

IMPLEMENTATION OF ATTENDANCE REQUIREMENTS FOR MINORS TO MAINTAIN THEIR DRIVING PRIVILEGE

BACKGROUND

The Florida Legislature enacted requirements that schools report to the Department of Highway Safety and Motor Vehicles (DHSMV) the names, birth dates, gender, and social security numbers of minors who attain the age of 14 and accumulate 15 unexcused absences in a period of 90 calendar days. The legislation further provides that those minors who fail to satisfy attendance requirements will be ineligible for their driving privilege.

Pursuant to section 322.091, Florida Statutes, a minor is not eligible for their driving privilege 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 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 232.06, Florida Statutes, or
- has received a hardship waiver, pursuant to section 322.091, Florida Statutes

PURPOSE

The purposes of this technical assistance paper are

- to provide technical assistance to school personnel who implement the attendance-related proceedings and to district technical staff who provide information to DHSMV

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FLORIDA
DEPARTMENT
OF EDUCATION

TECHNICAL ASSISTANCE PAPERS are produced periodically by the Bureau of Instructional Support and Community Services to present discussion of current topics. The TA Papers may be used for inservice sessions, technical assistance visits, parent organization meetings, or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, and individuals, or from program compliance monitoring.

- to provide updated information and clarify previous policies related to implementation of the attendance-related driver license requirements (Revised information will be highlighted to assist the reader in identifying the changes to the previous TAP.)
- to replace previous Technical Assistance Paper FY 2001-5, *Implementation of Attendance Requirements for Minors to Maintain Their Driving Privilege*, dated January 2001

SCHOOL DISTRICT RESPONSIBILITIES

Notification to DHSMV—The principal or designee shall notify the district school board of those minors between the ages of 14 to 18 who accumulate 15 unexcused absences in a period of 90 calendar days. The school superintendent is required to transmit electronically to DHSMV the names of the students, dates of birth, gender, and social security numbers. The school district is also required to report all students who withdraw from school with a withdrawal code that is calculated in the dropout rate. DHSMV will not process records of students who are less than 14 years of age. Notification to DHSMV initiates one of two actions. Licensed minors will have a notice of intent to suspend posted to their driver record. Unlicensed minors will have an Education Non- Compliance entry posted to a record that is created. Licensed minors may lose their license unless they comply with the attendance requirements. Unlicensed minors may not apply for a license until relevant attendance requirements are satisfied.

Reinstatement of Driving Privilege—Satisfaction of relevant attendance requirements for reinstatement is based on the criteria used in conjunction with section 322.091, Florida Statutes. In most cases, reinstatement will involve minors in high school, an adult education program, home education program, or private school.

School districts must electronically transmit a transaction code (code 5) to cancel out-of-compliance reports on students who are licensed and have satisfied attendance requirements or students who were reported in error. Electronic transmissions for cancellation must occur within 20 calendar days of issuance of notice of intent to suspend. An electronic mechanism to cancel education noncompliance entries is not available for students who are unlicensed and have satisfied attendance requirements or were reported in error. A reinstatement form or error letter must be submitted appropriately in these circumstances.

The reinstatement form (attachment B) is required for students who satisfy relevant attendance requirements after 20 calendar days from the date of the notice. Students are also eligible for reinstatement if they have earned a high school or State of Florida diploma. The reinstatement form can be used to document the awarding of a diploma. For licensed minors reported in error and for whom a correction has not been electronically transmitted within 20 calendar days, a letter from the school is required. The letter must be on school letterhead addressed to DHSMV and include the principal or designee's signature, name of student, date of birth, social security number (if available), and a statement that the report on the minor was transmitted to the department in error.

An electronic mechanism is not in place for minors enrolled in an adult education program not under the authority of a school district. For reinstatement prior to an order of suspension posted to a licensed minor's record, contact Donald Klein at (850) 488-3288 or 488-4579. The reinstatement form can be faxed to (850) 414-7453; however, it must include a legible school seal or have a notarized signature. After the order of suspension is posted to a licensed minor's driver record, the reinstatement form can be presented to a local driver license office.

To reinstate the driving privilege of a minor who is enrolled and attending a home education program or private school, contact Donald Klein at (850) 488-3288 or 488-4579.

