



**House
Legislative
Analysis
Section**

Manufacturer's Bank Building, 12th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

NO SCHOOL, NO WHEELS: LOCAL OPTION

House Bill 4183 (Substitute H-4)

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Sponsor: Rep. Michael E. Nye

House Bill 4184 (Substitute H-3)

NOV 22 1989

Sponsor: Rep. Gerald H. Law

House Bill 4234 (Substitute H-4)

Mich. State Law Library

Sponsor: Rep. Philip E. Hoffman

First Analysis (10-2-89) Floor Copy Committee:

Education

THE APPARENT PROBLEM:

Efforts to improve the nation's educational system at the secondary level have focused on various areas, including improving teacher qualifications, increasing community support of schools, and lowering dropout rates. Today's schools face many challenges, but keeping children in school until graduation may be their biggest task. Recent national statistics indicate more than one of every four students currently enrolled will not graduate from high school. In Michigan, the statistics may be even worse: according to a federal government report issued last spring, the state's dropout rate stands at 38 percent, ranking Michigan nearly last in dropout rates among the states. Although state education officials contend the actual figure is considerably lower, most still feel the state high school dropout rate is too high. While many people understand the economic benefits to owning a high school diploma, a large number of students fail to perceive the value of staying in school. Some feel the state should provide a stronger incentive for students to stay in school by making a student's ability to be licensed to drive a motor vehicle contingent on staying in school.

THE CONTENT OF THE BILL:

In general, the bills would provide that, at the option of a school board, a person under 18 who failed to meet school attendance policies could be refused a license to drive, or could have his or her license revoked, unless a hardship existed and could be proven. If a school board elected to adopt a "no school, no license" policy, the superintendent of a secondary school would have to notify the secretary of state of a student's extended absence or complete withdrawal from school. Upon receipt and verification of the notice, the secretary of state would try to contact the absent, suspended, or expelled individual, and would suspend the license of, or refuse to issue a license to, such an individual — except in hardship cases — until certain conditions were met.

(Generally speaking, 16-18 year olds can only be issued a driver's license now if they have satisfactorily completed a driver education course and examination. In exceptional circumstances, special restricted licenses are available to 14-16 year olds.)

The bills are tie-barred to each other, would take effect one year after they were enacted, and be repealed four years after their effective dates.

House Bill 4234 would amend the School Code (MCL 380.1563) to require a high school superintendent, at the school board's discretion, to send written notice by registered mail to the secretary of state if a) a sixteen- or seventeen-year-old had withdrawn, or was absent, from

school without excuse for more than 10 consecutive days, or was suspended or expelled from school for more than 30 consecutive days and b) the school board had directed the superintendent to notify the secretary of state of the violations. The notice would be sent within seven days after the absence on a form prescribed by the secretary of state.

Secretary of State Notification. The notice would identify the student and the school and would include the following information:

- a statement that the school board had directed the superintendent to notify the secretary of state of non-attendance violations;
- a statement that either a) the individual had withdrawn from school, b) the school board officially had adopted an attendance policy for that school, and that the individual was in violation of the attendance policy, or c) the individual had been expelled from school; and
- a statement that, to the best of the superintendent's (or a designee's) knowledge, the individual was not enrolled in and attending a secondary school, and had neither graduated from a secondary school nor passed the general educational development test.

A secondary school superintendent (or designee) could not send the notice if he or she knew any of the following were true:

- the school board had not directed the superintendent to notify the secretary of state of school attendance violations;
- the individual was not required to attend school pursuant to compulsory school attendance provisions in the School Code;
- the individual was enrolled in and attending a secondary school;
- the individual had graduated from a secondary school or passed the general educational development test;
- the individual was temporarily excused from attending school; or
- the school board had not officially adopted an attendance policy for the school.

A person would not be liable for civil damages for an act or omission made in providing or attempting to provide written information to the secretary of state, unless he or she were grossly negligent or acted with willful and wanton misconduct in providing or trying to provide the information.

