



Am. Sub. H.B. 402
124th General Assembly
(As Passed by the General Assembly)

Reps. Collier, Schaffer, Lendrum, Hollister, Seitz, Calvert, Webster, Setzer, Schmidt, Gilb, Hagan, White, Sullivan, Husted, Reidelbach, Willamowski, D. Miller, Patton, Carmichael, Flowers, Schneider, Williams, Fedor, Perry, Britton, Peterson, Redfern, Otterman, Hartnett, Brown, Niehaus, Raga

Sens. Nein, Blessing, Harris, Jacobson, Wachtmann, Mumper

Effective date: August 28, 2002

ACT SUMMARY

- Requires the chief administrative officer of a community school or a nonpublic school to issue age and schooling certificates to qualifying students who attend the school.
- Requires the superintendent of a local school district and a joint vocational school district to issue age and schooling certificates to qualifying students who reside in the district.
- Eliminates the requirement that a local school district superintendent forward information about a student's application for an age and schooling certificate to the superintendent of the educational service center to which the school district belongs for approval of that certificate by the service center superintendent.
- Eliminates the requirement that an applicant for an age and schooling certificate satisfactorily complete a vocational or special education program adequate to prepare the applicant for an occupation.
- Requires superintendents and chief administrative officers who issue age and schooling certificates on and after September 1, 2002 to file the certificates with the Director of Commerce electronically, and correspondingly makes modifications concerning the return and notice of nonuse of those certificates.

- Permits any licensed physician or licensed physician's assistant, rather than only the specified types of physicians designated under prior law, to certify a student's physical condition for inclusion in the student's application for an age and school certificate.
- Permits use of a student's athletic certificate of examination to certify a student's physical condition for an age and schooling certificate.
- Eliminates the part-time age and schooling certificate for 14- and 15-year-old minors and permits those minors to obtain a regular age and schooling certificate.
- Eliminates "overage" certificates.
- Modifies the application procedure for an age and schooling certificate to require a child instructed at home to submit a specified notification.
- Eliminates limitations regarding use of an age and schooling certificate in only the district in which it was issued unless countersigned by the certificate-issuing authority of the district of employment.
- Modifies the requirements for out-of-state minors to obtain an age and schooling certificate.
- Authorizes the State Board of Education to approve rather than formulate the form for applying for an age and schooling certificate.
- Prohibits the display of a child's social security number on the application form.

CONTENT AND OPERATION

Background

Under the state Minor Labor Law (R.C. Chapter 4109.), an employer generally must require that employees who are under 18 years of age and have not received a high school diploma or its equivalent present age and schooling certificates before hiring those employees.

The act modifies various provisions of the state Minor Labor Law and the Education Law (R.C. Chapter 3331.) pertaining to age and schooling certificates.

Authority to issue age and schooling certificates

(R.C. 3331.01(A), (B), and (E), 3331.02, 3331.08, 3331.09, 4109.02, and 4109.06)

Under former law, only the superintendent (or superintendent's designee) of a "city" or "exempted village" school district or an educational service center (ESC) could issue age and schooling certificates to qualified students.¹ A "local" school district superintendent was required to forward all information regarding a student's application for a certificate to the superintendent of the ESC to which the school district belonged for consideration by the ESC superintendent. If the ESC superintendent issued the certificate, that superintendent had to send the certificate to the local school district superintendent for final signing by the child and delivery to the child. The act eliminates the role of an ESC superintendent in issuing age and schooling certificates and permits local school district superintendents to issue them directly. In addition, the act authorizes local and joint vocational school district superintendents to issue age and schooling certificates.² It also requires the chief administrative officer of either a nonpublic school or a community school to issue age and schooling certificates to their respective qualified students.³

Elimination of vocational or special education requirement

(R.C. 3331.01(B)(1))

The act eliminates the requirement that in order to qualify for an age and schooling certificate a student must first successfully complete a vocational or special education program that is adequate to prepare the student for an occupation.

¹ *Educational service centers (formerly called county school districts) are regional educational entities that provide curriculum development and instructional services to all local school districts in their service territories and may provide some services to other area school districts under contracts. They are not taxing authorities but do receive state and school district per pupil payments for services rendered.*

² *Joint vocational school districts (JVSD) are special taxing districts created and supported by a number of city, exempted village, and local school districts to operate vocational education facilities for the mutual benefit of all member districts. They may also contract with nonmember districts to provide services. Not all school districts belong to a JVSD.*

³ *A community school (often called "charter school") is a public, nonsectarian, nonprofit school that operates independently of a school district under contract with a public sponsor (generally a school district or the State Board of Education) that must monitor the school's performance.*

Electronic filing of age and schooling certificates

(R.C. 3331.01(D) and (F), 3331.06, 3331.11, 4109.02, 4109.03, 4109.08(D), and 4109.09; Section 3)

Under the act, prior to September 1, 2002, an employer must secure from each minor covered under the state Minor Labor Law a valid age and schooling certificate, which must be kept on file and made available for inspection by enforcement officials. The act requires a superintendent or chief administrative officer that issues an age and schooling certificate on or after September 1, 2002 to file the certificate electronically with the Director of Commerce. After that date, the act eliminates the requirement that an employer keep the certificate on file in the workplace and make it available for inspection, and requires instead that an employer thoroughly review a minor's age and schooling certificate. After that date the act also specifies that only electronically filed certificates are valid to prove lawful employment of a minor under the state Minor Labor Law.

