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***“Making Education Work for All Georgians”***

# **Implementation Guidelines for the Teenage and Adult Driver Responsibility Act (TAADRA)**

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## **I. Introduction**

Section a.1 Georgia Code Section 40-5-22, Georgia's Teenage and Adult Driver Responsibility Act (TAADRA) of 1997, requires that local school systems certify that a student's attendance pattern and discipline record permits him or her to have a Georgia learner's permit or driver's license. This document contains the administrative policies and procedures for the local school districts to reference in determining the circumstances for which a student should be reported as non-compliant and other policies and procedures that fall within the TAADRA law. With the creation of the A+ Education Reform Act of 2000, the passage of House Bill 1190 in 2004, and the passage of Senate Bill 35 in 2005, the Department of Education (GaDOE) was cited with the responsibility of collecting the non-compliance student data from the local school districts. GaDOE has worked with the Department of Driver Services (DDS) to provide a Web application as the means for local school districts to report non-compliant student data.

The exact roles of the Georgia Department of Education and the Department of Driver Services are further defined in section "IX" of this document.

## **II. General Information**

A. Section a.1 of the Teen-age and Adult Driver Responsibility Act applies to all minors who are at least 15 years of age and under the age of 18.

B. When such a minor submits an application for a Georgia driver's license or instruction permit, the applicant must present proof that he or she satisfies one of the following conditions as specified in *O.C.G.A. § 40-5-22 (a.1)*:

*(1) Is enrolled in and not under expulsion from a public or private school and has not had ten or more school days of unexcused absences in the current academic year or ten or more school days of unexcused absences in the previous academic year;*

*(2) Is enrolled in a home education program that satisfies the reporting requirements of all state laws governing such program. The Department of Driver Services shall notify such minor of his or her ineligibility for an instruction permit or driver's license at the time of application;*

*(3) Has received a high school diploma, a general educational development (GED) diploma, a special diploma, or a certificate of high school completion;*

*(4) Has terminated his or her secondary education and is enrolled in a postsecondary school or is pursuing a general educational development (GED) diploma.*

C. The local school district will be responsible for certifying that students enrolled in public schools in its district satisfy the attendance requirements in B. (1) above. They will do this by using the *Certificate of Attendance* form. *The Georgia Department of Education is responsible for certifying that students enrolled in home study programs*

satisfy the attendance requirements in B. (2) above. The local school district will be responsible for making the *Certificate of Attendance* form available to private schools in Georgia in which students living in the public school district are enrolled. The private schools will complete the forms. *The Technical College System of Georgia (formerly known as the Department of Technical and Adult Education) shall be responsible for monitoring the attendance requirements for students who withdraw from a public, private or home school to pursue a general educational development (GED) diploma.*

- D. The local school district central office is required by this law to report information regarding non-compliance to the DDS through a process developed jointly with the GaDOE. The local school district must report this information from the public schools in its district and from private schools attended by students who reside in the public school district. *The Technical College System of Georgia shall be responsible for submitting non-compliance data for students who withdraw from a public, private, or home school to pursue a general educational development (GED) diploma.*

**A non-compliant student is one who:**

*(A) Has dropped out of school without graduating and has remained out of school for ten consecutive school days;*

*(B) Has ten or more school days of unexcused absences in the current academic year or ten or more school days of unexcused absences in the previous academic year; or*

*(C) Has been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, has received a change in placement for committing one of the following offenses, or has waived his or her right to a hearing and pleaded guilty to one of the following offenses:*

*(i) Threatening, striking, or causing bodily harm to a teacher or other school personnel;*

*(ii) Possession or sale of drugs or alcohol on school property or at a school sponsored event;*

*(iii) Possession or use of a weapon on school property or at a school sponsored event. For purposes of this division, the term “weapon” shall have the same meaning as in Code Section 16-11-127.1 but shall not include any part of an archeological or cultural exhibit brought to school in connection with a school project.*

*(iv) Any sexual offense prohibited under Chapter 6 of Title 16; or*

*(v) Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student. O.C.G.A. § 40-5-22 (a.1)*

- E. The local school district will be responsible for reporting the non-compliance information reported from its public schools and from private schools to the GaDOE.

Updated reports shall be provided whenever the information will impact the student's eligibility to possess an instruction permit or driver's license.

- F. At the GaDOE Office of Technology Services the information received from all of school districts will be submitted daily to the Department of Driver Services (DDS).
- G. DDS will notify the licensee (student) by certified mail, return receipt requested, that a *Certificate of Non-Compliance* has been received, and that his or her instruction permit or driver's license is suspended.

