

December 16, 2009

## **Process for Obtaining Work Permits to Change on Jan. 1**

As a result of the passage of AB 66 last fall, a new law regarding work permits will go into effect on January 1, 2010. The California Department of Education is still working on updating information, forms, and procedures, so some details may change. However, this paper answers some of the questions that have been asked about the new law.

Note: This provides a general explanation of how the new work permit laws are expected to be implemented by the CDE, but this is not intended to provide a detailed explanation of how to obtain a work permit. We are referring questions regarding work permits to HSLDA for HSLDA members, or to CHEA.

### **1. Who needs a work permit?**

Generally, children who are employed and who are under age 18 need a work permit. There are exceptions; some of the most common exceptions include:

- no permit is needed for a student who has graduated from high school or passed the California High School Proficiency Exam even if the student is under 18 years old,
- work permits are not needed for minors who are self-employed,
- work permits are not needed for minors working in agricultural or domestic jobs where their parents own, operate, or control the business.

### **2. If my child already has a work permit, does he need a new one after January 1?**

Not necessarily. Work permits are valid until five days after the opening of the next school year. So permits already issued during the 2009-2010 school year will continue to be valid throughout the current school year. Of course, if a student changes jobs, he will need a new permit since each permit is issued only for a particular job location.

### **3. Where should my student obtain a work permit?**

Beginning on January 1, 2010, all public and private school principals who self-certify that they understand the laws related to work permits may issue work permits to students enrolled in their schools. The principal may also authorize another administrator to issue the permits. This means that most students will obtain a work permit from their own schools.

However, school principals and administrators cannot issue permits to their own children. So in a situation where the principal's own child attends his school, the principal will have to arrange for a different administrator to issue the permit to the principal's son or daughter. Additionally, this other administrator will need to be authorized by the principal to issue permits and will have to meet the self-certification requirement described later in this article.

**4. Will all private and public schools issue the work permits?**

No. In order to issue work permits, the principal or other administrator will have to self-certify that he understands the requirements in existing law for issuing a work permit. Some schools will not have anyone on staff who is familiar with the laws governing work permits, and so will choose not to issue permits at all. Others may be willing to issue permits eventually, but must first familiarize themselves with the laws so that they can complete the certification.

**5. If my student's private school does not issue work permits, is there some other way he or she can obtain a permit?**

Yes. Under the new law, if a student's school does not issue permits, the student may obtain a permit from one of the following sources:

(1) the superintendent of the school district in which the student resides, or

(2) any work experience education teacher or person who holds a services credential with a specialization in pupil personnel services, so long as the person issuing the permit has written authorization by the school district superintendent to issue permits.

**6. If my student's school does not issue work permits, and we don't live in an area under a school district authority, is there another way to get a permit?**

Yes. If the student lives in an area not covered by a school district, and if the student does not attend a charter school, he may obtain a permit from one of these sources:

(1) the county superintendent of schools, or

(2) any certificated work experience education teacher or coordinator, or any person who holds a services credential with a specialization in pupil personnel services, so long as the person issuing the permit is authorized by the county superintendent of schools in writing.

**7. Can privately homeschooled children obtain work permits?**

Yes. However, since parents cannot issue work permits to their own children, homeschooled students must get permits from an administrator other than their own parents. In the case of a homeschooled student who is enrolled in a private school satellite program (PSP), the PSP principal (or other administrator authorized by the principal) may issue the permit, as long as the permit is not going to his own child. In the case of a single-family private school where parents operate their own private school, the parents will have several options. Their child can go to one of the alternative sources listed above in Questions 5 or 6 for a permit, or the parents could engage an additional administrator to issue permits.

Please remember that "homeschool" is not a term used in California law and should not be used when communicating with public officials. Your child is enrolled in a private school (Your private school happens to be based in your home).

