

MODESTO CITY SCHOOLS

Administrative Regulation

AR 5113.2

STUDENTS

Work Permits

1. No work permit shall be issued until the student's parent/guardian has filed a written request for it with the District. (Education Code 49110)
2. Superintendent/designee shall:
 - a. Inspect the student's records for evidence of satisfactory attendance and progress toward graduation.
 - b. Issue a work permit only if the District's eligibility requirements defined below are met.

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.

(cf. 5112.1 – Exemptions from Attendance)

(cf. 6146.1 – High School Graduation Requirements)

(cf. 6146.2 – Certificate of Proficiency/High School Equivalency) (N/A)

(cf. 6178.1 – Work-Based Learning) (N/A)

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)

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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

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

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

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 (40 hours/week), 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)

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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.

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.

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

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 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)

(cf. 6184 – Continuation Education)

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

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.

The Superintendent or designee shall periodically inspect the scholastic 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 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)

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ELIGIBILITY REQUIREMENTS

Academic Prerequisite:

1. To obtain a work permit a student must be on-track-for-graduation as defined by the District. On track means a student has earned the number of units to graduate with his/her classmates when he/she becomes a high school senior (see Exhibit 5113.1). This regulation also applies to all students who transfer into Modesto City Schools from other school districts.

Attendance Prerequisite:

1. Truancy
 - a. Students with a fourth/fifth incident of truancy will not be issued a work permit, or their work permit will be revoked for a maximum of nine weeks.
 - b. Students with a sixth incident of truancy will not be issued a work permit, or their work permit will be revoked until the end of the school year.
2. Excessive Absenteeism

Students with five or more absences without a doctor's note after being placed on attendance supervision by a school administrator will not be issued a work permit or their work permit will be revoked until the end of the school year.

Maximum Work Hours (E.C. 49111, 49112, 49116)

1. Regular work permits may be written for students making satisfactory progress ("on track") toward graduation as follows:
 - a. Students 16 - 17 years old maximum hours:
4 hours per school day/28 hours per week

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- b. Students 14 - 15 years old – maximum hours:
3 hours per school day/18 hours per week
 - c. Students 12 - 13 years old – maximum hours:
8 hours per non-school day/16 hours per week
2. Alternative Education – Students enrolled in Alternative Education may receive a work permit if making satisfactory progress toward alternative education graduation.
- a. Work Permit Regular Student
 - Current Student: Students must pass 20 or more units in the current semester to maintain eligibility for a work permit the following semester. (Maximum of 4/32 hours.)
 - New Student: Students who were not eligible for a work permit at the sending school must earn 4.5 or more units within a four-week period and maintain satisfactory attendance to be eligible for a work permit. (Maximum of 4/20 hours/satisfactory attendance.)
 - b. Work Experience Education
 - Current Student: Students scheduled into work experience must pass 20 or more units in the current semester to remain in Work Experience Education the following semester. (Maximum of 6/40 hours.)
 - New Student: Students who were not eligible for a work permit at the sending school must earn 4.5 or more units within a four-week period to be eligible for Work Experience Education. (Maximum of 6/40 hours.)

Students who are issued a work permit or scheduled into Work Experience Education will be evaluated at the end of each 4.5 week grading period to

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determine continuing eligibility for a work permit and/or placement in Work Experience Education.

Exceptions to Eligibility Requirements and Maximum Work Hours

1. Hardship Exemption (Academic/Attendance Prerequisites only):
 - a. The principal may issue a waiver of one or more of these requirements to a student denied a work permit if it is verified that a personal or family hardship exists regarding employment or for medically-related reasons.
 - b. The waiver shall be approved by the principal and submitted on a District form with a copy on file with the Senior Director, Educational Options.
2. Maximum Hours:
 - a. The four-hour limit for school days and the maximum hours per week maybe exceeded for employment in a Work Experience Education Program or in a Regional Occupational Program which utilizes cooperative vocational education as an instructional strategy.

Retention of Records

The Superintendent or designee shall retain a copy of the work permit application and 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)