

THE EMPLOYMENT OF MINORS IN THE ENTERTAINMENT INDUSTRY (“THE BLUE BOOK”)

This section is a summary of California statutes and regulations governing the employment of minors in the Entertainment Industry. It is a summary only and should not be relied on totally without also consulting actual statutes and regulations referenced. Copies of the actual laws may be obtained from the [State Division of Labor Standards Enforcement \(DLSE\)](#), which has many offices throughout the State.

ENTERTAINMENT INDUSTRY DEFINED [8 CCR 11750]

The entertainment industry (i.e., the employer) is defined in state regulations as any organization or individual using the services of any minor in:

- motion pictures of any type (film, videotape, etc.), using any format (theatrical, film, commercial, documentary, television program, etc.), by any medium (theater, television, videocassette, etc.)
- photography
- recording
- modeling
- theatrical productions
- publicity
- rodeos, circuses
- musical performances
- any other performance where minors perform to entertain the public

SCOPE OF REGULATIONS AND DEFINITIONS [8 CCR 11751]

A "minor" shall be defined as any person under the age of 18 years who is required to attend school under the applicable provisions of the California Education Code; except that, with respect to the number of hours a minor may be allowed to work, "minor" shall include those minors under six (6) years of age. [Labor Code, Section 1286 c, & 8 CCR 11750]

Regulations cover:

- California minors who work in California or are taken out of state [8 CCR 11756]
- Out-of-state minors who work in California [8 CCR 11753]

PROHIBITED OCCUPATIONS FOR MINORS UNDER AGE 16

- All occupations where children come in close proximity to moving machinery [8 CCR 11701]
- All building or construction work of any kind [8 CCR 11701]
- Working in close proximity to explosives or functioning parts of unguarded and dangerous moving equipment, aircraft or vessels, or of functioning blades or propellers [8 CCR 11707]

PERMITS

Permit to Employ Minors [8 CCR 11751 and 11752]

Any employer in the Entertainment Industry desiring to employ minors in any such work or activity not hazardous or detrimental to the health, safety, morals, or education of minors shall make application to the Division of Labor Standards Enforcement for a Permit to Employ Minors. (See "RESPONSIBILITIES OF EMPLOYERS")

- In order to obtain a "Permit to Employ Minors" you must bring proof that you have workman's compensation insurance to any Department of Labor office. Then you will be issued a permit to employ minors
- District Office will retain one copy of "Permit to Employ Minors" and forward one copy to the Licensing and Registration Section in Headquarters, which will keep a central file for all permits issued to employers (Division Management Memorandum 86-2).

Blanket Permits [8 CCR 11754]

- granted to groups and organizations of minors
 - individual work requires individual permit [8 CCR 11753]
- valid only for a particular production and only for specified periods of time
- Company must submit:
 - proof of valid workers' compensation insurance to cover minors
 - satisfactory evidence that appropriate services of studio teachers will be provided (Special arrangements may be made for the number of studio teachers required with groups of minors numbering one hundred (100) or more.)
- one parent or guardian necessary for every twenty (20) minors, or fraction thereof

Work Permits for Minors

- needed by all minors desiring to be employed in the Entertainment Industry [8 CCR 11753]
 - exception: if a person has satisfied the educational requirements of the State of California (i.e., Proficiency Certificate or high school diploma), no work permit is needed
- can be obtained from local DLSE offices
- normally valid for six-month period
- all applicants must submit evidence of school records and attendance. If requirements of minor's school district have been met and school representative signs back of application, no further action concerning grades, etc., will be taken.
- in an emergency situation when school is not in session and no school representative is available, minor may present his/her last report card with completed application. If grades are "C" or better, permit may be issued temporarily.
- if minor is under the age for mandatory school attendance, verification of minor's age must be presented (e. g., birth certificate) [Div. Mgt. Memo 86-2]
- application must be signed by a parent or guardian
 - except in an unusual circumstance, no "proof of guardianship" authorization is required when application is signed by person other than a parent [Div. Mgt. Memo 87-1]
- application no longer needs production company signature
- the state seal should be stamped on work permit to verify its authenticity [Div. Mgt. Memo 87-1]
 - parents should therefore carry the original

- if studio teacher or DLSE can not verify existence of current work permit, approval to work should not normally be granted [Div. Mgt. Memo 87-1]

RESPONSIBILITIES OF EMPLOYERS

EMPLOYER shall be defined as any organization or individual using the services of any minor in a motion picture of any type (e.g., film, videotape, etc.), using any format (theatrical, film, commercial, documentary, television program, etc.) by any medium (e.g., theater, television, videocassettes, etc.); photography; recording; modeling; theatrical productions; publicity; rodeos; circuses; musical performances; and any other performances where minors perform to entertain the public. [8 CCR 11751]

The following responsibilities are incurred when hiring a minor:

