

DRIVING PRIVILEGE FOR PERSONS UNDER THE AGE OF 18

DATES (Adopted/Revised)	GUIDE WORDS
Adopted September, 1996	Attendance Drivers License

The Fifty-Third Idaho Legislature in 1996 enacted legislation that requires individuals under the age of eighteen (18) years of age, in order to be issued driving license privileges, must have received a high school diploma, a high school equivalency diploma, a special diploma or a certificate of high school completion, or be enrolled in a public or private school program to qualify for an Idaho driver's permit or license.

Individuals under the age of eighteen (18), who do not meet the requirements of the law, or who have not been granted a hardship waiver, are ineligible to be issued an Idaho driving permit or license.

To facilitate the enforcement of the law the following procedure shall be followed. The various forms referenced in procedure can be found at the end of the procedure statements. All forms will require that they be transposed to the individual school's letterhead stationary.

Verification of Compliance -

Minors under the age of eighteen (18) must provide verification to the local driver licensing authority that they are enrolled in school or otherwise comply to the law. Students who are enrolled in school may request from the school authority a "Verification of Compliance" letter, (FTAS-1- "Verification of Compliance"). Once provided by the school the form is presented to the driver licensing authority by the student and their parent as verification of their compliance with 49-303A IDAHO CODE.

Notification of Intent to Request Suspension of Driver's License and Privileges -

When a minor, under the age of eighteen (18), fails to attend school or who drops out of school, the school principal, or the principal's designee, shall initiate the process to have the minor's driving privileges revoked. The principal, or the principal's designee, will follow the following steps.

- I. Written notification is to be sent to the minor and the minor's parent/guardian by the principal, or the principal's designee, that it is the school's intent to request that the Idaho Department of Transportation suspend the minor's driving privileges because the minor has dropped out of school and has failed to comply with the requirements of Idaho Law. (FTAS - 2 "Notification of Intent To Request Suspension of Driver's License and Privileges")

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- A. If so desired, the minor or the parent/guardian shall have fifteen (15) calendar days from the date of receipt of this notice to request a hearing before the school principal, or the principal's designee, for the purpose of reviewing the pending suspension.
- B. If a hearing is requested, it shall be the responsibility of the principal, or principal's designee, to conduct a hearing within thirty (30) calendar days after receiving the request.
- i. The principal, or the principal's designee, shall have the authority to waive the school attendance requirement specified in the law if the suspension would create a personal or family hardship that requires that the minor have a driver's license for his or her own or his or her family's employment or medical care. The principal, or the principal's designee, shall take into account the recommendations of teachers, other school officials, guidance counselors, or academic advisors prior to granting a waiver to the enrollment requirements of the law.
 - ii. After hearing the hardship waiver request, the principal, or the principal's designee, shall notify the student and the parent of the hearing decision. (FTAS-1 "Verification of Compliance")
 - iii. Any person denied a hardship waiver by the school principal, or the principal's designee, may appeal the decision to the Board of Trustees by contacting the building principal, or the principal's designee, within (7) calendar days of receipt of denial. The principal, or principal's designee, will schedule a hearing before the Board of Trustees and will notify the appellant of the date, time, and place.
- C. Immediately after a determination has been made the principal, or the principal's designee, shall notify the Idaho Department of Transportation of all students not in compliance with the law, or who have been granted a hardship waiver.
- i. FTAS-3 - "Notice to Suspend for Noncompliance with Idaho Code 49-303A" is to be used to notify the Idaho Transportation Department to suspend driving privileges.
 - ii. Form FTAS-1 - "Verification of Compliance" shall be used to notify the Idaho Transportation Department that a hardship waiver has been granted.

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Reinstatement of Driving Privileges -

Upon re-entering school the minor and the minor's parent/guardian may request that the school provide written verification to the Department of Transportation that the minor is again in compliance with the requirements of the law. **A fee of \$15 will be assessed by the school to provide this verification. This fee is in addition to any fee that may be assessed by the Department of Transportation.** (FTAS -4 - "Notice of Compliance Idaho Code 49-303A is used to request Reinstate Student Driving Privileges")

Upon receiving written verification that the minor is again in compliance with the requirements of the law the Department of Transportation shall reinstate the minor's privilege to drive. Thereafter, if the school principal, or principal's designee, determines that the minor is not in compliance with the requirements of the law, the principal, or the principal's designee will notify the Department of Transportation by using FTAS-3- "Notice to Suspend for Noncompliance with Idaho Code 49-303A". The department shall then suspend the minor's driving privilege until the minor is eighteen (18) years old or otherwise satisfies the requirement of law, whichever occurs first.

Home School Students -

Home-schooled students will need to have Idaho Transportation Department Form -3856, which is available at the issuing Driver License Office and Idaho Transportation Department. The school will not need to sign any form for the home-schooled students. The parent, guardian or custodian must complete the form attesting to the schooling of the student. As the parent, guardian or custodian they are the governing body of the home school similar to a private school. It is their responsibility to notify the Idaho Transportation Department if their student fails to comply with Idaho Code 49-303A.

