

No Pass No Drive Explanation

Overview

The "No Pass/No Drive" statute (KRS 159.051) became law on June 25, 2007 with implementation beginning August 1, 2007. This statute involves every public and private school (including home schools) in Kentucky. Any sixteen (16) or seventeen (17) year old student applying for the first time for a Learners Instruction Permit will be required to have a (revised) School Compliance Verification: KRS 159.051 Form (dated 1-1-12), issued and completed by the school. This form verifies that the student is compliant with the components of the statute. If the student is not compliant, the form should not be issued. *Beginning January 1, 2012, this revised form requires the stamp from an embossed seal (with raised characters) in order to be accepted by local court clerks.*

Special Circumstances

- Home school parents may request the verification form from a district/school, but the public school/district should not fill it out – it is the home school’s responsibility to verify their students, not the public school.
- Adult GED - students who have dropped out and enrolled in an Adult GED program are considered “non-compliant” until they complete the GED program and can show proof of receiving their GED.
- Amish/Mennonite students must also show proof of “completion/graduation” of their school program to be eligible for the verification form (they go to school until the 8th grade).
- High School Graduates or students who are 18 (eighteen) years old are exempt.

What is No Pass/No Drive?

The "No Pass/No Drive" statute results in the denial of the school compliance verification form or the revocation of a student's driver’s license for (1) academic deficiency (2) dropping out of school (3) missing 9 or more unexcused absences in one semester. Academic deficiency is defined as a student who does not have passing grades in at least four (4) courses, or the equivalent (see chart 1) the preceding semester. (2) A sixteen (16) or seventeen (17) year old student is deemed to have dropped out of school when he/she has voluntarily withdrawn or (3) has nine or more unexcused absences in the preceding semester. Any absences due to suspension shall be unexcused absences.

The law specifies that a student "shall" pass four (4) courses (or the equivalent) per semester; 4/6 = 66%). Reports of noncompliance based on academic deficiency will be made via the web portal beginning using grades from the previous semester.

Chart 1: Academic Deficiency (as recommended by KDE)	
Courses Per Semester or Trimester	Number of Courses Student Would Need to Pass to be Compliant
4	3
5	4
6	4
7	5

Chart 1: Academic Deficiency (as recommended by KDE)	
8	6

Since the reporting requirement specifies “the preceding semester”, you are not required to report them until the end of that semester, but it can be done before that if the district decides to do so.

Absences do not accumulate into the next semester, but the student must be “compliant for an entire semester” to be reinstated. So, if this happened in the fall semester, they would be deemed noncompliant for the entire spring semester. If they do not have nine (9) unexcused absences in the spring semester, they should be reported as compliant after the end of the spring semester.

Since some schools are currently using a trimester system, the Kentucky Department of Education (KDE) is recommending that a student would need to pass more than 66% of his or her classes to be compliant and miss no more than 6 days per trimester.

Within ten (10) days of receiving notification of academic deficiency or dropping out due to unexcused absences at the end of a semester, a district shall report the student’s name and SS# to the Transportation Cabinet through the web portal. (This has been interpreted to mean 10 days after the grades and absences are posted, not 10 days after the actual ending day of the semester). Additionally, if a sixteen (16) or seventeen (17) year old driver drops out of school, a report of noncompliance should be made via the web portal within 10 days of the withdrawal date.

KDE collaborated with the Kentucky Transportation Cabinet to create a secure web portal to allow for electronic communication between schools and the Division of Driver Licensing by registered, authorized users. One person from each district has been selected by the Superintendent as the District Contact, with the ability to access information for each school in a district. Additionally, each school containing at least one grade from the 7-12 grade range can have up to three (3) Authorized Users with access to the school's information. A registration process will register these individuals on the web portal and allow direct exchange of information between schools and DOT.

To register as an authorized user: <https://secure.kentucky.gov/portal/registration.aspx>. They should then contact KDE at (502) 564-4772 with their username to be “linked” to the DOT portal, which allows them access to the portal.

To report students as non-compliant or compliant, authorized users should access the [reporting site](#).