

AMENDED IN ASSEMBLY SEPTEMBER 5, 2007

AMENDED IN ASSEMBLY JULY 10, 2007

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

(1) *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, instead, would authorize certificated employees, who are employed by the applicable school district, 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. However, the individual responsible for issuing work permits would be authorized to make exceptions to the academic and attendance requirements based on the career technical education and economic needs of the pupil and any extenuating circumstances. 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 individual designated by the county superintendent of schools on a countywide level for this purpose, who is required to apply the specified academic performance and attendance standards and to consider the career technical education

and economic needs of the pupil and any extenuating circumstances in reviewing the application for a work permit. Exceptions to these new limitations on the issuance of work permits would be made for certain pupils.

The

(2) *The bill also would make other clarifying and conforming changes.*

(3) *The bill would make additional changes in Section 49110 of the Education Code to be operative only if SB 345 and this bill are enacted and become effective on or before January 1, 2008, each bill amends Section 49110 of the Education Code, and this bill is enacted last.*

(4) *The bill would provide that the changes made by its provisions would be implemented commencing at the beginning of the 2008–09 school year, except as specified.*

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 the superintendent of the
11 school district may in turn designate certificated employees at the
12 schoolsite to issue work permits.

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

1 temporary or emergency basis in a facility that services only
2 minors.

3 (d) If the certificated employee designated by the superintendent
4 of the school district to issue work permits is not available, and
5 delay in issuing a permit would jeopardize the ability of a pupil to
6 secure work, another certificated employee authorized by the
7 superintendent may issue the work permit.

8 (e) A permit to work shall not be issued to a pupil by a person
9 who may request a work permit for that pupil pursuant to
10 subdivision (c).

11 (f) The county superintendent of schools or his or her designee
12 may issue a work permit to a pupil who does not attend a school
13 that has a person authorized to issue a work permit to that pupil,
14 provided that the person issuing the work permit complies with
15 Section 49110.2 in reviewing the academic and attendance records
16 of the pupil prior to issuing a work permit. It is the intent of the
17 Legislature in granting the authority pursuant to this subdivision
18 to ensure that all pupils have a designated individual to whom they
19 may apply to receive a work permit.

20 SEC. 1.5. Section 49110 of the Education Code is amended to
21 read:

22 49110. (a) ~~It is the intent of the Legislature that school district~~
23 ~~personnel~~ *An individual* responsible for issuing work permits to
24 pupils *pursuant to this section shall* have a working knowledge of
25 California labor laws as they relate to minors and ~~be trained to~~
26 ~~provide the pupils practical personal guidance in career education~~
27 ~~of education laws related to work permits.~~

28 ~~(b) The superintendent of any school district in which any minor~~
29 ~~resides, a person holding a services credential with a specialization~~
30 ~~in pupil personnel services authorized by the superintendent in~~
31 ~~writing, or a certificated work experience education teacher or~~
32 ~~coordinator authorized by the superintendent in writing, may issue~~
33 ~~to certain minors permits to work. If the minor resides in a portion~~
34 ~~of a county not under the jurisdiction of the superintendent of any~~
35 ~~school district, the permit to work shall be issued by the~~
36 ~~superintendent of schools of the county, by a person holding a~~
37 ~~services credential with a specialization in pupil personnel services~~
38 ~~authorized by the superintendent in writing, or a certificated work~~
39 ~~experience education teacher or coordinator authorized by the~~
40 ~~superintendent in writing.~~

1 (b) A certificated employee of a school district who is authorized
2 in writing by the superintendent of the school district in which the
3 employee works may issue a permit to work to a minor enrolled
4 in the school. A principal authorized by the superintendent of the
5 school district may in turn designate certificated employees at the
6 schoolsite to issue work permits.

7 (c) The chief executive officer, or the equivalent position, of a
8 charter school, or his or her designee, may issue a permit to work
9 to a minor attending that charter school.

10 (e)

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

21 (d)

22 (e) If the certificated ~~person~~ employee designated by the
23 superintendent of the school district to issue work permits is not
24 available, and delay in issuing a permit would jeopardize the ability
25 of a pupil to secure work, a ~~person~~ another certificated employee
26 authorized by the superintendent may issue the work permit.