- employer must make application to DLSE for a Permit to Employ Minors and must have proof of workers' compensation insurance. Permit is free and does not have to be renewed unless workers' compensation has lapsed or permit has been revoked by DLSE [8 CCR 11751, 11752]
- companies to be held responsible and accountable for observing all rules and regulations for all minors under eighteen (18) years of age, whether they be principals on a long-term basis or extras for a day [8 CCR 11751]
- employers desiring the employment of minors may not do anything which would be hazardous or detrimental to the health, safety, morals, or education of the minor [8 CCR 11751 b & Calif. Penal Code, Sec. 311-314]
- it is advisable for the employer or his representative to be aware if the minor is in or out of school, in traditional school or in year-round, so that production schedule allows for schooling
- employer should provide adequate school facilities for minor and studio teacher
- employer should inform Casting that children must bring:
 - current work permit
 - school books
 - school assignments for 3 hours of school on the set
- EMPLOYER MUST PROVIDE A STUDIO TEACHER FOR MINORS IN ACCORDANCE WITH 8 CCR 11755.1. (See "USE OF STUDIO TEACHERS")
- when minors who reside in the State of California and employed by an employer in the Entertainment Industry located in the State of California, are taken from the State of California to work on location in another state, as part of, and pursuant to, contractual arrangements made in the State of California for their employment in the Entertainment Industry, the child labor laws of California and the regulations based thereon shall be applicable, including, but not limited to, the requirement that a studio teacher must be provided for such minor [8 CCR 11756]

SCHOOL REQUIREMENTS

- it is advisable for the employer or his representative to be aware if the minor is in or out of school, in traditional school or in year-round, so that production schedule allows for schooling
- employer should inform Casting that children must bring:
 - current work permit
 - school books
 - school assignments for 3 hours of school on the set
- employer must provide adequate school facilities for minor and studio teacher

- producer agrees to provide a school facility, such as a schoolhouse, classroom, trailer schoolhouse or other schooling area, which closely approximates the basic requirements for classrooms, especially with respect to adequate lighting, heating, desks and chairs. Stationary buses or cars are not adequate school facilities unless used exclusively for the minors during instruction. A moving car or bus shall never be used as a school facility; minors must not be taught while being transported to or from local locations (SAG Agreement)

INTERVIEWS AND FITTINGS

- interviews and fittings for children who are attending school shall be held outside of school hours. Such interviews and fittings shall be held not later than 9:00 p.m. (SAG Agreement)

No minor under the age of sixteen (16) may be sent to wardrobe, makeup, hairdressing, or employed in any manner whatsoever unless under the general supervision of the studio teacher. (8CCR 11762) See: One Hour Situations.

STUDIO TEACHERS

Studio Teachers Definition and Certification [8 CCR 11755]

- a studio teacher is a certificated teacher who holds both a California Elementary and a California Secondary teaching credential, valid and current, certified by the Labor Commissioner
- certification shall be for a three (3) year period
- written exam will be required at the time of certification or renewal

Use of Studio Teachers [8 CCR 11755.1]

Employers shall provide a studio teacher:

- on each call for minors from age fifteen (15) days to their sixteenth (16th) birthday
 - one (1) studio teacher must be provided for each group of ten (10) minors or fraction thereof
 - one (1) studio teacher must be provided for each group of twenty (20) minors or fraction thereof on Saturday, Sunday, holidays, or during school vacations
- on each call for minors from age sixteen (16) to age eighteen (18) when required for education of the minor
 - one (1) studio teacher must be provided for each group of ten (10) minors or fraction thereof

Studio Teacher's Authority [8 CCR 11755.2]

Studio teacher, in addition to teaching:

- has responsibility for caring and attending to the health, safety, and morals of minors under sixteen (16) years of age
- shall take cognizance of such factors as:
 - working conditions
 - physical surroundings
 - signs of minor's mental and physical fatigue
 - demands placed upon minor in relation to minor's age, agility, strength, and stamina

- may refuse to allow engagement of minor on set or location and may remove minor therefrom, if in judgment of studio teacher, conditions are such as to present a danger to the health, safety, or morals of the minor
 - any such action may be immediately appealed to the Labor Commissioner who may affirm or countermand such action

No minor under the age of sixteen (16) may be sent to wardrobe, makeup, hairdressing, or employed in any manner whatsoever unless under the general supervision of the studio teacher. [8 CCR 11762] (See "ONE-HOUR SITUATIONS")

Studio Teacher's Remuneration [8 CCR 11755.3]

- remuneration of studio teacher shall be paid by the employer

PARENTS/GUARDIANS

Presence of a Parent or Guardian [8 CCR 11757]

- parent or guardian of minor under 16 years of age must be present with and accompany such minor on the set or location
- must be within sight or sound at all times

Exception: No one shall be allowed in an area utilized by the Producer as a school facility except the teacher and those minors being taught (SAG Agreement)

Responsibilities of Parents or Guardians

- all minors under eighteen (18) years of age (except emancipated minors exempted from 8 CCR) who have not completed their compulsory education requirements must have a valid entertainment work permit [8 CCR 11753] from a Department of Labor Standards Enforcement office
- parent or guardian is to make company aware of school requirements of minor (i.e., if minor is in year-round school, needs special subject matter, etc.)
- must be present with, and accompany, a minor under sixteen (16) years of age on the set or location and be within sight or sound of said minor at all times [8 CCR 11757]
- if any minor under sixteen (16) years of age is not called to the set but is called for a period of up to one (1) hour into wardrobe, make-up, hairdressing, promotional publicity, personal appearances, or for audio recording, when such minor's school is not in session...minor must be accompanied by a parent or guardian [8 CCR 11762]
- parents and guardians are not permitted to bring other minors not engaged by Producer to the place of employment without Producer's specific permission (SAG Agreement)

WORKING HOURS OF MINORS [Labor Code 1391]

General Information

- no more than 8 hours in one day of 24 hours
- no more than 48 hours in one (1) week
- no earlier than 5 a.m.
- no later than 10 p.m. on evening preceding school day
- no later than 12:30 a.m. on evening preceding non-school day

