PROCEDURES FOR COMPLIANCE WITH IDAHO CODE 49-303A
FOR ALL DISTRICT SCHOOLS, PRIVATE SCHOOLS AND ITD

With the implementation of §49-303A Idaho Code, the driver license and/or privileges of minors under the age of 18 years may be suspended if he/she drops out of school. The minor may be reinstated at any time after he/she is once again in compliance and has paid the required reinstatement fee. The Idaho Transportation Department and the State Board of Education have set forth the following guidelines and forms to simplify the process for all concerned.

All correspondence from public or private schools shall be on the appropriate letterhead and form, contain the school district’s numerical code, date, school stamp or seal, be signed by the principal or his/her designee, include their title and be legible.

A student applying for a driver’s license, instruction permit or driver training permit must provide written verification from his/her school district, private school or home school provider, to the issuing Driver License Office in the county in which he/she is applying. To verify that the student applying meets the district/private school’s 90% attendance requirements or has received a waiver use ITD FORM FTAS-1. Written verification may be obtained from the student’s school.

In the event that a student fails to meet the enrollment and attendance requirement(s) of the policy; the public school principal, the principal’s designee or the designee of a governing body of a private school is to provide written notification to the student and his/her parent(s), guardian or custodian of the school districts intent to request that ITD suspend the student’s driving privileges (whether the student is licensed or not) based upon the student’s failure to comply with enrollment or attendance requirements. You do not need to send a copy of the Intent to Suspend (FORM FTAS-2) to ITD. The Letter of Intent to Suspend should be on file in your office in the event a hearing request is received.

When ITD suspends the driving privileges; it suspends the driver’s license and/ or privilege of applying for or obtaining a license, instruction permit or driver’s training permit.

The student, parent, guardian or custodian shall have 15 calendar days from the date of receipt of the Notice of Intent to Suspend to request a hearing before the public school principal, the principal’s designee, or the designee of the governing body of a private school for the purpose of reviewing the pending suspension of driving privileges. The
hearing is to be conducted within 30 days after the appropriate school body receives the request.

The public school principal or designee or the designee of the governing body of a private school shall waive the requirements of §49-303A (1) Idaho Code for any minor under its jurisdiction for whom a personal or family hardship requires that a minor have a driver’s license for his/her own or his/her family’s employment or medical care. The principal, designee or the designee of a private school shall take into account the recommendations of teacher, school officials, guidance counselors or academic advisors prior to granting a waiver per the requirements of §49-303A (1) Idaho Code. The hardship waiver must be requested, if desired by the minor, parent, guardian or custodian at the initial hearing. If the public school principal, designee or designee of the governing body of a private school grants a hardship waiver, use FORM FTAS-1, to verify compliance with §49-303A Idaho Code. This form would need to be presented to the issuing Driver License Office at the time of application.

Any student denied a hardship waiver by a public or private school can appeal the decision to the board of trustees of the school district or the governing body of the private school.

The public or private school will notify the ITD of all students not in compliance with enrollment and attendance requirements with §49-303A Idaho Code. Use the Notice to Suspend for Noncompliance (FORM FTAS-3). It is required that all school information (including school district number) is provided along with the student’s full name (no nicknames), date of birth, address, and driver license, if known.

Upon receipt of the Notice to Suspend for Noncompliance the ITD will send by first class mail a Notice of Suspension to the student. The notice will state the effective date of suspension and that the suspension will remain in effect until the student complies with enrollment/attendance requirements or until the student reaches age 18. The effective date of suspension starts 10 to 14 days after the notice is issued.

When the student is again in compliance with §49-303A Idaho Code, a Verification of Compliance (FORM FTAS-1) will be sent by the school to ITD which may lead to reinstatement of the driving privileges. A copy should also be sent to the student. Once again, all of the student’s identity information should be included on the form. The reinstatement fee of $25.00 will also need to be paid, if the suspension was in effect, to ITD in order to be fully reinstated. Upon meeting all reinstatement requirements the suspension will be reinstated and a notice of reinstatement will be sent to the student.
HOME SCHOOLING

Home-schooled students will need to have FORM ITD-3856, which is available at the issuing Driver License Office and ITD. The school will not need to sign any form for the home-schooled students. The parent, guardian or custodian must complete the form attesting to the schooling of the student. As the parent, guardian or custodian they are the governing body of the home school similar to a private school. It is their responsibility to notify the Idaho Transportation Department if their student fails to comply with §49-303A Idaho Code.

RELIGIOUS EXEMPTION

Religious exemption from mandatory school attendance by members of various faiths is support by recent US Supreme Court decisions. The First Amendment of the United States Constitution supports this right. The Idaho Transportation Department will still require verification from the school district stating that the student is not enrolled in school and that he/she is not in compliance with the school district’s attendance policy. The parent, guardian or custodian should provide some type of documentation as to the student’s faith as well as attest to that fact for the public or private school and for ITD’s records. ITD FORM FTAS-6 is provided for your use. The school as well as the parent, guardian or custodian of the minor will sign this form. The parent, guardian or custodian attests to the religious exemption.

All students need to be reminded that if they drive while suspended and are stopped by law enforcement, they can be cited for driving without privileges (DWP), §18-8001 Idaho Code. This is a misdemeanor and can result in fines and a court suspension of up to 6 months of their driving privileges.

On the pages to follow are copies of the forms necessary to accomplish notification, to suspend, verify compliance and so forth. We realize not all of these forms are for your use however; they may assist the parent, guardian, custodian or student in applying for or reinstating a suspended driver’s license. There have been changes in the format as well as the information required on these forms. It will be necessary to recreate the required forms onto your school’s letterhead in order to comply with Idaho Code