



September 23, 2010

The Honorable Robert Belfanti
Chairman, House Labor Relations Committee
Room 30 East Wing
Harrisburg, PA 17020

RE: House Bill 2515, P.N. 3997 (Murt)

Dear Chairman Belfanti:

Thank you for offering the Pennsylvania School Boards Association (PSBA) the opportunity to comment on House Bill 2515, P.N. 3997, which seeks to update the current Child Labor Law and further seek protections for minors working in the entertainment industry. We appreciate the opportunity to offer our feedback to the committee.

Overall, the legislation represents a positive step toward bringing the Commonwealth's child labor laws up to date, while ensuring the safety of minor employees. House Bill 2515 would also serve to reduce both paperwork and certain staff requirements within a school district at a time when more and more reporting and paperwork is required of districts.

Further, House Bill 2515 contains language carried over from previous legislation allowing the issuing officer to refuse to issue a work permit if he believes the student cannot maintain adequate academic achievement if permitted to work during the school year. The legislation also carries forward changes recommended by PSBA in prior sessions that the issuing officer also be permitted to rescind a work permit if a student is not able to maintain adequate academic achievement.

One other issue that PSBA had raised in previous sessions is the proposed legislation's effect on cooperative education or other school-to-work opportunities, such as those offered through a vocational-technical school or a career and technology center. The Commonwealth's current law (43 P.S. § 46) permits special exceptions for students whose employment is part of a school-work program, supervised by a school entity. We are pleased to see that Section 14 of House Bill 2515 clearly ensures these programs are not compromised by continuing to allow flexibility for a minor to be employed in a work experience, career exploration program, apprenticeship program or school-to-work program.

PSBA does, however, have some questions and concerns with provisions related to studio teachers, largely regarding how their role integrates with that of the resident school district and a lack of clarity regarding enforcement responsibilities. Specifically:

- **Who has oversight of the student's academic progress under the studio teacher?** Since work, grades and credits completed with a studio teacher must be accepted by the school district, who is determining that the work done is actually appropriate for that student's grade level and that the work is compatible with the lessons being taught in the student's school district of residence, therefore meriting credits?
- **A studio teacher should be required to coordinate lessons and assignments with the school district of residence.** Along the same lines, House Bill 2515 allows a student with an entertainment work permit to be absent for no more than five days at a time (page 18, lines 14-17). Given that the student must return to his resident classroom in such a short time, it makes sense that any

instruction provided during the absence is consistent with that which the student would have received in the classroom.

- **Allowed absences for those with entertainment work permits are not restricted to employment in the entertainment industry** (Page 18, lines 14-17). We note that a student with an entertainment permit is allowed five absences per school year, each up to five days for a total of 25 days in any combination, but it is not specified that those absences must be particular to the student's work in the entertainment industry, leaving a loophole for this policy to be abused. It is further uncertain whether the five absences or 25 days takes precedence for a student – if a student's absences are just three days each, may he have eight absences instead of five, or is he restricted to 15 days instead of 25?
- **House Bill 2515 does not recognize alternative forms of education.** A student who is enrolled in an online instructional program through his resident school district or local intermediate unit, attends a cyber charter school or is homeschooled would likely continue to receive instruction from that program while working in the entertainment industry. A studio teacher may not be warranted for instructional purposes in these cases, nor may the language on excused absences be applicable.
- **Lack of connection and clarity between entertainment permits and work permits.** It appears that a school district must still issue a work permit to a student who has received a separate entertainment permit from the Department of Labor and Industry, but it is not clear which entity may have primary responsibility for enforcing compliance. For instance, page 17, lines 3-4, indicate that it is the responsibility of the studio teacher to independently ensure compliance with restrictions on hours of employment for minors. However, page 29, lines 22-23, indicate that enforcement officers (who include the Secretary of Labor and Industry, a school superintendent, home and school visitor, attendance officer, issuing officer or law enforcement officer) are the individuals who may initiate enforcement actions or prosecution. Since the Department of Labor and Industry would be issuing a separate entertainment permit specific to this industry and also certifies the studio teachers, language should specifically direct studio teachers to report suspected violations to the Department for further investigation.

To reiterate, PSBA supports the overarching goal of the bill to update the Child Labor Law and to ensure appropriate safeguards for minors working in the entertainment industry. We would, though, seek further clarification regarding entertainment permits and studio teachers to ensure minimum impact on a student's education. Should the House Labor Relations Committee decide to move forward with consideration of House Bill 2515, we would be happy to work with you to draft language that preserves a smooth transition between the classroom and instruction received during absences. Thank you for your consideration of our comments.

Sincerely,



Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations



Beth L. Winters
Director of Legislative Services

Cc: Vicki DiLeo, Executive Director