Babies Under One Month

State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
45 Fremont Street, Suite 3260
San Francisco, CA 94105

December 4, 1998

RE: Recent Legislation Affecting the Employment of Minors in the Entertainment Industry – AB774

Dear Interested Party:

The recent enactment of Assembly Bill 744 (Washington) adds 1308.8 to the Labor Code. Effective January 1, 1999, the new law prohibits the employment of a minor under the age of one month on a motion picture unless a physician/surgeon, board certified in pediatrics, has certified that the infant meets all of the following conditions:

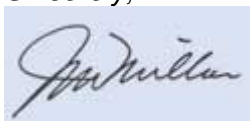
- *Was carried to full term*
- *Was of normal birth weight*
- *Is at least fifteen days old*
- *Is physically able to withstand the potential stress of filmmaking*

Violation of this law by a parent, guardian, employer or agent of an employer is a misdemeanor, punishable by a fine ranging from \$2,500.00 to \$5,000.00.

Please refer to the attached copy of the bill for details. If you have questions regarding the new law, you may write to:

*Department of Industrial Relations
Division of Labor Standards Enforcement Headquarters
P.O. Box 420603
San Francisco, CA 94142-0603*

Sincerely,



*Jose Millan
State Labor Commissioner*

Infants 15 Days to 6 Months

- general information [8 CCR 11760 (a)(1)]
 - maximum 2 hours at place of employment
 - no more than 20 minutes of work time
 - no exposure to light of greater than 100 footcandle intensity for more than 30 seconds at a time
- presence of nurse and studio teacher [8 CCR 11760 (a)(2)]
 - for babies 15 days to 6 weeks, one nurse and 1 studio teacher for 3 or fewer babies
 - for babies 6 weeks to 6 months, one nurse and 1 studio teacher for up to 10 babies
- Infants under six months of age shall not be given medical examinations except between the hours of 9:30 am and 11:30 a.m. or between 2:30 p.m. and 4:30 p.m. Work time for said infants shall be limited to one period of two consecutive hours in any one day, and such period must be either between 9:30 a.m. and 11:30 a.m. or between 2:30 p.m. and 4:30 p.m. [8 CCR 11764]

Babies 6 Months to 2 Years

| [8 CCR 11760 B] | MAX WORK HRS | REST / REC | MEAL HRS | TOTAL |
|-----------------|--------------|------------|----------|-------|
| each day | 2 | 2 | 1/2 | 4 1/2 |

- if studio teacher determines that a child is uncomfortable and hungry, studio teacher may require that an earlier meal period be given [Div. Mgt. Memo 87-1, IV E]

2 thru 5 Year Olds

| [8 CCR 11760 C] | MAX WORK HRS | SCHOOL AND / OR REST / REC | MEAL HRS | TOTAL |
|-----------------|--------------|----------------------------|----------|-------|
| each day | 3 | 3 | 1/2 | 6 1/2 |

- if studio teacher determines that a child is uncomfortable and hungry, studio teacher may require that an earlier meal period be given [Div. Mgt. Memo 87-1, IV E]

6 thru 8 Year Olds

| [8 CCR 11760 D] | REQUIRED SCHOOL HRS | MAXIMUM WORK HRS | REST / REC | MEAL HRS | TOTAL |
|-------------------|---------------------|------------------|------------|----------|-------|
| school days | 3 | 4 | 1 | 1/2 | 8 1/2 |
| non - school days | 0 | 6 | 2 | 1/2 | 8 1/2 |

- when a 6 thru 8 year-old attends his/her own school prior to reporting to work, he/she may be at place of employment for 2 1/2 hours, which includes a 30-minute meal period [Div. Mgt. Memo 87-1, IV C]

9 thru 15 Year Olds

| [8 CCR 11760 E] | REQUIRED SCHOOL HRS | MAXIMUM WORK HRS | REST / REC | MEAL HRS | TOTAL |
|-------------------|---------------------|------------------|------------|----------|-------|
| school days | 3 | 5 | 1 | 1/2 | 9 1/2 |
| non - school days | 0 | 7 | 2 | 1/2 | 9 1/2 |

- when a 9 thru 15 year-old attends his/her own school prior to reporting to work, he/she can be at place of employment for 3 1/2 hours, which includes a 30-minute meal period [Div. Mgt. Memo 87-1, IV C]

16 and 17 Year Olds

| [8 CCR 11760 F] | REQUIRED SCHOOL HRS | MAXIMUM WORK HRS | REST / REC | MEAL HRS | TOTAL |
|-------------------|---------------------|------------------|------------|----------|--------|
| school days | if not graduate: 3 | 6 | 1 | 1/2 | 10 1/2 |
| non - school days | 0 | 8 | 2 | 1/2 | 10 1/2 |

- when a 16 or 17 year-old attends his/her own school prior to reporting to work, he/she may be at place of employment for 4 1/2 hours, which includes a 30-minute meal period [Div. Mgt. Memo 87-1, IV C]
- for 16 or 17 year-olds studio teachers are required for education only [8CCR 11755.1]
- parents/guardians need not accompany 16 or 17 year-olds on set or location [8 CCR 11757]
- minors do not need to attain a minimum age to graduate from high school
- to qualify for a Certificate of Proficiency, a minor must be at least 16 years of age, or have been enrolled for one academic year in 10th grade, or have completed one academic year of enrollment in 10th grade at the end of the semester in which the test was taken [Education Code, Sec. 48412]
- if minor has satisfied the educational requirements of the State of California (diploma, Proficiency), neither an entertainment work permit nor a studio teacher is required [Education Code, Sec. 49101; Labor Code, Sec. 1286], and the minor may work the same hours as an adult [Labor Code, Sec. 1391.2]. CCR Title 8 does not apply.
- minors 16 or 17 need an entertainment work permit but under the following circumstances a studio teacher is not required:
 - if the minor has completed the required amount of educational instruction for the day [Div. Mgt. Memo 87-1, VI A, a, b]
 - if the emancipation documents of the minor specifically exempt that minor from the provisions of the Labor Code and the Education Code

