2025-2026

DRIVER'S LICENSE

Attendance Manual

School Social Services
School District of Volusia County
P.O. Box 2118
DeLand, Florida 32721-2118

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Driver's License

The Florida Legislature enacted requirements that schools report to the Department of Highway Safety and Motor Vehicles (DHSMV) the legal name, date of birth, sex, gender, and social security number of minors who attain the age of 14 and accumulate 15 unexcused absences (excluding out-of-school suspension) in a period of 90 calendar days. The legislation further provides that those students who fail to satisfy attendance requirements will be ineligible to maintain or obtain driving privileges. This legislation applies to students who withdrew from school with one of the following dropout withdrawal codes:

DNE	**W05**	**W13**	**W15**
W18*	**W21**	**W22**	**W23**

*Use of this withdrawal code should be on a case by case basis when forwarding to the Department of Highway Safety and Motor Vehicles.

Eligibility Requirements for Driving Privileges:

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

1. Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;

2. Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;

3. Is enrolled in a study course in preparation for the General Education Diploma (GED) and satisfies relevant attendance requirements;

4. Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;

5. Has been issued a certificate of exemption according to Section 1003.21(3) Florida Statutes; or

6. Has received a hardship waiver, pursuant to Section 322.091, Florida Statutes. For additional information, see the Hardship Waiver and Appeal Process section of this manual.

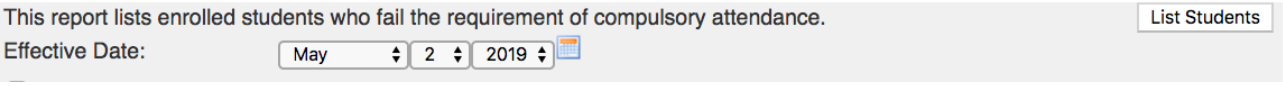
7. **Schools must notify students and parents that filing a declaration of intent to terminate school enrollment will initiate action by DHSMV as follows: licensed minors will lose their driving privilege unless they comply with attendance requirements and unlicensed minors may not apply for a license until relevant attendance requirements are satisfied or the student reaches the age of 18 years.**

The following is a summary of the process for transmitting records through Focus to the Department of Highway Safety and Motor Vehicles. From the FOCUS home page under Volusia Technical Assistance, click Link to Reporting Requirements and select Attendance, then go to FOCUS Attendance Clerk Training Guide. Refer to the Focus University Instructional Guide Agenda and go to DMV Attendance Report to view.

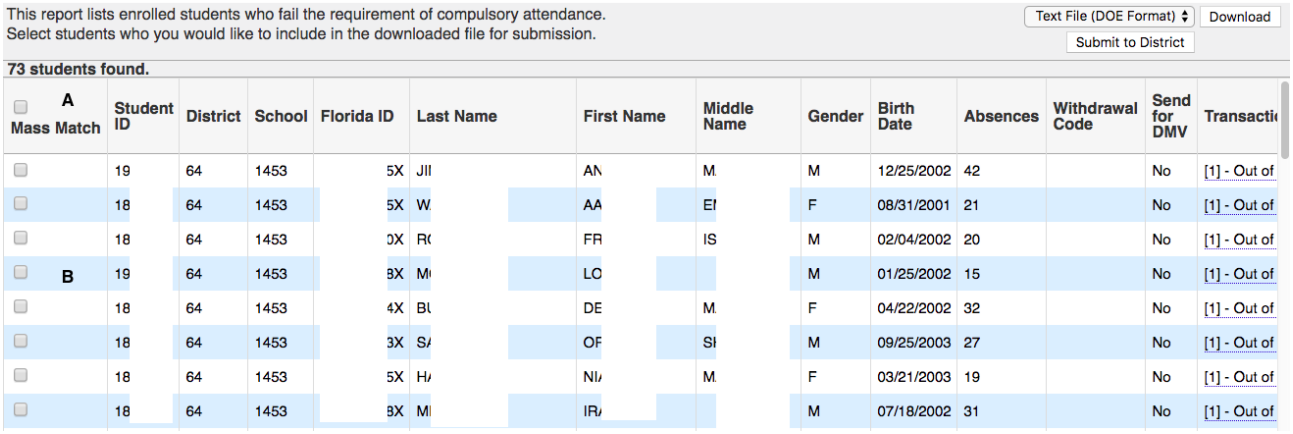
Schools' Responsibilities:

1. Schools must maintain up-to-date and accurate attendance through Focus ensuring that all absences and withdrawal codes are reported correctly.

2. Schools are to review the report on Focus **daily**. Go to the Florida Reports menu and select DMV Attendance. Select the Effective Date.

