

Approved May 1, 1990
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 a.~~xx~~m/p.m. on Wednesday, February 28, 1990 in room 123-S of the Capitol.

All members were present except:

Senator Karr, excused

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Revisor of Statutes
Mr. Dale Dennis, Assistant Commissioner of Education
Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

SB 659 - School districts, expenditures for purchases occasioned by loss covered (Education)

Proponents:

Ms. Kathryn Dysart, Supervisor, Intergovernmental Affairs, USD 259, Wichita Public Schools

SB 343 - Driving privileges conditional on school attendance (Education)

Proponents:

Representative Janis Lee

Mr. Norman Reynolds, Director of Education Services, Kansas Association of School Boards; also representing United School Administrators of Kansas

Representative Donna L. Whiteman, sponsor of HB 2343 (written testimony only)

After calling the meeting to order, Chairman Joseph C. Harder called upon Ms. Kathryn Dysart, representing USD 259, Wichita, a proponent of SB 659. Ms. Dysart informed the Committee that she is testifying, also, on behalf of other school organizations which are listed at the beginning of her testimony found in Attachment 1.

Ms. Dysart explained that SB 659 will allow a change in the present bidding procedure when a school district should sustain an insured property loss in excess of \$10,000. The bill would allow school districts, through agreement with the insurance company, to be able to act immediately to initiate cleanup or repair work following the disaster. She related that utilization of the present bidding process is very time consuming and causes unnecessary delays in resumption of classwork caused by such perils. Ms. Dysart also recommended deletion of line 37 in the proposed legislation. She explained that all districts do not carry replacement cost insurance, and normally they would not sustain a full loss. She said that the cost for this provision in her district would raise insurance rates approximately twenty percent.

Mr. Chuck Stuart, United School Administrators, who was in attendance, confirmed his organization's support of SB 659. Mr. Stuart, former school superintendent, cited an instance whereby the provisions of the bill would have proven advantageous to his district.

Committee concern was expressed regarding the bid procedure when damage to expensive equipment is sustained.

The Chair requested the Committee to turn its attention to SB 343, relating to driving privileges being considered conditional on school attendance, and recognized Senator Janis Lee as the first proponent.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 123-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, February 28, 1990

Senator Lee explained that the original request for SB 343 was made by Mr. Lowell F. Hahn, an attorney at Phillipsburg, and referred Committee attention to copies of a letter (Attachment 2) which had been distributed on behalf of Mr. Hahn. She also referred attention to copies of a newspaper article which had appeared in a West Virginia newspaper explaining the significant decrease in school dropouts since enactment of a similar law in that state. (Attachment 3) Basically, she explained, under provisions of the bill a driver's license would be revoked if he/she is a public school dropout and under the age of 18 years. She said that revocation due to unexcused absences is left to the discretion of the school principal.

Responding to a question, Senator Lee replied that exemptions such as those for religious reasons could be included in the bill. The purpose of the bill, she stated, is to encourage students to remain in school longer in order to obtain either a high school diploma or their G.E.D.

The Chair next recognized Mr. Norman Reynolds, Director of Education Services for the Kansas Association of School Boards. Mr. Reynolds stated that at the request of the United School Administrators of Kansas, he is representing them, also. Mr. Reynolds informed the Committee that he had testified in opposition to the bill when it was introduced in 1989 based on two major concerns: the administrative burden of reporting students and possible liability suits to a school district should a school inadvertently not report a student who is under the age of 18 and who, subsequently, should become involved in an accident during the student's absence. (Attachment 4)

Mr. Reynolds said liability presents the greatest concern to his organization but supports the bill contingent upon an amendment relieving the school district of liability responsibility should a reporting error occur. Mr. Reynolds agreed that the bill would provide an incentive for students to remain in school longer.

The Chair requested that Mr. Reynolds submit an amendment to address the liability threat to a school district, and Mr. Reynolds acknowledged the request.

Written testimony only (Attachment 5) was submitted on behalf of Representative Donna L. Whiteman, who was unable to attend today's meeting.

The Chair then requested the Committee to turn its attention to SB 659, which had been heard by the Committee today, and called for discussion and/or action.

Senator Anderson moved to amend SB 659 by inserting a period after the word "insurance" on line 36 and striking all of line 37. Senator Parrish seconded the motion, and the amendment was adopted.

Senator Allen moved that the Committee recommend SB 659, as amended, favorably for passage. Senator Anderson seconded the motion, and the motion carried.

Senator Allen moved that minutes of the meeting of February 15 be approved. Senator Frahm seconded the motion, and the minutes were approved.

The Chair adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Wednesday, Feb. 28, 1990

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Jennifer Lynn Priddy	517 E. 5 th Hugoton Ks 67951	
Dorlene Moore	RR1 Moscow Ks. 67952	
Barbara Bates	507 W. 10 th Hugoton Ks. 67951	
M. Hawver	Capital-Journal	
Nelen Stephens	P.V., Ks.	BU # 229
Yvonne Reynolds	Topeka	KASSB
Barbara Cole	Topeka	KNEA
Chuck Stewart	Topeka	USA
Sen Janis Lee		
Harold Pitts	Topeka	KETA
John Marshall	TOPEKA/HUTCHINSON	HARRIS NEWS
Barbara Joseph	TOPEKA	AP
Michele Brookshire	Lawrence	
Suzanne Dupont	Wichita	USD 259
John Kasper	Topeka	KASSB



*Legal, Intergovernmental and
Employment Relations*

February 28, 1990

JOINT TESTIMONY ON SB 659

Presented By:

Kansas Association of School Boards
Kansas National Education Association
United School Administrators Schools for Quality Education
Schools for Equal Education in Kansas (KEEP)
Unified School District 229, Blue Valley
Unified School District 501, Topeka
Unified School District 512, Shawnee Mission

In the event of a loss to district property from an insured peril it is important that the district be able to take immediate steps to protect the property from further loss and to do whatever clean-up is necessary to allow school to resume as soon as possible. For example, a fire in a school building may require the services of a contractor that specializes in clean-up activities and smoke removal. The contractor can be on site within a matter of hours and usually have the premises suitable for continuation of school activities within 24 hours. This has been the case in the Wichita district for arson fires at Jefferson Elementary and Southeast High School, and equipment fires at North High School and the Vocational Technical Center.