Extending Working Hours in Certain Circumstances [Interpretative Bulletin 87-1 and 8 CCR 11760 g]

A request may be made to the Labor Commissioner through his/her Regional Manager in the applicable area for permission to work earlier or later than the hours prescribed by law:

- if emergency situations arise
 - early morning or night exteriors shot as exteriors
 - live television or theatrical productions presented after hours beyond which a minor may work as prescribed by law
- if a minor between the ages of 8 to 18 years is employed in a theater, motion picture studio, radio broadcasting studio, or television studio, before 10:00 p.m., in presentation of a performance, play, or drama continuing from an earlier hour until after 10:00 p.m., to continue his part in such presentation between the hours of 10:00 p.m. and 12:00 midnight [Labor Code 1308.5 (a)(4)]

Such requests:

- must be submitted in writing to the Division
- in duplicate
- 48 hours prior to the time needed
- will be considered individually by a Deputy who must be convinced that:
 - all reasonable alternatives to completing the work before 10:00 p.m. have been explored
 - studio teacher agrees extension of hours is necessary and the only reasonable alternative (Some requests may be submitted before studio teacher has been hired. In such cases request may be granted but with understanding that subsequently-hired studio teacher may seek reconsideration or modification of permission granted.)
 - health and welfare of minor will not be impaired and will be protected
- decision of Regional Manager will be final

Studio teachers do not have the authority to extend working hours.

MEAL PERIOD

- hours at place of employment are exclusive of meal period [8 CCR 11761]
- work day may not be extended by meal period longer than 1/2 hours [8 CCR 11761]
- must be no longer than 6 hours from call or 6 hours from end of preceding meal period [IWC 12-80, 11 (a)]
- if a studio teacher determines that a child is uncomfortable and hungry, studio teacher may require that an earlier meal period be given [Div. Mgt. Memo 87-1]
- any amount of meal time exceeding 1/2 hour is considered rest & recreation time
- if minors are required to eat on the premises, a suitable place for that purpose is to be provided [IWC 11-80 & 12-80, 11 (c)]

REST AND RECREATION

- employers shall authorize and permit all employees to take rest periods [IWC 12-80]
 - which insofar as practicable shall be in the middle of each work period
 - 10 minutes per 4 hours of work time or fraction thereof
- swimmers, dancers, skaters, and other performers engaged in strenuous physical activities shall have additional interim rest periods during times of actual rehearsal or shooting

- all working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats
- rest and recreation time mandated by Title 8 for minors assumes that minors will work a full day; it is not necessary to "hold" minors when work is finished in order to ensure the full rest and recreation time.
- a safe and secure place for minors to rest and play must be provided by Producer (SAG Agreement)

TURNAROUND [8 CCR 117601]

- twelve (12) hours must elapse between minor's time of dismissal and time of call on the following day
- if minor's school starts less than twelve (12) hours after his dismissal time, minor must be schooled the following day at employer's place of business

MAY NOT BE WAIVED AT DISCRETION OF STUDIO TEACHER

[Div.Mgt. Memo 87-1]

TRAVEL TIME

Local Location

- all travel time from studio to a location or from location to studio shall count as part of the working day of the minor [8 CCR 11759 a]
 - if child attends his/her own school prior to reporting to place of employment, travel time between school and studio/location is not considered work time [Div. Mgt. Memo 87-1, IV C]

Distant Location

- daily travel time between living quarters and work location, under 45 minutes with transportation provided, will not count as work time
 - subject to reasonable changes by studio teacher (factors include working and transportation conditions, ages of minors)
[8 CCR 11759 b]

EMPLOYERS TAKING MINORS FROM CA TO WORK ON LOCATION [8CCR 11756]

Child labor laws of California and regulations shall be applicable including the requirement that a studio teacher must be provided in accordance with Section 11755 when minors, resident in California and employed by employer located in California, are taken from California to work on location in another state (pursuant to contractual arrangements made in California).

SCHOOL REGULATIONS

General Information

- a minor must be provided with at least 3 hours of schooling per day while minor's school is in session [Education Code, Sec. 48224]
- children in grades 1-6 must be instructed between 7:00 a.m. and 4:00 p.m.; grades 7-12 must be instructed between 7:00 a.m. and 7:00 p.m. [Education Code, Sec. 48225.5]
- schools are to provide schoolwork for the student whether on a short-term or long-term engagement [Los Angeles Board of Education, Bulletin M-95, 8/30/99]
- assignments are to cover days of absence from school [Los Angeles Board of Education, Bulletin M-95]
- long-term productions in excess of two days may enroll pupil in independent study [Los Angeles Board of Education, Bulletin M-95]
 - Independent Study is permissible by State Law Educ. Code Sec. 51745- 46 and Administrative Code, Title 5, Sec. 11700-11703.
- no one shall be allowed in an area utilized by the producer as a school facility except the teacher and the minors being taught (SAG Agreement)

LAUSD Bulletin No. M-95: Pupils in the Entertainment and Allied Industries

LOS ANGELES UNIFIED SCHOOL DISTRICT

Deputy Superintendent, Instruction and Curriculum

DISTRIBUTION: All Schools and Offices

ROUTING: Asst. Superintendents, Division of Instruction, Cluster Administrators, Principals, School Adm. Assts.

