

Regulation 5113.2: Work Permits

Status: ADOPTED

Original Adopted Date: 11/01/2004 | Last Revised Date: 12/15/2020 | Last Reviewed Date: 12/15/2020

CSBA NOTE: Education Code 49160 requires all minors to obtain a work permit in order to accept employment. Labor Code 1286 defines "minors" as persons under the age of 18 years who are subject to the state's compulsory attendance laws. Students who are 18 years of age and are no longer subject to compulsory attendance pursuant to Education Code 49101 are not required to obtain a work permit even if they have not yet graduated from high school. Pursuant to Education Code 49114, students who have graduated early from high school or have received a certificate of proficiency need a "certificate of age" to be employed. Pursuant to 5 CCR 10120.1, the certificate of age is contained within the California Department of Education's (CDE) Statement of Intent to Employ a Minor and Request for Work Permit - Certificate of Age (Form B1-1), available on its web site.

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including a student who has not yet graduated from high school or has not received a certificate of proficiency, shall obtain a work permit.

CSBA NOTE: State and federal labor laws generally require that minors be at least 14 years of age to be employed, although Education Code 49111 authorizes the issuance of a work permit to a minor who is at least 12 years of age for periods when school is not in session.

The district may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to Education Code 51760-51769.5, to a student 14-17 years of age. The district also may issue a permit to any student 12-17 years of age to be employed during a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance pursuant to Education Code 48231 because the student arrived from another state within 10 days before the end of the school term. (Education Code 49111, 49113, 49160)

If a student has obtained an offer of employment in the entertainment industry, the student shall request a work permit from the California Department of Industrial Relations, Division of Labor Standards Enforcement, pursuant to Labor Code 1308.5 and 8 CCR 11752-11753.

A work permit shall not be required for a student who is not receiving pay or financial reimbursement for services rendered in volunteer services or educational purposes, is not in an employer-employee relationship in accordance with the Fair Labor Standards Act, is serving as an unpaid trainee or volunteer or in an in-school placement, and has submitted written parent/guardian permission. (5 CCR 10121)

CSBA NOTE: The following paragraph reflects exemptions cited in Education Code 49112 and 49141, Labor Code 1394, and the Department of Industrial Relations' (DIR) Child Labor Laws.

In addition, a student shall not be required to obtain a work permit if the student is self-employed; is working at odd jobs such as yard work and babysitting in private homes where the student is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed in agricultural, horticultural, viticultural, or domestic labor during non-school hours when the work is performed for or under the control of the parent/guardian and is performed upon or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

Persons Authorized to Issue Work Permits

CSBA NOTE: Education Code 49110 specifies persons authorized to issue work permits in the district, including the Superintendent, a designated employee holding a services credential with a specialization in pupil personnel services, a certificated work experience education teacher or coordinator, and a principal or other school administrator designated by the principal. Pursuant to Education Code 49110, if the district does not employ or contract with a person holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, the Superintendent may provide written authorization for a person without such qualifications to temporarily issue work permits when the Superintendent is absent from the district. Education Code 49110 also authorizes a charter school chief executive officer or designee, the County Superintendent of Schools or designee, or private school principal or designee to issue a work permit.

Items #1-3 below may be revised to specify the position(s) of the employee(s) responsible for issuing work permits in the district.

The following individuals are authorized to issue a work permit to a student in the district: (Education Code 49110)

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1. The Superintendent
2. An employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the Superintendent in writing
3. A principal, or another school administrator designated by the principal, provided that the principal or designee:
 - a. Provides a self-certification that the principal or designee understands the requirements of law for issuing a work permit
 - b. Does not issue a work permit to the principal's or designee's own child

If the person designated to issue work permits is not available and delay in issuing a permit would jeopardize a student's ability to secure work, the Superintendent may temporarily authorize another person to issue the permit. (Education Code 49110)

Application

The student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider shall file a written request for a work permit. (Education Code 49110)

CSBA NOTE: The request for a permit must be submitted to the district on a form approved by CDE pursuant to Education Code 49117 and 49162-49163 (CDE Form B1-1, "Statement of Intent to Employ a Minor and Request for Work Permit - Certificate of Age").

The request for a work permit shall be submitted to the Superintendent or designee on a form approved by the California Department of Education (CDE).

If the student is applying for a full-time work permit, the student and the student's parent/guardian shall generally be required to appear before, and submit the application to, the Superintendent or designee. (Education Code 49132)

CSBA NOTE: Education Code 49200, as added by AB 908 (Ch. 64, Statutes of 2020), and Education Code 49132, as amended by AB 908, establish the following flexibility in the application process in the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency.

In the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency, the required documentation, including signatures, may be collected electronically. In addition, if the application is for a full-time work permit, the student and parent/guardian shall not be required to appear in person before the Superintendent or designee if the completed application has been successfully submitted electronically and the student and parent/guardian have attended a video conference with the person issuing the work permit. (Education Code 49132, 49200)

Approval Process

The Superintendent or designee shall have discretion to determine whether or not to issue the work permit.

CSBA NOTE: The following optional paragraph should be revised to reflect any criteria established by the Governing Board for the issuance of work permits; see the accompanying Board policy.