When this type of loss occurs and the total loss is estimated to exceed \$10,000, the district has two choices. The current bid regulation for expenditures in excess of \$10,000 may be followed. This, however, takes time and results in unnecessary delay in resuming normal school activities. An alternative would be to enter into an agreement with the insurance company, whereby the insurance company agrees to retain a contractor to do the clean-up, smoke removal, and other required reconstruction, remodeling and repairing. The insurance company must pay the contractor for the full amount billed, which includes the amount of the district's policy deductible.

Education
2/28/90

Attachment 1

This works well if the insurance company allows the school district to participate in the decision-making about the needed repairs, but leaves the district vulnerable to the insurance company's largess.

For cost saving purposes, most districts purchase property insurance on an actual cash value basis as opposed to a replacement cost basis. Therefore we recommend that line 37 be deleted from this proposed legislation. The purchase of replacement cost insurance would not alter the loss situations described above.

LAW OFFICES
HAHN AND HAHN
353 F STREET
PHILLIPSBURG, KANSAS 67661
913-543-2166

28 February 1990

Senate Education Committee
Senator Joe Harder, Chmn.
State Capitol Building
Topeka, KS

RE: Student Driver License Suspension Bill

Committee Members:

We strongly support the concept of a school attendance law which suspends the vehicle operating license of students under 18 who are school drop-outs.

The privilege to operate a motor vehicle is highly prized by all teenagers, as we know you are aware. During the 12 years I was Phillips County Attorney, we routinely followed the practice of recommending suspension of vehicle operator's licenses for juvenile court offenders. We certainly got their attention by this type of "penalty" provision! The practice has been continued by successor county attorneys, with similar good results.

We realize such an attendance law could place additional responsibilities on school officials. However, in our opinion, the results to be gained far outweigh the disadvantages.

We include a newspaper article describing the West Virginia Law after which our law could be patterned.

Sincerely yours,

HAHN AND HAHN

By 
Lowell F. Hahn

LFH/mlb
enclosure

Education
2/28/90
Attachment 2

West Virginia cuts school dropouts by pulling ex-pupils' driver's licenses

By The New York Times

CHARLESTON, W.Va. — The dropout rate in West Virginia high schools has been reduced almost a third by a new attendance law that lifts the driver's licenses of students who choose dropping out over education.

The law, enacted last year by the state Legislature, is an effort to solve what has been one of the most intractable problems of American education: the failure of one of every four high school students to make it to graduation.

For the past decade or so, about 5,000 students each year have dropped out of West Virginia high schools, thereby dooming themselves to a life of fewer economic and social rewards.

But with the 1988-89 school year nearing an end, only 3,400 students have dropped out.

School officials and students themselves credit the change to the new law.

"If you're a teen-ager, and you don't have wheels, you don't have anything," said Michelle Lee Fowler, 17, a senior who dropped out of Charleston's Stonewall Jackson High School but came back three months later when she was told she would lose her driver's permit.

"That got my attention," she said.

"I was just bored and didn't care about school. Now I'll graduate. Maybe I'll try to go to college."

Before the law was enacted, West Virginia required that young people be 16 to obtain a driver's license and remain in school until 16.

Many other states have similar laws.

Under the new law, a student can still drop out after reaching 16, but he then loses his driver's license and is not eligible for one again until reaching age 18.

Under West Virginia's definition, dropouts include any student who misses 10 consecutive days of school without a valid excuse like illness or economic hardship or anyone who has a total of 15 unexcused absences in a semester. Schools report the dropouts to the state licensing bureau.

Students have the right to appeal the loss of the driver's license, but the state has been very strict in granting exceptions to the law.

Students who claim economic hardship, for instance, are encouraged to take jobs after school hours.

West Virginia school officials boast that their law is the toughest and most successful school attendance statute in the country.

They say they have received inquiries about it from state school officials across the country voicing frustration that aggressive truancy officers, intense counseling and special classes have failed to lower dropout rates significantly.

"Nobody else has achieved what we have achieved, and it's all because of this law," said Therese M. Wilson, the state school official who oversees the enforcement.

"It's working like nothing else we've ever tried, and we expect our graduation rate to climb steadily from here on out.



Testimony on SB 343
before the
Senate Education Committee

by

Norman L. Reynolds, Director of Education Services
Kansas Association of School Boards

February 28, 1990

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the 302 member boards of education of the Kansas Association of School Boards and, at their request, United School Administrators (USA) with regards to SB 343.

During the 1989 legislative session, KASB opposed the substance of SB 343 for two major reasons. The first was the apparent administrative burden that would have been created with the required reporting to the Department of Motor Vehicles both the application of a student for a drivers license and also the withdrawal of a licensed student from school.

Secondly, KASB had, and still has, a concern about the possible liability placed upon school districts as a result of this bill. What happens if a school district inadvertently misses reporting a student who has a license, is under the age requirement, and who has withdrawn from school and is subsequently involved in an injury accident?

Should the committee consider and approve an amendment to SB 343 which would remove liability of school districts for not reporting a withdrawn student, we would have no objection to SB 343 being reported out of committee favorably.

We appreciate the time and attention of the committee. I would be happy to respond to any questions that members of the committee may have.

INA L. WHITEMAN
 MINORITY WHIP
 REPRESENTATIVE, 102ND DISTRICT
 RENO COUNTY
 P.O. BOX 1224
 401 W. FIRST
 HUTCHINSON, KANSAS 67504



TOPEKA

HOUSE OF
 REPRESENTATIVES
 February 28, 1990

COMMITTEE ASSIGNMENT
 MEMBER: JUDICIARY
 LABOR AND INDUSTRY
 JOINT COMMITTEE ON ADMINISTRATIVE
 RULES AND REGULATIONS
 CALENDAR AND PRINTING
 LEGISLATIVE, JUDICIAL AND
 CONGRESSIONAL APPORTIONMENT
 GOVERNOR'S ADVISORY COMMISSION
 ON JUVENILE OFFENDERS

TESTIMONY

SENATE EDUCATION COMMITTEE ON SENATE BILL 343

HIGH SCHOOL DROPOUTS ARE EVERYBODY'S PROBLEM

In 1987-88 during the 180 day school year, 5,105 Kansas students dropped out of school - an average of 28 students each day. If 28 students drop out of Kansas schools each day of the 1990-91 year, there is a tremendous loss of not only individual potential but a loss of economic potential that you and I will have to deal with in future years. The good news is a person with a high school diploma will earn about \$200,000 more in a lifetime than one who drops out of school. The bad news is that those who drop out of school become part of the \$40 million plus statistic which represents the money paid by SRS for supporting families.