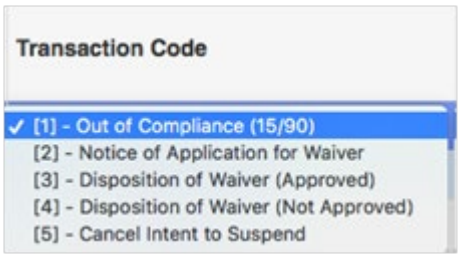


3. Click List Students to display the students with a checkbox to the left of their names. This report identifies students meeting the mentioned criteria on the date the student meets criteria. Print report if needed.

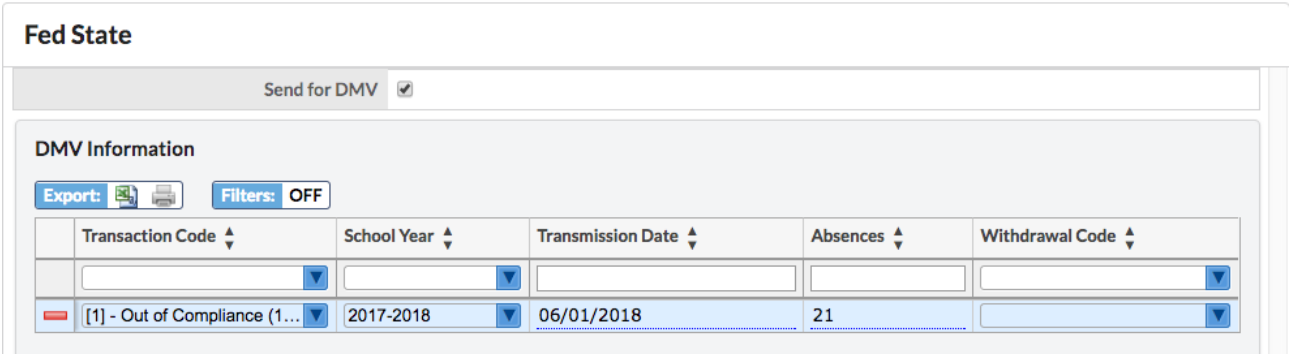


4. Each students' attendance must be reviewed by the school administrator (or designee) and the attendance clerk for accuracy and the necessary corrections updated in Focus.

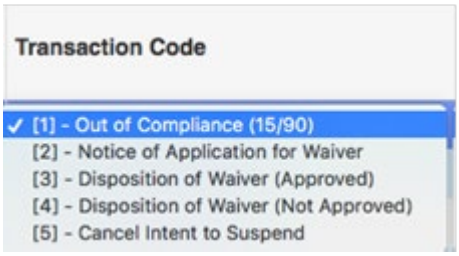
5. Once the students' attendance is verified to submit names to DMV, go to the Florida Reports menu and select DMV Attendance. Select the Effective Date. Click List Students to display the students with a checkbox to the left of their names. Check each box next to the student's name to manually choose the student and the appropriate transaction code. Text File (DOE Format) should be set by default to send to the DOE. This list can also be downloaded into an Excel file for later reference. Click Submit to District, which will submit the file to the DMV. A confirmation will appear.



6. After successfully sending to the DMV, student's DMV Information will be updated in the **Fed State** tab of their student screen.



7. To update student records for a hardship waiver requested by the student or parent, go to the **Florida Reports** menu and select **DMV Attendance**. Select the **Effective Date**. Click **List Students** to display the students with a checkbox to the left of their names. Check the box next to the student's name and select the appropriate Transaction Code for the student (code 2-Notice of Application of Waiver).



8. Once a decision has been made about the hardship waiver, go back to Florida Reports menu, and select DMV Attendance. Select the Effective Date. Click List Students and find the student's name. Check the box and select the appropriate Transaction Code for the student (Code 3 for approved; code 4 for not approved).

9. Click **Submit to District**.

10. If a student was reported in error, go to the **Florida Reports** menu, and select **DMV Attendance**. Select the **Effective Date**. Click **List Students** to display the students with a checkbox to the left of their names. Check the box next to the student's name and select the appropriate Transaction Code for the student (Code 5). If you are not sure of the date the student's name was transmitted to DMV, go to District Reports to Published Reports. Click on Students Names Transmitted to DMV and all students whose names have been submitted, will show along with the date of transmission.

11. Click **Submit to District.**

Note: Transmission to the DHSMV will occur on a nightly basis by Information Technology Services.

Department of Highway Safety and Motor Vehicles' Responsibilities:

1. The DHSMV shall notify each minor for whom the department has received notification of non-compliance with attendance requirements and the minor's parent/guardian of the department's intent to suspend the minor's driving privileges (*see sample letter 1* – Notice of Intent to Suspend).

2. The minor, or the parent or guardian, has 15 calendar days after the date of receipt of notice to provide proof of compliance or to request a hardship waiver. For additional information regarding hardship waivers, please see the Hardship Waiver and Appeal Process section.

