

Teenage and Adult Driver Responsibility Act Implementation Guidelines

Georgia Department of Motor Vehicle Safety and Georgia Department of Education

Section a.1 Georgia Code Section 40-5-22, Georgia's Teen-age 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 driver's permit or 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 (DOE) was cited with the responsibility of collecting the non-compliance student data from the local school districts. DOE has worked with the Department of Driver Services (DDS), formerly the Department of Motor Vehicle Safety (DMVS), to provide a Web application as the means for local school districts to report non-compliant student data.

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

I. 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 and in home schools in its district satisfy the attendance requirements in B. (1) and (2) above. They will do this by using the *Certificate of Attendance* form. The local school district will be responsible for making this 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 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 Department of Driver Services through a process developed jointly with the Department of Education. The local school district must report this information from the public schools in its district, from private schools attended by students who reside in the public school district, and from home schools in the public school district. *The Department of Technical and Adult Education 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 subparagraph, the term "weapon" shall be defined in accordance with 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, from private schools, and from home schools to the Department of Education (DOE). 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 DOE Office of Technology Services the information received from all of the school districts will be automatically consolidated nightly.
- G. The consolidated file will be sent to the Georgia Department of Administrative Services (DOAS) nightly. None of the information submitted to DOE will be retained at DOE. DOE serves as the transmission agent only.
- H. DOAS will make the consolidated information available to the Department of Driver Services (DDS). 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.
- I. Upon receiving the *Certificate of Non-Compliance*, the minor may request in writing a hearing within ten business days from the date of receipt. Within 30 days after receiving a written request for a hearing the Department of Driver Services (DDS) shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procurement Act.' DDS shall sustain its order of suspension or rescind such order. 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. 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.
- 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.
O.C.G.A. § 40-5-22 (a.1)

II. Implementation Guidelines

A. Local School District Coordinator

The Superintendent of each local school district should appoint one or more persons to serve as the Teenage and Adult Driver Responsibility Act (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, home schools, and any private schools in Georgia that have students enrolled who reside in the local school district.
2. Design and implement local school district guidelines and procedures for completing, notarizing, and distributing the *Certificate of Attendance* to public, private, and home school students.
3. Design and implement local school district guidelines for reporting non-compliance information. Private and home schools must be informed of the procedures that the local district wants them to follow. The *Certificate of Non-Compliance* may be copied and used to report information from the schools to the district office.
4. Collect non-compliance information from the public, private, and home schools for which the district is responsible, and submit this information to the Department of Education (DOE) whenever the information will impact the student's eligibility to possess a learner's permit or driver's license using the electronic *Certificate of Non-Compliance* web application.
5. Devise a system to keep non-compliance information, in paper format, on file until the student is 18 years old.
6. 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.
7. Serve as the liaison between the local schools and the Department of Education with regard to all policy questions regarding the Teenage and Adult Driver Responsibility Act.
8. The local school district is responsible for entering the name and contact information of the TAADRA Coordinator into the Department of Education's contact database.

B. 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 DOE website at: https://gadata.doe.k12.ga.us/TAADRA/taadra_docs.cfm.

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 some time 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. 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 absence. 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.
7. The local school district is responsible for completing the *Certificate of Attendance* for home school students. The local school district should do this only for home school students where the home school satisfies all of the legal requirements governing home schools.

8. 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 school year (late May or early June).
9. 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.
10. 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.
11. It is required that students obtain a *Certificate of Attendance* when receiving a driver's instruction permit, and obtain another *Certificate of Attendance* when receiving a driver's license.
12. The *Certificate of Attendance* must be completed upon student request granted that the student completes his or her one-year suspension.

C. 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, private, or home 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 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 is 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 home school official does not turn in a monthly attendance report for a home school student as required by law, the *Certificate of Non-Compliance* should be submitted. Home school officials may also submit a *Certificate of Non-Compliance* by completing the paper form and submitting it to the local school superintendent.
10. 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.
11. 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
12. The Department of Technical and Adult Education 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.

D. Certificate of Re-Enrollment/Reinstatement

1. The *Certificate of Re-Enrollment/Reinstatement* must be completed if non-compliance data is submitted in error. This certificate should be completed by a

school official and notarized. The box “Non-Compliance submitted in error” should be checked.

2. The student is responsible for mailing or delivering the *Certificate of Re-enrollment/Reinstatement* to the Department of Driver Services at one of the ten regional instatement centers (located in Albany, Atlanta, Augusta, Columbus, Dalton, Dublin, Gainesville, Macon, Savannah, and Waycross). Once the reinstatement has occurred, the Department of Driver Services will send a letter of reinstatement back to the student.
3. The *Certificate of Re-enrollment/Reinstatement* may be found on the DOE website at: https://gadata.doe.k12.ga.us/TAADRA/taadra_docs.cfm.
4. The *Certificate of Attendance* must be completed upon student request granted that the student completes his or her one-year suspension.
5. Students who are enrolled in a G.E.D. preparation course may have their license reinstated by submitting a *Petition for Hardship Exemption* to the Department of Driver Services along with proof of enrollment. The *Petition for Hardship Exemption* may be found on the DOE website at https://gadata.doe.k12.ga.us/TAADRA/taadra_docs.cfm

E. Miscellaneous

1. According to the laws that govern home schools, a home school has 30 days to notify the school district of its existence.
2. 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.
3. It shall be the responsibility of the parent or 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.

F. Roles and Responsibilities of Agencies

1. The Department of Education 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*, or by telephone at 1-800-869-1011 for technical assistance with the web application.
2. The Department of Education is responsible for maintaining user login names and passwords. Please contact Information Technology Customer Support by email at *dticket@doe.k12.ga.us*, or by telephone at 1-800-869-1011 to request a login ID and password.
3. The Department of Education will work with the Department of Driver Services to insure that student non-compliance data sent from DOE is received by the Department of Driver Services.
4. The Department of Driver Services is responsible for suspending and reinstating the drivers' licenses and permits of non-compliant students.
5. The Department of Driver Services is responsible for contacting the TAADRA District Coordinator, if necessary, to resolve questions concerning the non-compliance data that has been transmitted.
6. The original TAADRA law (Georgia Official Code 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."
7. The Department of Technical and Adult Education 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.

Please contact Information Technology Customer Support by email at *dticket@doe.k12.ga.us*, or by telephone at 1-800-869-1011 to request a login ID and password. For questions about the TAADRA law, please contact Ask DOE at 404-656-2800 or 800-311-3627. The Department of Driver Services may be reached by telephone at 678-413-8400 or 1 (866) 754-3687 outside the Metro Atlanta Area.