When we talk about education the main focus has always been more dollars. The Governor has proposed a total budget of \$5.045 billion and 43% or \$2.199 billion has been spent for education.

In addition to dollars we must focus on creative solutions to the problem of high school dropouts. In 1987-88, 5,105 Kansas students dropped out of high school:

Ninth grade	753
Tenth grade	1,460
Eleventh grade	1,605
Twelfth grade	<u>1,287</u>
	5,105

If this figure is an average during the decade of the 1980's approximately 40,840 Kansas high school students have terminated their high school education careers. If this average continues, 51,050 students will drop out of high school in Kansas during the 1990's.

As state legislators we must assume a leadership role in creating a positive educational environment for Kansas students in the 1990's. We must not fool ourselves into believing that money alone will solve the problems. The state must join together with local school districts in a concerted effort to keep more students in school until graduation and to increase their basic academic skills while in school.

Education
 2/28/90
 Attachment 5

While many significant changes are needed to address the problems of school dropouts including:

1. Increased programming for early childhood education.
2. Home based programs.
3. Family involvement in schools including parents as teachers programs.
4. Alternative education programs.
5. Increased vocational opportunities.
6. Peer counseling programs.
7. Additional monetary grants to local districts who improve their "dropout rates".

Senate Bill 343 provides "a carrot" to encourage youth who are contemplating dropping out of school to remain in school and provides an incentive to those who have dropped out of school to get back into school.

Betty Castor, Florida Education Commissioner has stated:

I believe the driver's license bill provides the powerful ammunition we need to keep our kids in school. While the driver's license bill is the stick, the carrots are embodied in a number of initiatives that provide more care counseling, alternatives and parental involvement for students at risk of dropping out than ever before".

I encourage your careful consideration of Senate Bill 343. SB 343 is the incentive we need to encourage high school students to stay in school.

West Virginia has cut its dropout rate percent by denying driver's licenses to teen-agers who don't attend school

By Carol Chmelynski

American teen-agers look forward to that magic day when they can become eligible for a driver's license. Now, several state legislatures have turned that enthusiasm into an incentive to stay in school.

Teen-agers in West Virginia, Wisconsin, Florida and Texas can't get a driver's license unless they attend high school. Those states have enacted no pass/no drive laws in the hope of lowering the dropout rate. Virginia has enacted a less severe measure.

At least 22 other states have shown interest in the law.

Success claimed

West Virginia's no pass/no drive law, enacted in 1988, was the first in the nation. The statute requires the state Department of Motor Vehicles (DMV) to deny a driver's license to anyone under the age of 18 who fails to prove enrollment in or graduation from high school.

Anyone under 18 with a driver's license who drops out of school will have their license suspended.

Ten consecutive days of unexcused absence from school or a total of 15 unexcused absences in one semester also are grounds for suspending a teen-ager's license.

School officials and even students credit the new law with reducing West Virginia's dropout rate. This year 3,400 students dropped out, compared with 5,000 dropping out each year since 1979.

The system "is working wonderfully," said Theresa Wilson, acting director of educational support services for the West Virginia Department of Education.

School districts have few complaints about the law because the public views it as an honest attempt to get students and parents to take education seriously, said Wilson.

Most districts use computerized attendance procedures, and turning a list over to DMV is a simple matter that removes the

board from the final act. Whenever students don't comply, the state police are called in to enforce the law, Wilson added.

School districts are even contacting students who dropped out of school last year and are still under 18. Many students are reentering school to regain driving privileges.

"If you're a teen-ager and you don't have wheels, you don't have anything," said Michelle Lee Fowler, a 17-year-old senior who dropped out of Stonewall Jackson High School in Charlottesville, W.Va.

Fowler returned to school three months later when she found out she would lose her driver's permit.

"That got my attention," she said. "I was just bored and didn't care about school. Now I'll graduate. Maybe I'll try to go to college."

The law "is working like nothing else we've ever tried, and we expect our graduation rate to climb steadily from here on out," said Wilson.

"That means we're going to have a better educated labor force with less reliance on welfare programs," she said, "and in a poor state like West Virginia, few things could be more important."

Nationwide trend

West Virginia's success convinced members of Congress, as well as other state lawmakers, to try the no pass/no drive approach.

Reps. Harley Staggers (D-W.Va.), George Sangmeister (D-Ill.) and 18 of their colleagues co-sponsored federal legislation that would require all states to adopt such a program or face a 5 percent cutback in federal highway funds.

The bill requires each state to develop its own means of determining hardship cases.

Steve Swartzel, associate director of the Florida School Boards Association, said the West Virginia law "certainly had a lot to do with" Florida's new law that requires anyone who

turns 16 after Oct. 1 to attend school to qualify for a driver's license.

If a student with a license drops out of school, the school board is responsible for informing DMV, said Swartzel.

Hardship waivers are yet to be determined, Swartzel said, but they will be "very narrow."

According to Swartzel: "The school boards are the police of the whole thing, but we have no additional funding for the massive amount of paperwork it requires. We'll be looking to get some money for funding the administration of this law."

from 16 to 17, and youths under 18 who drop out of school must prove to the DMV that they have had counseling on the ramifications of dropping out.

"While we don't oppose any measures that we think would lower the dropout rate, and we had no objections to taking away the [driving] privilege, VSBA didn't want to be the law enforcement agency," said Jill Pope, director of governmental relations at the Virginia School Boards Association.

"The leadership in Virginia is tremendously impressed with the results West Virginia has

he was disinterested in continuing his education due to his circumstances beyond his control."

According to Zakaib: "There is a compelling state interest for having children complete secondary education. If a student drops out, it affects society as a whole... and increases the likelihood of them becoming wards of the state and becoming dependent on the state."

Means' lawyer Christopher Butch said if Means decides to appeal the ruling to the West Virginia Supreme Court, the appeal would be based on the argument that "the law lacks procedural due process because the school superintendent has sole power to decide if the student withdrew from school voluntarily or for reasons beyond his control" and that the law is discriminatory.

"If this becomes a nationwide law, it would be racially discriminatory," Butch said, "because white suburbanites and rural kids would go back to school so they can get the car on Saturday night."

"But," he continued, "it does absolutely nothing for the inner city kid who cannot afford a car and can use public transportation."

Assistant Attorney General Bruce Walker, who represented the DMV, said the ruling upholds the policing power of the state. "Every time you pass some kind of law, you impinge on someone's freedom," he argued.