Upon receiving the letter of suspension, the minor may request in writing a hearing within ten business days from the date of receipt as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended.

DDS is authorized to grant an exemption from the provisions as quoted in *General Information*, Paragraph D to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions would act as a detriment to the health or welfare of the minor (see Section "VII" of this document for more information about Hardship Exemptions) .

- J. The license or permit for any student 15 through 17 years old whose driver's license or permit has been revoked or not issued according to Paragraph C, as quoted in *General Information D* above, can be reinstated. The conditions for reinstatement are as follows:

The suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday, whichever comes first; or if the suspension was imposed pursuant to the student dropping out of school without graduating and remaining out of school for ten consecutive school days, upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school (O.C.G.A. § 40-5-22).

Local school districts should use the *Certificate of Eligibility for Restoration of Driving Privileges* (DS-3) form for reinstatement of a student's driver's license or learner's permit. The *Certificate of Attendance* form should be used if the student is applying for a driver's license or learner's permit.

### **III. Implementation Guidelines**

The Superintendent of each local school district should appoint one or more persons to serve as the TAADRA Coordinator. It will be the responsibility of the TAADRA Coordinator to:

1. Inform all schools for which the public school district has responsibility of the provisions of the law. This includes public schools and any private schools in Georgia that have students enrolled who reside in the local school district.
2. Inform all students and parents about the consequences for not complying with the TAADRA law by posting the information in Parent Handbooks and/or Student Codes of Conduct.
3. Design and implement local school district guidelines and procedures for completing, notarizing, and distributing the *Certificate of Attendance* to public and private school students.
4. Design and implement local school district guidelines for reporting non-compliance information. Private schools must be informed of the TAADRA law and the procedures that the local district wants them to follow for reporting non-compliant students. The *Certificate of Non-Compliance* may be copied and used to report information from the schools to the district office.
5. Collect non-compliance information from public and private schools for which the district is responsible and submit this information to the GaDOE whenever the information will impact the student's eligibility to possess a learner's permit or driver's license. Non-compliance information should be submitted using the electronic *Certificate of Non-Compliance* web application.
6. Devise a system to keep non-compliance information, in paper format, on file until the student is 18 years old.
7. Make sure that students, parents/guardians, and school administrators understand that when a student transfers to another school, the sending school needs to know officially that the student has transferred and not dropped out. Make sure that students understand the implications of this with regard to losing their license or permit.
8. Serve as the liaison between the local schools and the GaDOE with regard to all policy questions regarding the Teenage and Adult Driver Responsibility Act.
9. The local school district is responsible for entering the name and contact information of the TAADRA Coordinator into the GaDOE's contact database.

#### IV. Certificate of Attendance

1. Each student who applies for a driver's license or permit must submit a *Certificate of Attendance* to the examining station. This form must be completed by a school official and notarized. This form serves as certification that the student is enrolled in school and satisfies the relevant attendance and discipline requirements. The notarization itself attests to the fact that the certifying official is authorized to certify that the information is correct.

The *Certificate of Attendance* form can be downloaded from the GaDOE website at: <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/TAADRA.aspx>.

2. When completing the *Certificate of Attendance*, **it is mandatory to use the student's full legal name**. Be careful to use the correct spelling and to enter the student's middle name if available.
3. It is recommended that each school set up a schedule for students to follow when requesting a *Certificate of Attendance*. Some examples of schedules that local districts say have worked well are: (a) students sign a request list in the office before school starts in the morning, then pick up the completed forms the next morning; (b) students go the designated office during their lunch period on a designated day of the week to get the forms - the office staff mobilizes to get these done as the students come; (c) secretary looks up student birthdays at the beginning of the month to see who will be turning 15 or 16 that month, then gets the forms ready ahead of time.
4. Schools may charge a fee for notarizing the form. This fee should be no more than what is commonly charged for notarizing a similar form in the community.
5. The *Certificate of Attendance* must be issued to any student who requests it if the student meets all of the conditions. If the student has ten or more school days of unexcused absences that were accumulated before his fourteenth birthday, these do not count for purposes of the law. The ten days must begin on or after the student's fourteenth birthday.
6. Schools must review a student's attendance and discipline record for the current academic year and the previous academic year to determine eligibility for a *Certificate of Attendance*. If a student is noncompliant, the date of eligibility for a *Certificate of Attendance* is one calendar year from the date of noncompliance. Please note that schools **may not** combine unexcused absences from the current and previous academic years to determine non-compliance.
7. As a practical matter, schools should record all student absences as excused or unexcused. State Board Rule 160-5-1-.10 delineates absences which all schools must consider excused. It also requires local boards of education to have a policy

addressing student attendance. School days missed as a result of an Out of School Suspension (OSS) shall not count as unexcused days for the purpose of determining compliance with TAADRA.