3. Twenty (20) days after date of issuance of the notice, the DHSMV shall suspend the minor's operator's license or learner's driver's license or record the name of each minor who does not possess a driver's license or learner's driver's license, unless the minor has provided the DHSMV with verification of compliance or the appropriate school official has provided verification of a request for a waiver hearing.

4. Upon notification of the outcome of the hardship waiver hearing, the DHSMV shall suspend the driver's license of a minor who was denied a hardship waiver or record the name of the minor who does not possess a driver's license and who was denied a hardship waiver.

5. The DHSMV will send the order of suspension to all students whose driving privileges have been suspended (*see sample letter 1A, Order of Suspension*).

6. The DHSMV shall report quarterly to each school district the names of all students whose driving privileges have been suspended.

Hardship Waiver and Appeal Process:

1. A licensed minor, or the parent/guardian, has 15 calendar days after the date of receipt of the Notice of Intent to Suspend letter from the DHSMV to request a hardship waiver hearing before the school principal or designee. Unlicensed minors are not eligible for a hardship waiver hearing.

2. The school designee receiving the request shall notify the DHSMV (electronically) of the request for a waiver hearing within 24 hours after receiving the request. The DHSMV CODE must be updated in Focus with a '2' (Notice of Application for Waiver). The hearing must be conducted within 30 calendar days after the principal/designee receives the request. Maintain written documentation of the hardship waiver hearing and results. The school may use the suggested sample questions (*sample 5 /questions – page 14*).

3. The principal/designee shall waive the request for any minor under the school's jurisdiction, for whom a personal or family hardship requires that the minor have a driver's license for his or her own, or his or her family's employment or medical care. The minor or parent/guardian may present other evidence pertaining to the need for a hardship waiver. The principal/designee shall take into consideration the recommendations of teachers, guidance counselors, academic advisors, or other school officials before issuing a hardship waiver.

4. The school principal/designee shall notify the DHSMV (electronically) of the outcome of the hardship waiver hearing within 24 hours after conducting the hearing. The DHSMV CODE must be updated in Focus with a '3' if approved (Disposition of Waiver - Approved) or a '4' not approved (Disposition of Waiver - Not Approved). School officials shall also notify the district school board of the outcome of the hearing. If the request is denied, the licensed minor, or the parent/guardian may appeal the denial to the Student Placement Committee. If the appeal is denied, the student or parent/guardian may then pursue the matter through a hearing before the school board.

Verification of Compliance and Re-Instatement Process Prior to Effective Date of Suspension:

There is a time limit for school districts to electronically transmit the transaction code to cancel the Notice of Intent to Suspend for a student whose name was reported in error. School districts have up to 20 calendar days from the date on the Notice of Intent to Suspend letter received by the student/parent to make this change electronically. If the district reported the licensed minor in error, DHSMV CODE must be updated with a '5' (Cancel Intent to Suspend). After the 20-day time frame, attempts to transmit the transaction code will be electronically transmitted back to the district as an error. Once the student's license has been suspended, only written correspondence from the school will be accepted *(sample letter 2*).

Verification of Compliance and Re-Instatement Process After Effective Date of Suspension:

1. The school principal/designee shall provide a minor with written verification for reinstatement if it is determined that the student has been compliant with attendance for 30 days ***prior to request for verification***. Please use the attached Student Compliance with Attendance Requirements for Reinstatement of Driving Privilege form (DHSMV 72870 – *sample letter 2*). The student must submit the completed reinstatement form and the **$45 reinstatement fee** to the local driver's license office for reinstatement of his/her driver's license.

2. Upon receiving written verification of compliance, the DHSMV shall reinstate the minor's driving privilege. Thereafter, if the school district determines that the minor is not in compliance with attendance requirements, the DHSMV shall suspend the minor's driving privilege until the minor is 18 years of age or otherwise satisfies the Eligibility Requirements for Driving Privileges as stated in s. 322.091 attendance requirements. For additional information, please see the Eligibility Requirements for Driving Privileges section on p.1 of this manual.

3. If the district reported the minor in error, and it is after the 20-day time frame, a letter must be submitted to the Department of Highway Safety and Motor Vehicles. No reinstatement fee is required. The letter must be on school letterhead and the principal's, or designee's signature must be notarized (*see sample letter 4*).

4. If an error was made on an unlicensed student, the school may not electronically transmit the transaction code for reporting a student in error or to cancel the Notice of Intent to Suspend. For these cases, the school must send a letter on school letterhead to DHSMV (*see sample letter 4)*.

DHSMV Codes

Blank No Action Needed or Not Applicable

1 Student out of Compliance, 15 unexcused absences occurred within 90 calendar days -or- the student has withdrawn as a dropout.

2 Notice of Application for Waiver, a hardship waiver hearing was requested 15 calendar days after the date of receipt of the Notice of Intent to Suspend letter was received.