Paul Jordan, a colleague of Walker's and co-counsel on the case, called Butch's argument "sophistry at its best." Jordan said: "We can't see how this law could be discriminatory."

"We're happy that we found something that works," said Jordan, "but we're the first to admit that the law is not a cure-all for all dropout problems."

Public opinion

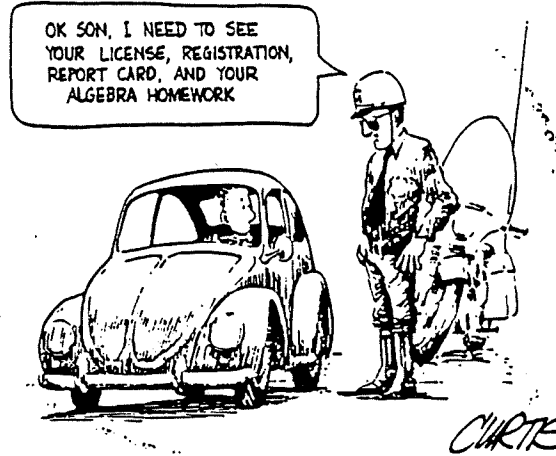
"One of the most important features of [no-pass/no-drive] legislation is that it sometimes has unintended outcomes," noted Chns Piphos, director of the Information Clearinghouse at the Education Commission of the States in Denver.

For example, he said, West Virginia's law "may be contributing more to changing public opinion about education than any other event in recent history."

"If legislators and educators had been told to improve the public's opinion of the schools, neither group would have been likely to begin by tying school attendance to driver's licenses," Piphos said. "Yet the simple message to young people—'Stay in school if you want to drive'—carries an even more important message to adults: 'School is important.'"

Florida's Swartzel summed it up this way: When kids are in school, even if they don't want to be there, there is hope that the schools can reach them; when they leave school, the schools can do nothing for them.

"It will be an interesting experiment at worst," Swartzel said; "at best it will decrease the dropout rate."



Under the Texas no pass/no drive law, which takes effect Sept. 1, youths under 18 can't get a license unless they are enrolled in school, have a high school equivalency certificate, have been enrolled for at least 45 days in a program to take the equivalency exam or—if they had dropped out—been reenrolled for at least 80 days, said Yogi McKelvey, staff attorney for the Texas Association of School Boards.

"The hope is that [the law] will encourage marginal students to stay in school or get the high school equivalency certificate," he said.

Virginia considered that approach, but enacted a watered down version of the concept. Effective July 1, 1990, the age of compulsory school attendance in Virginia will be raised

had," said Pope. "I think there is a lot of interest in making our law like the West Virginia law."

Rejected in California

But not all states are ready to adopt the concept.

California Gov. George Deukmejian vetoed a no pass/no drive measure last September. Deukmejian said he was concerned "inconsistent standards could be used by different school districts, resulting in the refusal of driver's licenses for some students and the issuance of licenses to others with comparable grades and attendance records."

The governor also claimed that because parents can withhold permission to drive, the bill "impinges upon a parent's right to determine what is best for the child and family."

After coming under heavy attack from rural lawmakers, a similar bill was narrowly defeated in Colorado.

Law upheld by judge

The West Virginia law has already survived its first court challenge.

Michael Means, a 17-year-old married dropout with a baby on the way, sued the state charging that the law is unconstitutional. Means argued he needed to drive to get to a job to support his family.

While the law allows exceptions if dropouts have "compelling reasons" to keep their licenses, Kanawha County Circuit Judge Paul Zakaib Jr. ruled that driving is a privilege, not a right. He said Means had not demonstrated a compelling reason to leave school.

The decision states that Means "withdrew from school because

March 23, 1989

State Representative
Donna Whiteman
Kansas House of Representatives
State Capital
Topeka, Kansas 66612

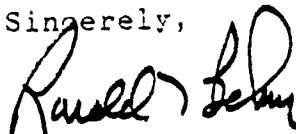
Dear Representative Whiteman:

You have my heartfelt congratulations for the support and introduction of the bill requiring that all high school dropouts surrender their drivers license until they return to school or turn 18.

This is the type of legislation that our state governments as a whole need to improve our young people's attitude towards education and completing their school education. Life without the use of an automobile for teenagers in the 16 to 18 years of age range is dismal. Your bill will be effective.

It is my understanding that the state of California is considering legislation that would ban a persons drivers license should they be detained for the use and/or possession of drugs or alcohol. Just saying NO is not enough. I urge you to consider introduction of a like bill.

Sincerely,



Ronald T. Behm

RTB:ca

No School, No Wheels

State law gives new meaning to driver education

IDEAS

■ 'The law is doing what it was intended to do ... encourage youth who have dropped out of school, and those contemplating dropping out, to remain in school.'

- Tom McNeel

By Eric Hiller

Special to The Charleston Monitor

CHARLESTON, W. VA.

MICHAEL MEANS left school last spring after turning 16. This fall, under a new state law, he lost his license and can't drive. "I think it's a good law," he says while working on his red Pontiac outside his parents' home in rural Kanawha County. "But it should be for other people."

As part of a drive to curb the state's dropout rate, West Virginia legislators passed a law last year that revokes driver's licenses for high school dropouts under age 18 - no school, no wheels.

West Virginia is the first state in the country to adopt the measure, and about 100 of the 353 students whose licenses were revoked paid a \$15 motor vehicle department fee and returned to the classroom during the first four months of the 1988-89 school year.

Supporters, including much of the education community in West Virginia, say the measure works and point to the success rate here. Critics, like Michael who plans a court challenge, say the law penalizes a class of students who need help.

Political and education leaders in nearly a dozen other states have picked up the idea and are considering similar legislation.

"The law is doing what it was intended to do, which was to encourage youth who have dropped out of school, and those contem-

plating dropping out, to remain in school," says outgoing West Virginia school superintendent Tom McNeel.

"It's a measure that kids understand," Mr. McNeel says. "They want to be able to drive a car." Under the law, administrators at Michael's former school notified the state Department of Motor Vehicles that he had dropped out. Then Michael received a yellow notice in the mail from the DMV stating his license had been revoked and that he must return to school and successfully complete a semester to have it reinstated.

West Virginia students between 16 and 18 years of age can also lose their license if they miss 10 consecutive days of school or a total of 15 days during a semester. Local school superintendents can make exceptions for students who are sick or caring for sick relatives.

State delegate Patrick Murphy of Martinsburg introduced the driver's license bill last year because he thought it would be a relatively cheap way of keeping kids in school.