In determining whether to approve a work permit, the Superintendent or designee shall verify the student's date of birth, the type of work permit to be issued, and whether the student meets any other criteria established by the Governing Board. The Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

CSBA NOTE: Although districts generally have the authority to impose additional requirements on the issuance of work permits, Education Code 49200, as added by AB 908, prohibits consideration of grades, grade point average, or school attendance in the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency.

However, a work permit shall not be denied based on a student's grades, grade point average, or school attendance under either of the following circumstances: (Education Code 49120, 49200)

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1. The student's school has been physically closed for an extended time due to a natural disaster, pandemic, or other emergency.
2. The student is applying for a work permit in order to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the student's school.

Students shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor laws. (Labor Code 1290-1298; 29 CFR 570.33, 570.50-570.72)

CSBA NOTE: State and federal regulations pertaining to work hours are summarized in DIR's Child Labor Laws. The following paragraph reflects legal requirements establishing maximum work hours for minors, but may be revised to reflect any more restrictive work hours established by Board policy.

The Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will occur while school is in session and/or not in session. (Education Code 49111, 49112, 49116; Labor Code 1391-1391.1; 29 CFR 570.35)

CSBA NOTE: Pursuant to Education Code 49130-49131, the district may issue a work permit authorizing full-time employment while school is in session to a student age 14-17. However, for students age 14-15, Education Code 49130 specifies that the student must have completed elementary school, the permit must expire at the end of the current school year, and either (1) the student's earnings are needed due to a parent/guardian's death or incapacity to work by reason of illness or injury, (2) the earnings are needed due to the student's inability to reside with the family, or (3) a student who is in foster care has written authorization from a social worker, probation officer, or child protective services worker acting as an officer of the court for the purpose of furthering the goal of emancipation.

Full-time employment may be authorized for students 14-17 years of age in accordance with Education Code 49130-49135.

CSBA NOTE: Pursuant to Education Code 49117, work permits must be issued on forms prepared and provided by the Superintendent of Public Instruction (SPI), or on forms produced by the district when authorized by the SPI. CDE's "Permit to Employ and Work" (CDE Form B1-4) is available on its web site.

All work permits shall be issued on forms provided by or authorized by CDE. (Education Code 49117)

CSBA NOTE: The following two paragraphs reflect information provided in DIR's Child Labor Laws.

Each permit shall authorize work for a specific employer. Whenever a student changes employers, the student shall request a new permit.

The student may be issued more than one work permit if the student works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and the district.

CSBA NOTE: The following optional paragraph is for use by districts that allow principals or their designees to issue work permits; see item #3 in the section "Persons Authorized to Issue Work Permits" above.

Whenever a work permit is issued by a principal or other designated school administrator, the principal or designee shall submit to the Superintendent a copy of each work permit issued, along with a copy of the application. (Education Code 49110)

The Superintendent or designee shall periodically inspect the grades and attendance records of students granted work permits to ensure maintenance of academic progress and any additional criteria established in Board policy.

Expiration of Work Permits

Work permits issued during the school year shall expire five days after the opening of the next succeeding school year. (Education Code 49118)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice, including establishing a time period for submitting a renewal request before the permit expires.

Before the work permit expires, a student may apply for a renewed work permit in accordance with the procedures specified in the section "Approval Process" above.

The Superintendent or designee shall revoke a student's work permit whenever the Superintendent or designee determines that the employment is impairing the health or education of the student, any provision or condition of the permit is being violated, the student is performing work in violation of law, or any condition for the issuance of the permit no longer exists or never existed. (Education Code 49116, 49164; Labor Code 1300)

The Superintendent may revoke a work permit issued by a principal of a public or private school located within the district if the Superintendent becomes aware of any grounds upon which the student may be deemed ineligible for a work permit under law. (Education Code 49110)

Retention of Records

CSBA NOTE: A work permit is classified as Class 3 - Disposable Record pursuant to 5 CCR 16026 and thus should not be destroyed until four years after it was issued. See AR 3580 - District Records for further information about the classification and disposal of records.

The Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued. (5 CCR 16026)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 10120-10121	Work permits
5 CCR 16023-16027	District records, retention and destruction
8 CCR 11701-11707	Prohibited and dangerous occupations for minors
8 CCR 11750-11763	Work permits and conditions, minor employed in entertainment industry
Ed. Code 48230	Exemption from full-time school attendance for students with work permits
Ed. Code 48231	Exemption from compulsory attendance for students entering attendance area near end of term
Ed. Code 49100-49101	Compulsory attendance
Ed. Code 49110-49119	Permits to work
Ed. Code 49130-49135	Permits to work full time
Ed. Code 49140-49141	Exceptions
Ed. Code 49160-49165	Employment of minors; duties of employers
Ed. Code 49180-49183	Violations
Ed. Code 49200	Permit to work during extended emergency school closure
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52300-52499.66	Career technical education
Lab. Code 1285-1312	Employment of minors
Lab. Code 1391-1394	Working hours for minors

Federal References

	Description
29 CFR 570.1-570.129	Child labor regulations

Management Resources References

	Description
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 114 (1951)
CA Department of Industrial Relations Publication	Child Labor Laws, 2013
California Department of Education Publications	Permit to Employ and Work, Form B1-4
Website	California Department of Education, Work Experience Education

Website

[California Department of Industrial Relations](#)

Cross References

Description

1700	Relations Between Private Industry And The Schools
3580	District Records
3580	District Records
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5147	Dropout Prevention
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6184	Continuation Education
6184	Continuation Education