

SENATE BILL No. 275

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-4.

Synopsis: Employment certificates for children. Provides that employment certificates for children are to be issued by the county offices of a private industry council. (Current law provides that employment certificates are issued by the school attended by the child.) Requires an employment certificate to be revoked upon the recommendation of a child's school if the child's attendance or grades decrease after being employed. Makes conforming amendments to related statutes.

Effective: July 1, 1998.

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January 7, 1998, read first time and referred to Committee on Education.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 275

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-4-0.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 0.5. As used in this chapter,**
4 **"county office" means an office of a private industry council (as**
5 **defined in 29 U.S.C. 1501 et seq.) that is located in the county in**
6 **which an individual who wishes to obtain an employment**
7 **certificate resides.**

8 SECTION 2. IC 20-8.1-4-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~(a)~~ The issuing
10 officer in each school corporation shall be an individual who is ~~(1)~~ a
11 guidance counselor, a school social worker, or ~~(if the attendance officer~~
12 ~~is a teacher licensed by the state board of education under IC 20-6.1-3)~~
13 an attendance officer for the school corporation; and ~~(2)~~ designated in
14 writing by the superintendent.

15 ~~(b)~~ During the times in which the individual described in subsection
16 ~~(a)(1)~~ is not employed in the school corporation or when school is not
17 in session, there shall be an issuing officer available who is a teacher

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1 licensed by the state board of education under IC 20-6.1-3, and whose
 2 identity and hours of work shall be determined by the superintendent.
 3 **county is an employee designated as the issuing officer of a county**
 4 **office.**

5 SECTION 3. IC 20-8.1-4-7 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. ~~(a) Documents~~
 7 ~~Required Prior to Issuance of Certificate.~~ An issuing officer may issue
 8 a certificate only to a child whose employment is necessary and only
 9 after receipt of the following two (2) documents:

10 (1) Proof of age as prescribed under section 8 of this chapter.

11 (2) Proof of prospective employment as prescribed under section
 12 11 of this chapter.

13 ~~(b) A child seeking an employment certificate from a school the~~
 14 ~~child does not attend must also present to the issuing officer a written~~
 15 ~~statement that:~~

16 ~~(1) is from the school the child does attend; and~~

17 ~~(2) attests to the child's acceptable academic performance and~~
 18 ~~attendance.~~

19 SECTION 4. IC 20-8.1-4-12 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) Upon
 21 presentation of the documents required by section 7 of this chapter, an
 22 employment certificate shall be issued immediately to the child.
 23 ~~However, an issuing officer may deny a certificate to a child:~~

24 ~~(1) whose attendance is not in good standing; or~~

25 ~~(2) whose academic performance does not meet the school~~
 26 ~~corporation's standard.~~

27 (b) Within five (5) days, the issuing officer shall send a copy of the
 28 employment certificate to the department of labor. The issuing officer
 29 shall keep a record in his office of each employment certificate issued.

30 (c) A student may appeal the denial of a certificate under subsection
 31 (a) to the ~~school principal.~~ **department of workforce development.**

32 SECTION 5. IC 20-8.1-4-13 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. (a) The state board
 34 of education or the department of labor may revoke an employment
 35 certificate at any time, if, in the judgment of ~~either, the board or~~
 36 **department,** the certificate was improperly issued or if ~~either the~~
 37 **board or department** has knowledge that the child involved is or was
 38 illegally employed. In order to determine when a child is illegally
 39 employed, the state board of education and the department of labor, and
 40 their agents are authorized to investigate the true age of any minor who
 41 is employed, to subpoena witnesses, to hear evidence, and to require
 42 the production of relevant books or documents.



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1 (b) When an employment certificate is revoked under this section,
 2 the issuing officer and the child's employer shall be notified in writing.
 3 This notice may be delivered in person or by registered mail.
 4 Immediately after receiving notice of revocation, the employer shall
 5 return the certificate to the issuing officer. A child whose employment
 6 certificate has been revoked may not be employed or permitted to work
 7 until he has legally obtained a new certificate.

8 (c) **An employment certificate may be revoked by the school**
 9 **attended by the child under section 32 of this chapter.**

10 SECTION 6. IC 20-8.1-4-30 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 30. (~~Application~~) This
 12 chapter applies to all persons under the age of eighteen (18) years who
 13 are employed or are seeking employment in Indiana. A person under
 14 eighteen (18) years of age who is a resident of Indiana and who
 15 requires an employment certificate shall obtain it from the issuing
 16 officers of the ~~school corporation~~ **county** in which ~~such the~~ person
 17 resides. A person under eighteen (18) years of age who is not a resident
 18 of Indiana and who requires an employment certificate to work in
 19 Indiana shall obtain it from the issuing officer of the ~~school corporation~~
 20 **county** in which ~~such the~~ person is employed or is seeking
 21 employment. However, the judge of a court with juvenile jurisdiction
 22 may suspend the application of this chapter in cases involving juvenile
 23 delinquents or incorrigibles whenever, in ~~his the judge's~~ **the judge's** judgment, the
 24 welfare of any child warrants this action.

25 SECTION 7. IC 20-8.1-4-32 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 32. (a) An employment
 27 certificate issued under this chapter ~~may~~ **shall** be revoked by the
 28 issuing officer if the issuing officer ~~determines that is notified by the~~
 29 **school attended by the child** that there has been a significant decrease
 30 in any of the following since the issuance of the permit:

- 31 (1) The student's grade point average.
 32 (2) The student's attendance at school.

33 (b) A student whose employment certificate is revoked under
 34 subsection (a) is entitled to a periodic review of the student's grade
 35 record or attendance record, or both, to determine whether the
 36 revocation should continue. A periodic review may not be conducted
 37 less than one (1) time each school year.

38 (c) If upon review the ~~issuing officer school~~ determines that the
 39 student's grade point average or attendance, or both, have improved
 40 substantially, the issuing officer may reissue an employment certificate
 41 to the student.

42 (d) A student may appeal the revocation of an employment

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1 certificate under subsection (a) or the refusal to reissue an employment
2 certificate under subsection (c) to the school principal.

3 (e) An issuing officer who revokes an employment certificate shall
4 immediately send written notice of the revocation to the child's
5 employer.

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