Prior law required the State Board of Education to "formulate" the form of the age and schooling certificate. The act modifies this requirement by giving the Board the authority to "approve" the form, including an electronic form, and adds a prohibition against the display of the child's social security number on the form.

Notice of nonuse of an age and schooling certificate

(R.C. 3331.02(A) and 4109.03)

Formerly, the Education Code, specifically R.C. 3331.02(A), required an employer to return a child's age and schooling certificate to the superintendent who issued it within *two* days after the child withdrew or was dismissed from the employer's services. However, the state Minor Labor Law, specifically R.C. 4109.03, required an employer to return the certificate within *five* working days after the child's withdrawal or dismissal. The act eliminates these certificate return requirements and instead requires an employer to notify the appropriate superintendent or chief administrative officer of the nonuse of an age and schooling certificate within *five* days from the child's withdrawal or dismissal from service.

School record or notification required

(R.C. 3331.02(A)(2) and 3331.13)

The act requires that a child who applies for an age and schooling certificate submit either a school record or a "notification." The "notification" is a document required by rule of the Department of Education to be submitted by parents for children who are to be instructed at home. The notification contains



biographical information about the child and certain assurances from the child's parents regarding home instruction. Under prior law, only a child's school record was required and there was no similar document submission requirement that pertained specifically to children who were instructed at home.

Continuing law modified by the act also requires that whenever a school record is required for use in an application for an age and schooling certificate, the record must be furnished by the official in charge of the public, private, or parochial school attended by the child within two days after a request for it is made. Under the act, this requirement applies not only to school records, but also to notifications. Additionally, the act removes the references to specific types of schools.

Physical examination for an age and schooling certificate

(R.C. 3331.02(A)(4) and (B))

Under prior law, an age and schooling certificate application had to include a certificate of examination from the school physician or a physician designated by the school physician, or if there was no school physician, then from the district health commission or a physician designated by the commission. The act broadens the scope of physicians who may provide this certificate by specifying that the certificate of examination must be from a licensed physician or licensed physician assistant, or from the district health commissioner. Under the act, this certificate may be in the form of an athletic certificate of examination. Under continuing law unchanged by the act, the certificate of examination must indicate that the child is physically fit for lawful employment.⁴

Elimination of countersignature requirements for some age and schooling certificates

(R.C. 3331.11)

Former law specified that an age and schooling certificate was not valid for employment in any school district other than the one in which it was issued, unless it was countersigned by the certificate-issuing authority of the district where the child was employed. The act eliminates this provision.

⁴ Under continuing law, both the certificate of physical examination and related age and schooling certificate may be "limited" to a certain occupation if the child's physical condition warrants such a limit.

Age and schooling certificates for out-of-state minors

(R.C. 3331.01 and 3331.02(C))

The act modifies the designation of the authority to whom an out-of-state minor applies for an age and schooling certificate to work in the state. Under the act, out-of-state minors must apply to the superintendent of the school district in which the employment is located. Former law required out-of-state minors to qualify with the proper school authority in the school district or educational service center service area in which the "establishment" was located. In evaluating these nonresident applications, the act requires the superintendent to evaluate the information filed and determine whether to issue the certificate using the same standards that apply to in-state children.

Elimination of "part-time and vacation" age and schooling certificates

(R.C. 3331.12, 3331.14, 4109.03, and repealed R.C. 3331.05)

The act eliminates a provision allowing 14- and 15-year-old minors to obtain a part-time and vacation age and schooling certificate and reduces the age at which a child may apply for a regular certificate to 14.

Elimination of "overage" certificates

(R.C. 4109.08(B), Sections 4 and 5, and repealed R.C. 3331.15)

Former law provided for the issuance of an "overage" certificate to any person above 18 years of age if the person believed that she or he was likely to be mistaken for a minor. In addition, the law provided that when a person holding an age and schooling certificate attained 18 years of age, the certificate had to be released to that person, in effect giving that person an overage certificate. The act eliminates these provisions for overage certificates.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-16-01	p. 926
Rereferred to H. Commerce & Labor	01-22-02	p. 1280
Reported, H. Commerce & Labor	02-20-02	p. 1430

Passed House (91-2)	02-27-02	p.	1468
Reported, S. Insurance, Commerce, & Labor	04-16-02	p.	1669
Passed Senate (32-0)	04-23-02	p.	1687
Concurrence (94-1)	05-14-02	p.	1743

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