

# Frequently Asked Work Permit Questions For Administrators

1. Who is allowed to issue work permits?

Education Code 49110 specifies that only the following persons may issue work permits:

  - Superintendent of any local public school district in which any minor resides; or
  - Superintendent of county schools if the minor resides in a portion of a county not under the jurisdiction of the superintendent of a school district; or
  - Person holding a services credential with a specialization in pupil personnel services authorized, in writing, by the superintendent; or
  - Work Experience Education teacher/coordinator authorized, in writing, by the superintendent; or
  - Person authorized, in writing, by the superintendent if the designated person is not available, and delay in issuing a permit would jeopardize the ability of the pupil to secure work; or
  - Person authorized, in writing, to issue work permits if the superintendent is absent from the district and the district does not employ a person holding the necessary credential or a Work Experience Education teacher/coordinator.
  - The Division of Labor Standards Enforcement (DLSE) issues all entertainment industry permits. Inquiring parents or employers must be referred to the nearest DLSE office.
2. What process should be followed to complete a "Request for a Work Permit" (B1-1)?

The minor/student, after obtaining a promise of employment, must obtain the "Statement of Intent to Employ Minor and Request for Work Permit" (B1-1) from the school/school district. The minor must complete the "minor" section, request that the employer and parent complete their sections (making certain to obtain both required signatures), and then return the completed form to the appropriate school authority.
3. What process should be followed to issue a "Permit to Employ and Work" (B1-4)?

After receiving the completed B1-1 form, the school authority must verify the minor/student's date of birth and the type of work permit to be issued. If all requirements are met, the work permit issuing authority may issue the "Permit to Employ and Work." At the discretion of the local school district, there may be additional requirements for the issuance of a work permit. For instance, the school district may have a policy requiring the minor to maintain a 2.0 grade point average. In such a case, the work permit issuing authority would need to verify the student's GPA. Another policy might require the minor to exhibit his/her social security card for verification by the school authority. Other local policies should be verified through the work permit issuing authority.
4. Can a work permit be issued before the minor has secured employment?

No

5. What is the minimum age for work permits? 14 years old
6. What are the different types of work permits? Regular, vacation, exempt, work experience
7. Can a work permit be revoked? Yes. Work permits can be revoked at the request of the parent/guardian, by the school district (the person that issued the permit) or by a DSLE investigator.
8. Can a minor have more than one work permit? Yes. A minor may work concurrently for more than one employer and, therefore, have more than one valid work permit. But, regardless of the number of employers and work permits, the total number of hours worked may not exceed the total number of hours allowed by law.
9. Does a student have to present his/her social security card to school authorities when applying for a work permit? No. The notification of intent to employ (B1-1) must contain, among other information, the social security number of the minor (EC 49163). The regulation does not specify that the card itself must be presented, only that the number be on the application for a work permit.  
The California Department of Education has taken the position that the B1-1 statement signed by the parent or legal guardian ("I hereby certify that the information herein is correct and true.") holds the adult responsible for providing accurate information.  
School districts can be more restrictive and require the minor to provide the social security card before the work permit is issued.
10. Is a special permit required for work experience minors working between 10:00 p.m. – 12:30 a.m.? Yes. Working after 10 p.m. requires special permission of parent/guardian, counselor, Work Experience teacher, and employer on the required form submitted with the minor's application for Work Permit (District-approved "After-10 permit). Student must be enrolled in a Work Experience program. May not work between 12:30 a.m.–5:00 a.m. (LC 1391.1)
11. Can the school district limit the number of hours a minor is permitted to work or impose additional occupational restrictions? Yes. As a condition of issuance, the local school/school district may reduce maximum work hours and impose additional occupational restrictions not specified in statute or regulation. The work permit issuing authority does not have discretion to extend hours beyond the maximum specified in statute or waive any occupational restrictions specified in statute or regulation.  
  
During the school year, the state allowed maximum hours that 16- and 17-year-olds are permitted to work is up to 48-hours a week (LC 1391). Most schools, however, impose a weekly limit that ranges between 20 and 36 hours per week while school is in session.