27 ~~(e) If a district does not employ or contract with a person holding~~
28 ~~a services credential with a specialization in pupil personnel~~
29 ~~services or with a certificated work experience education teacher~~
30 ~~or coordinator, the superintendent may authorize, in writing, a~~
31 ~~person who does not hold that credential to issue permits to work~~
32 ~~during periods of time in which the superintendent is absent from~~
33 ~~the district.~~

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

37 (g) The county superintendent of schools or his or her designee
38 may issue a work permit to a pupil who does not attend a school
39 that has a person authorized to issue a work permit to that pupil,
40 provided that the person issuing the work permit complies with

1 *Section 49110.2 in reviewing the academic and attendance records*
2 *of the pupil prior to issuing a work permit. It is the intent of the*
3 *Legislature in granting the authority pursuant to this subdivision*
4 *to ensure that all pupils have a designated individual to whom*
5 *they may apply to receive a work permit.*

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

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

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

25 SEC. 3. Section 49110.2 is added to the Education Code, to
26 read:

27 49110.2. (a) An individual responsible for issuing work permits
28 pursuant to Section 49110 or 49110.1 shall comply with both of
29 the following, and, notwithstanding any other provision of law,
30 shall have the authority to review the records of a pupil necessary
31 to comply with both of the following:

32 (1) (A) The individual shall not issue a permit if the individual
33 determines that issuing a permit is likely to detract from the
34 academic performance or attendance of the pupil and the ability
35 of the pupil to remain on track for graduation.

36 (B) When a pupil applies for reauthorization of a work permit
37 in a subsequent school year, the individual shall not reauthorize
38 the permit without reviewing the academic and attendance records
39 of the applicant consistent with the requirements of paragraph (2).
40 In addition, if there has been a significant decline in the academic

1 performance or attendance, or both, of the pupil since the issuance
2 of the work permit for which reauthorization is sought, the
3 individual shall deny the permit or reduce the number of hours of
4 employment authorized by the permit.

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

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

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

20 (b) However, an individual responsible for issuing work permits
21 may make exceptions to the requirements of subdivision (a) based
22 on the career technical education needs of the pupil, the economic
23 need of the pupil, and any extenuating circumstances, including,
24 but not limited to, the circumstances described in Section 49130.

25 (c) If a pupil believes a work permit has been denied unfairly,
26 he or she may appeal the denial to the individual designated by
27 the county superintendent of schools for this purpose on a
28 countywide level, who shall apply the academic performance and
29 attendance standards established in subdivision (a) and shall
30 consider the career technical education needs of the pupil, the
31 economic need of the pupil, and any extenuating circumstances,
32 including, but not limited to, the circumstances described in Section
33 49130, in reviewing the application for a work permit.

34 (d) (1) A pupil who is denied a work permit pursuant to this
35 section and who still desires to work shall be encouraged to enroll
36 in a public school work experience education program supervised
37 by a certificated teacher or counselor or a private school work
38 experience education program supervised by a private school
39 teacher or counselor. The public or private school teacher or

1 counselor, as applicable, then shall work with the pupil to find the
2 proper balance between school and work.

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

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

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

21 SEC. 4. Section 49111 of the Education Code is amended to
22 read:

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

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

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

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

1 *SEC. 6. Section 1.5 of this bill shall only become operative if*
2 *(1) this bill and SB 345 are both enacted and become effective on*
3 *or before January 1, 2008, (2) each bill amends Section 49110 of*
4 *the Education Code, and (3) this bill is enacted after SB 345, in*
5 *which case Section 1 of this bill shall not become operative.*

6 *SEC. 7. The changes made by Section 1 or 1.5, as applicable,*
7 *except subdivision (c) of Section 49110 of the Educations Code,*
8 *as added by Section 1.5, and Sections 2 to 5, inclusive, of this act*
9 *shall be implemented commencing at the beginning of the 2008–09*
10 *school year.*

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