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5895 - **STUDENT EMPLOYMENT**

~~Only staff members listed on State Form 30813— Issuing Officer Approval Form shall serve as issuing officers for providing students with employment certificates in accordance with I.C. 20-33-2-28.5. The Code states the following:~~

- ~~A. All single or married minors, fourteen (14) through seventeen (17), who have not graduated from high school or been legally emancipated, are required to have an employment certificate to be employed in Indiana.~~
- ~~B. A student who is under eighteen (18) and in grades 9—12 may work until 11:30 PM on nights followed by a school day. Exceptions must be granted by the issuing officer but work beyond 11:30 PM on nights followed by a school day may not exceed two (2) per week. No minor student may work after 7:30 AM or before 3:30 PM without the written permission of his/her school. None of the above restrictions apply to a student who is a dropout, or has been suspended or expelled, but they must have an employment certificate.~~
- ~~C. A student's employment certificate may be revoked by the issuing officer if there has been a significant decrease in the student's attendance or grade point average and may be re-issued if there has been a significant improvement in his/her attendance or grade point average.~~
- ~~D. Students whose work is predominantly baby sitting shall be required to abide by the same conditions as those who are issued certificates.~~

Issuing Officer

The School Corporation issuing officer shall be:

- A. a guidance counselor;
- B. a social worker; or
- C. an attendance officer for the Corporation who is a licensed teacher; and
- D. designated in writing by the school principal.

When school is not in session or an individual meeting the above criteria is not employed by the Corporation, there shall be an issuing officer available who is a licensed teacher and whose identity and hours of work shall be determined by the principal.

Employment Certificate

Any minor person at least fourteen (14) years of age and less than eighteen (18) years of age must secure an employment certificate issued by the Corporation issuing officer prior to being employed in all jobs except those excluded by State statute, which generally are farm labor, domestic service, caddie, newspaper carrier, youth athletic program referee umpire or official, actor/performer or enrolled in a career and technical education program approved by the State. Also excluded are minors who are not Indiana residents.

The employment certificate is to be secured from the issuing officer of the accredited school the minor attends or the school corporation in which the minor resides. The issuing officer may issue an employment certificate only to a minor whose employment is necessary and only after the receipt of the following documents:

- A. proof of age; and
- B. proof of prospective employment.

Proof of age documents include, in order of preference:

- A. A birth certificate or duly attested transcript of a birth certificate issued by the registrar of vital statistics or any other officer charged with the duty of recording births (school records of age that have been verified by a birth certificate may be substituted by the issuing officer for a birth certificate);
- B. A baptismal certificate or a certified transcript of the record of baptism showing the minor's date of birth and place of baptism;
- C. Other documentation in existence for at least one (1) year, including:
 - 1. a bona fide contemporary record of the minor's birth, comprising a part of the family record of births in the Bible;
 - 2. other documentary evidence satisfactory to the Department of Labor, including a certificate of arrival in the United States issued by United States immigration officers and showing the minor's age; or
 - 3. a life insurance policy;
- D. A sworn statement by a public health physician, a public school physician, or the superintendent that states, in the opinion of the signatory, the minor's physical age. This statement shall show the minor's height and weight and other facts upon which the signatory's opinion is based. The physician's or superintendent's statement shall be accompanied by a statement of the minor's age signed by the minor's parent and by available school records.

The issuing officer shall require the document of age under subsection (1) in preference to a document under subsection (2), (3), or (4). To avoid delay, the documents under subsection (2), (3), or (4) may be accepted if the issuing officer files a written statement that verification of date of birth has been requested from the appropriate governmental agency but has not been received.

Proof of prospective employment is a written statement signed by the person for whom the minor is to work, setting forth the nature of the work to be performed by the minor and the maximum hours per week that the minor will work.

Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the Department of Labor. The employment certificate shall state the maximum number of hours that the minor may be employed by the employer. The issuing officer shall maintain a record in his/her office of each employment certificate issued. The issuing officer shall maintain a record of the maximum hours the minor

may work for each week for all employers for each minor who has been issued more than one (1) employment certificate.

