

No Pass/No Drive Explanation

Overview

The *No Pass/No Drive* statute, [KRS 159.051](#) involves every public and private school (including home schools) in Kentucky. Any fifteen (15), sixteen (16) or seventeen (17) year old student applying for the first time for a Learners Instruction Permit will be required to have a School Compliance Verification: KRS 159.051 Form, issued and completed by the school. This form verifies that the student is compliant with the components of the statute. If the student is not compliant, the form should not be issued. *The form requires the stamp from an embossed seal (with raised characters) to be accepted by local court clerks.*

Special Circumstances

- Home school parents may request the verification form from a district/school, but the public school/district should not fill it out – it is the home school’s responsibility to verify their students, not the public school.
- Adult GED - students who have dropped out and enrolled in an Adult GED program are considered “non-compliant” until they complete the GED program and can show proof of receiving their GED.
- Non-public school students must also show proof of “completion/graduation” of the school program to be eligible for the verification form.
- High School Graduates or students who are 18 (eighteen) years old are exempt.

What is No Pass/No Drive?

The "No Pass/No Drive" statute results in the denial of the school compliance verification form or the revocation of a student's driver's license for (1) academic deficiency (2) dropping out of school (3) missing 9 or more unexcused absences in one semester. Academic deficiency is defined as a student who does not have passing grades in at least four (4) courses, or the equivalent (see chart 1) the preceding semester. (2) A fifteen (15), sixteen (16) or seventeen (17) year old student is deemed to have dropped out of school when he/she has voluntarily withdrawn or (3) has nine or more unexcused absences in the preceding semester. Any absences due to suspension shall be unexcused absences.

The law specifies that a student "shall" pass four (4) courses (or the equivalent) per semester; 4/6 = 66%). Reports of noncompliance based on academic deficiency will be made via the web portal beginning using grades from the previous semester.

Courses Per Semester or Trimester	Number of Courses Student Would Need to Pass to be Compliant
4	3
5	4
6	4
7	5
8	6

Since the reporting requirement specifies “the preceding semester”, districts are not required to report students until the end of that semester, but it can be done before that if the district decides to do so. Absences do not accumulate into the next semester, but the student must be “compliant for an entire semester” to be considered for reinstatement. So, if this happened in the fall semester, they would be deemed noncompliant for the entire spring semester. If they do not have nine (9) unexcused absences in the spring semester, they should be reported as compliant after the end of the spring semester.

Since some schools are currently using a trimester system, the Kentucky Department of Education (KDE) is recommending that a student would need to pass more than 66% of his or her classes to be compliant and miss no more than 6 days per trimester.

Within ten (10) days of receiving notification of academic deficiency or dropping out due to unexcused absences at the end of a semester, a district shall report the student’s name and social security number to the Transportation Cabinet through the web portal. This has been interpreted to mean 10 days after the grades and absences are posted, not 10 days after the actual ending day of the semester. Additionally, if a fifteen (15), sixteen (16) or seventeen (17) year old driver drops out of school, a report of noncompliance should be made via the web portal within 10 days of the withdrawal date.

KDE collaborated with the Kentucky Transportation Cabinet to create a secure web portal to allow for electronic communication between schools and the Division of Driver Licensing by registered, authorized users. One person from each district has been selected by the Superintendent as the District Contact, with the ability to access information for each school in a district. Additionally, each school containing at least one grade from the 7-12 grade range can have up to three (3) Authorized Users with access to the school's information. A registration process will register these individuals on the web portal and allow direct exchange of information between schools and DOT.

To register as an authorized user, visit the Kentucky.gov New User Registration [website](#). To report students as non-compliant or compliant, authorized users should access the No Pass/No Drive Reporting [website](#).

No Pass/No Drive Frequently Asked Questions

What is KRS 159.051? The No Pass/No Drive law ([KRS 159.051](#)) affects all public and non-public schools in Kentucky, applies to 15 to 17-year-olds, and uses attendance and grades from the previous semester of the school year to determine non-compliance for students.

Does the law apply when a student turns 18 or graduates, and how does the student get their driver's license reinstated? No, it doesn't apply if a student turns 18 or graduates (at any age), and it will be the student's responsibility to go to the circuit court clerk's office to begin the process of having their driver's license reinstated (by showing proof of age).

