

AMENDED IN ASSEMBLY JUNE 7, 2007

AMENDED IN SENATE MARCH 28, 2007

SENATE BILL

No. 406

Introduced by Senator Steinberg
(Coauthors: Senators Alquist and Romero)

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 if *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 authorities that issue work permits.

This bill would authorize certificated employees, who are employed by the applicable school district or county office of education, authorized by the superintendent of the school district in which that employee

works, or designated by the principal of the school in which that employee works if that principal was authorized by the superintendent of the district to issue work permits, 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. *The county superintendent of schools or his or her designee would be authorized to issue a work permit to a pupil who does not attend a school that has a person authorized to issue a work permit to that pupil, provided that the person issuing the permit complies with the specified requirements before issuing the permit.*

An individual responsible for issuing work permits would be required to review the academic and attendance records of a pupil 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 on the future academic performance or attendance of the pupil and the ability of the pupil to remain on track for graduation. *When a pupil applies for reauthorization of a work permit in a subsequent school year, the individual would be prohibited from reauthorizing the permit without reviewing the academic and attendance records of the applicant consistent with the specified requirements. In addition, if there has been a significant decline in the academic performance or attendance, or both, of the pupil since the issuance of the work permit for which reauthorization is sought, the individual would be required to deny the permit or reduce the number of hours of employment authorized by the permit.* A pupil who believes a work permit has been denied unfairly would be authorized to appeal the denial to the ~~school principal~~ individual designated by the county superintendent of schools on a countywide level for this purpose, who is required to apply the specified ~~attendance and~~ academic performance and attendance standards in reviewing the application for a work permit. Exceptions to these new limitations on the issuance of a work permits would be made for certain pupils.

The bill also would make other clarifying and conforming 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 superintendent of the school district in which the
9 employee works may issue a permit to work to a minor enrolled
10 in the school. A principal authorized by ~~a superintendent~~ *the*
11 *superintendent of the school district* 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 superintendent
30 *of the school district* to issue work permits is not available, and
31 delay in issuing a permit would jeopardize the ability of a pupil to
32 secure work, another certificated employee authorized by the
33 superintendent may issue the work permit.

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

37 (f) The county superintendent *of schools* or his or her designee
38 ~~shall~~ *may* issue a work permit to a pupil who does not attend a

1 school ~~which~~ *that* has a person authorized to issue a work permit
2 to that pupil, provided that the person issuing the work permit
3 complies with Section 49110.2 in reviewing the ~~pupil's attendance~~
4 ~~and grade point average records~~ *academic and attendance records*
5 *of the pupil* prior to issuing a work permit. *It is the intent of the*
6 *Legislature in granting the authority pursuant to this subdivision*
7 *to ensure that all pupils have a designated individual to whom*
8 *they may apply to receive a work permit.*

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

11 49110.1. (a) The superintendent of a school district may
12 designate the principal or other person having charge of a private
13 school within the district, in which pupils are enrolled pursuant to
14 Section 48222, as a person authorized to issue work permits to
15 pupils of the school, in accordance with this chapter. Where the
16 pupil resides in a portion of the county not under the jurisdiction
17 of the superintendent of a school district, the county superintendent
18 of schools may designate the principal or other person having
19 charge of a private school as the person authorized to issue work
20 permits. The superintendent of the school district, or the county
21 superintendent of schools, as applicable, periodically shall ascertain
22 that the designated person has complied with the requirements of
23 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) (A) The individual shall not issue a permit ~~without~~
36 ~~considering whether the proposed work activities of the pupil could~~
37 ~~detract if the individual determines that issuing a permit is likely~~
38 *to detract* from the academic performance or attendance of the
39 pupil and the ability of the pupil to remain on track for graduation.

