No Pass/No Drive

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Kentucky's No Pass/No Drive Law

- KRS 159.051 - Loss of license or permit by student for dropping out of school or for academic deficiency.

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No Pass/No Drive Overview

- Affects all public/private/home schools in Kentucky.

- Applies to 16 and 17-year-old students in all programs including alternative education, special education and part-time programs.

- Does not apply to 18-year-old students or high school graduates of any age.

- Attendance and grades from the preceding semester of the school year are used to determine compliance or non-compliance to the law for students.

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Protocols and Procedures for Schools Working with Student Drivers
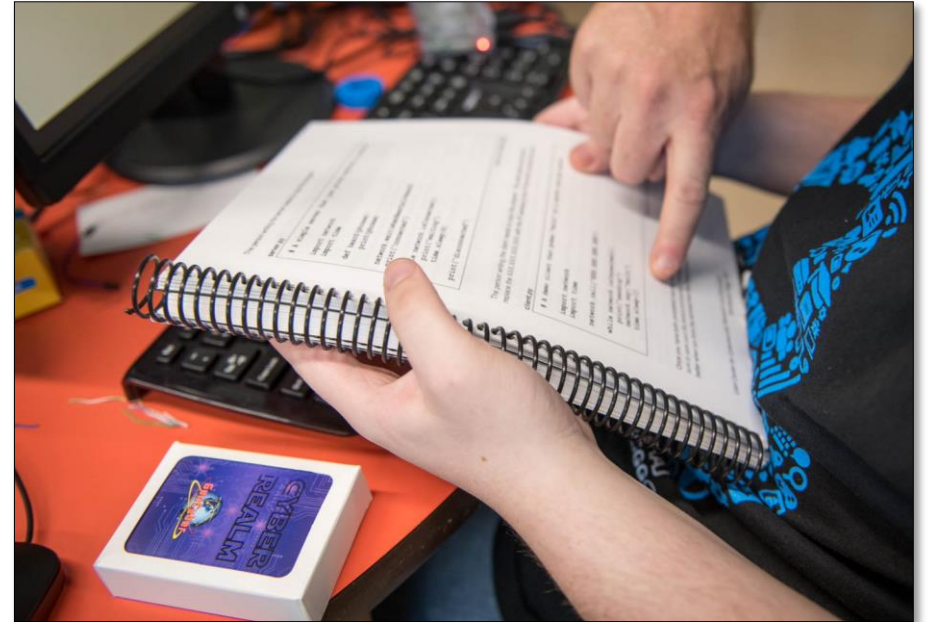
Compliance to the No Pass/No Drive Law

No Pass/No Drive results in the revocation of a student's drivers permit or license for any of the following reasons:

- Academic deficiency

- Excessive unexcused absences

- Dropping out of school

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Academic Deficiency

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

- Kentucky Department of Education (KDE) recommendation: Students should pass 66% of their total courses (per semester) to be compliant with No Pass/No Drive.

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Excessive Absences

- A student with nine or more unexcused absences in one semester (including out-of-school suspensions) is considered noncompliant.

- Districts operating on trimesters can report after six unexcused absences per grading period/trimester.

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Timeline for Reporting Attendance Non-Compliance

- Immediately or at the end of the semester (per district's choice).

- Some school districts choose to use different configurations for semesters (i.e., trimesters). The school district may choose to report after each trimester.

- Absences do not accumulate into the next semester (they start at 0 at the beginning of the new semester).

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Reporting Requirements

- If a student voluntarily withdraws from school, the school or district should report the student to the Division of Driver Licensing (via the electronic web portal).

- This report (via web portal) should occur immediately after the student withdraws as a drop out from school, not at the end of the semester.

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What happens after a student is reported as noncompliant?

The Transportation Cabinet will:

- Notify the student's parents by mail within 10 days that the driver's license or learner's permit has been revoked.

- Inform the student of the option of a "right of hearing" before the District Court where the court can reinstate a license due to "hardship factors."

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Hardship Waiver

- It is an option designed for students who are teenage parents, who have no other transportation to work/school/medical appointments, or have no other family members who can drive (creating a family hardship).

- Apply at the local District Court judge's office on AOC Form 298. The district judge makes the decision, not the school. (The school will abide by the court order).

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How to become compliant

- The No Pass/No Drive law states that a student may reapply "as early as the end of the next semester during which he/she… successfully completes the educational requirements."