Hardship Waiver Hearings—School districts shall establish procedures to schedule hardship waiver hearings for minors who receive a notice of intent to suspend. Unlicensed minors are not eligible for a hardship waiver hearing. A licensed 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 or the principal's designee. Districts must notify DHSMV via electronic transmission of the request for waiver hearing within 24 hours after receiving the request. The hearing must be conducted within 30 calendar days of the request. The outcome of the hearing must be conveyed to DHSMV via electronic transmission within 24 hours after conducting the hearing. Any student who is denied a waiver may appeal the decision to the district school board. If the school board ultimately grants the hardship waiver, the school board shall notify DHSMV by electronic transmission.

The purpose of a hardship waiver hearing is to review the pending suspension of the driving privilege. By approving a student's request for a hardship waiver, the school district is providing the student an opportunity to maintain his or her driving privilege during the period of time it takes for the student to become compliant with the requirements of section 322.091(1), Florida Statutes. Therefore, the public school principal, principal's designee, or the designee of the governing body of a private school is encouraged to approve the waiver request for a specified period of time. For example, the school may approve a waiver based on the conditions set forth in section 322.091(3)(b), Florida Statutes, for a period of time to allow the student to attend school for 30 consecutive days with no unexcused absences. It is recommended that school districts review hardship waivers 90 calendar days after the date of approval. The district may decide to extend the approval of the waiver and take no further 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. The district must also electronically notify DHSMV of this decision, which will generate a notice of intent to suspend letter to the student.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES RESPONSIBILITIES

The DHSMV's primary role is to function in a regulatory capacity. This entails creation of notices of intent to suspend and orders of suspension and reinstatement of driving privilege for minors who comply with the attendance requirements. The notice of intent to suspend is sent

to all students reported by the school district to DHSMV for noncompliance with attendance requirements. The notice will notify licensed minors of the intent to suspend driving privilege and unlicensed minors that the DHSMV will withhold eligibility and deny an application for a driver license until the student provides verification of compliance required for reinstatement.

District Technical Considerations—The format, Department of Highway Safety and Motor Vehicles (DHSMV) Attendance Report (attached), must be used to report the appropriate action to be taken with respect to a student’s record. The data set name, DHS.DRL.XXX.ATT, is to be used for transmitting data. The code XXX is a placeholder for a district name substitution found on page 31. To complete a transmission to Northwest Regional Data Center (NWRDC), use the logon ID for your district and a password to be created with five to eight alpha characters. District data transmitted to NWRDC are retrieved at 5:00 P.M. and processed Monday through Friday by DHSMV.

SUM and ERR files are transmitted by DHSMV to NWRDC after processing. The data set names to be used for districts to retrieve these files are DHS.DRL.XXX.SUM and DHS.DRL.XXX.ERR, respectively. The code XXX is a district name substitution previously mentioned. If there are no errors in a district file processed by DHSMV, the ERR file will be empty. However, the entire ATT file from a district will be transmitted to their ERR file at NWRDC contingent on one or more of the following:

- a district ’s ATT file was processed and retrieved from NWRDC again
- a district file does not contain an end of file (EOF) marker that includes the date and number of records transmitted
- the number of records in the EOF marker differs from the number sent in the ATT file

The SUM file is transmitted when DHSMV has processed district files. It will contain any student records that have been flagged with an error code. Resubmit those records when a correction is applicable. It is important to check SUM and ERR files the next business day after transmission; otherwise, any data in the files will be overwritten.

QUESTIONS AND ANSWERS

Attendance and Reporting

1. How are “no shows“” or students who did not enter (DNE) reported?

For those students who are expected to enroll at the beginning of the school year and who do not return to begin the year, the district must carry the student on the class rosters for up to a period of ten school days. If the student has not enrolled within the first ten school days, the district must remove the student from the roll as of the first day of school by entering the withdrawal code DNE, recording the withdrawal date as of the first day of school. At this time, the school district must report the student to the Department of Highway Safety and Motor Vehicles (DHSMV).