"With dropout rates exceeding 30 percent in some counties, everyone kept asking us for more money," Mr. Murphy says. "I thought this would be a different way of keeping kids in school and spending money on other programs."

Steve Canterbury, acting West Virginia motor vehicles commissioner, says the law means more paperwork, but he feels it's worth the extra work to help students remain in class.



"I think it's an incredible success," Mr. Canterbury says. "If you can get one-fourth of the students to return, you realize you've done a pretty good job."

The law has been most effective in rural West Virginia counties where students learn to drive on winding mountain roads as soon as they're old enough. A license to drive is needed, not just for Friday-night fun but for getting to and from school and work, he adds.

Canterbury has fielded calls for officials from Maryland, Virginia, Florida, Texas, California, Wisconsin, and Massachusetts. The governors of South Carolina and Oklahoma have announced plans to introduce similar measures in their legislatures. Colorado will also consider such a law.

"It seems to us that driving is one of the things young people take seriously, and we think we can get their attention," says Suzanne Broadbent, a spokeswoman for Oklahoma Gov. Henry Bellmon.

Critics say the measure is simplistic and doesn't address the educational and personal needs of dropouts.

"It's a temporary band-aid that may reach cure students, but much more needs to be done," says Donna Rhodes, executive director of the National Foundation for the Improvement of Education in Washington, D.C.

"This is penalizing the victim in many ways," she says. "Students drop out for many reasons, and they occur much earlier than when they decide to drive."

Ms. Rhodes says economic

background, pregnancy, alienation, drugs, and other pressures often force students to leave school before graduation. Schools need to find ways to give an education to students who may find traditional classes and a structured environment impossible.

"The notion that you stay at school at any cost is a bit of a concern," explains Rhodes. "It's not the graduating from school as much as what you are getting from it."

Michael Means is in a special situation. He's married and will soon be a father. He has a lawyer and plans to challenge the law in court because he was unable to get an exemption from the Kanawha County school system.

Means says he needs to drive to find work. He has been living at his parents' home with his pregnant wife, Tonya, also a high school dropout.

Students in Harry Hill's driver education class at DuPont High School, about 10 miles east of Charleston, don't like the law either. They admit, however, it has made them think twice about leaving school.

"Why should adults make the decision about whether I drive?" asks 16-year-old Tina Mullens. "But I try to be more careful. My mother's been checking up on me to make sure I haven't skipped."

Max Whiting, also 16, says he needs a car to get to work and considered leaving school, but changed his mind after hearing about the new law. "I have some friends who dropped out, but they came back," he says.



GROUNDHOG: Dropouts Michael and Tonya Means and the car they can't drive.

Should dropouts lose

by Charlene Carres

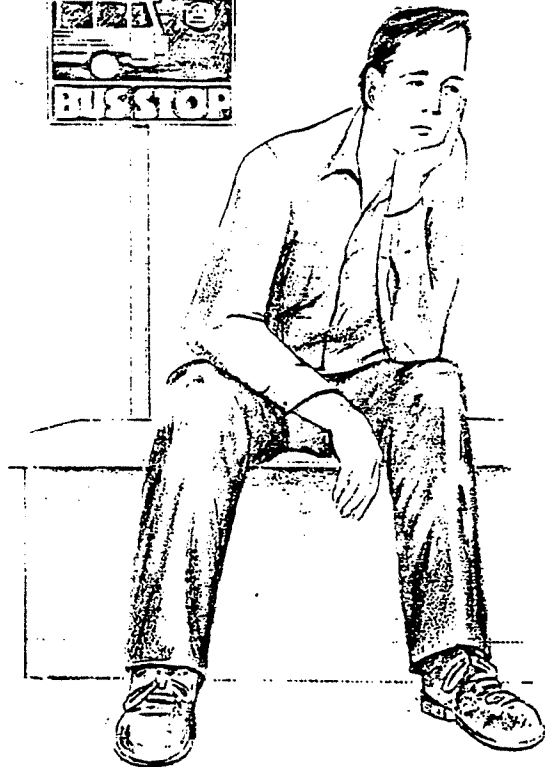
At least four state legislatures have a new subterfuge to decrease dropout rates without making dropping out after the compulsory attendance age illegal.

These laws deny driver's licenses until age 18 to teenagers who drop out of school.

West Virginia's law is in force, and the Florida and Texas legislatures just passed measures, which at press time awaited their governors' signatures. Oklahoma's new law was signed recently.

Clearly, measures need to be taken to limit the numbers of students who choose not to complete their secondary educations. Florida's drop-

Charlene Carres is an attorney practicing in Tallahassee, Fla. She is also legislative counsel to the Florida American Civil Liberties Union.



out rate of more than one-third is above the national average of about 25 percent. This is much too high a percentage of young adults without the credentials to get and keep good jobs.

Though much attention has been focused on this issue and programs have been established to curb the dropout rate, those programs apparently are either insufficient incentive or have not been given enough time to work. Forcing the student to attend through punitive methods, however, is not good educational policy. A resentful student is usually not a cooperative student.

It is hard to see the relationship between state authority to ensure that only safe drivers are issued licenses and the condition that young people can only drive if they are willing and able to sit in a classroom at least until the age of 18. Driving is a prestigious accomplishment for teens in or out of school. But it is quite possible for a teenager to attend school and be a reckless driver or to be out of school and be a safe driver. It seems these states have more interest in keeping teens who are mobile in school over those who would rather loiter or watch soap operas at home.

Punitive laws need to have a rational basis. This one does not.

It does not seem rational or fair — particularly in a state like Florida where public transportation, even in major cities, is seriously deficient — to deprive teenagers of the only means

they might have to get to a job they may desperately need. African-American males, more than any other group, will be deprived of licenses. They have the highest dropout rates. This can only force their unemployment rate of nearly 50 percent even higher.

In West Virginia, Attorney Christopher Butch is challenging a state law on behalf of high school dropout Michael Means. Michael Means, 17, is a safe driver, is married, has a family to support and says he needs a driver's license to work full time. Taking away his license means taking away his family's support. Butch has made excellent arguments questioning the constitutionality of the law. "Although (it) sounds like a good idea there is no rational basis for this punitive law and that for this and other reasons the law violates due process rights," Butch said.

If states that wish to do something about dropout rates are sincere they have two valid avenues. They can find out why students drop out and try to change those things that prevent students from completing school or that make school meaningless. Or they can change their compulsory attendance laws to require all students under 18 who have not yet graduated to stay in school.

