having charge of a private*
9 *school within the district, in which pupils are enrolled pursuant*
10 *to Section 48222, may designate a teacher or pupil counselor as a*
11 *person authorized to issue work permits to pupils of the school, in*
12 *accordance with this chapter. ~~The principal or other person having~~*
13 *charge of a private school shall periodically ascertain that the*
14 *designated person has complied with the requirements of this*
15 *chapter pertaining to issuing authorities. ~~Where the pupil resides~~*
16 *in a portion of the county not under the jurisdiction of the*
17 *superintendent of a school district, the county superintendent of*
18 *schools may designate the principal or other person having charge*
19 *of a private school as the person authorized to issue work permits.*
20 *The superintendent of the school district, or the county*
21 *superintendent of schools, as applicable, periodically shall*
22 *ascertain that the designated person has complied with the*
23 *requirements of this chapter pertaining to issuing authorities.*

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

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

30 49110.2. (a) An individual responsible for issuing work permits
31 pursuant to Section 49110 or 49110.1 shall comply with both of
32 the following, and, notwithstanding any other provision of law,
33 shall have the authority to review the records of a pupil necessary
34 to comply with both of the following:

35 (1) The individual shall not issue a permit without considering
36 whether the proposed work activities of the pupil could detract
37 from the academic performance or attendance of the pupil and the
38 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) (1) *A pupil who is denied a work permit pursuant to this*
25 *section and who still desires to work shall be encouraged to enroll*
26 *in a work experience education program supervised by a*
27 *certificated teacher or counselor who will work with the pupil to*
28 *find the proper balance between school and work.*

29 (2) *A pupil who is denied a work permit pursuant to this section*
30 *shall be granted a work permit for the summer, provided he or she*
31 *is counseled by the issuing authority about local summer school*
32 *or other remediation opportunities. If the pupil is behind in earning*
33 *credits required for graduation, he or she shall enroll in summer*
34 *school or other remediation in order to receive a work permit for*
35 *the summer.*

36 (e)

37 (d) This section shall not apply to pupils who otherwise qualify
38 for a work permit pursuant to Section 49113 or 49130, who qualify
39 for the work permit exception pursuant to Section 49141, or who

1 are applying for a work permit for the purpose of delivering
2 newspapers to consumers.

3 ~~(d)~~

4 (e) This section is not intended to discourage career technical
5 education ~~or to prohibit a pupil from~~ *and does not apply to pupils*
6 receiving a work permit pursuant to Section 49113 for the purpose
7 of participating in a work education program pursuant to Article
8 7 (commencing with Section 51760) of Chapter 5 of Part 28.

9 *SEC. 4. Section 49111 of the Education Code is amended to*
10 *read:*

11 49111. A permit to work may be issued to ~~any~~ *a* minor over
12 the age of 12 years and under the age of 18 years to be employed
13 on a regular school holiday, during the regular vacation of the
14 ~~public school in which the pupil is enrolled,~~ *during such the time*
15 *as in which* the minor is exempt from compulsory school attendance
16 pursuant to Section 48231, and during the period of a specified
17 occasional public school vacation in any of the establishments or
18 occupations not otherwise prohibited by law.

19 ~~SEC. 4.~~

20 *SEC. 5. Section 49117 of the Education Code is amended to*
21 *read:*

22 49117. All permits to work or to employ, all certificates of age,
23 and certificates of health pursuant to this chapter, shall be issued
24 on forms prepared and provided by the Superintendent. Local
25 ~~schools~~ *designees* authorized to issue permits to work may be
26 authorized by the Superintendent to produce permits to work.