3 Disposition of Waiver - Approved, the DHSMV must be notified within 24 hours after the hearing.

4 Disposition of Waiver - Not Approved, the DHSMV must be notified within 24 hours after the hearing.

5 Cancel Intent to Suspend, the DHSMV must be notified when a student who received a Notice of Intent to Suspend letter complies within 20 days of the date of notice or if a school sent the student's name in error. **Note:** This code cannot be used after the suspension order has been posted to the DHSMV's record.

CONTACTS

Driver's License	**Melissa Fordham, MSW** School Social Worker/Attendance Lead Volusia County Schools Olson Facilities 3750 Olson Drive Daytona Beach, FL 32124 (386) 255-6475 ext. 50720 E-mail: mhfordha@volusia.k12.fl.us
Technical Assistance	Information Technology Services (ext. 20000)

SAMPLE LETTERS

Sample Letter 1 – Notice of Intent to Suspend

ATTACHMENT 1

STATE OF FLORIDA
DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
TALLAHASSEE, FLORIDA 32399-0500

FRED O. DICKINSON, III
Executive Director

00001

NOTICE OF INTENT TO SUSPEND/WITHHOLD ELIGIBILITY FOR LICENSURE

Driver License Control Number:

Date of Birth:

The Department of Highway Safety and Motor Vehicles was notified by a school district that you are not in compliance with school attendance requirements specified in Section 322.091, F.S. If you are a licensed driver, the department will suspend your driving privilege. In order to reinstate your driving privilege, you must provide notice of compliance with Section 322.091, F.S., regarding attendance requirements as outlined below.

IF YOU ARE UNLICENSED, the department will withhold eligibility and deny an application for a driver license until you provide verification of compliance or reach age 18 (refer to (A) through (E) below).

(A) Enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;

(B) Received a high school diploma, high school equivalency diploma, special diploma, or certificate of high school completion;

(C) Enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements;

(D) Enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;

(E) Issued a certificate of exemption by the school superintendent according to Section 232.06, F.S.; or

(F) Received a hardship waiver under this section (unlicensed minors are not eligible for a hardship waiver). If you choose to apply for a hardship waiver, a hearing must be requested within 15 calendar days from receipt of this notice. Contact the school principal or designee. Your license suspension will not be effective if the department receives notification that you have requested a hardship waiver hearing. If the hardship waiver is granted, your driving privilege will not be suspended. If the hardship waiver is denied, your driving privilege will be suspended.

FOR PUBLIC SCHOOL STUDENTS, verification of your compliance (refer to (A) through (E) above) must be presented to the district school within 20 days of the date of this notice. The district school board will notify the department electronically in order to prevent your driving privilege from being suspended. In order for a school district to verify compliance, you must be in attendance 30 consecutive school days without any unexcused absences. Failure to present verification of compliance within the 20-day period will result in the creation of an Order of Suspension that is postdated 20 days from the date of the Order. Upon verification of compliance, a reinstatement form will be provided by the public school to be presented to your local driver license office to reinstate your driving privilege.

FOR PRIVATE SCHOOLS (refer to (A) through (E) above) or home education programs (refer to (A) through (D) above), verification of your compliance must be submitted within 20 days from the date of this notice. The address to be used is: Department of Highway Safety & Motor Vehicles, Bureau of Driver Improvement, 2900 Apalachee Parkway, MS #87, Tallahassee, Florida 32399-0570. Failure to present verification of compliance within the 20-day period will result in the creation of an Order of Suspension that is postdated 20 days from the date of the Order. Upon verification of compliance, a reinstatement form can be presented to your local driver license office to reinstate your driving privilege. If you are in private school or a home education program, a reinstatement form can be obtained by contacting the department at the telephone number provided below.

Should you have questions regarding verification of compliance with Section 322.091 F.S., contact the Bureau of Driver Improvement at (850) 488-3268.

Sincerely,

Gloria Cooksey

Gloria Cooksey, Chief
Bureau of Driver Improvement
Division of Driver Licenses

cc: Parent/Guardian

HSMV F72106 (Rev. 07/2000)

DIVISIONS/FLORIDA HIGHWAY PATROL – DRIVER LICENSES – MOTOR VEHICLES – ADMINISTRATIVE SERVICES
2900 Apalachee Parkway Neil Kirkman Building Tallahassee, Florida 32399-0500
http://www.hsmv.state.fl.us

Sample Letter 1A – Order of Suspension

STATE OF FLORIDA
DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES

TALLAHASSEE, FLORIDA 32399-0500

FRED O. DICKINSON, III
Executive Director

ORDER OF SUSPENSION

Driver License Number:

Date Of Birth:

We are notifying you that your driving privilege will be suspended for your second failure to meet the school attendance requirements as specified in Section 322.091, F.S.