12. If federal laws, state laws, and school district policies conflict, which law prevails?
- The most restrictive.
13. Does a minor need a work permit after they graduate or pass the proficiency exam if they are still under 18?
- No. Once a minor is no longer subject to the state's compulsory education laws, he/she is not considered a minor for purposes of the state's child labor laws and is not required to obtain a work permit (Labor Code 1286[c]). California's compulsory school attendance law requires a person to attend school until he/she is 18 years of age or has graduated from high school or has passed the high school proficiency examination. Federal law does not have a similar exception, and occupational restrictions may still apply. Under federal law the employer would still need a certificate of age for the student when employing a high school graduate under 18 years of age. The school may issue a work permit as a certificate of age but other forms of identification are also accepted as proof of age (EC 49114).
14. Does a minor need a work permit if they are married?
- Yes. However, the minor is emancipated and can sign the work permit without the parent's permission.
15. Does an emancipated minor need a work permit to be employed?
- Yes. The only exception from child labor and compulsory school attendance laws enjoyed by an emancipated minor is that he/she may apply for a work permit without the parent's permission. An emancipated minor may sign, in place of the parent, the "Statement of Intent to Employ Minor and Request for Work Permit" (B1-1) form (Family Code 7050[e][16]). An emancipated minor is defined in Family Code 7002.
16. Can a minor who is not a California resident or not enrolled in the school district be issued a work permit?
- Yes. The local school district may issue a work permit if the minor enters the attendance area from another state within 10 days or less before the end of the school term. The minor may be issued a permit to work full time because he/she is exempted from school attendance for the remainder of the school term (EC 48321). The only requirement for work permit issuance is that the minor resides in the district that issues the permit. The minor does not have to be a California resident or be enrolled in the school, or be living with parents, etc. (EC 49110). Any minor wishing to work in California must adhere to the state's work standards and regulations, even if not a permanent or full-time resident of California (LC 1286, 1299).
17. Can a minor who has dropped out of school or is truant be issued a work permit?
- No. A truant/"dropout" is in violation of California's compulsory school attendance laws and a school district is not permitted to sanction violation of those laws by issuing a permit to work. A truant/ "dropout" is subject to arrest, and the parents are subject to criminal fines if the minor is found working without a work permit.

18. Can a minor who has been expelled be issued a work permit?
- Yes. The law does not prohibit issuing a work permit to an expelled minor. An expelled minor must be provided educational services. Options include, but are not limited to, community school, juvenile court school, another school district, etc. When the expelled minor enrolls in and attends school, only the district in which the minor resides may issue - or refuse to issue - the work permit (EC 48915, 48915.01, 48915.2, 48926).
19. Can a work permit be issued for a minor who is being "home schooled"?
- No. Home schooling is not authorized in California. But, there are three (3) options, any of which may be used as a substitute in place of local school attendance:
1. Private tutoring: Person must have a valid California teaching credential for the grade level being taught. The credentialed tutor (may be a parent) must provide instruction in all the branches of study required in the public schools during at least 3 hours per day, between 8:00 a.m. and 4:00 p.m. on at least 175 days per calendar year, and in the English language.
  2. Private full-time day schools: Must instruct students in all the branches of study required of the public schools.
  3. Independent Study Program: Based on a written agreement, the student follows the school district's course of study and the student and his/her work is supervised by a credentialed employee of the district in which the student is enrolled.
- If the parent utilizes option #1 and provides instruction at home and if a work permit is issued, the local public school schedule and work standards must be followed.
20. Is "home school" the same as a private school?
- No. There are specific factors that differentiate between a "home school" and a private school. The private school:
- is a business,
  - must meet local zoning regulations,
  - must have a business license,
  - must advertise,
  - must be open to the public, and
  - must charge a reasonable tuition.
- The filing of a private school affidavit does not automatically transform a "home school" into a private school nor does the use of a correspondence course of study.
21. If a minor works for a family business are they required to obtain a work permit?
- Yes. Work permits are required for all minors employed in manufacturing, mercantile, or similar commercial enterprises (EC 49141). Exemptions are allowed for agricultural or domestic work performed on land that is owned, operated, or controlled by the parents. All regulations concerning hazardous occupations and other work forbidden to minors remain in effect for minor children working for their parents.