

No Pass/No Drive Law (KRS 159.051)

Became law on June 25, 2007

Implementation begins August 1, 2007

- Involves all public (and private) schools in Kentucky
- Only Applies to 16 and 17-year-old students

I. No Pass/No Drive Law Requirements

The law results in the denial or revocation of a student's drivers license for two different reasons:

1. Academic Deficiency
2. "Dropping Out" of School (Excessive Absences, or Traditional Dropout)

1. Academic Deficiency

The No Pass/No Drive Law defines Academic Deficiency as a **“student who does not have passing grades in at least four (4) courses, or the equivalent of four courses, in the preceding semester.”**

Academic Deficiency

What does “**four courses, or the equivalent of four courses**” mean for schools?

Definition?????

Academic Deficiency

Most Kentucky schools utilize a six-period day: $4/6 = 66\%$

Therefore, KDE is recommending that students need to pass 66% of their courses (per semester) to be compliant with No Pass/No Drive

***Please see conversion chart on following slide for other semester configurations*

Academic Deficiency

(Recommended by KDE)

<u>Courses Per Semester</u>	<u>Courses Students Need to Pass</u>
4	3
5	4
6	4
7	5
8	6

Academic Deficiency

No Pass/No Drive Law Requires Districts to Define "Academic Deficiency" for other programs and student populations:

"The local school board shall adopt a policy ... similar standard... for students in alternative, special education, or part-time programs."

2. “Dropping Out” of School

No Pass/No Drive Definition:

- A student with nine or more unexcused absences in a semester (absences due to suspension are considered unexcused), or
- Traditional Dropout

“Dropping Out”

- Occurs when a 16 or 17-year-old student has nine (9) or more unexcused absences
- The school will then report this information to the Division of Driver Licensing (via web portal). This report can be made at the end of the semester, or earlier (school choice).

Dropping Out

- If a 16 or 17-year-old student drops out of school, the school will contact the Division of Driver Licensing (via web portal). Reporting (via web portal) will occur when the student drops out of school.

When Does No Pass/No Drive Begin? (what semester?)

- Schools will use grades and unexcused absences (or students dropping out) beginning with the fall semester of 2007

How do Students become Compliant (after being Noncompliant)?

The No Pass/No Drive Law states,

“A student... may reapply ... as early as the end of the semester during which he... successfully completes the educational requirements.”

KDE recommends the student be in compliance (good standing) for a full semester before regaining driving privileges

cont.

How do Students become Compliant (after being Noncompliant)?

The No Pass/No Drive Law also states,

“ A student may also reapply for his driver’s license at the end of a summer school semester which results in the student having passed at least four (4) courses... during the successive spring and summer semesters.”

What Happens After Schools Report Students as Noncompliant (via Web Portal)

- Transportation Cabinet notifies student (“as soon as possible”) that driver’s license has been revoked or denied
- Informs student of the option of “right of hearing” before District Court
- The Court can reinstate license due to “hardship” factors

No Pass/No Drive Law

To Review the Full Text of the Law:
Legislative Research Commission
(Website)

www.lrc.ky.gov/record/07RS/record.htm

(Search House Bill (HB) 32)

Frequently Asked Questions:

Q: When will No Pass/No Drive be Implemented in Schools?

A: Beginning August 1, 2007

Schools will use information (attendance and grades) from the fall of 2007 to determine if students are in compliance

Frequently Asked Questions:

Q: Are all schools required to implement the No Pass/No Drive Law?

A: Yes, including all public and private schools in Kentucky

Frequently Asked Questions:

Q: What does a student need from his/her school in order to get a driver's permit or license?

A: The school will issue a *School Compliance Verification Form for Driver's License* (students in good standing with No Pass/No Drive)

Frequently Asked Questions:

Q: Does No Pass/No Drive only apply to 16 and 17-year-old students?

A: Yes, once a student reaches his/her 18th birthday, the law does not apply

Frequently Asked Questions:

Q: Does No Pass/No Drive apply to driving a motorcycle?

A: Yes

Q: Can a student be reported to the Division of Driver Licensing as soon as the student reaches 9 unexcused absences

A: Yes, the school can report as soon as the 9th absence occurs

Frequently Asked Questions:

- Q: In determining unexcused absences, do we calculate unexcused events?
- A: Unexcused absences will be used to determine eligibility for No Pass/No Drive.

Frequently Asked Questions:

Q: What happens to a Senior student – 17 years old- who graduates but has failed four courses in the 12th grade?

A: The student must be reported to the Division of Driver Licensing as noncompliant.

Frequently Asked Questions:

Q: How long are students considered noncompliant?

A: Students are considered noncompliant until they become compliant or reach age 18. For school purposes, students are usually noncompliant a full semester until they have time (the following semester) to improve their grades and/or attendance.

Frequently Asked Questions:

Q: Does the No Pass/No Drive law apply to students who have received their driver's permits or licenses prior to August 1, 2007?

A: No, the law is not retroactive.

Frequently Asked Questions:

Q: When students transfer to new schools in the middle of the school year, do their absences from previous schools follow them?

A: Yes. KRS 159.150 interprets absences as “cumulative” for a school year

Frequently Asked Questions:

Q: Will students have to pay a fee to have their driver's license reinstated after revocation due to No Pass/No Drive?

A: A fee will not be required, but if the license has been suspended for one year (or more), the student will have to take the written and eye exams again.

Frequently Asked Questions:

Q: The No Pass/No Drive law says that absences due to suspension are supposed to be used in the determination of “dropout” (9 unexcused absences). Is this correct?

A: This is correct. The No Pass/No Drive law specifies that days of suspension are considered “unexcused absences.”

Frequently Asked Questions:

Q: A regulation from DOT (601 KAR 13:070 (2)(d)) states a minor shall submit to the circuit clerk " a statement from Department of Education that the minor is being schooled at home." Will KDE do this?

A: KDE is asking that school districts provide this statement.

Frequently Asked Questions:

Q: When a student (out-of-state) transfers into a Kentucky school, do the absences from other states apply?

A: No, unexcused absences from other states would not apply

Frequently Asked Questions:

Q: If a student applies for a driver's permit on July 25 and then drops out of school in the first semester, does the student lose his/her driver's license?

A: No, the No Pass/No Drive law begins on August 1, 2007. It is not retroactive.

Frequently Asked Questions:

Q: What happens if a student drops out of school in the fall semester and loses his driver's license. Then, he re-enrolls in spring semester and two days later requests a school compliance verification form.

A: The student should be in compliance for a full semester before the school notifies the Division of Driver Licensing to reinstate the license. Therefore, the student would have his driver's license re-instated during the following fall semester (one year after dropping out of school).

Frequently Asked Questions:

Q: If a student withdraws from a school and waits two weeks to enroll in a different school, are those 10 days considered unexcused absences?

A: No. A student must be officially enrolled in a school before absences (excused or unexcused) accrue.

For More Information:

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