House Bill 4183 would amend the Michigan Vehicle Code (MCL 257.319b) to require the secretary of state's office, if notified by a secondary school superintendent that a person

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OVER

16-18 years old was not meeting the school's attendance policies, to suspend that person's driver's license, except when a hardship could be proven. The bill would allow the secretary of state to reinstate a person's suspended driver's license upon receipt of a notice that the person had reenrolled and intended to complete the requirements for a high school diploma.

Notification to Dropouts. The secretary of state would have to send written notice by registered mail to an individual who had been reported by a superintendent under the provisions of House Bill 4234. The notice would be sent within seven days after receipt of the superintendent's notice on a form prescribed by the secretary of state. The notice would contain general information about the student and the school as well as the following statements:

- that the secretary of state had received information from the school that the individual had either a) withdrawn from school, b) not complied with the school's attendance policies, or c) been expelled from school;
- that the secretary of state could not issue a driver's license to the individual, and would suspend the individual's license upon the expiration of 14 days after the notice's date;
- that the individual could petition the secretary of state to waive the suspension or denial if the suspension or denial would create undue hardship for the individual or his or her family; and
- that the individual could petition the circuit court to review the determination of suspension or denial.

Request for Hearing, Waiver. The secretary of state could not issue a driver's license to an individual, and would suspend an individual's license, if he or she failed to request a hearing within 14 days of the notice's date. The secretary of state could not deny or suspend an individual's driver's license if the individual properly petitioned for a waiver of the suspension or denial on a form prescribed by the secretary of state, and proved by clear and convincing documentary evidence that the suspension or denial would create undue hardship for the individual, or for his or her family. The secretary of state would not have to conduct a reexamination or hearing to determine if the waiver should be granted. An application for a waiver would be accompanied by a \$1 fee, which would be refunded if the waiver was granted.

The secretary of state could not deny a license to an individual if the superintendent (or a designee) of the school attended by that person stated in writing on the individual's driver education course certificate that the school board had not adopted a policy denying the issuance of licenses for non-attendance or expulsion.

Reinstatement of License. A driver's license would be reinstated by the secretary of state and issued to an individual whose license was denied if the individual was otherwise eligible for a driver's license and the following were true:

- the individual applied for a driver's license or petitioned the secretary of state to have it reinstated;
- the individual proved by clear and convincing documentary evidence that he or she was enrolled in high school and had complied with the school's attendance policy, and of every other school in which he or she was enrolled for the 60-day period immediately prior to the date of application or petition. The secretary of state would

accept as proof of this, a statement signed by the superintendent that this was true. A signed statement of attendance would be valid for 90 days after the statement was signed;

- the individual paid a \$1 fee to the secretary of state before the license was issued or reinstated.

If the secretary of state had denied a driver's license, the denial would have to be removed when the individual turned 18 years old. After a denial was removed, a driver's license would be issued if the individual was otherwise eligible for licensing and applied as required. A final determination made by the secretary of state could be reviewed by a circuit court.

DOE Report to Legislature. Three years after the bill's effective date, the Department of Education would file a written report with the secretary of the Senate and the clerk of the House of Representatives evaluating how effective refusing or denying driver's licenses to dropouts was in lowering dropout rates. The secretary of state would cooperate with the department in preparing the report.

House Bill 4184 would amend the Motor Vehicle Code (MCL 257.303 and 257.811) to prevent the secretary of state (after receiving notice from a secondary school superintendent at the school board's option) from issuing a driver's license to a person under the age of 18 unless the person proved he or she had a) a high school diploma or general education certificate, or b) a driver education course certificate of completion signed by the individual's school superintendent (or other designated school representative) which verified the person was complying with the school's attendance policies. Also, a person who failed to meet school attendance policies could not be issued a certificate of completion of a driver education course. A restricted license could be issued, however, to a person who failed to meet these requirements if the person in question proved to the secretary of state that a personal or family hardship existed that required the person to obtain an operator's or chauffeur's license for employment or medically related purposes. The bill would provide similar procedures to petition for a waiver, as well as other provisions, that would be provided under House Bill 4183.

