

STUDENTS HABITUALLY ABSENT - LOSS OF DRIVING PRIVILEGES

When the Superintendent of the District receives information that a student of compulsory school age has been absent without legitimate excuse for more than 10 consecutive days, or a total of at least 15 days in any term the following procedure will apply:

1. The Superintendent will notify, in writing, the student and his/her parent, guardian or custodian and state that information regarding the student's absences has been provided to the Superintendent, and as a result of that information, the student's driving privileges will be denied. Such notification will also state that the student and his/her parent, guardian or custodian may appear before the Superintendent or designee to challenge the information provided to the Superintendent.
2. The notice from the Superintendent to the student must include the scheduled time, place and date of the hearing, which must be scheduled between three and five days after the notification is given. An extension may be granted by the Superintendent upon the request of the student, parent, guardian or custodian. The Superintendent must then notify the student, and the parent, guardian or custodian of the new hearing time, place and date.
3. At the hearing before the Superintendent or designee, the student will have an opportunity to present evidence that he/she has not been habitually absent without legitimate excuse. Ohio law defines "legitimate excuses" for absence from school to include, but not be limited to: 1) enrollment in another school or school district in Ohio or another state, 2) possession of an age and schooling certificate, 3) a bodily or mental condition that prohibits attendance under ORC 3321.04, or 4) participation in a home instruction program under ORC 3321.04.
4. If a habitually absent student does not appear at a hearing before the Superintendent or designee, or if the student does not convince the Superintendent or designee that the absences were legitimate, the Superintendent must notify the registrar of motor vehicles and the juvenile judge of the county. Such notification must be given to the registrar and the juvenile judge without two weeks of the receipt of the information regarding habitual absences, or, if the hearing for the student is held, within two weeks after the hearing.

Notification to the registrar of motor vehicles and the county judge must comply with ORC 3319.321 and with the U.S. Family Educational Rights and Privacy Act of 1974 (FERPA) and accompanying regulations.

The registrar of motor vehicles is required to suspend the temporary instruction permit or driver's license of the student who is the subject of the notice. If a temporary permit or license has not been issued for that student, the registrar is prohibited from issuing a temporary permit or a license.

Denial of privileges will remain in effect until the student reaches age 18 or until the denial is terminated for another reason allowed by Ohio law. In accordance with Ohio law, a student whose driving privileges have been denied can file a petition with the juvenile court in whose jurisdiction he/she resides.

(Approval date: September 25, 1995)