



Kentucky Department of

Our Children,



Our Commonwealth

Education

Kentucky's No Pass/No Drive Law

KRS 159.051

Protocols and Procedures for Schools Working with
Student Drivers

No Pass/No Drive Explanation

- Affects all public/private/home schools in Kentucky
- Only applies to 16 and 17-year-old students
 - (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

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**
 - **Dropping out of school**
 - **Excessive unexcused absences**

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” ***

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

Academic Deficiency Chart

# of Courses per Semester	# of Courses Need to Pass
4	3
5	4
6	4
7	5
8	6
9	6
10	7

Law applies to all students, all programs

- ▶ “The local school board shall adopt a policy ... similar standard... for students in alternative, special education, or part-time programs.”
- ▶ The Kentucky School Boards Association (KSBA) created a Model Policy found on the [KSBA website](#).

Reporting Requirements

- If a student voluntarily leaves or 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 drops out of school, not at the end of the semester.

Excessive Absences

- ▶ **A student with nine or more unexcused absences in one semester (including out-of-school suspensions) is considered non-compliant**
- ▶ **Districts operating on trimesters can report after 6 unexcused absences per grading period/trimester**

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 can choose to report after each trimester if they prefer

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

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".

Hardship Waiver

- It is an option designed for students who are teenage parents, who have no other transportation to work/school/medical, or have no other family members that can drive (creating a family hardship).
- Apply at the local District Court judge's office on "AOC Form 298" and the district judge makes the decision, not the school. (The school will abide by the court order)

How to become compliant

The No Pass/No Drive law states:

- ▶ **“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 (good standing) for a full semester before regaining driving privileges**

Summer School

“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 66%)...in the preceding spring semester ... these courses may also meet the educational requirements for graduation.”

New Drivers Applying for Learner's Permit

- All students must obtain a signed *School Compliance Verification: KRS 159.051* paper 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 Form dated January 1, 2012

Private School Requirements

- Private schools interact directly with the Department of Transportation (DOT) and are granted access to the web portal.
- Questions regarding private school participation should be directed to DOT at 502-564-1257.
- Home schools must get the required form from the public school district office where the **student resides**.

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. (6/2014)**

GED Requirements

Students who have completed their GED need to provide proof of the *completed GED 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.

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.

Online/Virtual Courses

- ▶ **Students that leave school and enroll in an online school should be treated the same as home school students.**
- ▶ **The DOT will not accept diplomas from these programs unless they are accredited by the U.S. Dept. of Education.**
- ▶ **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.**

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)**

Reporting Students on the Web Portal

The Transportation Cabinet has established a web portal on the 'Ky.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.

Each school district should designate:

1. A District Coordinator with access to all information entered by schools in the district.
2. Two to three authorized users at each school; they will use the web portal to electronically report their non-compliant and compliant students.
3. Keep a list of all students marked non-compliant each semester. KDE nor the Department of Transportation a list of non-compliant students.

Registration for the Portal

All “authorized users” for a school have to register on the [web portal registration site](#).

The user will create a user name and password.

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

Next step after registration

- ▶ **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.**

School Access to Portal

Go to [Web Portal website](#)

When you log in with your registered username and password, it opens a screen that says:

“Welcome your name of the ? school district...”

Information on the Portal

The School Compliance Verification KRS 159.051 Form

- The school should use this form to verify the student's compliance of the components of the No Pass/No Drive law for 1st time applicants for a learner's permit.
- If the student is not compliant, the school should not provide this completed and stamped form to the student.
- The Web Portal will allow the district contact and/or school authorized users to electronically transfer student information to the Division of Driver Licensing.

Use Web Portal to Communicate Four Types of Status Changes

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

Record not Found Message

One of the following things has occurred:

- The school has entered incorrect student information (nicknames, incorrect SS#, 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.

After Reporting Student

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).

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.**

Time Lost in the Graduated Licensing Process

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

18 Year Old 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.**

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).

Additional Questions

Visit KDE's [No Pass/No Drive website](#)