No driving is allowed during the suspension period and you must surrender your driver license to your local driver license office or one of the Bureau of Administrative Review Offices listed on the reverse side of this order. Failure to surrender the license will not affect the suspension. Driving while your license is suspended is punishable by a jail sentence and points assessed to your driver record.

To reinstate your driving privilege, you must contact your school board, comply with the requirements set out in S. 322.091(1), F.S., and present proof of compliance to any driver license examining office. There will be a $25 service fee required for reinstatement.

This order has been filed in the official records of the Division of Driver Licenses on the day and year written above. Appeals of this order may be initiated within 30 days of the date of this order by following the procedure specified in S. 322.31 F.S.

Sincerely,

Gloria Cooksey

Gloria Cooksey, Chief
Bureau of Driver Improvement
Division of Driver Licenses

Sample Letter 2 – Reinstatement

NOTIFICATION TO THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
STUDENT COMPLIANCE WITH ATTENDANCE REQUIREMENTS
FOR REINSTATEMENT OF DRIVING PRIVILEGE/ELIGIBILITY FOR LICENSURE

This is to provide verification to the Department of Highway Safety and Motor Vehicles that the following student, who received Notice of Intent to Suspend/Withhold Eligibility for Licensure due to non-attendance is in compliance with attendance requirements in S. 322.091(1).

Student's Full Legal Name: _____
(First, Middle, Last)

Mailing Address: _____

Driver License/Control Number: _____Gender: ___Male___Female
Date of Birth: _____/_____/_____ Social Security Number: _____

District Name: _____ District Number: _____

School Name: _____ School/Institution Number: _____

Date: _____/_____/_____
Authorized Signature of School Official: _____
(Signature must be notarized or school seal affixed)

Title: _____

Typed or Printed Name of Person Signing Form: _____

_____
Notary Public
State of Florida at Large
_____My commission expires: _____/_____/_____
School Seal

Original signatures required.

For additional information contact:
Name:_____Telephone:_____

You may mail, fax or e-mail this completed form to: DHSMV, 2900 Apalachee Parkway, MS #39, Tallahassee, Florida 32399-0570. The fax number is (850)-617-5095 and the e-mail address is Truancy@flhsmv.gov. If the license is suspended, present this form to a driver license or a tax collector's office for reinstatement of your driving privilege. A $45 reinstatement fee is required for a suspended license.

Note: This form may only be accepted within 30 calendar days of its completion.

HSMV 72870 (07/15)

Sample Letter 3 – Home Education Reinstatement

NOTIFICATION TO THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES STUDENT COMPLIANCE WITH ENROLLMENT REQUIREMENTS FOR A HOME EDUCATION PROGRAM

This is to provide verification to the Department of Highway Safety and Motor Vehicles that the following student, who received Notice of Intent to Suspend/Withhold Eligibility for Licensure due to non-attendance has been enrolled in a home based education program 30 consecutive days.

Student's Full Legal Name: _____
(First, Middle, Last)

Mailing Address: _____

Driver License/Control Number: _____Gender: ____Male____Female

Date of Birth: _____/_____/_____ Social Security Number: _____

District Name: _____ District Number: _____

School Name: _____ School/Institution Number: _____

Date: _____/_____/_____

Authorized Signature of School Official: _____
(Signature must be notarized or school seal affixed)

Title: _____

Typed or Printed Name of Person Signing Form:_____

_____
Notary Public State of Florida at Large
_____ My commission expires: _____/_____/_____
School Seal

Original signatures required.

For additional information contact:
Name_____Telephone: _____
You may mail, fax or e-mail this completed form to: DHSMV, 2900 Apalachee Parkway, MS #39, Tallahassee, Florida 32399-0570. The fax number is (850)-617-5095 and the e-mail address is Truancy@flhsmv.gov. If the license is suspended, present this form to a driver license or a tax collector's office for reinstatement of your driving privilege. A $45 reinstatement fee is required for a suspended license.
Note: This form may only be accepted within 30 calendar days of its completion.

HSMV 72871 (07/15)

Sample Letter 4 – Student's Name Reported to DHSMV in Error

PRINT ON SCHOOL LETTERHEAD

(CURRENT DATE)

Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway, MS #39
Tallahassee, Florida 32399-0570

Dear Field Support:

This is to notify you that the following student's name was transmitted to the Department of Highway Safety and Motor Vehicles in error:

Student's name
Date of Birth
Social Security Number, if available
Driver's License Number, if available

Thank you for correcting the student's driver's record.

Sincerely,

Principal/Designee

Authorized Signature of School Official: _____
(Signature must be notarized)

Title: _____

Typed or Printed Name of Person Signing Form: _____

_____
Notary Public
State of Florida at Large
_____My commission expires: _____/_____/_____
School Seal

Note: You may mail, fax or e-mail this completed form to: DHSMV, 2900 Apalachee Parkway, MS #39, Tallahassee, Florida 32399-0570. The fax number is (850)-617-5095 and the e-mail address is Truancy@flhsmv.gov.