Religious Exemption

Religious exemption from mandatory school attendance by members of various faiths is supported by recent U.S. Supreme Court decisions. The Idaho Transportation Department will still require verification from the school district stating that the student is not enrolled in school and that he/she is not in compliance with the schools district's attendance policy. The parent, guardian or custodian should provide some type of documentation as to the student's faith as well as attest to that fact for the public or private school and for Idaho Department of Transportation's records. ITD Form FTAS-6 is provided for this use. The school as well as the parent, guardian or custodian of the minor will be required to sign this form. The parent, guardian or custodian attests the religious exemption.

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Report From Idaho Department of Transportation -

The law requires that the Department of Transportation report quarterly to each school the disposition of all requests to suspend driver's licenses of students of that school.

Year End Report -

Each secondary school principal shall report the number of notifications issued of possible student driver's license suspensions based on nonattendance requests, and the number of student driver's licenses actually suspended to the Coordinator of Pupil Personnel Services. This information shall be summarized and reported as provided by statute.

Copy and paste the following documents as needed

(School Letterhead Stationary)

VERIFICATION OF COMPLIANCE

To: Idaho Transportation Department

THIS is to certify that the below named student is in compliance with 49-303A Idaho Code.

Student's Full Name: _____

Street Address: _____

Mailing Address: _____
(If different only)

Student's Date of Birth: _____

School: _____, School District No. 25.

Date: _____

Signed: _____
(Signature of School Principal or Designee)

DRIVING PRIVILEGE FOR PERSONS UNDER THE AGE OF 18

(School Letterhead Stationary)

NOTIFICATION OF INTENT TO REQUEST
SUSPENSION OF DRIVER'S LICENSE AND PRIVILEGES

DATE: _____

STUDENT'S FULL NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

DATE OF BIRTH: _____/_____/_____

Pursuant to IDAHO CODE 49-303A, the above named school intends to request that the Idaho Transportation Department suspend your driver's license and privileges for failure to attend or enroll in school.

Failure to comply with IDAHO CODE 49-303A can result in a suspension of your driver's license or permit until age 18 years, unless compliance is met.

You the student, or your parents, guardian, or custodian have 15 calendar days from the date of receipt of this notice to request a hearing for the purpose of reviewing your pending suspension of driving privileges. Request for a hearing must be submitted to the school and will be held within 30 days from receipt of this request.

(Signature of Principal or Designee)

cc: Parent, guardian, or custodian of above named student

Form FTAS-2

DRIVING PRIVILEGE FOR PERSONS UNDER THE AGE OF 18

(School Letterhead Stationary)

NOTICE TO SUSPEND FOR NONCOMPLIANCE WITH IDAHO CODE 49-303A

Student's Full Name: _____

Street Address: _____

City, State, Zip: _____

Driver License No. (If Applicable): _____

TO: THE TRANSPORTATION DEPARTMENT, STATE OF IDAHO

PURSUANT TO IDAHO CODE 49-303a, NOTICE IS HEREBY GIVEN THAT THE ABOVE NAMED STUDENT IS UNDER EIGHTEEN (18) YEARS OF AGE AND IS NOT ENROLLED IN OR ATTENDING SCHOOL, HAS NOT SATISFACTORILY COMPLETED SCHOOL OR HAS NOT RECEIVED A WAIVER IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

THE STUDENT, PARENT, GUARDIAN OR CUSTODIAN HAS BEEN GIVEN THE OPPORTUNITY TO REQUEST A HEARING:

_____ SUCH HEARING HAS NOT BEEN REQUESTED

_____ SUCH HEARING HAS BEEN HELD AND FINDINGS AFFIRM NON-COMPLIANCE WITH IDAHO CODE 49-303A.

YOU ARE THEREFORE REQUESTED TO IMMEDIATELY SUSPEND THE DRIVING PRIVILEGES OF THE ABOVE NAMED MINOR AS PROVIDED BY LAW.

DATED: _____

SIGNED: _____

TITLE: _____

DRIVING PRIVILEGE FOR PERSONS UNDER THE AGE OF 18

(School Letterhead Stationary)

NOTICE OF COMPLIANCE
IDAHO CODE 49-303A

STUDENT'S NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

DRIVER LICENSE NO. (IF APPLICABLE): _____

DATE OF BIRTH: _____ / _____ / _____

TO: THE TRANSPORTATION DEPARTMENT, STATE OF IDAHO

NOTICE IS HEREBY GIVEN THAT THE ABOVE NAMED STUDENT HAS COMPLIED WITH IDAHO CODE 49-303A. YOU ARE THEREFORE REQUESTED TO IMMEDIATELY REINSTATE THE DRIVING PRIVILEGES OF THE ABOVE NAMED MINOR, AS PROVIDED BY LAW, UPON PAYMENT OF THE REQUIRED REINSTATEMENT FEE.

DATE: _____

SIGNED: _____

TITLE: _____

(SCHOOL SEAL)