2. Which students must be reported to DHSMV for noncompliance with attendance requirements?

- all students between the ages of 14 and 18 who accumulate 15 unexcused absences within 90 calendar days
- all students between the ages of 14 and 18 who have withdrawn from school with any withdrawal code that is calculated in the dropout rate (DNE, W05, W11, W13, W14, W15, W16, W17, W18, W19, W20, W21, W22, and W23)

3. Which students should not be reported to DHSMV?

Students who transfer to another school within the school district (W02), to another public school in or out of the state (W03), or to a non-public school in or out of the state (W04) should not be reported to DHSMV for noncompliance of attendance requirements.

4. What is required for public schools to verify transfers within the district (W02), to another public school in or out of state (W03), or to a non-public school in or out of state (W04)?

There is no requirement for public schools to verify transfers for students who are withdrawn using withdrawal codes W02, W03, or W04. It is the responsibility of school officials to assign appropriate withdrawal codes. A withdrawal is official when one or more of the following occurs:

- A parent or legal guardian notifies the school that the child is permanently leaving the school to enroll in another school.
- A request for the student's school record is received from a public or private school, in- or out-of-state, in which the student is enrolled or plans to enroll.
- The student has been transferred within the school or district by school officials.
- The student has been promoted, graduated, received a certificate of completion, or received a special certificate of completion.
- A school official determines that the child has moved and permanently left school or has died.

5. How should the district report a student who transfers to an adult program (W26) and does not enroll or is no longer enrolled at the end of the school year?

According to the Department of Education Automated Student Attendance Recordkeeping System, any student who leaves to enter an adult program prior to completion of graduation requirements must be withdrawn as W26. If a student who is assigned code W26 does not enroll in the adult program during the school year, he or she should be recorded in the appropriate category, i.e. W05, W15, W22. If a student is assigned code W26 and enrolled in the adult program but is no longer enrolled at the end of the school year, the student should be recorded in the appropriate category by

the last secondary school attended. This code also applies to those students who are provided programs through cooperative agreements with adult schools in other districts or a community college.

6. Are expelled students affected?

Yes, the legislation intends that the non-reporting of an individual minor to DHSMV represents his or her compliance with attendance requirements; therefore, expelled students must be reported as soon as they are officially withdrawn from school. However, a student may not be affected if he or she enrolls in another school or home education program and meets relevant attendance requirements.

7. Are days missed as a result of suspensions counted in the unexcused absences reported to DHSMV?

No, suspended students are still enrolled, and their suspensions are an administrative function of the school and for the purposes of reporting to DHSMV are not considered unexcused.

8. Is the sixteen- or seventeen-year-old student who signs a declaration of intent to terminate school enrollment excluded from these provisions?

No, a 16- or 17-year-old student who withdraws from school is not excluded from being reported to DHSMV for sanction because Florida law provides that a minor is not eligible for driving privileges if he or she is not enrolled in a public school, non-public school, or a home education program.

9. Is the 90 calendar day period a “rolling” period, and how often must the superintendent report student data to DHSMV?

The 90 calendar day period “rolls.” It is a block of time that changes daily. Districts should report a student as soon as he or she accumulates 15 unexcused absences within a 90-day time frame. For reporting purposes, districts must only report absences accumulated during the 180-day school year. This does not include summer school. School districts must transmit student data to DHSMV at least once a week. Districts must not wait until the end of the semester to report students who accumulate 15 unexcused absences within the 90 school day semester.

10. Should the district notify DHSMV when a student has improved attendance after his or her name has been submitted to DHSMV for having 15 unexcused absences in a 90-day calendar period?

The 15 unexcused absences in any given 90 calendar day period is a benchmark of attendance behavior deserving notification for DHSMV action. It then becomes the student’s responsibility after notification from DHSMV of intent to suspend the driving

privilege or withhold eligibility for licensure to seek reinstatement if he or she can obtain written verification of 30 consecutive days of attendance with no unexcused absences.

11. Which minors are affected by these provisions?

For the purpose of implementation of these proceedings, districts must report students starting with those who turn 14 during the school year (July 1 - June 30) and ending with those minors who have reached their 18th birthday. Students are eligible to be reported on their 14th birthday.

12. Are private schools and other systems not under the authority of a superintendent required to submit attendance data relative to the 15 days of unexcused absence in 90 calendar days to DHSMV?