Sample 5 / Questions – Driver's License Hardship Waiver Hearing

Student Name _____ **Alpha ID** _____

Date _____ **School** _____

- Does the student live at home? If student is independent, show proof.
- Does the household depend on the student's income to be a substantial financial contribution (over 51%) for his or her livelihood or family's needs?
- Is there anyone in the household with a serious medical condition?
- How does this medical condition affect the student?
- What are all the means of transportation for the person with the medical condition?
- What is the student's current year attendance (attendance browse)?
- What is the student's attendance history (enrollment browse)?
- Is there a pattern of non-attendance in current or past years?
- When did the pattern of non-attendance begin?

Approved _____ **Denied** _____

Comments _____

_____

Per Florida Statues Section 322.091(3) (b)

A hardship for employment is based on verification of need. The factor considered is the extent a minor provides a substantial financial contribution for his or her livelihood or his or her family's needs.

A hardship for medical care is based on the need for transportation, for the student or his or her immediate family members living in the same household, to access required treatment. Consideration should be given to whether there are other licensed drivers residing in the household.

APPENDIX

Driver's License Questions and Answers

1. **Q: How should the district report a student who transfers to an adult education program (W26) but does not enroll or is not attending classes?**

   A. *Any student who leaves school to enter an adult education program prior to completion of high school graduation requirements must be withdrawn as W26. If a student who is assigned W26 does not enroll in the adult program within ten school days, he or she must be recorded in the appropriate category (i.e., W05, W15, W22). If the student enrolls in the adult program but does not attend classes, he or she must be recorded in the appropriate category by the last secondary school attended.*

2. **Q: What happens to a student currently enrolled in adult education who receives the Notice of Intent to Suspend or the Suspension Order?**

   A. *You may refer students to the contact at Daytona State College High School Program. The number is **386-506-3000**. They will assist students with matters concerning verification of attendance for reinstatement of their driver's license.*

3. **Q: Can a high school diploma, high school equivalence (GED), a special diploma, or a certificate of high school completion be used for reinstatement of the driving privilege?**

   A: *Yes, the school should complete "Student Compliance with Attendance Requirements for Reinstatement of Driving Privilege" form (DHSMV 72870 – sample letter 2). Forms must be dated when graduation occurred. The student may mail, fax or e-mail this completed form to: DHSMV, 2900 Apalachee Parkway, MS #39, Tallahassee, Florida 32399-0570. The fax number is (850)-617-5095 and the e-mail address is **Truancy@flhsmv.gov**. Include the minor's full legal name, birthdate, sex, social security number and driver's license number:*

   Department of Highway Safety and Motor Vehicles
   2900 Apalachee Parkway, MS #39
   Tallahassee, Florida 32399-0570

   If the student has received the "Order of Suspension," and the suspension has been entered into their driving record, the student may take a copy of their diploma or GED to their local driver's license office along with the form (DHSMV 72870 – sample letter 2) for reinstatement.

4. **Q: What if the school would like to cancel their Intent to Suspend on students who have never been issued a driver's license?**

   A: *The error cannot be transmitted electronically. The school will need to send a letter to the Department of Highway Safety and Motor Vehicles, bearing the school seal and the principal's signature, acknowledging that the information was sent to DHSMV in error (see sample letter 4).*

5. **Q: How would a school respond in the event a minor's driver's license was suspended due to the school sending the minor's name in error to DHSMV?**

   A: *It is highly recommended that school districts electronically transmit the appropriate transaction code to the DHSMV within 20 calendar days from the date of the notice. After 20 days, attempts to transmit the transaction code will be electronically transmitted back to the district in the summary (SUM) file as an error. The school will need to send a status letter to the Department of Highway Safety and Motor Vehicles, bearing the school seal and the principal's signature, acknowledging that the information was sent to DHSMV in error. The letter is authorized to be used to submit to DHSMV to obtain a duplicate of the minor's driver's license at no cost for reinstatement (see sample letter 4). Note: Electronic transmissions to correct records only apply to students with a learner's permit or a driver's license.*

6. **Q: If a student who receives a Notice of Intent to Suspend transfers to another school within the district, which school is responsible for subsequent follow-up?**

   A: *The school in which the student is currently enrolled is responsible for any follow-up, not the school that originated the request to suspend. However, it is critical that the schools communicate regarding the student's prior attendance history.*

7. **Q: For purposes of reinstatement, how has our district defined "in compliance for 30 days?"**

   A: *Our district has defined it to mean that the student must be in full day attendance for 30 consecutive school days. If the student experiences an unexcused absence, the 30 school days must start over on the first full day of attendance. If the student has an excused absence or absences within the 30 day period, then the school must add an equivalent number of days to the end of the 30 day period (to account for the period of excused absences).*

   If the student is absent any part of the day, then they have <u>not</u> met the criteria for full attendance.