SUBJECT: BULLETIN NO. M-95 PUPILS IN THE ENTERTAINMENT AND ALLIED INDUSTRIES

DATE: August 30, 1999

DIVISION: Instruction

APPROVED: CARMEN N. SCHROEDER, Associate Superintendent

For further information, please call Ella Franklin, Coordinator, Work Experience, at (213) 743-3615.

This bulletin replaces Office of the Associate Superintendent, School Operations Bulletin No. N-9 (Rev.) of the same subject issued March 16, 1987. The content has been revised to reflect new regulations concerning pupils in the entertainment or allied industries as specified in Education Code Section 48225.5, which was recently added as a result of the passage of AB 776.

I. BACKGROUND

Existing law has traditionally provided that pupils who hold a valid work permit can work temporarily in the entertainment or allied industries.

II. EDUCATION CODE SECTION 48225.5 REGULATIONS

Section 48225.5 further delineates the rules and regulations concerning pupil involvement in the entertainment or allied industries. Section 48225.5 requires pupils who hold work permits to:

- Work for a period of not more than five consecutive days in the entertainment or allied industries for a maximum of up to five absences per school year.
- Be excused from school in order to participate with a not-for-profit performing arts organization in a performance for a public school pupil audience provided the pupils parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence.
- Be permitted to enroll in a work experience program of the school district and receive appropriate academic credit for that work experience. Section 4822.5 requires a school district to:
 - Permit those pupils to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion, to give such pupils full credit. The tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

Section 4822.5 also requires that a pupil who is excused from school while working in the entertainment or allied industry:

- Receive instruction during the period of the absence from a studio teacher certified by the Labor Commissioner between the hours of 7:00 a.m. and 4:00 p.m. for pupils in kindergarten and Grades 1 to 6, inclusive; and between the hours of 7:00 a.m. and 7:00 p.m. for pupils in Grades 7 to 12, inclusive.
The school district shall accept the work done by the pupil and the grades given to the pupil on that work and shall provide the pupil with credit for the instruction the pupil received from that teacher.

III. WORK PERMITS FOR MOTION PICTURES AND TELEVISION

Permits to work in the entertainment industry are issued only by the State Division of Labor Standards Enforcement (DLSE). Minors are not permitted to be excused from school to secure entertainment permits. In order to obtain such a permit, an application for permission to work in the entertainment industry, DLSE Form 277, may be secured from a casting agency, motion picture studio, or a Division of Labor Standards Enforcement Office. After DLSE Form 277 is completed and signed, the parent should deliver the entertainment permit application directly to the Office of the Division of Labor Standards Enforcement office nearest them.

IV. WORK PERMITS FOR STAGE, MODELING, PHOTOGRAPHY, RECORDING, MUSICIANS, ETC.

Pupils shall be permitted to work in the above categories provided they have a valid theatrical work permit. In order to secure this permit, the parent or guardian may apply directly to the Division of Labor Standards Enforcement office nearest them.

V. SCHOOL ATTENDANCE RECORDS

When a pupil leaves his/her regular school for short-term work periods of up to five days in the entertainment industry, the school administrator should request the pupils teacher (s) to give the pupil his/her study assignments, which will cover the expected period of absence from school. In cases of long-term studio productions in excess of five days, the school should enroll pupils in independent study. Students should be allowed to take the necessary textbooks, workbooks, etc. to the studio.

VI. INDEPENDENT STUDY REQUIREMENTS FOR CREDIT AND ATTENDANCE PURPOSES

1. Course Credits

Independent study provides an alternative to classroom instruction for those students with

special needs and interest. Students may participate in independent study on or off campus. Authorization for independent study is found in State Law, Education Code Sections 51745-46, Administrative Code, Title V, Sections 11700-11703, Board Rule 2600 and Administrative Regulation 2600-5. For course credit guidelines and the required agreement form, refer to Bulletin No. 45, Independent Study Guidelines dated May 15, 1997 from the Office of the Deputy Superintendent (Office of Instruction).

2. School Attendance Records

Schools shall report attendance on the monthly statistical report for students taking independent study and working in the above stated categories. In addition to the independent study guidelines, the steps listed below must be followed:

- Each time a student leaves the regular school for work, the teacher must LI the student out of the register/roster to independent study.
- The certificated person responsible for the independent study program must EI the student into a separate independent study register/roster.
- Student work should be evaluated prior to classification dates, but delayed attendance credit for ADA purposes is permissible.
- On return to regular school, students shall present to the person responsible for independent study all work completed.
- The student is then LI out of the separate independent study register/roster and EI back into the regular class register/roster.

VII. PUPIL RETURN TO SCHOOL

On return to school, students shall present a teacher's report form signed by the studio teacher, indicating the dates of employment and the subjects taught during the period of employment. This signed report is the only acceptable or necessary excuse for absence.