What makes a student academically non-compliant? The No Pass/No Drive law defines Academic Deficiency as a "student who does not have passing grades in at least four (4) courses, or the equivalent of four courses, in the preceding semester."

What is equivalent to 4 courses? KDE recommends that students need to pass 66% of their courses (per semester) to be compliant with No Pass/No Drive.

What is "dropping out"? If a 15 to 17-year-old student officially drops out of school (voluntarily withdraws), the school or district should immediately contact the Division of Driver Licensing (via the web portal), not waiting until the end of the semester.

What are "excessive absences"? A student with nine or more unexcused absences in a single semester (including absences due to out-of-school suspensions) is considered non-compliant.

When should the school report a student for excessive absences? This report can be made at the end of the semester, or earlier (per district choice). Some school districts use different configurations for semesters (i.e. trimesters) other than the standard one semester for fall and spring.

What happens after a student is reported as noncompliant? The Transportation Cabinet will notify the students by mail, as soon as possible, that their driver's license has been revoked and inform the student of the option of right of hearing before the District Court where the court can reinstate a license due to hardship factors.

How do students become compliant (after being reported noncompliant)? KDE recommends that the student be in compliance (good standing) for grades and attendance for a full semester before regaining driving privileges. Then they are reported compliant by the school on the web portal.

What if the student goes to summer school? A student may also reapply for his driver's license at the end of a summer school semester, which results in the student having passed at least four (4) courses or the equivalent during the successive spring and summer semesters.

How do new drivers apply for their driver's permit? They must obtain a completed "School Compliance Verification: KRS 159.051" form from their school, verifying their compliance to the law. They take this completed form to the courthouse in their district of residence to apply for their permit.

What do non-public schools do? Private schools interact directly with the Department of Transportation and are granted access to the web portal. These schools operate on different schedules and standards than public schools and need only provide proof of their completion/graduation from the school to the court clerk to apply for a driver's permit.

What do homeschools do? Homeschools must obtain the required form from the public school district office or a school where the student resides.

What if a student earns a GED? Students with completed GED's need only provide proof of this completion to the court clerk to apply for a driver's permit (no form is needed). Students studying for a GED must wait until they pass the test to be eligible to apply for a permit/license.

What about job training programs (Job Corp, etc.)? Students in these programs must obtain the required form from the public school district office where the program is located, and the job training center then completes the form for the student.

What if a student attends an out-of-state school? They must get the School Compliance Verification Form from the school district where they officially reside and then take it to the out-of-state school representative to be signed (public, private, or international). It then goes to the court clerk in the county of residence to apply for the permit or license.

What if a student has dropped out and attends an online school? The DOT does not accept diplomas from all these programs because many of them are not accredited by the U.S. Department of Education.

Do students have to pay a fee to have their driver's license reinstated? No, a fee will not be required, unless the license has been suspended for one or more years, then the student will have to take the written and eye exam again.

What happens to the time lost in the graduated licensing process, while a learner's permit is revoked? A student loses just the time the permit was revoked and starts again where it was. They do not have to start the graduated licensing process again from the beginning.

When an out-of-state student transfers into a Kentucky school, do grades and absences from other states apply? No, the law is not reciprocal and applies only after the student enrolls in a KY school.

Why would a school district report a home-schooled student compliant? This would be done for formerly enrolled public-school students, who withdrew to be home-schooled. The district is only reporting them to make them compliant again, because home schools do not have web portal access.

What if a *record not found* message is obtained when reporting a student?

Then one of three things has occurred: The school has entered incorrect student information (nicknames, incorrect social security number); the student received their driver's permit or license prior to August 1, 2007 (No Pass/No Drive does not apply to these students); or the student has not yet applied for a driver's permit or license and the Division of Driver Licensing has no data on the student.

What happens after a student is reported on the web portal? The Transportation Cabinet automatically generates an official letter to the parents of the student within 10 days. A school letter may be sent if desired.

If a student withdraws from a school and waits two weeks to enroll in a different school, are those 10 school days considered unexcused absences? No. A student must be officially enrolled in a school before absences (excused or unexcused) begin to accrue.