

Administrative Regulation 5113.1(a)

Students

WORK PERMITS

The Superintendent may, in writing, delegate the authority to issue work permits to a person holding a services credential with a specialization in pupil personnel services or to a certificated work experience education teacher or coordinator. This designee should be knowledgeable about California labor laws as they relate to minors, including Labor Code 1285-1312 and 1391-1394, which contain numerous provisions regulating the employment and working hours of minors in specific industries.

Approval/Revocation Of Work Permits

1. No work permit shall be issued until the student's parent/guardian, foster parent or residential shelter services provider has filed a written request with the district. (Ed. Code 49110)
2. The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education. (Ed Code 49164)

Permits To Work Part-Time When School Is In Session

1. A student 16 or 17 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than four hours on any day on which the student is required by law to attend school. The following exceptions shall apply:
 - a. The four-hour limit may be exceeded for students 16 or 17 years of age who are employed in a school-approved work experience or cooperative vocational education program or in personnel attendance occupations as defined in Industrial Welfare Commission Minimum Wage Order #15.
 - b. A student 16 or 17 years of age may receive a permit to work outside of school hours for no more than eight hours on any day on which the student is required by law to attend school, provided it is a day which immediately precedes a nonschool day.
2. While school is in session, a student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any school day and no more than 18 hours in any week. (Ed Code 49112, 49116)

If enrolled in and employed pursuant to a school-supervised and school administered work experience and career exploration program, a student 14 or 15 years of age may be employed for up to 23 hours a week, any portion of which may occur during school hours.

3. With the consent of the Superintendent or designee, a student who is 13 years old and has completed the sixth grade may receive a permit to work for no more than two hours on any given day, up to a maximum of four hours each week provided that:
 - a. The student has been identified by the district as a potential dropout, and
 - b. The student is participating in an employment program this is conducted on school premises and sponsored by one or more school districts to foster student appreciation of the importance of education in preparing for future employment and education.

Permits To Work Full-Time When School Is In Session, Students 14 Or 15 Years Of Age

A permit to work full time may be issued to a minor 14 or 15 years of age who holds an elementary school diploma, provided that the permit expires no later than the end of the current school year, and provided that one of the following circumstances exists:

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1. The parent/guardian presents a sworn statement that the parent/guardian is incapacitated for labor through illness or injury, or that through the death or desertion of the father or mother, the family is in need of the minor's earnings and that sufficient aid cannot be secured in any other manner.
2. The minor is unable to reside with his/her family and needs his/her earnings for his/her support.
3. The minor is residing with a foster care provider, or a guardian receiving foster care funds for the minor, provided that:
 - a. The provider or guardian obtains written authorization from the minor's social worker, probation officer or child protective services worker acting as an officer of the court, and
 - b. The minor's case plan documents that the purpose of the employment is to further the goal of emancipation pursuant to law, or to enable the minor to learn necessary skills, habits and responsibilities related to maintaining employment.

The Superintendent or designee shall sign a statement that he/she has investigated the conditions under which the work permit application has been made and has judged that the minor's earnings are necessary for the minor's support and that sufficient aid cannot be secured in another manner. If issuing a work permit subject to circumstances #3 above, the Superintendent or designee shall sign a statement that he/she has received authorization from the minor's social worker, probation officer or child protective services worker.

A minor who applies for a full-time work permit pursuant to the above circumstances shall be duly enrolled in a work experience education program.

Permits To Work Full Time When School Is In Session, Students 16 Or 17 Years Of Age

A permit to work full time may be granted to a student 16 or 17 years of age when the Superintendent or designee has received and approved the following documents:

1. The student's school record, including age, grade, and attendance for the current term, signed by the principal or teacher
2. Evidence of sufficient age, such as a birth certificate, passport or affidavit of the student's age, signed by the parent/guardian
3. A written statement from the prospective employer stating that work is waiting for the student and describing the nature of the work.

The Superintendent or designee shall give the name of the student and his/her employer to the continuation school. The student shall then enroll in the continuation school. (Ed Code 49135)

Permits To Work When School Is Not In Session

Students 12 through 17 years of age may receive a permit to work on 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.

Ed Code 49135 requires that students 14-17 years of age who are granted permits to work full-time enroll in continuation classes.