No, however, for minors who received a notice of intent to suspend/withhold eligibility for Licensure, private schools must provide the minor with a reinstatement form contingent on compliance with relevant attendance requirements.

13. Will the 15 days of unexcused absences in 90 calendar days be reported for students in adult programs?

No, adult program attendance procedures and requirements are so different it would be unrealistic to attempt such reporting. However, if those students exit the program without attaining a high school diploma, their names should be forwarded to DHSMV via the school district's computer linkage to DHSMV, if possible.

14. What are the criteria to determine if a student has satisfied relevant attendance requirements?

Satisfaction of relevant attendance requirements for reinstatement is contingent on the criteria to be used in conjunction with section 322.091, Florida Statutes.

Public middle and high school students must attend school for 30 consecutive days with no unexcused absences. The count begins the first day after the last unexcused absence. If an unexcused absence occurs during the 30 day accumulation period, the count starts over. Excused absences are acceptable during the accumulation period; however, this extends the length of time to satisfy the 30 day criteria. Adult education students must satisfy the relevant attendance requirements of the school district. The recommendation for adult education programs is six consecutive weeks of attendance with no unexcused absences.

15. How should dropouts be reported?

A student who has been assigned a withdrawal code designated as a dropout code should be reported to DHSMV on the first day after the student was withdrawn from school. Dropout codes for PK-12 include DNE, W05, W11, W13, W14, W15, W16, W17, W18, W19, W20, W21, W22, and W23.

16. Is there a time limit for school districts to transmit electronically the transaction code to cancel the notice of intent to suspend or for a licensed student reported in error?

Yes, in order to initiate reinstatement, school districts must electronically transmit the transaction code for reporting a licensed student in error or cancelling the notice of intent to suspend within 20 calendar days from the receipt of notice. After 20 days, attempts to transmit the transaction code will be transmitted electronically back to the district in the SUM file as an error.

17. Is it possible for school districts to transmit electronically the transaction code to cancel an Education Non-Compliance entry posted to the driver record?

No, the transaction code for cancellation only applies to the notice of intent to suspend. Education Non-Compliance is only a correspondence entry to the driver record for unlicensed minors reported to DHSMV as out-of-compliance with the attendance requirements. A school will not know whether or not the student reported is non-licensed until the SUM file is returned and reviewed. The school must supply the student with a letter to indicate an error was made. The letter must 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 transmission was in error.

18. Is the Job Corps an acceptable educational program to satisfy attendance requirements?

Yes, Job Corps is a federally funded program under the U.S. Department of Labor that provides dropouts the opportunity to earn a high school diploma and gain training to help them become employable.

19. Should a student who transfers to another school be reported to DHSMV?

If the student has not accumulated 15 unexcused absences within 90 calendar days, the student must NOT be reported to DHSMV. Only students who have accumulated 15 unexcused absences within 90 calendar days and students who have withdrawn from school with a Dropout Code (DNE, W05, W11, W13, W14, W15, W16, W17, W18, W19, W20, W21, W22, or W23) must be reported to DHSMV.

Home Education and Private Schools

20. What happens if a student goes into a home education program?

On the transfer of the student into a home education program, he or she ceases to be the responsibility of the school district for the purpose of these provisions and is not reported.

21. Is there an age restriction for enrollment in a school district's home education program?

No, section 232.0201, Florida Statutes, does not provide an age restriction on enrollment in home education. This section specifies that regular school attendance may be achieved by attendance in a home education program that is defined as sequentially progressive instruction of a student by his or her parent or guardian. When a student enrolled in a public school has been identified as exhibiting a pattern of non-attendance and subsequently withdraws from public school to enroll in a home education program, the district must inform the parent of the accountability requirements of the home education program specified in section 232.17(1)(f) 1, Florida Statutes. These requirements detail activities of the home education review committee and the related portfolio review schedule for students who has previously demonstrated a pattern of non-attendance.

22. When should proof of enrollment in a school district's home education program be issued?

Students enrolled in home education are not excluded from the 30 consecutive days of required attendance for reinstatement. It is recommended that districts issue a reinstatement form (HSMV 72871) only after 30 school days have elapsed. This form will verify enrollment in a home education program for the required 30 days.

