

## Roane County Schools Bylaws & Policies

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### 5140 - STUDENT DRIVER ELIGIBILITY CERTIFICATE

The Board of Education, along with the West Virginia Board of Education (hereinafter WVBE) recognizes that driving a vehicle is a privilege and that West Virginia Code requires young people at least fifteen (15) but less than eighteen (18) years of age to maintain specified driver eligibility requirements related to school attendance, personal behavior and academic progress in order to obtain and maintain a West Virginia license or instruction permit for the operation of a motor vehicle. While the West Virginia Department of Motor Vehicle (hereinafter WVDMV) has the authority to deny and suspend a license or instruction permit for the operation of a motor vehicle, the West Virginia Code places certain responsibilities on school administrators to identify students who do not meet any or all of the driver eligibility requirements and communicate this information to the WVDMV.

#### Definitions

A. Circumstances Outside the Control of the Student – shall include, but not be limited to, medical reasons, familial responsibilities and the necessity of supporting oneself or another. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the student, and for purposes of operating a motor vehicle only shall be considered an unexcused absence.

- B. Driver's Eligibility Certificate – documentation provided by the County to the student verifying that the student has met the attendance, behavioral and academic expectations set forth by WV Code 18-8-11 that are required for application or reinstatement of an instruction permit or license to operate a motor vehicle.
- C. Satisfactory Academic Progress – attaining and maintaining grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five (5) years or by age nineteen (19), whichever is earlier (beginning with the completed 2008 – 09) school year).
  - 1. This would calculate in the minimum annual earning of five (5) credits to allow graduation in five (5) years based on the graduation requirements set in WVBE policy 2510.
  - 2. Three (3) of the five (5) credits earned annually must be from the core requirements identified in WVBE policy 2510.
- D. Withdrawal – for the purpose of driver's license eligibility, withdrawal is defined as the following reasons for which the County shall deny or revoke a Driver's Eligibility Certificate from any student at least fifteen (15) but less than eighteen (18) years of age:
  - 1. More than ten (10) consecutive or fifteen (15) total days unexcused during a school year.
  - 2. Suspension pursuant to WV Code 18A-5-1a(a) and 18A-5-1a(b), which include the following behaviors when committed on the premises of an educational facility, at a school-sponsored function, or on a school bus:
    - a. assault and/or battery on school employees
    - b. possessing deadly weapons
    - c. sale of a narcotic drug
    - d. committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult
    - e. unlawfully possessing a controlled substance governed by the uniform controlled substances act as described in WV Code 60A-1.1 et seq.

The Board shall support and require the County Attendance Director and all school administrators to implement and execute the following duties defined in WV Code 18-8-11, regarding driver's eligibility for a license or instruction permit to operate a motor vehicle and West Virginia Board of Education policy 4110, Attendance:

- A. Provide, upon request, a Driver's Eligibility Certificate on a form (hard-copy or electronic) approved by West Virginia Department (hereinafter WVDE) to any student at least fifteen (15) but less than eighteen (18) years of age who is in satisfactory standing with regard to attendance, behavior, and academic progress in a school under the jurisdiction of the official for presentation to the WVDMV on application for or reinstatement of an instruction permit or license to operate a motor vehicle.
- B. Provide notification to the WVDMV whenever a student at least fifteen (15) but less than eighteen (18) years of age withdraws from school, is suspended pursuant to WV Code 18A-5-1a and 18A—5-1b and/or fails to maintain satisfactory academic progress, except when the withdrawal or failure to make satisfactory academic progress except when the withdrawal is due to circumstances outside the control of the student. Notification must be provided to the WVDMV no later than five (5) days from the date of the withdrawal and/or suspension. Notification must be provided to the WVDMV no later than five (5) days from the end of the school year for failure to maintain satisfactory academic progress.
- C. Provide the opportunity, upon request, for a student who has been denied a Driver's Eligibility Certificate or has received a revocation notice, to have a hearing before the Superintendent of Schools or his/her designee concerning whether the student's withdrawal from school or failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. The County Superintendent, with the assistance of appropriate staff, shall be the sole judge of whether any of the grounds for denial or suspension of a license or instruction permit are due to a circumstance or circumstances beyond the control of the student.
- D. a review process that allows students to have their Driver's Eligibility Certificate reinstated upon demonstration of satisfactory progress as follows:
  - 1. Reinstatement requests related to withdrawal for unexcused absences shall be reviewed as outlined in WV Code 126 CSR 81, WVBE policy 4110 – Attendance, at the end of the semester following that in which the withdrawal occurred.
  - 2. Reinstatement requests related to withdrawal for failure to make satisfactory academic progress shall be reviewed at the end of each school year for the purpose of reinstating the Driver's Eligibility Certificate.
  - 3. Reinstatement requests related to withdrawal for suspension pursuant to WV Code 18A-5-1a(a) and 18A-5-1a(b) shall be reviewed after all disciplinary sentences have been served for the purpose of reinstating the Driver's Eligibility Certificate.