

DRIVERS LICENSE INITIATIVE

The school district is required by law to report students, ages 14 to 18, who have had 15 unexcused absences within a 90 day period to the Department of Highway Safety and Motor Vehicles (DHSMV) so that DHSMV can notify the students their driver's licenses are being suspended. In order to have their driver's licenses reinstated, students must provide verification of 30 days of consecutive school attendance on a form prescribed by the state.

Pursuant to Section 322.091, Florida Statutes, a minor is not eligible for driving privileges unless that minor:

- is enrolled in public school, non-public school, or home education program and satisfies relevant attendance requirements, or
- has received a high school diploma, high school equivalency diploma, special diploma, or certificate of high school completion, or
- is enrolled in a study course in preparation for the Test of General Educational Development (GED) and satisfies relevant attendance requirements, or
- is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements, or
- has been issued a certificate of exemption according to Section 1003.21(3) Florida statutes, or has received a hardship waiver, pursuant to section 322.091, Florida Statutes.

Attendance records of students between the ages of 14 and 18 who accumulate 15 unexcused absences in a period of 90 calendar days are electronically sent to DHSMV on a regular basis. These data include the names of the student, dates of birth, gender, and if available, social security numbers. The district is required to also notify DHSMV of all students who withdraw from school with an appropriate withdrawal code. It is advisable that the parents of the identified students be notified of the non-attendance of the student and the risk of the student having the driver privileges revoked. A form letter is attached to facilitate this process.

Reinstatement Procedures:

Students must contact the school to assist in the reinstatement of the driving privilege. School districts must electronically transmit a transaction code (code 5) to cancel out-of-compliance reports of students who are licensed and have satisfied attendance requirements or who should not have been reported. **Electronic transmissions for cancellation must occur within 20 calendar days of issuance of the notice to suspend.** A reinstatement form or status letter must be sent for unlicensed students who have not satisfied attendance requirements or who should not have been reported to DHSMV.

Students are eligible for reinstatement if they have earned a high school diploma or a State of Florida diploma. The reinstatement form can be found at:

<https://www.flhsmv.gov/forms/72870.pdf>

Any reinstatement fees are paid directly to the Department of Motor Vehicles.

In order for students to have their driver's license reinstated:

- Students must attend school (all scheduled classes) for 30 consecutive days. (If the student misses a scheduled class, the 30-day count must begin again.
- Students must attend each scheduled class for a minimum of 2 hours for GED classes.

Although the district is not required to submit the names of adult students under the age of 18, there are some situations in which high school students have had their licenses suspended, and then elect to enroll in a GED program. In order for these students to have their licenses reinstated, they need to verify 30 days of consecutive school attendance.

If students meet these criteria, the Adult and Community School administrator can complete the attached reinstatement form.

Students enrolled in Home Education programs who have been noticed for suspension of driving privileges must verify their enrollment through the Home Education Office at 754-321-1558 for questions about this process.

Hardship Waiver Procedures:

School districts must have procedures to schedule hardship waiver hearings for students who receive a notice of intent to suspend. **Unlicensed students are not eligible for a hardship waiver hearing.** The purpose of the hardship waiver hearing is to review the pending suspension of a student's driving privileges. Hardship waivers may be related to one of the following criteria: "...a personal or family hardship that requires that the minor have a driver's license for his or her own, his or her family's, employment or medical care

1. "A hardship for employment is based on verification of need. The factor to be considered is the extent to which a student provides a substantial financial contribution for his/her livelihood or that of his/her family needs relevant to food and shelter.
2. A hardship for medical care is based on the need for transportation for the student or his /her immediate family members living in the same household to access required treatment. Consideration should be given to whether there are other licensed drivers in the household
3. Any student who is denied a waiver may appeal the decision to the district school board.

For more information about the state requirements for suspension, please contact:

Department of Highway Safety and Motor Vehicles

Phone: (850) 617-3811

www.flhsmv.gov

Phone: (850) 617-3811

To discuss the compliance of 30-day consecutive school attendance and reinstatement of driving privilege in the Broward County Public School District, please contact:

Contact: Terence D. McGarry, L.C.S.W.

CAP 754-321-1618

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