- KDE recommends that the student be in compliance for a full semester before regaining driving privileges.

Summer School

Per KRS 159.051, "A student may also reapply for his driver's license at the end of a summer school semester, which results in the student having passed at least four (4) courses, or the equivalent of four (4) courses, during the successive spring and summer semesters, and the courses meet the education requirements for graduation."

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New Drivers Applying for Learner's Permit

- All students must obtain a signed School Compliance Verification form from their school or district verifying compliance with the law.

- This form must be embossed with an official school seal containing "raised letters."

- The completed form should be taken to the courthouse in the district of residence to apply for the learner's permit.

- Use School Compliance Verification form dated Jan. 1, 2012.

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Home School Requirements

- Home schools must obtain the No Pass/No Drive School Compliance Verification form from the public school district office where the student resides.

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Religious Schools (Amish/Mennonite)

- Religious schools operate on different schedules and standards than public schools. These students* provide proof of their completion/graduation from the religious school to the court clerk to apply for a driver's permit. No verification form is needed.

Amish/Mennonite students attending public school will follow the law for public school students.

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GED Requirements

- Students who have completed their GED need to provide proof of the *<u>completed GED</u> to the local court clerk to apply for a driver's permit.

Students who are studying for a GED must wait until they pass the test to be eligible to apply for a permit/license.

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Job Training Programs/Job Corp

- Students in these programs must obtain the required verification form from the public school district in the county where the program is located.

- The job training center staff should complete the form for the student.

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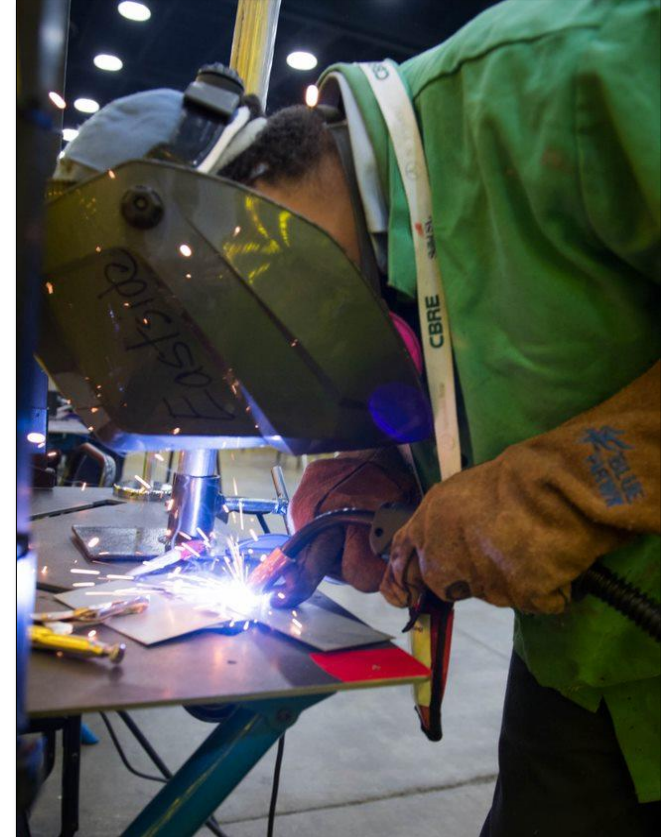
Out-of-State School

- The student must obtain the form from the school district in which they officially reside, and then take it to the out-of-state school representative to be signed (public or private).* The form is then submitted to the circuit court clerk in the county of residence to apply for the learner's permit or license.

- When an out-of-state student transfers into a Kentucky school, the grades and unexcused absences from other states do not apply to Kentucky's No Pass/No Drive law.

*This also applies to international students (please contact KDE with questions)

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Administering No Pass/No Drive

- Designate a district coordinator with access to all information entered by schools in the district.

- Select two to three authorized users at each school who will use the web portal to electronically report non-compliant and compliant students.

- Keep a list of all students marked non-compliant each semester. KDE nor the Department of Transportation (DOT) retains a list of non-compliant students.

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Online/Virtual Courses

- Students who leave school and enroll in an online school should be treated the same as home school students.

- It is not the responsibility of the school district to verify their grades and attendance, so public schools should choose the "Home School Compliant" reporting option after they officially withdraw from school. The Home School administrator does not have access to the web portal.

