

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Introduced**

## **Senate Bill 435**

BY SENATORS ROBERTS AND KARNES

[Introduced February 24, 2021; referred  
to the Committee on Education]

1 A BILL to amend and reenact §21-6-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to issuance of a work permit; requiring county superintendents to authorize at least one  
 3 school principal or administrator at each nonpublic school in the district to issue a work  
 4 permit for students enrolled at the school; removing obsolete term; and providing  
 5 exceptions to the requirement for a certificate showing that the child is attending school.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 6. CHILD LABOR.**

### **§21-6-3. Issuance of work permit.**

1 (a) A child 14 or 15 years of age may be employed or permitted to work in any gainful  
 2 occupation, except as provided in section two of this article, when the person, firm or corporation  
 3 by whom the child is employed or permitted to work, obtains and keeps on file and accessible to  
 4 officers charged with the enforcement of this article, a work permit issued by the superintendent  
 5 of schools of the county in which the child resides, or by some person authorized by him or her in  
 6 writing. The county superintendent shall at least authorize in writing one principal or administrator  
 7 at each nonpublic school in the district to issue a work permit for students enrolled at the school.  
 8 For the purposes of this section, "nonpublic school" means a school accepting students who are  
 9 exempt from compulsory school attendance pursuant to §18-8-1(b) or §18-8-1(k) of this code.  
 10 Whenever a work permit has been issued, or wherever an age certificate has been issued under  
 11 the provisions of section five of this article, it shall be conclusive as to the age of the child on  
 12 whose behalf the work permit or age certificate was issued.

13 (b) The superintendent of schools, or person authorized by him or her in writing, shall  
 14 issue the work permit only upon receipt of the following documents:

15 (1) A written statement, signed by the person for whom the child expects to work, that he  
 16 or she intends legally to employ the child;

17 (2) A brief written description of the job the child is expected to perform;

18 (3) A birth certificate, or attested transcript thereof, issued by the registrar of vital statistics

19 or other officer charged with the duty of recording births;

20 (4) A certificate signed by the principal ~~or registrar~~ of the school attended showing that the  
21 child is attending school: Provided, That the requirement for receipt of this certificate does not  
22 apply in the case of a student enrolled in and seeking a work permit from a principal or  
23 administrator in a nonpublic school or a homeschooled student exempt from compulsory school  
24 attendance pursuant to §18-8-1(c) of this code; and

25 (5) The written consent of the parent or parents, guardian or custodian of the child.

26 (c) The superintendent of schools may not require a physical examination to be included  
27 in the application for a work permit.

28 (d) The superintendent of schools is not required to certify that the minor personally  
29 appeared before him or her prior to the issuance, modification, or rejection of a work permit.

NOTE: The purpose of this bill is to require county superintendents to at least authorize one school principal or administrator at each nonpublic school in the district to issue a work permit for students enrolled at the school.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.