8. The Georgia Department of Education is responsible for completing the *Certificate of Attendance* form for students enrolled in a home study program.
9. During the regular school year, the *Certificate of Attendance* is good for 30 days after the date it is notarized. During the summer months of June, July, and August, when most schools are not in session, the Department of Driver Services will accept Certificates of Attendance that are dated near the end of the school year (late May or early June).
10. A school cannot design its own *Certificate of Attendance* form. However, the school can use its student information system to design a report that will print all required information on the official form.
11. The *Certificate of Attendance* should not be issued to students who have graduated from high school, have earned a GED, or are enrolled in college or postsecondary school. Such students must furnish acceptable proof of their status to the Department of Driver Services.
12. It is required that students obtain a *Certificate of Attendance* when receiving a learner's permit, and obtain another *Certificate of Attendance* when receiving a driver's license.
13. It shall be the responsibility of the parent/guardian of a student who transfers from an out-of-state public, private, or home school to provide for the transmission of attendance records in order to be eligible for the receipt of a *Certificate of Attendance*. The official record of attendance must be received before a Certificate of Attendance can be prepared.
14. Homeschool students that submit a Declaration of Intent form online through the Georgia Department of Education website may bring an official copy of their Declaration of Intent to the driver's license office. If the Declaration of Intent was submitted online through the Georgia Department of Education website, it will contain a digital signature at the bottom of the form. The Declaration of Intent form which contains the digital signature will serve as the Certificate of Attendance for homeschool students to get their driver's license or learner's permit.

## **V. Certificate of Non-Compliance**

1. The *Certificate of Non-Compliance* is both a paper form and an electronic form. The paper form should be completed by the public school or private school to

- report non-compliance information to the TAADRA Coordinator at the local public school district.
2. When completing the *Certificate of Non-Compliance*, **it is mandatory to use the student's full legal name.** Be careful to use the correct spelling and to enter the student's middle name if available.
  3. The reasons for submitting the *Certificate of Non-Compliance* are listed in the General Information section of this document, item D. There are no other reasons that qualify for the submission of a *Certificate of Non-Compliance* other than those specifically listed in the law. Chronic misbehavior is not one of the reasons stated in the law. *School days missed as a result of an out of school suspension shall not count as unexcused days for the purpose of determining compliance with TAADRA.*
  4. The date of non-compliance should be the date that the infraction occurred, not the date that the non-compliance data is transmitted.
  5. If a student has multiple violations on the same date, submit only one *Certificate of Non-Compliance*. Check all boxes that apply on the one form.
  6. If a student comes to school "under the influence" of drugs or alcohol, but does not have the intoxicant in his possession (other than in his body) the student may be considered to be in possession of drugs or alcohol unless the local school district policy states otherwise.
  7. If a student is enrolled in both regular school and evening school, and is found in violation of one of the applicable offenses at evening school but not from the regular school, the *Certificate of Non-Compliance* must still be submitted.
  8. If a student attending summer school is found in violation of one of the applicable offenses, the *Certificate of Non-Compliance* must still be submitted. It does not matter that summer school might be voluntary or that the student pays tuition to attend.
  9. If a student withdraws from school and declares that he or she is going to transfer to another school, the school from which the student withdrew should verify this information. Normally, the sending school would be involved in a transfer within ten days, since by law the receiving school must request the student's records within ten days.
  10. A student who has been sent to a Youth Detention Center, and whose academic records have been requested by the YDC within ten days, should not have a *Certificate of Non-Compliance* submitted for reasons of attendance, since the student has not dropped out of school, but has transferred to another school.