1 (B) When a pupil applies for reauthorization of a work permit
2 in a subsequent school year, the individual shall not reauthorize
3 the permit without reviewing the academic and attendance records
4 of the applicant consistent with the requirements of paragraph
5 (2). In addition, if there has been a significant decline in the
6 academic performance or attendance, or both, of the pupil since
7 the issuance of the work permit for which reauthorization is sought,
8 the individual shall deny the permit or reduce the number of hours
9 of employment authorized by the permit.

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

13 (A) If the pupil has a grade point average (GPA) lower than 2.5
14 on a 4.0 scale, or lower than a C plus, or if the pupil has not
15 maintained an attendance record of at least 90 percent for the
16 current and prior semester, he or she shall not be issued a permit
17 for more than 20 hours of work per week, including weekends.
18 This subparagraph does not increase the maximum number of
19 hours a pupil is permitted to work pursuant to any other section,
20 including, but not limited to, Sections 49112 and 49116.

21 (B) The individual shall not issue a work permit to a pupil who
22 has a GPA lower than 2.0 on a 4.0 scale, or lower than a C, or who
23 has not maintained an attendance record of at least 80 percent for
24 the current and prior semester.

25 (b) If a pupil believes a work permit has been denied unfairly,
26 he or she may appeal the denial to the ~~school principal~~ *individual*
27 *designated by the county superintendent of schools for this purpose*
28 *on a countywide level*, who shall apply the ~~attendance and~~ academic
29 performance *and attendance* standards established in subdivision
30 (a) and shall consider any extenuating circumstances in reviewing
31 the application for a work permit.

32 (c) (1) A pupil who is denied a work permit pursuant to this
33 section and who still desires to work shall be encouraged to enroll
34 in a *public school* work experience education program supervised
35 by a certificated teacher or counselor ~~who will~~ *or a private school*
36 *work experience education program supervised by a private school*
37 *teacher or counselor. The public or private school teacher or*
38 *counselor, as applicable, then shall work with the pupil to find*
39 *the proper balance between school and work.*

1 (2) A pupil who is denied a work permit pursuant to this section
2 shall be granted a work permit for the summer, provided he or she
3 is counseled by *his or her principal or* the issuing authority about
4 local summer school or other remediation opportunities. If the
5 pupil is behind in earning credits required for graduation *from his*
6 *or her school of enrollment*, he or she shall enroll in summer school
7 or other remediation in order to receive a work permit for the
8 summer.

9 (d) This section shall not apply to pupils who otherwise qualify
10 for a work permit pursuant to Section 49113 or 49130, who qualify
11 for the work permit exception pursuant to Section 49141, or who
12 are applying for a work permit for the purpose of delivering
13 newspapers to consumers.

14 (e) This section is not intended to discourage career technical
15 education and does not apply to pupils receiving a work permit
16 pursuant to Section 49113 for the purpose of participating in a
17 work education program pursuant to Article 7 (commencing with
18 Section 51760) of Chapter 5 of Part 28.

19 SEC. 4. Section 49111 of the Education Code is amended to
20 read:

21 49111. A permit to work may be issued to a minor over the
22 age of 12 years and under the age of 18 years to be employed on
23 a regular school holiday, during the regular vacation of the school
24 in which the pupil is enrolled, during the time in which the minor
25 is exempt from compulsory school attendance pursuant to Section
26 48231, and during the period of a specified occasional ~~public~~
27 ~~school~~ vacation *of the school in which the pupil is enrolled* in any
28 of the establishments or occupations not otherwise prohibited by
29 law.

30 SEC. 5. Section 49117 of the Education Code is amended to
31 read:

32 49117. All permits to work or to employ, all certificates of age,
33 and certificates of health pursuant to this chapter shall be issued
34 on forms prepared and provided by the superintendent. Local
35 designees authorized to issue permits to work may be authorized
36 by the superintendent to produce permits to work.

1 *SEC. 6. This act does not prohibit the governing board of a*
2 *school district from adopting work permit policies that are stricter*
3 *than the criteria established by this act.*

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