

LOSS OF DRIVING PRIVILEGES FOR ABSENCE WITHOUT LEGITIMATE EXCUSE

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

1. The Superintendent will notify, in writing, the student and his 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 temporary instruction permit or driver's license will be suspended or the opportunity to obtain such permit or license will be denied. Such notification will also state that the student and his 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 appearance which must be no earlier than three (3) nor later than five (5) days after the notification is given. An extension may be granted by the Superintendent upon the request of the student, his parent, guardian or custodian. The Superintendent must then notify the student, and his parent, guardian or custodian of the hearing time, place and date.
3. At the hearing before the Superintendent or his designee, the student will have an opportunity to present evidence that he/she has not been habitually absent from school 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) receipt of an age and schooling certificate in accordance with O.R.C. §3331.01, 3) a bodily or mental condition that prohibits attendance under O.R.C. §3321.04; or 4) participation in a home instruction program under O.R.C. §3321.04.
4. If the student and his/her parent, guardian or custodian do not appear before the Superintendent or designee, or if the Superintendent or designee determines that the information received indicating that, during any semester or term, the student had been absent without legitimate excuse from the school the student was supposed to attend for more than ten (10) consecutive school days or at least fifteen (15) total school days, the Superintendent must notify the registrar of motor vehicles and the juvenile court judge of the county that the student has been absent for that period of time and that the student does not have any legitimate excuse for the absence. Such notification must be given to the registrar and the juvenile court judge within two weeks of the receipt of the information regarding habitual absences, or if the student and the student's parent, guardian, or custodian appear before the Superintendent or designee to challenge the information, within two weeks after the appearance.

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

5. In accordance with Ohio law, a student whose driving privileges have been denied or suspended can file a petition with the juvenile court in the jurisdiction in which he resides.

LEGAL REFS: O.R.C. §3321.13

Adopted: August 12, 2014