   Students who have an excused (tardy) would be required to add an equivalent number of days to the end of the 30 day period (to account for the days of excused tardies). Students who have an unexcused (late) would be required to start over on the first full day of attendance.

   <u>An excused tardy</u> is given when a student is late for school/class due to sickness, injury, death in the family, medical or dental appointments with a note from the physician, school sponsored activities, court date, or other reason approved by the principal.

   <u>An unexcused tardy (late)</u> is given as determined by the school principal or when a student is late for school/class due to, but not limited to, oversleeping, missing the school bus, shopping trips, pleasure trips, or an excessive number of tardies due to illness without a physician's verification that the medical condition justifies the student's tardiness.

8. **Q: Who determines whether an absence is excused or unexcused?**

   A: *Schools must define "excused and unexcused absences" based upon the district board approved attendance policy (sections 1003.24 and 1003.26, F.S.).*

   An "out-of-school" suspension is an administrative action, which prohibits a student from attending school, as compared to a truancy issue. For the purpose of DHSMV reporting, an absence due to suspension included in the 15 unexcused absences reporting criteria results in a double penalty to the student and, therefore, is not recommended. An "in-school" suspension does not generate absences since the student is required to be present during regular school hours.

9. **Q: If a student receives a Notice of Intent to Suspend at the end of the school year, can consecutive days of attendance with no unexcused absences be carried over to the next school year?**

   A: *Yes, the student must be in attendance 30 consecutive school days, and this may include consecutive days of attendance from the previous school year and the current school year.*

10. **Q: Can summer school be used to satisfy attendance requirements for reinstatement?**

    A: *Yes, if the district provides summer school and the student is eligible to participate and meets attendance requirements.*

11. **Q: Do absences from the prior school year carry over into a new school year?**

    A: *No, students begin each school year with no absences.*

12. **Q: Is there a time limit for school districts to electronically transmit the transaction code to cancel the Notice of Intent to Suspend letter or for a licensed student who should not have been reported to DHSMV?**

    A: *School districts must electronically transmit the transaction code within 20 calendar days from the date of the notice. After 20 days, attempts to transmit the transaction code will be electronically transmitted back to the district in the SUM file as an error. Electronic transmissions to correct records only apply to students with a learner's permit or driver's license. If an error was made on an unlicensed student, the school may not electronically transmit the transaction code for reporting a student in error or to cancel the Notice of Intent to Suspend. For these cases, the school must send a letter on school letterhead to DHSMV* (*see sample letter 4)*.

13. **Q: Can a licensed student request a hardship hearing?**

    A: *Yes, Section 322.09(3), Florida Statutes, provides that a licensed minor or his or her parents have the right to request a hardship waiver hearing within 15 calendar days after the date of receipt of the Notice of Intent to Suspend letter. The district must electronically notify DHSMV of the request for a waiver hearing within 24 hours of receiving the request. The hearing should be held in person and documented (see sample 5/questions).*

14. Q: Can a hardship waiver have a limited duration?

A: *Yes, the public school principal or principal's designee is encouraged to approve the waiver request for a specified period of time. It is recommended that hardship waivers be reviewed after 90 calendar days following the date of approval. At that time, the district may decide to extend the approval of the waiver and take no action with DHSMV. If the district decides to withdraw approval of the waiver, the district must inform the student that the waiver has been rescinded and electronically notify DHSMV of this decision. This will generate a Notice of Intent to Suspend letter to the student.*

15. Q: Are schools responsible for notifying DHSMV when the school changes the withdrawal code for a student who was reported to DHSMV when the student returns to school, is attending another educational program, or should not have been reported to DHSMV?

A: *Yes, DHSMV is not directly linked to school districts database. School districts must send DHSMV a status letter to ensure that the driver record is corrected.*

The status letter must be on school letterhead addressed to DHSMV and must include the principal or designee's signature; the student's name, date of birth, and social security number (if available). See sample letter 4.

16. Q: Does the driver's license law apply to students who are emancipated?

A: *Compulsory school attendance is related to the age and educational status of the student; whether the student is emancipated or considered an adult under Chapter 743 is not relevant. A student who is a minor is not emancipated by virtue of becoming a parent and must comply with compulsory age attendance requirements. However, the student may qualify for a hardship waiver under certain circumstances.*

17. Q: Does the parent have the right to cancel their student's driving privilege (license)?

A: *Yes, if the parent signed for the driver's license. The parent must write a letter identifying the student's full name and date of birth with a statement to cancel their child's driving privilege. The letter must be signed by parent, faxed to 850-617-5095 or emailed to* ***Truancy@flhsmv.gov****.*

