



POLICY 5.185

5-F I recommend that the Board approve development of the proposed revised Policy 5.185, entitled “Suspension of Driver's License for Non-Enrollment and Non-Attendance.”

[Contact: Ira Margulies, PX 45857.]

Development

CONSENT ITEM

- 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.

POLICY5.185

1 **SUSPENSION OF DRIVER'S LICENSE FOR NON-ENROLLMENT AND NON-**
2 **ATTENDANCE**
3

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

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

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

- 14 a. To be in compliance with the statutory enrollment requirements a student
15 must:

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

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

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

24 iv. Have been issued a certificate of exemption according to §1003.21(3),
25 Fla. Stat.;

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

27 vi. Have received a high school diploma, a high school equivalency diploma,
28 a special diploma, or a certificate of high school completion.

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

32 ~~Be enrolled in an eligible educational activity. Eligible activities include the regular~~

33 ~~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 wavier 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 in~~
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.

Attorney

Date