

# Tahoe Truckee USD

## Board Policy

### Work Permits

AR 5113.2

#### Students

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

~~(cf. 5112.1 - Exemptions from Attendance)~~

~~(cf. 6146.1 - High School Graduation Requirements)~~

~~(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)~~

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 ~~minor~~ **student age 14-17- years of age**. The district also may issue a permit to any ~~minor~~ **age 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 ~~he/she~~ **the student** arrived from another state within 10 days before the end of the school term ~~pursuant to Education Code 48231-.~~ (Education Code- 49111,- 49113,- 49160)  
~~(cf. 6178.1 - Work Experience Education)~~

If a ~~minor~~ **student** has obtained an offer of employment in the entertainment industry, ~~he/she~~ **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.

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**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)**

**In addition, a student shall not be required to obtain a work permit if ~~he/she~~ **the student** is self-employed; is working at odd jobs such as yard work and babysitting in private homes where ~~he/she~~ **the student** is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed ~~by his/her~~ **parent/guardian in domestic labor** ~~on~~ **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

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

### ~~Persons Authorized to Issue Work Permits~~

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

1. ~~1.~~ The Superintendent **Chief Learning Officer**
2. ~~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 Chief Learning Officer in writing
3. ~~3.~~ A principal, or another school administrator designated by the principal, provided that ~~he/she:~~ **the principal or designee:**
  - a. ~~a.~~ Provides a self-certification that ~~he/she:~~ **the principal or designee** understands the requirements of law for issuing a work permit
  - b. ~~b.~~ Does not issue a work permit to ~~his/her:~~ **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 Chief Learning Officer may **temporarily** authorize another person to issue the permit. (Education Code- 49110)

### Approval Process

### 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)

The request for a work permit shall be submitted to the Superintendent Chief Learning Officer 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 Chief Learning Officer or designee. (Education Code 49132)**

**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 Chief Learning Officer 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 Chief Learning Officer or designee shall have discretion to determine whether or not to issue the work permit.

In determining whether to approve a work permit, the Superintendent Chief Learning Officer 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 Chief Learning Officer 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.

**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)**

**(cf. 5121 – Grades/Evaluation of Student Achievement)**

- 1. Minors** 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)

The Superintendent Chief Learning Officer 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)

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

~~(cf. 6184 - Continuation Education)~~

All work permits shall be issued in a format approved and on forms provided by or authorized by ~~the~~ CDE. (Education Code- 49117)

Each permit shall authorize work for a specific employer. Whenever a student changes employers, ~~he/she~~ **the student** shall request a new permit.

The student may be issued more than one work permit if ~~he/she~~ **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.

Whenever a work permit is issued by a principal or other designated school administrator, the principal or designee shall submit to the Superintendent Chief Learning Officer a copy of each work permit ~~he/she issues~~ **issued**, along with a copy of the application. (Education Code- 49110)

The Superintendent Chief Learning Officer 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)

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.

### **Revocation of Work Permits**

The Superintendent Chief Learning Officer or designee shall revoke a student's work permit whenever ~~he/she~~ **the Superintendent Chief Learning Officer or designee** determines that **the employment is interfering with impairing the student's health or education, that of the student, any provision or condition of the permit is being violated, or that 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 Chief Learning Officer may revoke a work permit issued by a principal of a public or private school located within the district if the Superintendent Chief Learning Officer 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**

The Superintendent Chief Learning Officer 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)

~~(cf. 3580 - District Records)~~

~~(cf. 5125 - Student Records)~~