FISCAL IMPLICATIONS:

According to the Department of State, the bill's fiscal impact to the department would depend on the number of schools that chose to adopt the bills' provisions, and the dropout or non-attendance rates in those schools. If schools adopted the provisions and the dropout rate remained the same, the bill would increase costs to the department since the \$1 waiver fee (in House Bills 4183 and 4184) would not adequately cover its administrative costs when a license suspension or denial was waived. (9-26-89)

ARGUMENTS:

For:

High school dropout rates have reached serious levels in the state, almost 40 percent according to one federal government report, and need to be reduced to protect the state's future economic, educational, and cultural climate. The bills would give teenage students who fail to see the long-term social and economic consequences of leaving school early an immediate incentive to stay in school, by denying driving privileges to dropouts. Similar laws exist in other states — most notably in West Virginia, where the number of dropouts declined from a ten-year average of

5,000 to about 3,400 a year after the law was instituted. However, under House Bill 4234, high schools would not be required to institute "no school, no license" policies for their students. Rather, each separate school board would determine whether such a policy could lower the dropout rate in their own school, and could opt to adopt the bill's provisions. In addition, a license would still have to be issued, or could not be suspended, if an individual proved that not having a license would cause an undue hardship to the individual or his or her family.

Against:

The bills represent nothing more than a quick-fix for dropout problems plaguing the state's schools. Particularly in metropolitan areas, where people have access to public transportation, the bills would probably be ineffective in addressing the dropout problem. Students drop out of school for a number of different reasons: boredom, money, problems at home, drugs, pregnancy, and the like. Schools, and the society in which they operate, need to address these problems with programs designed to counsel problem students and their families. Punishing dropouts by taking away driving privileges would only exacerbate the problem. In fact, many students, faced with the choice of attending school or not having a license to drive, could very well decide to drive illegally. Alternatively, students forced to stay in school or forgo driving privileges may grudgingly return to school only to disrupt those with an ardent desire to stay and learn.

Response: While the bills may not be a cure for the dropout problem, they could slow the high school dropout rate. School officials in areas with high dropout rates could use "no school, no license" policies to deter students from making rash decisions to drop out, and thereby give various school support systems, such as student and parental counseling groups, more time to work out students' problems with them. Too often, students decide to drop out when the immediate pressures of their lives seem too overwhelming. The bills would emphasize the long-term negative impact of premature withdrawal from school by providing an immediate disincentive to truants.

Against:

The state currently allows an individual to leave school at age 16, while the bills would penalize a student for doing so. If the state wants students to stay in school until age 18, it should raise the legal school-leaving age. In addition, the bills threaten to undo the vehicle code's uniform standard of determining who should drive and who shouldn't, by directing the secretary of state to base this decision, of all things, on where a person lives.

Against:

Some people see access to a driver's license as a basic right that should not be denied to anyone except on the basis of driving competence. From this viewpoint, the bill is an unconstitutional threat to the economic livelihood of an individual who chooses to leave school early. Although getting an education is an important step in achieving economic independence, especially in today's working world, some people simply have no desire (or perhaps lack the ability) to graduate from high school. Some dropouts become economic and personal successes without further education, and some people return to school later in life and become successful students. The bill not only would discriminate against those who are legally within their right

to leave school at age 16 but would punish dropouts of a school that chose to adopt a "no school, no license" policy, while dropouts of a nearby school whose board did not adopt such a policy would still be licensed to drive. This makes it doubly unfair.

Against:

It is not clear if the bills apply to private schools as well as public schools since the authority to implement the bills would be given to "the superintendent of a secondary school" and "the school board." This could remove the decision entirely from the democratic process since private school boards may be appointed by one individual (for instance, by a church pastor). Further, some people might see the bills' lack of delineation between public and private schools as a covert attempt at state control of private education (for example, if a private superintendent is to act at the direction of a public school board).

POSITIONS:

The Michigan Association of School Boards supports the bills. (9-26-89)

The Michigan Association of Secondary School Principals supports the bills. (9-26-89)

The Department of State has no position on the bills. (9-26-89)

The Department of Education has not yet taken a position on the bills. (9-26-89)

The Michigan Association of School Administrators has not yet taken a position on the bills. (9-26-89)

The Michigan Education Association has no position on the bills, but feels the mandatory minimum age for leaving school should be raised from 16 to 18 years old. (9-27-89)