Child Attending Regular School and Working [Div. Mgt. Memo 87-1]

- if child attended his/her own school prior to reporting to his/her place of employment:
 - time spent in regular school will be considered 6 hours regardless of time actually spent
 - required 1 hour of rest & recreation will be allocated to that 6-hour period
 - child will be permitted, therefore, at place of employment for 2-1/2, 3-1/2, or 4-1/2 hours, depending on age of child [8 CCR11760d, e, f]
 - times permitted at place of employment will include 1/2 hour meal period [8 CCR 11761]
 - travel time between school and studio is not considered work time

Excused School Absences [AB 776]

State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
45 Fremont Street, Suite 3260
San Francisco, CA 94105

February, 1998

Dear Studio Teacher,

The enactment of AB776 (Baca), added to the Education Code Section 48225.5 to require that schools excuse the absences of a pupil who either:

- Holds a permit to work in the entertainment or allied industries*
- OR*
- Participates with a not-for-profit arts organization performance for a public school audience*

The law limits the number of excused absences for a child holding an entertainment work permit to no more than five (5) consecutive days for a maximum of five (5) absences per school year. A child who is absent due to participation in non-profit public school audience performance is limited to five (5) excused absences per school year.

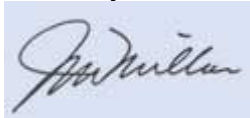
Under AB776, children who receive excused absences for either of these reasons must be allowed to make up missed assignments. A pupil absent due to participation in a non-profit public school performance must be allowed to complete any missed assignments and to receive credit for all work satisfactorily completed. A child excused because of employment in the entertainment industry must be instructed during the absence by a studio teacher certified by the Labor Commissioner in accordance with Section 11755 of Title 8 of the California Code of Regulations. All work, grades, and credit that the pupil completes with the studio teacher must be accepted by the school district or county superintendent of schools.

The bill also specifies the hours during which the studio teacher must offer instruction. The hours are:

- 7 a.m. and 4 p.m. for children in grades one through six*
- 7 a.m. and 7 p.m. for children in grades seven through twelve*

The new law became effective on January 1, 1998. Please refer to the attached copy of AB 776 for further details.

Sincerely,



*Jose Millan
State Labor Commissioner*

Banking School

(to be used only when the combined work/school schedule is unusually heavy) [Div. Mgt. Memo 87-1, V A-B]

BANKING IS A PRIVILEGE THAT REQUIRES THE PERMISSION OF THE STUDIO TEACHER AND IS NOT A RIGHT TO BE EXERCISED DAILY.

- all time to be under immediate supervision of studio teacher
- "homework" not to be counted as banked time
- may take place on school holidays, during school vacation, or on regular days when scheduled work time is less than permitted for age of child in question
- maximum hours banked on vacation day/holiday is 4 hours for grades 1-6, and 5 hours for grades 7-12
 - if child is working, hours banked would be limited to total amount of combined work/school time permitted for age of child in question
- NO BANKED TIME DURING SUMMER VACATION
- when school is in session, maximum banked will be:
 - for grades 1-6: 1 hour per day
 - for grades 7-12: 2 hours per day
- 1 hour instruction minimum each school day; therefore, not more than 2 hours banked time to be used in one work day in lieu of required 3 school hours
- banked time not to exceed 10 hours per month and must be used within 30 days of time banked
- a record of when the instruction time was banked and when it was used must be kept
- IF A MINOR DOES NOT HAVE CONSECUTIVE DAYS OF EMPLOYMENT AND IS SENT BACK TO TRADITIONAL SCHOOL, BANK TIME MAY NOT BE CARRIED.

If child is scheduled to work until 10 p.m. on a night preceding a school day, 3 hours of school is to be completed by 4 p.m.; therefore, call time cannot be later than 1 p.m. unless child uses banked hours.

Home School

State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
525 Golden Gate Avenue
San Francisco, CA 94102

June 1, 1999

Re: Application of Holidays for Home School Minors Employed in the Entertainment Industry

Dear Ms. Businger:

The Labor Commissioner, Marcy Saunders, has asked me to respond to your May 4, 1999, request for a formal opinion as to what action a studio teacher must take when confronted with a home schooled minor or parent who maintains that he/she is on a holiday during a regular school day.

As you know, Title 8 of the California Code of Regulations 11760 sets forth the maximum allowable working hours for minors employed in the entertainment industry. For example, 11760(f) states in pertinent part:

Minors who have reached the age of sixteen (16) years but who have not attained the age of eighteen (18) years may be permitted at the place of employment for a maximum of ten (10) hours. Such ten (10)-hour period shall consist of not more than six (6) hours of work and at least three (3) hours of schooling when the minor's school is in session, and one (1) hour of rest and recreation. On days when school is not in session, working hours may be increased to not more than eight (8) hours, with one (1) hour of rest and recreation.

The factual scenario of concern for studio teachers is as follows: If a public school holiday falls on any day during the week, children employed in the entertainment industry would be allowed to work additional hours as reflected in the regulation enumerated above. Home Schooled children are not subject to public schooled curriculums or holidays and are therefore free to choose their own holiday schedule. The problem arises when a home-schooled child proposes he/she is taking a holiday off during the week, when public schooled children are required to attend school. This allows the home-schooled child to ignore the maximum hours allowed for work on a school day and enables that child to work additional hours without requiring educational training. This places the studio teacher in an awkward position conducting two separate curriculums for children of the same age. Additionally, the home-schooled child would possess an obvious economic advantage to that of a publicly schooled child who must abide by the maximum work hours.

