

New law provides for, as a condition for driving privileges, a minor at least 15 years old but younger than 18 years old to be enrolled and attend school or to meet certain other requirements and, subject to a policy of a school board or governing body of a nonpublic school if it elects to adopt such policy, subjects any such minor who drops out of school or who is habitually absent or tardy to denial or suspension of his learner's permit or driver's license.

New law defines terms and provides more specifically as follows:

REQUIRED SCHOOL ATTENDANCE

Existing law (R.S. 17:221) requires every parent or other person having control or charge of any child from that child's seventh birthday until his eighteenth birthday to send the child to a public or private day school, unless the child graduates from high school prior to his 18th birthday, and provides penalties for noncompliance. Authorizes a child between the ages of 17 and 18 to withdraw from school prior to graduation with the written consent of his parent, tutor, or legal guardian. Further authorizes, under certain circumstances, the attendance of a child who is at least age 16 but under age 18 in an alternative education program or a vocational-technical education program.

Existing law (R.S. 17:233) requires the reporting of a juvenile who is habitually absent from school or is habitually tardy to the family or juvenile court of the parish or city as a tardy child. Provides that a student is considered as habitually absent or habitually tardy when either condition continues to exist after all reasonable efforts by the principal and the teacher have failed to correct the condition after the fifth unexcused absence or fifth unexcused occurrence of being tardy within any month or if a pattern of five absences a month is established. Provides that in a nonpublic school, a student is considered habitually absent or tardy only when the student has been absent or tardy for more than five days within any month without approval of the parent or other responsible person and when a written report is filed showing dates of absence or tardiness and dates and results of school contacts with the home.

New law retains existing law and additionally provides that the driving privileges of a person under 18 years of age may be denied or suspended if the child withdraws from school prior to graduation or has been determined to be habitually absent or tardy.

New law prohibits the issuance of a driver's license or instruction permit to any person under 18 years old unless, at the time of application, documentation is presented to the department that the minor has:

- (1) Received a high school diploma or a high school equivalency diploma.
- (2) Enrolled in and is attending a school, or other secondary or non-secondary level course or adult education program with a general education course leading to a high school equivalency diploma.
- (3) Completed the required minimum units of credit for high school graduation and has failed to pass the high school exit exam.
- (4) Received a special education certificate of achievement certifying that the student has completed high school.
- (5) Enrolled in and is participating in a home school program.
- (6) Requested and received a decision by the appropriate authority that the minor is unable to attend any school program due to circumstances deemed acceptable by the appropriate authority.

RESPONSIBILITY OF THE DEPT. OF PUBLIC SAFETY AND CORRECTIONS

Requires the department to deny or suspend the driver's license of any person, until his 18th birthday, who fails or refuses to present appropriate documentation that has complied with new law regarding mandatory school attendance or if the department receives written notification that the minor is a dropout or habitually absent or tardy as reported pursuant to

the policy adopted by a school board. Provides that the denial or suspension will remain effective until such time the minor reaches the age of 18 or otherwise complies, whichever occurs first.

Provides that any license denial or suspension will not extend beyond the minor's 18th birthday. At the conclusion of the suspension or upon compliance with the attendance requirements, the department must return the license to the minor or issue a new license.

Requires the department to promulgate all necessary rules and guidelines for the implementation in accordance with the APA as are necessary which includes the procedure of notification of any license suspension and the use of any form for the purpose of documenting and reporting.

RESPONSIBILITY OF THE DEPT. OF EDUCATION

Requires the Dept. of Education to develop a form for documentation of compliance with school attendance requirements and make available to all school boards, home school providers, and adult education supervisors upon request.

AUTHORITIES OF THE SCHOOL BOARD

Authorizes the Recovery School District or any school board to adopt and institute a policy of reporting to the department any minor who is determined by an "appropriate authority" to be a dropout or habitually absent or tardy. Provides that only if the Recovery School District or a school board elects to adopt such a policy will any student be reported to the department, which will subject such a minor to denial or suspension of a driver's license or learner's permit.

Provides that if the Recovery School District or a school board adopts such a policy, it must promulgate rules to implement the policy to provide for notifying students and their parents or legal guardians of the policy and providing a means to dispute a determination of the student's status as a dropout or habitually absent or tardy.

DOCUMENTATION OF SCHOOL ATTENDANCE

Requires a school, upon the request of any minor who is enrolled in and is attending a school and who is eligible to apply for a license, to provide him with documentation of his compliance. Requires the minor to present the documentation of his compliance to the office of motor vehicles upon application for or renewal of a driver's permit or license to operate a motor vehicle.

REINSTATEMENT

Provides that any minor whose license is denied or suspended may otherwise be eligible for reapplication or reinstatement of driving privileges if appropriate documentation is submitted to the department in writing that the minor is in compliance.

NOTIFICATION AND APPEAL

Requires an "appropriate authority" to provide written notification to any minor whom he has determined to be a dropout or habitually absent or tardy and his parent or legal guardian that he intends to subject the minor to license denial or suspension. It must advise the minor of his right to seek a hearing by the school board of such determination or to make a request to obtain a hardship waiver within 15 days of the mailing of the notification. A copy must be sent to the school board. If the school board is notified of such a request for a hearing within the 15 day period, the board must hold a hearing. If no such request is received, or if the board determines after a hearing that such minor is a dropout or is habitually absent or tardy and is not entitled to a hardship waiver, then the school board notifies the department that the minor's license should be suspended or denied.

HARDSHIP WAIVER

Provides that the school board may waive the requirements for any minor for whom a personal, family, or economic hardship requires the minor to have a driver's license for his own, or his family's, employment or medical care as provided in R.S. 17:226. Provides that the minor or his parent or legal guardian may present other evidence that indicates

compliance with the requirements of new law at the waiver hearing. Provides, upon a determination by the school board that a hardship waiver is warranted, the department must issue a hardship license for provisional driving privileges to the minor upon presentation of such documentation and proof of financial responsibility as determined by the department. Such driving privileges cannot exceed those granted by the license that was suspended.

Effective August 15, 2008.

Provisions of new law shall not become effective until the implementation of the Next Generation Motor Vehicle project of DPS&C, office of motor vehicles, is finalized.

(Amends R.S. 32:407(E); adds R.S. 17:221(J) and 233(C), and R.S. 32:407(F), 414(T) and 431.1)