23. When students transfer from a public school to a private school and receive a notice of intent to suspend/withhold eligibility for Licensure, what are the responsibilities of the public school?

If the student does not have an attendance problem and was reported in error, the student should provide verification of enrollment in private school, and the school district must electronically transmit a cancellation code for licensed minors. The cancellation code must be transmitted within 20 days from the date of the notice. If the 20 days has expired, a letter from the public school is required on school letterhead and must indicate the student's file was transmitted in error. The letter also applies to unlicensed minors who enrolled in private school and did not have an attendance problem in public school. Letters from public schools can be faxed to (850) 414-7453.

If the student was reported for attendance problems, the student must meet the requirement for 30 consecutive school days of attendance at the private school. The private school will issue the reinstatement form for the student upon compliance within the attendance requirement.

24. Who is the state contact regarding issues involving private schools and home education programs?

Contact Donald Klein, DHSMV, at (850) 488-3288 or 488-4579.

Hardship Waivers

25. What are the guidelines to be used for approval of a hardship waiver?

Section 322.091(3)(b), Florida Statutes, states, “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’s license for his or her own, or his or her family’s, employment or medical care.”

A hardship for employment is based on verification of need. The factor to be considered is the extent a minor provides a substantial financial contribution for his or her livelihood or his or her family’s needs, relevant to basic necessities of food and shelter, provided for the household in which he or she resides.

A hardship for medical care is based on the need for transportation for the minor 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.

26. Can hardship waivers have a limited duration?

Yes, the public school principal, principal’s designee, or the designee of the governing body of a private school is encouraged to approve the waiver request for a specified period of time. It is recommended that school districts review hardship waivers 90 calendar days after 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. The district must also electronically notify DHSMV of this decision, which will generate a notice of intent to suspend letter to the student.

27. Which educational settings are required to conduct hardship waiver hearings?

Section 322.091(3), Florida Statutes, provides that 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 their driving privilege. The districts must electronically notify DHSMV of the request for a waiver hearing within 24 hours of receiving the request. This includes adult education programs operated by the school district.

28. What are the procedures for students to request a hardship waiver?

Schools may wish to develop a procedure for students to request a hardship waiver which may include a written request or documentation of a phone call that includes the date and time of request. The principal or principal's designee must inform the school district of the request for a waiver hearing within 24 hours of receiving the request.

29. Can a request for a hardship waiver hearing be denied?

No, the public school principal, principal's designee, or the designee of the governing body of a private school must conduct the waiver hearing. In addition, the request for a hearing must be electronically transmitted to DHSMV within the allotted timeframe. Unlicensed minors are not eligible for a hardship waiver hearing.

30. What is the procedure for contacting DHSMV about requests for hardship waiver hearings?

All requests for hardship waiver hearings from school districts must be transmitted electronically. The department will not process written requests from school districts. For educational institutions for which an electronic process is not available, the department will accept written documentation. For these sites, contact Donald Klein at (850) 488-3288.

31. Is there a time restriction for school districts to transmit electronically a request for hardship waiver hearing?

Yes, 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. An additional five calendar days from the date of the letter are allowed for receipt of the notice of intent to suspend. After time has expired, attempts to transmit this type of request will be electronically transmitted back to the district in the SUM file as an error.

32. What actions transpire if on appeal a school board overturns a school's denial of a minor's request for a hardship waiver?

The school district will electronically transmit to DHSMV notice of the appeal's positive outcome and will provide the minor with written documentation of the appeal decision containing a statement to the effect that the documentation is authorized to be presented to DHSMV for the purpose of reinstating a duplicate of the minor's driver's license at no cost.

33. A student has been reported by a school district to DHSMV. The student subsequently transfers to another school district. Who is responsible for conducting the hardship waiver hearing?

The first district no longer has a student record for the student and, therefore, cannot electronically transmit waiver information to DHSMV. The receiving district must accept responsibility for conducting the hearing and providing the information to DHSMV. It would be appropriate for the receiving district to confer with the sending district to determine the outcome of the hearing. The receiving district will not be able to report electronically the request or outcome to DHSMV. Therefore, the information must be faxed to Donald Klein within the required timelines.