We do not feel allowing the home-schooled child to create his/her own holiday schedule would effectuate the intent of the regulation. The intent of the regulation is to provide established guidelines so studio teachers can be cognizant of the health, safety and welfare of the minor. Allowing a home-schooled child to choose at will his/hers own holiday schedule could create temptation for unscrupulous parents using a home-schooled curriculum as subterfuge to gain an economic advantage for their child. Also, this application would create compliance difficulties for the studio teacher, as well as, enforcement and accountability problems for those state employees directed to monitor and investigate studio teacher performance.

For the above reasons, studio teachers shall instruct minors who are home schooled, that they are subject to the same holiday schedules as the local school district where the child resides. The states interest in the health, safety and welfare of children necessitates a maximum hours worked policy, that when implemented creates the least amount of hindrance for studio teachers in carrying out their responsibilities of maintaining the education, mental and physical well being of children employed in the entertainment industry.

Additionally, your letter seeks confirmation in your belief that a child on the set must be taught by the studio teacher. This opinion letter confirms your belief. If a child is on the set, he/she must be taught and under the supervision of the studio teacher.

The long-standing policy of the Labor Commissioner maintains the health, safety, and welfare of children in the entertainment industry are optimum when monitored by a licensed studio teacher. The state's compelling state interest in the education and safety of it's citizens are best achieved under this historical enforcement policy.

I hope I have adequately answered the issues presented. Should you have any questions or concerns, do not hesitate to contact the undersigned directly. Thank you for your ongoing interest in the development of California labor law.

Yours truly,

A handwritten signature in black ink on a light blue background. The signature is cursive and appears to read "David Gurley".

*David Gurley
Attorney for the Labor Commissioner*

Students in Work Experience Programs

[Labor Code 1391.1]

- students between the ages of sixteen (16) and eighteen (18) years of age enrolled in work experience programs approved by the State Department of Education or in work experience education programs conducted by private schools may work after 10:00 p. m. but not later than 12:30 a. m., providing:
 - such employment is not detrimental to the health, education, or welfare of such minors
 - approval of parent and work experience coordinator has been obtained
- if minor works any time during the hours from 10:00 p. m. to 12:30 a.m., he/ she shall be paid for work during that time at a rate which is not less than minimum wage paid to adults

Minors Graduated from High School

- if a minor sixteen (16) to eighteen (18) years of age has satisfied the educational requirements of the State of California (i.e., Proficiency Certificate or high school diploma):
 - no entertainment work permit is needed [Div. Mgt. Memo 87-1]
 - no studio teacher is required [Div. Mgt. Memo 87-1]
 - he/she may be employed for the same hours as an adult employed performing the same work [Labor Code 1391.2]

SPECIAL SITUATIONS

Two or More Jobs in One Day [Div. Mgt. Memo 87-1]

- combined hours of time on set for all jobs on a given day may not exceed those permitted by appropriate subsections of 8 CCR 11760
- studio teacher on first set should attempt to arrange and ensure that at some point in the day the minor will have time allocated for school, rest & recreation, and meal periods
- last company to employ minor on given day will be held responsible for assuring requirements of regulations have been met

Alternative Work Week [Div. Mgt. Memo 87-1]

- it is permissible to provide instruction for the minor on Saturday and/or Sunday as part of the 5 out of 7 workweek schedule and the minor will not be required to attend school on the scheduled days off during the week, e.g., Monday and Tuesday. Instruction on Saturday and/or Sunday will be counted towards the 175 days per year instruction requirement under Sec. 48224 of the California Education Code.

One-Hour Situations

(looping, promotional publicity, personal appearances, wardrobe, make-up, hairdressing)
[8CCR11762]

- if a minor age 16 and under is NOT called to the set but is called for a period up to one (1) hour into wardrobe, make-up, hairdressing, promotional publicity, personal appearances, or for looping, when such minor's school is not in session, a studio teacher need not be present
- If a minor attended school that day, ANY amount of time spent in looping or publicity must be covered by a studio teacher
- minor must be accompanied by a parent or guardian

State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
525 Golden Gate Avenue
San Francisco, CA 94102

June 1, 1999

Re: Interpretation of Title 8, California Code of Regulations 11762

The Labor Commissioner, Marcy Saunders, has asked me to respond to your May 4, 1999 letter, requesting interpretation for the above referenced regulation.

Title 8, CCR 11762 states:

No minor under the age of sixteen (16) may be sent to wardrobe, make-up, hairdressing or employed in any manner unless under the general supervision of a studio teacher. If any such minor is not called to the set but is called for a period up to one (1) hour into wardrobe, make-up, hairdressing, promotional publicity, personal appearances or for audio recording, when such minor's school is not in session, a studio teacher need not be present but the minor must be accompanied by a parent or guardian.

Your letter states the "law has not been enforced as written." We regret to hear this as the regulation is very clear on it's face. As the enforcement agency regulating the conduct of studio teachers, the State Labor Commissioner wishes to confirm that if a child under the age of sixteen attends school and on that same day is subsequently sent to wardrobe, hairdressing, promotional publicity, personal appearances, or audio recording, a studio teacher must be present to supervise that child. The only time a studio teacher is not required under this regulation is when the student conducts these activities on a scheduled holiday or weekend. Should a production company or employer not abide by this regulation, please inform the Labor Commissioner so we may promptly investigate the alleged violation.

I hope I have adequately answered this issue. Should you have any further questions, concerns, or require additional interpretation, do not hesitate to contact the undersigned directly. Thank you for your ongoing interest in California labor law.