The issuing officer may deny an employment certificate to a minor whose attendance is not in good standing or whose academic performance does not meet the Corporation's standards. A student may appeal the denial of an employment certificate to the principal.

The issuing officer should be guided by the following when issuing an employment certificate:

A. ~~GRADES~~ Academic Performance (Select an option(s) below).

1. ☒ (X) A student must pass ~~five (5)~~ all credit classes, and not have a failing grade in any class before ~~a work~~ an employment certificate will be issued.
2. ☐ () ~~A student must pass a minimum of _____ credit classes to receive an employment certificate.~~
3. ☐ () ~~A student must have a grade point average of at least 2.0- on a 4 point scale before an employment certificate will be issued.~~
4. ☐ () _____.
5. ~~() If a student does not pass five (5) credit classes or receives a failing grade after a work certificate has been issued the student's parents and employer will be sent a warning letter, and the student will be placed on probation for the next grading period.~~
6. ~~() If the student does not pass all five (5) credit classes, or receives a failing grade during the probation period, the school will revoke the work certificate for the next grading period and the parents and employer will be notified.~~
7. ~~() The work certificate will be reissued to the student when all five (5) credit classes are passed or when the student does not receive a failing grade in any grading period.~~

B. ~~ATTENDANCE~~ Attendance (Select an option(s) below.)

1. ☐ () A student may not be absent from school more than ~~ten percent (10%)~~ 10 percent (90 %) of the days in a grading period. Medical reasons and written excused absences are excluded.
2. ☐ () ~~A student may not miss more than 10% (9) days in the semester before requesting the employment certificate.~~
3. ☐ () ~~A student may not have been absent more than _____ () days in the grading period during which the employment certificate is being requested.~~
4. ☐ () _____.
- C. ~~() If the student's record of unexcused absences is more than the allowed ten percent (10%) in a grading period, the student's employer and parents will be sent a warning letter, and the student will be placed on probation for the next grading period.~~
- D. ~~() If unexcused absences persist during the probation period, the school will revoke the student's work certificate for the next grading period and the employer and parents will be notified.~~
- E. ~~() The work certificate will be reissued if the student's attendance reaches an acceptable level during the next grading period.~~

~~A student whose certificate is revoked has the right to a one-time review of his/her academic status during a school year as well as the right to appeal to his/her principal a denial of a certificate, a revocation, or a refusal to reissue.~~

Revocation of an Employment Certificate

An employment certificate may be revoked by the Department of Labor following an investigation by the Department. Should the Department revoke an employment certificate both the issuing officer and the employer will be notified by the Department.

An employment certificate may be revoked by the issuing officer if it is determined that there has been a significant decrease in the student's grade point average or the student's attendance at school since the employment certificate was issued. If a student's employment certificate is revoked, the student is entitled to a periodic review of the student's grade point average or attendance record or both to determine whether the revocation should continue. The periodic review may not occur less than one (1) time each school year. A student may appeal the revocation of an employment certificate to the school principal.

The issuing officer is to send a written notice of revocation to the student's employer immediately upon revocation.

Should the ~~work permit~~ employment certificate be revoked at the end of the school year, the student may be allowed to work during the summer while school is not in session. However, such student will lose the ~~work permit~~ employment certificate at the start of the new school year until s/he meets the attendance and grade standards established by the ~~school~~ Corporation for receiving the ~~work permit~~ employment certificate.

The Department of Labor should be informed when a student is issued ~~a~~ an employment certificate and of any change in his/her employability status.

Although many students have a need to work after school and in the evening, these activities can have significant effects on their ability to function effectively during the school day and garner the most from the school program. All members of the professional staff need to be alert to students who may be over-extending themselves because of too much work and not enough rest.

If the student fails to attend an exit interview or fails to return to school if his/her request to withdraw in accordance with Policy 5130 is denied, then the ~~work permit~~ student's employment certificate and driver's license ~~shall~~ may be revoked or the application ~~shall~~ may be denied.

I.C. 20-33-2-28.5

I.C. 22-2-18

I.C. 22-2-18.1

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Legal	I.C. 20-33-2-28.5
	I.C. 22-2-18
	I.C. 22-2-18.1