34. When a student withdraws or drops out of school, who is responsible for conducting a hardship waiver hearing?

The school that initiated the report of noncompliance with school attendance to the DHSMV is responsible for the hearing. This procedure is applicable to students who move out of the district or out of the state.

35. How should hardship waiver requests be handled by educational institutions that do not have the capability to transmit the data electronically?

Contact Donald Klein, DHSMV at (850) 488-3288 or Fax (850) 414-7453.

Verification of Compliance and Reinstatement

36. Who supplies the form that will be used in the license reinstatement process to verify that a minor has been in compliance for 30 consecutive school days?

Form HSMV 72870 is provided with this technical assistance paper and must be used to verify student compliance with attendance requirements. School superintendents are responsible for dissemination of the form to all educational settings within the school district involved in the license reinstatement process. This form is not applicable for students reported in error.

General correspondence from schools to verify 30 consecutive days of attendance will not be processed by DHSMV to reinstate a minor's driving privilege.

37. How would a school respond in the event a minor's drivers license was suspended due to the school sending the minor's name in error to DHSMV?

The school must supply the student with a letter on school letterhead addressed to 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 minor's record was transmitted to the department in error. The drivers license will be reinstated at no cost to the student.

38. What are the reinstatement procedures to be used when a student transfers and there are no attendance records available?

Attendance during the current school year can be used to verify satisfaction of relevant attendance requirements. The count begins the first day after the last unexcused absence. If a student transferred from another school, the count begins the first day of attendance at the new school.

39. When can local drivers license offices reinstate a minor's driving privilege?

In order for local drivers license offices to reinstate driving privileges, the notice of intent to suspend and suspension order must appear on the driver record. The reinstatement form (HSMV 72870) can be presented to the local office to reinstate a minor's driving privilege. The form must include the school's seal or a notarized signature.

If a student was reported in error, the student must obtain a letter from the school to indicate an error was made. The letter must be on school letterhead addressed to 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 notice and order were transmitted to the department in error. The letter is authorization for the department to reinstate the minor's driving privilege and issue a duplicate license at no cost.

40. Can obtaining a high school diploma, State of Florida high school diploma, special diploma, or a certificate of high school completion be used to reinstate driving privilege?

Yes, the school or educational institution must complete the reinstatement form for the student, verifying that the student was awarded a high school diploma, State of Florida high school diploma, special diploma, or a certificate of high school completion.

41. Are registration forms for school enrollment sufficient for reinstatement of the driving privilege?

No, satisfaction of relevant attendance requirements is also required. Registration forms for school enrollment are not processed by DHSMV to reinstate a minor's driving privilege.

42. Are reinstatement forms accepted without a school seal or a notarized signature of an authorized school official?

The reinstatement form must include a notarized signature of an authorized school official or have the school seal affixed. School seals must be legible when received via fax.

43. How is reinstatement handled for students who moved out of the state or out of the country?

Relevant attendance requirements referenced in statute still apply. Contact Donald Klein at (850) 488-3288 or 488-4579.

44. Can emancipation by virtue of becoming a parent satisfy enrollment and attendance requirements for reinstatement of the driving privilege?

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

45. What are the reinstatement requirements for students who withdraw from school due to pregnancy?

Students who withdraw from school due to pregnancy with a W17 withdrawal code are reported to DHSMV. To reinstate their driving privilege or be eligible for licensure, they must satisfy relevant attendance requirements. In cases involving a physician's order for bed rest, the hospital/homebound program is an acceptable alternative. If a pregnant student is eligible for the hospital/homebound program, the student should be reported using a W02 code.

46. What are the reinstatement requirements for students who withdraw from the school's teenage parent program?

Students must satisfy relevant attendance requirements. However, re-enrollment in the school's teenage parent program is also an option. Section 230.23166, Florida Statutes,

states that students participating in teenage parent programs are exempt from minimum attendance requirements for absences related to pregnancy or parenting but are required to make up work missed due to absence.