Yours truly,



David Gurley
Attorney for the Labor Commissioner

Two Consecutive Days Without School [8 CCR 11760 h]

- when any minor between the ages of fourteen (14) and eighteen (18) obtains permission from school authorities to work during school hours for a period not to exceed two (2) consecutive days, working hours for such minor during either or both days may be extended to but shall not exceed eight (8) hours in twenty-four (24) hours
- minor must present documentation from his/her school that the school granted him/her permission to work without receiving the minimum hours of schooling [Div. Mgmt. Memo 87-1, VI C]

Dinner Theater/Live Theater

- studio teacher is required if minor is employed to perform any form of entertainment including dinner-theater groups and live theater [8 CAC 11751, Div. Mgt. Memo 87]
- children participating as volunteers in Equity waiver theater do not need an entertainment work permit or a studio teacher [Div. Mgt. Memo 87-1, VI C]

EMANCIPATION

General Information [Civil Code, Sec. 60, 63-64]

Emancipation does not necessarily mean that the minor is exempt from:

- the compulsory school attendance laws, and/or
- the child labor laws and regulations.

Any person under the age of eighteen years who comes within the following description is an emancipated minor (Sec. 60, pt. 2.7):

- who has entered into a valid marriage, whether or not such marriage was terminated by dissolution; or
- who is on active duty with any of the armed forces of the United States; or
- who has received a declaration of emancipation pursuant to Sec. 64 of the Civil Code.

A minor may petition the Superior Court of the county in which he or she resides or is temporarily domiciled, for a declaration of emancipation. The petition shall be verified and shall set forth with specificity all of the following facts [Sec. 64]:

- that he or she is at least 14 years of age
- that he or she willingly lives separate and apart from his or her parents or legal guardian with the consent or acquiescence of his or her parents or legal guardian
- that he or she is managing his or her own financial affairs

Consequences of emancipation [Sec. 63]:

- minor may consent to medical care without parental consent, knowledge, or liability
- minor may enter into a binding contract

An emancipated minor who has not completed his or her compulsory education requirements must receive three (3) hours of school per day unless the banking provisions apply.

An emancipated minor is still subject to all of the rules and regulations of 8 CAC unless specifically exempted from 8 CAC in the emancipation order.

Letter from Labor Commissioner Aubry

State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
525 Golden Gate Avenue
San Francisco, CA 94102

August 1, 1988

To: Affected Persons Using Minors in the Entertainment Industry

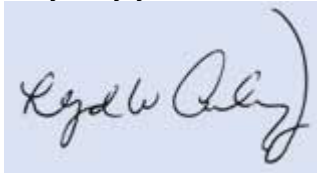
It has recently come to my attention that there may be some confusion with respect to the child labor regulations applicable to the Entertainment Industry (Title 8 Code of California Regulations Section 11750 et seq.) and their impact on emancipated minors.

The regulations are fully applicable to emancipated minors except as set forth below. An emancipated minor may only work the hours prescribed by the regulations and, if the child is under eighteen years of age and has not graduated from high school or obtained a high school proficiency certificate (available only to 16 and 17 year olds), the minor must be provided educational training as required by law. A studio teacher must also be provided to all minors under the age of sixteen for the purposes of educational instruction and safety protection. For minors sixteen and seventeen years of age, a studio teacher is required for educational instruction as required by law.

The only effect that the emancipation of a minor has under these regulations and other labor laws is that, while the minor must still obtain a theatrical work permit, he or she may do so without the signature of a parent.

I would appreciate it if you would make certain that all persons in hiring or casting positions with whom you are affiliated are aware of this fact before an emancipated minor is used on a production.

Very truly yours,

A handwritten signature in black ink on a light blue rectangular background. The signature is cursive and reads "Lloyd W. Aubry, Jr.".

Lloyd W. Aubry, Jr.
State Labor Commissioner

PENALTIES

Denial, Suspension, or Revocation of Permit to Employ Minors

Permit to Employ minors may be denied, suspended, or revoked under the following conditions:

- any misdemeanor violation of
 - any labor code provision respecting child labor
 - any violation of Title 8 regulations [8 CCR 11758]
- any permit holder or authorized agent or representative of such holder who discharges or in any way discriminates against any studio teacher because studio teacher either:
 - made oral or written complaint to the Division or the permit holder, its agents, representatives, or employees, that conditions on the set or location were dangerous to the health, safety, or morals of minors employed on set or location
 - took any action to preclude, suspend, or terminate employment of minors on set or location for reasons of health, safety, or morals of minor [8 CCR 11758.1]

Appeal Rights [8 CCR 11758.2]

- company may appeal denial, suspension, or revocation of permit directly to Labor Commissioner
- Labor Commissioner shall afford applicant or holder of the permit an opportunity to request a hearing on the appeal

Violations by Parents, Guardians, Companies [Labor Code 1308]

- any person is guilty of a misdemeanor and punishable by a fine of not less than \$500 and not more than \$1000 or imprisonment for not exceeding 6 months, or both, who as a parent, relative, guardian, employer, or otherwise having the care, custody, or control of any minor under the age of sixteen (16), exhibits, uses, or employs that minor in:
 - any business, exhibition, or vocation, injurious to the health or dangerous to the life and limb of minor
 - any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever
- parents or guardians (in addition to employers, agents, managers, etc.) who permit a minor to be employed unlawfully in the entertainment industry (which includes any violation of state regulations governing minors in the entertainment industry) are liable for any civil and criminal penalties that arise from the violation [Labor Code 1308.5]