Denying driver's licenses to those not in school will cause economic problems for many and will not address the real reasons so many students drop out. If states want to lower dropout rates, they would do well to challenge schools to offer programs and counseling for troubled students as a means of positive guidance to stay in school, instead of simply threatening them with taking away their driver's licenses. □

Driving privileges?

by Betty Castor

As Florida's education commissioner, I've had the unpleasant task this spring of responding to the state's high dropout rate. The federal Department of Education's chart of state high-school graduation rates shows Florida's to be near the bottom, with nearly a third of our students not completing high school.

This year, we asked the Florida Legislature for additional tools to address this challenge — and we got them. The Legislature gave us carrots and a stick.

The stick is the driver's license bill, the newest initiative approved by the Legislature for encouraging potential dropouts to stay in school. High school students between 16 and 18 must show proof of progress in school before getting a driver's license. Students under 18 who already have licenses and drop out will have their licenses suspended.

A similar bill passed a year ago in West Virginia with dramatic results. The dropout rate decreased by nearly a third since the law went into effect. No dropout measure enacted by any state has had as remarkable an effect.

In the Florida bill, exemptions can be made for hardship cases, such as students who must earn money to support their families. Our new driver's license legislation will get the attention of students and their parents. It will make a difference. It won't change everyone's mind about dropping out, but it will change many.

Access to a driver's license is not, after all, a right. It is a privilege. At the same time, a high school

Betty Castor is commissioner of education in Florida. Castor is a former Florida legislator and teacher.

diploma is an increasing necessity in the work place as the number of unskilled jobs grows ever smaller.

Dropouts do not need a car to hang out on street corners. They need a diploma so they can drive a car to work eventually. I'm well aware of how much it means to most teens to drive. Erma Bombeck wrote recently: "American kids are born to drive. The umbilical cord that sustained their life and is severed at birth is transferred to a drive shaft. The little fists are designed to clutch a steering wheel and the pedal-size virgin feet may wander for a few years but will come home to a brake pedal like a salmon returning to spawn."

The American car culture that so transfixes teens is tough to fight. Yet, we must convince youngsters that the key to the future is not the key to a car but a good education.

If we can keep young people in school, we have a shot at interesting them in learning and achieving. If they drop out, we have no opportunity to do that.

One reason students say they drop out of school is to go to work so they can buy a car. It's short-term pleasure and long-term disaster.

While the driver's license bill is the stick, the carrots are embodied in a number of initiatives that provide more care, counseling, alternatives and parental involvement for students at risk of dropping out than ever before.

Our best hope of curbing the dropout problem for the long term is our pre-kindergarten early intervention program for disadvantaged children, which will begin a second year in our school districts this fall. The Legislature more than doubled the funding for the program this

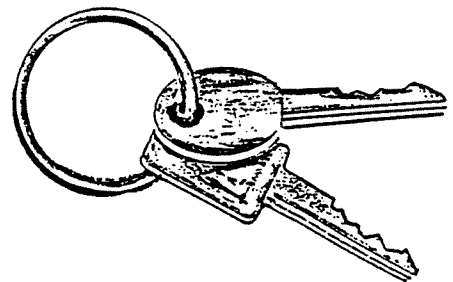
year. Children who participate in quality preschool programs are twice as likely to be literate, twice as likely to have a job, one-third less likely to drop out of school and half as likely to end up on welfare.

Another program that focuses on early education is First Start, just funded by the Legislature to provide money to help parents of at-risk children improve their role as their children's first teacher. But we won't see the results of either program for at least a decade.

In the meantime, however, other dropout-prevention programs in our schools are showing promise. These include the Teachers as Advisors and peer-counseling programs, which provide guidance and support to students. The Legislature has increased funding for such programs by \$10 million, as well as funding minischools, community-based dropout-prevention projects and programs that target inner-city youth and teen mothers.

I expect results. I will hold districts accountable for making progress. The Legislature has provided \$10 million to reward school districts that show improvements in dropout rates and to publicize data on dropouts, district by district and school by school.

I believe the driver's license bill provides the powerful ammunition we need to keep our kids in school. □



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W. VA. LAW RETURNS DROPOUTS TO CLASS

Attendance is up in West Virginia high schools, dropouts are down and fewer kids are cutting classes.

The reason, suggests Therese Wilson, unit coordinator for student support services in the state superintendent's office, may be a relatively recent West Virginia law that penalizes high school dropouts, and students who cut classes, by suspending their drivers' licenses.

Under the law, young people under the age of 18 who drop out of school, or who accumulate more than 15 days of unexcused ab-

sences during the school year, can be denied the right to get a driver's license or may have their existing licenses suspended. The law, which was considered by several other states last year (see GOVERNING, April 1988, p. 12), is being looked at by several again this year.

Since the law passed last summer, more than 350 West Virginia students have had their drivers' licenses suspended because they dropped out of school, and more than one-fourth of them have returned to classrooms, state officials say.

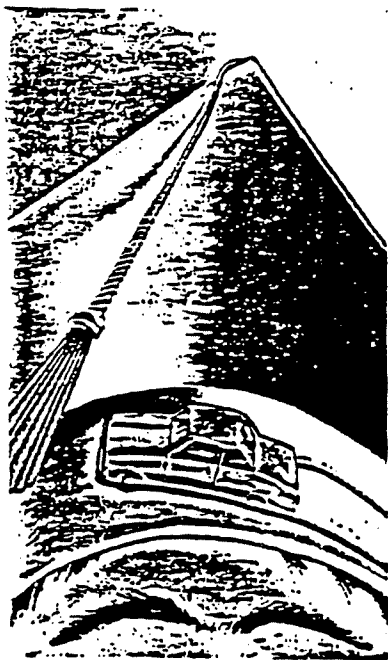
In Morgan County, school Superintendent Dwight Dials says, the dropout rate was cut in half: The county had 25 high-school students drop out during the first two months of school last year but only 11 this year. In

addition, 17 of last year's student dropouts re-entered either high school or adult education classes in pursuit of high school equivalency diplomas. That is about eight times as many teenage school dropouts returning to some form of education as the county experienced previously.

Dials attributes the improved situation to both the law's negative incentive and some positive changes in the school envi-

ronment. "We've worked hard at being a more inviting place and at providing positive reasons for students to be here. You can't

say for sure what's working and what isn't, but certainly for some kids, negatives work better than positives." —P.L.



New Leadership.