**8. How would it work for homeschooling parents have an additional administrator to issue permits?**

A homeschool parent who is the principal of his own family's private school could add an administrator to his school staff for the purpose of administering work permits. In order for the new administrator to issue permits, he must meet the self-certification process described below in Question 10, and must be authorized by the principal of this private school to issue permits. Nothing in the law prohibits a private school from adding new administrators at any time. Further, nothing requires that school administrators work full-time, nor that they be paid employees, so the additional administrator could be a part-time volunteer. However, if an administrator is paid, he would have to meet the criminal record summary requirements of Education Code Section 44237. See CHEA's handbook, *An Introduction to Home Education*, for information on the "criminal record summary."

**9. If we decide to add an administrator to our homeschool program for the purpose of issuing work permits to our own children, do we need to file a new affidavit?**

No. Affidavits are required to be filed just once each year. The affidavit provides a statistical "snap shot" of your school as it existed on a particular date between October 1-15. You do not need to file again every time your school information changes. Any new information will be reflected on next year's affidavit. Additionally, the affidavit does not require that every administrator be listed by name. Only a couple of key administrators are identified by name on the affidavit form; the rest are simply included in the tally showing total number of administrators. So for the next year, the only item likely to change as a result of adding an administrator is the total number of administrators in your school.

**10. What is the certification process for principals and administrators?**

The new law requires that principals and administrators who issue work permits "shall provide a self-certification that he or she understands the requirements in existing law for issuing a work permit." The certification process is under development by the CDE, so details may change. However, at this time CDE reports it is preparing a form which will be available on its website for principals and administrators to use. A signed copy of the form will likely be required to be given to the local school district superintendent.

**11. Does any other paperwork have to be given to the local school district superintendent?**

Yes. A copy of each issued work permit must be given to the local school district superintendent, who has the authority to revoke a permit if he or she becomes aware that the student is not legally eligible for a work permit.

**12. Where does a principal or administrator find the legal requirements for work permits that he is supposed to understand in order to complete the certification process?**

Currently the most concise presentation is in the CDE's publication, ["Work Permit Handbook for California Schools."](#) However, this handbook [is being updated to reflect current law and the new version is not yet available](#) at the writing of this article. The old 2009 version has misinformation about homeschooling and describes the process for

obtaining permits under the old law. So until a newer edition is available, principals will have to use the old book for information on appropriate work sites, hours, and other information, but ignore the out-dated perspective on homeschooling.

**13. Isn't there a change in work hours under the new law?**

Yes and No. Under the old law, students could work a prescribed number of hours each student can work are linked to the school in which the student is enrolled. So there is no change for public school students. However, the new law allows flexibility where a private school schedule is not the same as that of the public schools. Again, the CDE's work permit handbook reflects the old information.

**14. Where does a private school principal get the work permit forms to issue?**

There are currently two forms used (B1-1 & B1-4) and, as already discussed, a third one will be added for the certification of principals and administrators issuing permits. In addition to the self-certification form being developed, the two forms needed are the B1-1, "Intent to Employ Minor and Request for Work Permit," and the B1-4 "Permit to Employ and Work." These forms are described in the *Work Permit Handbook for California Schools*. They will be available on the CDE website so that any school principal or administrator can download and print them.

Basically, the B1-1 is taken by the minor to the employer who intends to hire the minor. The form is filled out and taken to the principal or administrator who will issue the work permit. The B1-4 form is the actual work permit. It is filled out and signed by the principal or administrator who has received the B1-1 from the student and approves the minor's employment. Again, the CDE handbook covers all the requirements and explanations for these two forms.

**15. Where is the CDE's website?**

The main CDE website is [www.cde.ca.gov](http://www.cde.ca.gov). Currently the page that covers work permit information is [www.cde.ca.gov/ci/ct/we/wpfaq.asp](http://www.cde.ca.gov/ci/ct/we/wpfaq.asp). This web page may be updated by the CDE to conform to the new law. It may be that the new forms will not be available on the website until sometime after January 1.