- 47. If a student has less than 30 consecutive days of attendance with no unexcused absences at the time of his or her request for verification of compliance with attendance requirements, can these days count toward meeting the criteria, or is the starting point the date of the request?**

The district must determine that the student was in compliance for 30 consecutive school days prior to the request for verification of compliance. The starting point for counting the days of compliance begins on the first day of attendance after the last unexcused absence. The student must be in attendance 30 consecutive school days with no unexcused absences in order for the school district to verify compliance for attendance requirements.

- 48. If a student receives the notice of intent to suspend the driving privilege at the end of a school year, can consecutive days of attendance with no unexcused absences be carried over to the next school year to satisfy attendance requirements for reinstatement?**

Yes, the student must be in attendance 30 consecutive school days in order for the school district to verify compliance for attendance requirements. This may include consecutive days of attendance from the previous school year and the current school year.

- 49. Does attendance in summer school satisfy attendance requirements for reinstatement?**

Yes, participation in summer school satisfies requirements for reinstatement if the district provides summer school, the student is eligible to participate, and the student meets relevant attendance requirements, which include 30 consecutive days of attendance with no unexcused absences.

- 50. If a minor withdraws or drops out of high school and enrolls in a GED program, when does the count begin for verification of compliance with the attendance requirements?**

With a change in the educational setting, it would be unrealistic to begin the count the first day after the last unexcused absence. Therefore, the count begins the first day of attendance in the new program or site.

51. If a minor is in a home education program and the curriculum is provided by a correspondence school, who is responsible for completing the reinstatement form to verify compliance with the relevant attendance requirements?

Most correspondence schools are not recognized as private schools in the Florida Directory. Therefore, the parent must be responsible for verification of compliance.

52. What documents and procedures are required to reinstate minors enrolled in a home education program?

Pursuant to section 232.0201, Florida Statutes, regular attendance may be achieved by enrollment in a home education program. The parent or guardian must notify the school district's home education contact of his or her intent to establish and maintain a home education program. When the parent wishes to obtain the reinstatement form to verify compliance with the 30 day enrollment requirement, he or she must contact the district home education contact for a reinstatement form (HSMV 72871). This will also ensure that the appropriate withdrawal code is utilized and the student is no longer reported as a dropout. It is recommended that districts issue a reinstatement form only after the student has been enrolled 30 consecutive school days.

53. What is a reasonable guideline for the number of consecutive days of attendance to satisfy relevant attendance requirements for educational settings not affected by the 30-day attendance requirement, such as adult education programs or vocational technical centers?

It is appropriate to align the requirements for these alternative educational settings with the requirements for the students in K-12 programs. In order to do this, it is recommended that since 30 consecutive days of attendance equals six weeks in a regular K-12 program, six weeks be used for the alternative educational sites, which include adult educational programs.

54. When a student is enrolled in a school district's hospital/homebound program, who is responsible for completion of the reinstatement form?

The hospital/homebound teacher should be able to verify enrollment and attendance and, therefore, has the appropriate information to complete the reinstatement form. The student must satisfy the 30 consecutive days of attendance for reinstatement.

55. When a student exits a school district's hospital/homebound program, prior to satisfaction of the 30-day attendance requirement for reinstatement, can consecutive days of attendance with no unexcused absences in hospital/homebound be counted toward reinstatement at another education setting?

Yes, the student must resume attendance in another educational setting within a reasonable timeframe for the consecutive days of attendance to be included in the 30-day attendance requirement.

56. Can a local driver license office issue a license to an unlicensed minor if the student has been reported to DHSMV for noncompliance with the attendance requirements?

No, the student can only be issued a license after the reinstatement form or letter that the minor was reported in error has been completed by the school and presented to DHSMV.

57. When a student is enrolled at a high school and participates in an adult program at night, who is responsible for determining compliance with relevant attendance requirements?

The site in which the student receives the majority of his or her educational program is responsible for determining compliance with relevant attendance requirements.

58. After a student is reported to DHSMV for noncompliance with relevant attendance requirements and subsequently becomes compliant and has driving privileges reinstated, when does the 90 calendar day period begin?

The 90-day calendar day period begins the day after the school issued the reinstatement form.

59. Who in the school district is responsible for facilitating the reinstatement process for students enrolled in adult education or vocational programs?

It is recommended that the director of adult education be responsible for working with the school administrators to facilitate this process.