■ Lt. Gov. Robert J. Miller became Nevada's acting chief executive Jan. 3 when Gov. Richard Bryan, a fellow Democrat, was sworn in as U.S. senator.

Bryan, president of The Council of State Governments in 1987, unseated Republican incumbent Chic Hecht.

Miller will serve the remaining two years of the unfinished gubernatorial term. He took office in January 1987 after serving two terms as Las Vegas district attorney. He is a graduate of Loyola Law School, Los Angeles.

Law Enforcement

■ Teens in Oklahoma and West Virginia will find themselves relinquishing their drivers licenses if they run afoul of new laws. The laws were enacted to curb the dropout rate in West Virginia and teenage use of drugs and alcohol in Oklahoma.

West Virginia is the first state to adopt a law allowing the Department of Motor Vehicles to revoke the driver's licenses of students aged 16 to 18 who drop out before graduating. Since July, the department has notified 353 dropouts that their licenses will be revoked if they do not enroll in school or a GED (General Equivalency Diploma) program. About one-fourth of those teens have gone back to school, according to Cindy Hunt of the department's safety and enforcement division.

She estimated that some 5,000 students or 19 percent drop out of West Virginia high schools annually. Not all are licensed drivers. The law, which is retroactive two years, requires that students show proof of enrollment when applying for a learner's permit.

Hunt said most of the teens who have called about the program are willing to re-enroll or get a GED. About 20 hardship cases have been

excused. These require a letter from the school district superintendent stating the necessity of a dropout keeping a license.

Oklahoma's new law takes away licenses of drivers under age 17 who are convicted for possession, use or abuse of drugs or alcohol. "It gives them a reason to say 'no,'" explained state Rep. Carolyn Thompson, House author of the legislation.

Under the law, which took effect Nov. 1, 1988, the licenses of first-time offenders could be suspended for up to one year (three months is mandatory for all offenders), and a second offense could result in a two-year suspension. A drug- or alcohol-related conviction can mean a minimum one-year delay in getting a license. Oklahoma allows learner's permits at age 15.

The Oklahoma law is patterned after a similar measure in Oregon which became law in 1983. Doug Allen, with Oklahoma's attorney general's office, said a study in Oregon showed a 17 percent reduction in alcohol-related driving arrests for juveniles under 18 from 1982 to 1984. The study showed a 12 percent reduction overall in liquor law violations in that age group and a 22 percent reduction in drug arrests.

Legal services

■ Maryland's assistant attorneys general are providing free legal help for some of the state's poor under a new program thought to be unique in the country.

Maryland Attorney General J. Joseph Curran Jr. partially lifted a longstanding ban on the private practice of law by assistant attorneys general to allow creation of the pro bono program. Pro bono, an abbreviated version of the Latin legal term *pro bono publico* which means "in the public interest," is often used to describe free legal services.

Creation of the program was prompted by a Maryland legal panel's call for more lawyers to donate

services to the poor. Of the 300 eligible attorneys, 125 have volunteered.

An eight-member committee headed by Deputy Attorney General Dennis M. Sweeney is screening the legal cases sent to the attorney general's office and referring them to attorneys who have volunteered to handle them. Cases — all civil — will include those for which poor people frequently seek legal help, such as court protection for a battered spouse, wills and powers of attorney, landlord-tenant disputes, AIDS-related cases and uncontested divorce cases that don't involve requests for financial support.

Sweeney said about 10 clients have been assigned to attorneys thus far. In the next six months, he expects the caseload to level out between 50 and 100 cases at a time.

The pro bono representation must be undertaken in addition to full-time responsibilities. Secretaries and other support staff may assist lawyers volunteering their time within carefully observed limits. The program was set up to avoid any apparent or actual conflicts of interest, according to Sweeney.

FYI

■ The Advisory Council on Historic Preservation will be offering 14 training sessions in 13 cities this year. The course teaches federal, state, local and tribal officials and contractors the basics of the federal historic preservation project review process.

The sessions are scheduled: Jan. 24-26, Washington D.C.; Feb. 7-9, Dallas; Feb. 28-March 2, Mobile, AL; March 14-16, Santa Fe; April 4-6, Boise, ID; April 25-27, Raleigh, NC; May 2-4, Anchorage, AK; May 16-18, San Bernardino, CA; May 31-June 2, Boston; June 13-15, Omaha; June 27-29, San Francisco; July 12-14, Washington D.C.; Aug. 1-3, Portland, OR; Sept. 11-13, Chicago.

For information, write GSA Training Center, Box 15608, Arlington, VA 22215. Attention: Peggy Sheelor. □



Penelope S. Province
Winfield Scott School
10th and Eddy
Fort Scott, Kansas 66701

2-27-89

Dear Rep. Whiteman:

While in Topeka last Monday with my daughter (who was a page), I was shown House Bill No. 2343. Because of my profession as an educator, I was interested in what you were proposing. I work with a group of fourth and fifth graders in the area of reading and I thought it would be fun (as well as enlightening) to discover how they felt about the bill. Their responses were not what I expected and I wanted to share them with you because all of us need positive feedback in any form we can get it!!!

The "carrot" idea is great, in my opinion, because what else is of most importance to our teenagers than getting and being allowed to drive "a set of wheels" and what is more important for them and our future than getting them educated and prepared for tomorrow? Anything that can keep our youth in school has my support!

If your time permits, please keep us informed as to what happens to #2343! You have our interest!!

Sincerely,

Penelope S. Province (1)

Pennie Province
Resource Room Teacher for GTC

5-10

I agree with the bill because it encourages students to stay in school and they will learn more than if they skip school. It encourages students to work and not play and it also helps them to know driving is a privilege and not a right.

-Jeremy Braker (fourth grade)

I think you should have to have a diploma to get a licence because it might lower the population of drop-outs. I think the streets would also be a safer place because some drop-outs are on drugs or alcohol which causes wrecks.

I agree with lines 53 and 54 because it says: "...imprisonment in a jail or a penitentiary is not a circumstance beyond the control of such person." I can choose whether or not I go to jail by doing good or bad. If you are caught--then it is beyond your control--but you made that choice.

-Miche Kilburn (fifth grade)

I agree absolutely with this bill. I think that people should have to go to school or should have gone to school to be able to drive. If people drop out of school or skip school and they have a car to drive, they would probably be driving around and causing trouble. Besides, if people know that they won't be able to drive if they don't go to school--they will probably stay in school. As a result, the drop out rate will probably go down and more kids will get a good education.

