

**POLICY 5.185**

**4-B** I recommend that the Board adopt the proposed revised Policy 5.185, entitled "Suspension of Driver's License for Non-Enrollment and Non-Attendance."

[Contact: Ira Margulies, PX 45857.]

**Adoption****CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on October 1, 2008.
- This revision will implement the provisions of state laws and rules requiring the School District to verify the enrollment and attendance of students for the purposes of granting or denying driving privileges.
- The proposed revisions clarifies and outlines the statutory process for the granting of a hardship waiver to a student; the hearing process for waiver requests; and the appeal process for any denials of waiver requests, as required by state law.
- The proposed revisions also incorporates language for the reinstatement of a student's driver's license upon the student's compliance with enrollment or attendance requirements.
- This revision also updates statutory references.

**POLICY 5.185****SUSPENSION OF DRIVER'S LICENSE FOR NON-ENROLLMENT AND NON-ATTENDANCE**

- 1      1. Purpose. To implement the provisions of state laws and rules requiring the School  
2      District to verify the enrollment and attendance of students for the purposes of  
3      granting or denying driving privileges.

4      Florida Statutes 232.165, 232.02, 322.05, 322.0601, 322.16, and State Board of  
5      Education Rule 6A-1.0442 are incorporated as part of this policy.

- 6      2. Policy. In accordance with state laws and rules, the The names of students who  
7      are in violation of the enrollment and attendance requirements for being licensed to  
8      drive in the State of Florida will be submitted by the Principal or designee to the  
9      Department of Highway Safety and Motor Vehicles (DHSMV) with  
10     recommendations to suspend such students' their driving privileges.

- 11     a. To be in compliance with the statutory enrollment requirements a student  
12     must:

13       i. Be enrolled in a public school, non-public school or home education  
14       program and satisfy the District's attendance requirements;

15       ii. Be enrolled in a study course in preparation for the Test for General  
16       Education Development and satisfy relevant attendance requirements;

17       iii. Be enrolled in other educational activities approved by the School Board,  
18       as adult education programs, vocational job preparatory programs,  
19       dropout prevention, and other alternative programs, and satisfy the  
20       relevant attendance requirements;

21       iv. Have been issued a certificate of exemption according to §1003.21(3),  
22       Fla. Stat.:

23       v. Have received a hardship waiver under this policy; or

24       vi. Have received a high school diploma, a high school equivalency diploma,  
25       a special diploma, or a certificate of high school completion.

- 26     b. To be in compliance with the attendance requirements students must not  
27       accumulate fifteen (15) unexcused absences in a period of ninety (90)  
28       calendar days.

29       Be enrolled in an eligible educational activity. Eligible activities include the regular  
30       K-12 program, special programs, adult education programs leading to a high

34 school diploma, vocational job preparatory programs, dropout prevention, and  
35 other alternative programs approved by the School Board.

36 3. *Hardship Waiver Requests.* To be eligible for an exemption, or waiver of the  
37 requirements because of a hardship, a student must demonstrate: A student or the  
38 parent/guardian shall have fifteen (15) days after receipt of the written notice from  
39 DHSMV of the department's intent to suspend driving privileges, to present proof of  
40 compliance or to request a hardship waiver from the Principal or designee. The  
41 request for a hearing shall be in writing, signed by the student or the  
42 parent/guardian, and delivered to the school office. The school will notify DHSMV  
43 within twenty-four (24) hours or the next day after receiving the request for a waiver  
44 hearing, and will also notify the District office of student support services.

45 a. *Waiver Hearing.* The Principal or designee will conduct the hearing  
46 within thirty (30) calendar days after the school receives the request for a  
47 waiver hearing. The Principal or designee shall grant a hardship waiver for  
48 any student for who circumstances a personal or family hardship requires that  
49 the minor have a driver's license for his or her own, or his or her family's  
50 employment or medical care. The Principal may take into account the  
51 recommendations of teachers, other school officials, guidance counselors,  
52 social workers or academic advisors prior to the granting a waiver. The  
53 Principal or designee shall notify the student or parent/guardian, DHSMV, and  
54 the District office of student support services in writing explaining the reasons  
55 for granting or denying the waiver.

56 4. *Appeal.* Any student denied a hardship waiver by the Principal or designee  
57 may appeal the decision to the Superintendent. The request for an appeal shall  
58 be in writing, signed by the student or parent/guardian, and delivered to the Office  
59 of the Superintendent within fifteen (15) calendar days from receipt of the  
60 Principal's decision. The Superintendent shall appoint a hearing officer(s) to hear  
61 student/parent appeals from any student who has been denied a hardship waiver  
62 from their principal. The Superintendent or designee will notify DHSMV of the  
63 outcome of the hearing and School Board's action.

64 5. *Reinstatement.* The student's driving privilege will be reinstated if the student is  
65 subsequently in compliance with the attendance requirements. Upon request, the  
66 Principal or designee will provide the student with verification of compliance with  
67 the attendance requirements for reinstatement of his or her driving privileges.

68 medical or psychological problems that prohibit enrollment in an approved  
69 educational activity or where treatment cannot be obtained without transportation  
70 provided by the student;

71 economic problems where the student must work to support the family and where  
72 the license is a requirement for the student to work;

73 exception recommended by the Department of Health and Rehabilitation Services  
74 or an appropriate court;

75 other unusual circumstances not covered above, but recommended to the School  
76 Board for consideration on an individual basis.

77 Students who have had their licenses suspended because of violations of the  
78 driver's license law shall pay a \$10.00 processing and notarization/school seal fee  
79 to the school if they apply for reinstatement of their driver's license and request the  
80 appropriate form from the principal.

81 The Superintendent shall appoint a hearing officer(s) to hear student/parent  
82 appeals from any student who has been denied a hardship waiver from their  
83 principal.

84 The Superintendent shall develop appropriate directives and procedures to  
85 implement this policy.

86 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 322.091, 1002.20, 1003.21, 1003.24,  
87 1003.26, 1003.27, 322.091, 232.02, 232.16, 232.165, 230.22, 322.0601, F.S.; 6A-1.0442  
88 FAC

89 LAWS IMPLEMENTED: Fla. Stat. §§ 1003.27, 322.091, 230.22, F.S.; 322.0601, F.S.;  
90 6A-1.0442 FAC

91 HISTORY: 10/18/89; 1/19/94; \_\_\_\_/\_\_\_\_ 2008

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.185 and finds it legally sufficient for development by the Board.

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Attorney

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Date