

49-6-3017. Minors withdrawn from secondary school — Denial of motor vehicle license or permit. —

(a) In accordance with the provisions of title [55](#), chapter 50, the department of safety shall deny a license or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not at the time of application for a driver license present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person is:

(1) Enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained such certificate;

(2) Enrolled and making satisfactory academic progress in a secondary school of this state or any other state; or

(3) Excused from such requirement due to circumstances beyond the applicant's control.

(b) The attendance teacher or director of schools shall provide documentation of enrollment status on a form approved by the department of education to any student fifteen (15) years of age or older upon request, who is properly enrolled in a school under the jurisdiction of the official for presentation to the department of safety on application for or reinstatement of an instruction permit or license to operate a motor vehicle. Whenever a student fifteen (15) years of age or older withdraws from school, except as provided in subsection (d), the attendance teacher or director of schools shall notify the department of safety of such withdrawal. Within five (5) days of receipt of such notice, the department shall send notice to the licensee that the license will be suspended under the provisions of title [55](#), chapter 50, on the thirtieth day following the date the notice was sent, unless documentation of compliance with the provisions of this section is received by the department before such time. After having withdrawn from school for the first time for the purpose of this section, a student may not be considered as being in compliance with this section until such student returns to school and makes satisfactory academic progress, or attains eighteen (18) years of age. As used in this section, “satisfactory academic progress” means making a passing grade in at least three (3) full unit subjects or their equivalency at the conclusion of any grading period. For second or subsequent withdrawals, a student shall have all driving privileges suspended until the student attains eighteen (18) years of age. When a student licensed to operate a motor vehicle is enrolled in a secondary school and fails to maintain satisfactory academic progress based on end of semester grading, the attendance teacher or director of schools shall follow the procedure set out in this subsection to notify the department of safety. A student who fails to maintain satisfactory academic progress based on end of semester grading may not be considered as being in compliance with this section until such student makes a passing grade in at least three (3) full unit subjects or their equivalency at the conclusion of any subsequent grading period.

(c) For the purposes of this section, “withdrawal” means more than ten (10) consecutive or fifteen (15) days total unexcused absences during a single semester. For the purposes of this section, suspension or expulsion from school or confinement in a correctional institution is not a circumstance beyond the control of such person.

(d) Whenever the withdrawal from school of such student, or such student's failure to enroll in a course leading to a GED or high school diploma or such student's failure to maintain satisfactory academic progress based on end of semester grading, is beyond the control of such student, or is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no such notice shall be sent to the department to suspend the student's motor vehicle driver license. If the student is applying for a license, the attendance teacher or director of schools shall provide the student with documentation to present to the department of safety to excuse such student from the provisions of this section. The school district director of schools (or the appropriate school official of any private secondary school), with the assistance of the attendance teacher and any other staff or school personnel, shall be the sole judge of whether such withdrawal or such student's failure to maintain satisfactory academic progress based on end of semester grading is due to circumstances beyond the control of such person.

(e) A copy of the notice sent to the department of safety by the attendance teacher or the director of schools upon failure of a student to maintain satisfactory academic progress shall also be mailed to that student's parents or guardian.

(f) Notwithstanding any provision of this section to the contrary, any student under eighteen (18) years of age enrolled in a course leading to a GED who has more than ten (10) consecutive or fifteen (15) days total unexcused absences in a semester shall not be considered as making satisfactory academic progress and such student's motor vehicle driver license shall be suspended, or if such student does not have a motor vehicle driver license the student shall be ineligible to obtain a motor vehicle driver license, until such student reaches eighteen (18) years of age. The attendance teacher, director of schools, or director of a GED program shall notify the Department of Safety whenever any student under eighteen (18) years of age enrolled in a course leading to a GED has more than ten (10) consecutive or fifteen (15) days total unexcused absences in a semester.

[Acts 1990, ch. 819, § 1; 1994, ch. 860, § 1; 1995, ch. 156, § 1; 1996, ch. 763, §§ 1, 2, 6-8; 2000, ch. 878, § 1; 2001, ch. 235, § 1.]