18. Q: When can local driver's license offices reinstate a student's driving privilege?

A: *For local driver's license offices to reinstate driving privileges, the Notice of Intent to Suspend and a suspension order should appear on the driver record. The completed DHSMV's reinstatement form (HSMV 72870) should be presented to the local driver's license office to reinstate a minor's driving privilege. The form should include the school's seal or a notarized signature. If a student should not have been reported and 20 days have elapsed, it is recommended that he or she obtain a status letter from the school responsible for reporting the student's attendance as noncompliant with section 322.091, Florida Statutes, to the DHSMV. The DHSMV requests that the letter be on school letterhead, addressed to the DHSMV and include the principal or designee's signature; the student's name, date*

of birth and social security number (if available); and a statement that the student should not have been reported to the DHSMV. The letter is authorization for the department to reinstate the student's driving privilege and issue a duplicate license at no cost. See sample letter 4.

APPENDIX A

322.091 Attendance requirements.—
(1) ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.—A minor is not eligible for driving privileges unless that minor:
(a) Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;
(b) Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;
(c) Is enrolled in a study course in preparation for the high school equivalency examination and satisfies relevant attendance requirements;
(d) Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;
(e) Has been issued a certificate of exemption according to s. 1003.21(3); or
(f) Has received a hardship waiver under this section.
The department may not issue a driver license or learner's driver license to, or shall suspend the driver license or learner's driver license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.
(2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION; RECORD OF NONCOMPLIANCE.—
(a) The department shall notify each minor for whom the department has received notification of noncompliance with the requirements of this section as provided in s. 1003.27, and the minor's parent or guardian, of the department's intent to suspend the minor's driving privileges.
(b) The minor, or the parent or guardian of the minor, has 15 calendar days after the date of receipt of this notice to provide proof of compliance with the requirements of this section as provided in subsection (4) or to request a hardship waiver hearing under subsection (3).
(c) Twenty days after the date of issuance of this notice, the department shall suspend the minor's operator's license or learner's driver license or record the legal name, sex, date of birth, and social security number of each minor who does not possess a driver license or learner's driver license, unless the minor has provided the department with verification of compliance with the requirements of subsection (1) or the appropriate school official has provided the department with verification of a request for a waiver hearing.
(d) Upon notification of the outcome of a hardship waiver hearing, the department shall suspend the driver license or learner's driver license of a minor who was denied a hardship waiver, or record the legal name, sex, date of birth, and social security number of a minor who does not possess a driver license or learner's driver license and who was denied a hardship waiver.
(e) The department may not issue a driver license or learner's driver license to any minor for whom it has a record of noncompliance with the requirements of subsection (1) unless the minor submits verification of compliance pursuant to subsection (4).
(3) HARDSHIP WAIVER AND APPEAL.—
(a) A minor, or the parent or guardian of a minor, has 15 calendar days after the date of receipt of the notice of intent to suspend to request a hardship waiver hearing before the public school principal, the principal's designee, or the designee of the governing body of a private school for the purpose of reviewing the pending suspension of driving privileges. The school official receiving the request shall notify the department of the request for a waiver hearing within 24 hours after receiving the request. Public school officials shall also notify the district school board of the request for a waiver hearing. The hearing must be conducted within 30 calendar days after

the public school principal, the principal's designee, or the designee of the governing body of a private school receives the request.
(b) The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor have a driver license for his or her own, or his or her family's, employment or medical care. The minor or the minor's parent or guardian may present other evidence that indicates compliance with the requirements of subsection (1) at the waiver hearing. The public school principal, the principal's designee, or the designee of the governing body of a private school shall consider the recommendations of teachers, other school officials, certified school counselors, or academic advisers before waiving the requirements of subsection (1).
(c) The public school principal, the principal's designee, or the designee of the governing body of a private school shall notify the department of the outcome of a minor's hardship waiver hearing within 24 hours after conducting the hearing. Public school officials shall also notify the district school board of the outcome of the hearing.
(d) Any person denied a hardship waiver by a public school principal, the principal's designee, or the designee of the governing body of a private school may appeal the decision to the district school board or the governing body of the private school. The district school board or the governing body of the private school shall notify the department if the hardship waiver is subsequently granted.
(4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.—A district school board shall provide a minor with written verification that he or she is in compliance with the requirements of subsection (1) if the district determines that he or she has been in compliance for 30 days prior to the request for verification of compliance. Upon receiving written verification that the minor is again in compliance with the requirements of subsection (1), the department shall reinstate the minor's driving privilege. Thereafter, if the school district determines that the minor is not in compliance with the requirements of subsection (1), the department shall suspend the minor's driving privilege until the minor is 18 years of age or otherwise satisfies the requirements of subsection (1), whichever occurs first.
(5) REPORTING AND ACCOUNTABILITY.—The department shall report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

History.—s. 16, ch. 97-234; s. 968, ch. 2002-387; s. 1, ch. 2013-89; s. 1, ch. 2014-20.