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Reporting Students on the Web Portal

- The Transportation Cabinet has established a web portal on the Kentucky.gov website to allow for live electronic communication between schools and the Division of Driver Licensing. The web portal is a secure site and only registered authorized users can access it.

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Registration for the Portal

- All "authorized users" for a school must register on the student reporting [web portal](#) registration site.

- The user will create a username and password.

- If a user forgets the password, prompts will be available to help them remember or reset the password.

- After registering and choosing a username and password, users must notify KDE at 502-564-4772 with the username to be linked to the DOT portal.

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School Access to Portal

- The web portal will allow the district contact and/or school authorized users to electronically transfer student information to the Division of Driver Licensing.
    - Go to the [web portal website](#)
    - Log in with your registered username and password.
    - The opening screen will read: "Welcome (*your name*) of the (*applicable*) school district…"

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Utilizing the Web Portal

- Find the student in the web portal by entering:
  - First Name
  - Last Name
  - Date of Birth
  - Last four digits of Social Security Number

Utilizing the Web Portal (continued)

Select the action to be reported to the Kentucky Department of Transportation:

- Compliant
- Non-Compliant
- Correction
- Home-Schooled Compliant

Change Student Status

First Name

BOY

Last Name

SAMPLE

Date of Birth

01/01/2006

Last 4 Digits of SSN

1222

Pursuant to KRS 159.051 the following action for this student should be reported to the Kentucky Transportation Cabinet: (required)

- ● Compliant
- ○ Non-Compliant
- ○ Correction (Previous Non-Compliant sent in error)
- ○ Home Schooled Compliant

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Types of Status Changes

- **Compliant Student** (after previously being reported as noncompliant)
- **Non-Compliant Student** (for excessive absences/dropouts or academic deficiency)
- **Correction** (previous compliant or noncompliant status sent in error)
- **Home-Schooled Compliant** (use for students who left a school district to be home schooled)

No Pass No Drive: School Verification Form

- The school should use this form to verify the student's compliance of the components of the No Pass/No Drive law for first time applicants for a learner's permit.

- Authorized users may access the No Pass No Drive School Compliance Verification Form on the student reporting portal.

- If the student is not compliant, the school should not provide this completed and stamped form to the student.

Troubleshooting the Web Portal

- If you receive a "record not found" message, one of the following things has occurred:
  - The school has entered incorrect student information (nicknames, incorrect social security number, etc.). Check your information and retry.
  - The student has not yet applied for a driver's permit or license; therefore, the Division of Driver Licensing has no data on the student.
  - The student is 18 years of age or older and the law no longer applies.

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After Reporting Student in the Web Portal

- After a school has used the web portal to report a student as compliant or noncompliant, DOT automatically generates an official letter to the parents of the student within 10 days. The school may create and send its own version of a notification letter if desired (optional).

- Schools should keep a record of all students it reports during a school year. (KDE or DOT does not keep records of noncompliant students.)

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Reinstatement Fee

- A fee is not required, unless the license has been suspended for one year or more, at that time the student will have to take the written and eye exams again.

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Time Lost in the Graduated Licensing Process

- Students pick up where they left off in the Kentucky Graduated Licensing Process. They do not receive credit toward their license for the amount of time the license was revoked per KRS 159.051.

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18 Years of Age or Graduate

- The law does not apply to persons who are 18 years old or who graduate.

- It is the responsibility of the student to go to the circuit court clerk's office to begin the process of having his/her driver's license reinstated (by showing proof of age or graduation).*

Graduating students under age 18 may be made compliant by their school on the web portal.

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Enrollment in School

- A student must be officially enrolled in a school before absences (excused or unexcused) begin to accrue.

- New students' grades should be reviewed at the end of their first semester in the new school.

Returning Dropouts

- The student should be in compliance for a full semester before the school notifies the Division of Driver Licensing to reinstate the license or permit. Therefore, the returning student would be eligible to have the driver's license reinstated at the end of the first semester after reenrolling (if compliant for that entire semester).

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Resources

[KDE No Pass/No Drive website](#)

[No Pass/No Drive Frequently Asked Questions](#)

- KDE Contacts:
  - Michelle Wilson – Michelle.wilson@education.ky.gov
  - Doug Roberts – Doug.roberts@education.ky.gov

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