11. The Technical College System of Georgia shall be responsible for submitting non-compliance data for students who withdraw from a public, private, or home school to pursue a general educational development (GED) diploma. The electronic form, the web application, is available only to authorized personnel at the local district for reporting non-compliance information to the Department of Education, which is then passed to the Department of Driver Services
11. The suspension of a student's driver's license or learner's permit shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday, whichever comes first; or (effective January 1, 2009) if the suspension was imposed pursuant to the student dropping out of school without graduating and remaining out of school for ten consecutive school days, upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma\*, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school. O.C.G.A. § 40-5-22

## **VI. Certificate of Eligibility for Restoration of Driving Privileges**

1. The *Certificate of Eligibility for Restoration of Driving Privileges* (DS-3) form must be completed if non-compliance data is submitted in error or if the student is eligible to have his/her license reinstated. This certificate should be completed by a school official and notarized.
2. The student is responsible for mailing or delivering the *Certificate of Eligibility for Restoration of Driving Privileges* to the Department of Driver Services to reinstate his or her learner's permit or driver's license. Once the reinstatement has occurred, the Department of Driver Services will send a letter of reinstatement back to the student.
3. The *Certificate of Eligibility for Restoration of Driving Privileges* may be found on the GaDOE website at: <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/TAADRA.aspx>.
4. Students who are pursuing a GED may have their license reinstated by the Technical College System of Georgia.

## **VII. Petition for Hardship Exemption**

The *Petition for Hardship Exemption* form was created for students who have had their driver's license or learner's permit suspended. A student's driver's license or learner's permit may be reinstated by the DDS when there is clear and convincing evidence that the suspension creates an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the suspension acts as a detriment to the health or welfare of the minor. Students may complete the Petition for Hardship Exemption and mail it to the address listed on

the form. The DDS will determine whether to reinstate a student's driver's license.

The Petition for Hardship Exemption may be found on the GaDOE website at: <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/TAADRA.aspx>.

## **VIII. Liability**

If the local school district inadvertently fails to submit a *Certificate of Non-Compliance* for a student and that student is involved in an accident, the question of whether or not the school official is liable has yet to be tested in court. It is important for schools and local school districts to have policies and procedures in place, and it is important for personnel to be trained in these policies and procedures. A school should do everything it can to avoid inadvertent non-compliance of this law.

## **IX. Roles and Responsibilities of Agencies**

1. The GaDOE will provide technical support to the local districts relating to questions or problems with the non-compliance web application. Please contact Information Technology Customer Support by email at [dticket@doe.k12.ga.us](mailto:dticket@doe.k12.ga.us), or by telephone at 1-800-869-1011 for technical assistance with the web application.
2. The GaDOE is responsible for maintaining user login names and passwords. Please contact Information Technology Customer Support by email at [dticket@doe.k12.ga.us](mailto:dticket@doe.k12.ga.us), or by telephone at 1-800-869-1011 to request a login ID and password for access to the non-compliance web application.
3. The Georgia Department of Education is responsible for monitoring TAADRA compliance for students enrolled in home study programs.
4. The GADOE will work with the DDS to insure that student non-compliance data sent from the GaDOE is received by the DDS on a daily basis.
5. The DDS is responsible for suspending and reinstating the drivers' licenses and permits of non-compliant students.
6. The DDS is responsible for contacting the TAADRA District Coordinator, if necessary, to resolve questions concerning the non-compliance data that has been transmitted.
7. The TAADRA law (O.C.G.A. § 40-5-22) states: "The State Board of Education and the Board of Public Safety are authorized to promulgate rules and regulations to implement the provisions of this subsection."

8. The Technical College System of Georgia shall be responsible for submitting non-compliance data for students who withdraw from a public, private, or home school to pursue a general educational development (GED) diploma.

## **IX. Additional Information**

- To request a username and password to enter noncompliance data on the electronic Web application, please contact Information Technology Customer Support by email at [dticket@doe.k12.ga.us](mailto:dticket@doe.k12.ga.us), or by telephone at 1-800-869-1011. To receive a login ID and password, you must provide the following information:
  - ✓ Full name of person requesting username and password
  - ✓ School district name and ID #
  - ✓ Official title of person requesting username and password
  - ✓ Mailing address
  - ✓ Phone number
  - ✓ Fax number
  - ✓ Email address
  
- If you are having technical problems with the electronic web application please contact Information Technology Customer Support by email at [dticket@doe.k12.ga.us](mailto:dticket@doe.k12.ga.us), or by telephone at 1-800-869-1011.
  
- For general questions about the TAADRA law, please contact the GaDOE by phone at (404) 463-7891, (404) 656-2800 or 1(800) 311-3627. You may also contact GaDOE by email at [jhodges@doe.k12.ga.us](mailto:jhodges@doe.k12.ga.us) or [askdoe@doe.k12.ga.us](mailto:askdoe@doe.k12.ga.us).
  
- For questions pertaining to hardship exemptions, license reinstatements, or revoked/suspended licenses, contact the DDS by telephone at (678) 413-8400, (678) 413-8500 or (678) 413-8600.