

## **Regular School vs. Home School**

### **Minors Attending Traditional Schools**

- 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)

### **Minors Being Home Schooled**

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.</em>

Yours truly,

A handwritten signature in black ink on a light blue rectangular background. The signature is cursive and reads "David Gurley".

David Gurley

Attorney for the Labor Commissioner