-Angie Brown (fifth grade)

I agree with this bill because I think any person without an education should not be allowed to have a license to drive. We don't want them to think that driving is a right, not a privilege. I do agree in lines 36-37 that anyone 14 years of age should have an adult with a class A, B, or C license to drive with them. I also agree that they should take the most direct route to and from school and work. I also agree that anyone that gets below a C in Driver's Ed. should not be able to get a license because they didn't get most of the stuff right if they got below a C so they can't really know it to be able to drive. Thank you for listening to what we have to say and I hope that this bill passes.

-Ben Lyons (fourth grade)

Overall, I agree with your bill and I think it should be passed. You need to be schooled* to be educated and you need to be educated to drive.

In line 51, I think more than 10 consecutive unexcused absences during a semester is too many. I think it should be slimmed down to 8.

*I wouldn't consider home schooling dropping out.

-Daniel Swanwick (fifth grade)

I really think that this was an excellent bill. If I were a Kansas government official, I would vote for it. It would give young people a chance to get experience in driving and taking responsibility. However, I think this bill is a little rough on the driver. I also think 14 is too young to drive. 15 would be more like it. I think 14 is too young because think of all the accidents ninth-graders will be in! I think when a kid drops out of school--their license should be suspended right then.

I use to think your bill was about an eight but now it's a 9 and 1/4 = great!

-Matthew Grantham (fifth grade)

I really do think kids shouldn't drop out of school and they really do need a good education to drive. If they are not in school, they might not know some of the signs they run across.

-Drew Twigg (fourth grade)

I think that the bill is fair but I also think that you should be able to get a restricted license at the age of 14. You should be required to go through school because an education is important.

-Andy Spencer (fourth grade)

I AGREE! I think you should have to have a diploma or other certificate of graduation to show that you have gone all the way through school to drive. However, I don't think that fourteen years of age is old enough to be able to drive. I think that fifteen or sixteen is more like it. I think this because: One-if you get your license to drive a motor vehicle and you drop out of school you could just go around and steal things and two-it's a good idea to keep people in school.

-Mary Henry (fifth grade)

5-12

I agree with Bill 2343. I think you should have an education or a diploma if older than 14 years of age. In line 28 to 31 it said if enrolled and making satisfactory grades in a course leading to a general education development certificate (GED) from a state approved institution or organization or has obtained such certificate. I also think you should have your license suspended until you do better in school so students will try their best and not just goof around.

-Nick Oberst (fourth grade)

I think this bill is a very good idea. I didn't agree with some things like lines 47-49. I think they should suspend their license even though they did what the notice said to. I also did not agree with lines 65-69. I think the licensee's parents should help decide. I don't think this bill will pass because it might be too hard to enforce. It would make the schools responsible to report violations to the division of motor vehicles.

-Angie Sauerwein (fourth grade)



POLICY INSIGHTS

Number 102
April 1989

STEERING DROPOUTS BACK TO CLASS

The driver's license—that time-honored, almost hallowed rite of passage for generations of young Americans—may be the key to solving our nation's high school dropout problem.

Legislators and other officials in some states are giving it a try, and the results are promising.

We are committed to educating our children. We know that people who do not receive high school diplomas face economic barriers that will impede them for the rest of their lives.

So each year we dedicate more than 42 percent of our state budgets and most of our local property tax revenues to educating the next generation. This year, various governments across the country will spend at least \$331 billion dollars on public education, more than we spend on national defense, more per capita than any other nation.

Yet, distressingly, our efforts are not sufficient. Far too many of our young people are not completing their education.

When we fail in our obligation to educate our children, we have only begun to bear the cost. High school dropouts represent large parts of the most distressed elements of our society.

The statistics are appalling:

- AFDC (Aid to Families with Dependent Children) payments are three times as likely to be paid to families headed by high school dropouts.
- All but 30 percent of Medicaid payments are disbursed to non-graduates.
- Two of three inmates in our state prison systems dropped out of high school.
- More than 65 cents of every food-stamp and welfare dollar is allocated to the high school dropout.

Moreover, serious problems resulting from the failure to complete high school do not stop with dropouts themselves. Children of dropouts are five times more likely to leave school before

graduation than children of high school graduates, leading to a multi-generational cycle of poverty and dependence.

Most Americans, even the chronically poor and disadvantaged, understand this. In a January survey of chronically poor families in major American cities, pollster Louis Harris discovered that 59 percent of these parents cited as their greatest hope for their children that the children would "learn to stay in school."

The scope of this challenge is significant. Nationally, more than one of every four students enrolled in school today will not be graduated from high school. In many states, more than one in three students will drop out.

State lawmakers, faced with tight budgets and cost-cutting imperatives, are searching for high-impact, low-cost solutions to this critical challenge.

As a result, many legislative leaders, such as Colorado House Majority Leader Chris Paulson, recommend toughening incentives to remain in school.

"The longer the graduation lines are today, the shorter the un-employment lines will be tomorrow."

President
George Bush

February 1989

DROPOUT RATE

BY STATE—1986

D. C.	43%	N.C.	30%	VT.	22%
FLA.	38%	DEL.	29%	N.J.	22%
LA.	37%	HAWAII	29%	ARK.	22%
GA.	37%	OKLA.	28%	PA.	22%
ARIZ.	37%	IND.	28%	IDAHO	21%
MISS.	37%	N.M.	28%	UTAH	20%
N.Y.	36%	COLO.	27%	OHIO	20%
TEXAS	36%	N.H.	27%	WYO.	19%
S.C.	36%	VA.	26%	S.D.	18%
NEV.	35%	ORE.	26%	KAN.	18%
CALIF.	33%	W.VA.	25%	WIS.	14%
R.I.	33%	WASH.	25%	MONT.	13%
ALA.	33%	MO.	24%	IOWA	12%
TENN.	33%	ILL.	24%	NEB.	12%
MICH.	32%	MAINE	24%	N.D.	10%
ALASKA	32%	MD.	23%	CONN.	10%
KY.	31%	MASS.	23%	MINN.	9%

U.S. AVERAGE 28%

5-14

Paulson's proposal, which already is law in West Virginia and Wisconsin, would deny or revoke driver's licenses to students under 18 who have dropped out of school, show high absenteeism or "fail to show satisfactory progress toward graduation." Paulson sums up this approach simply: "We...have to get tough about things we believe in."

The West Virginia Experience

Early last year, West Virginia became the first state to deny or revoke the driver's licenses of young people who do not show satisfactory progress toward high school graduation.

Under the West Virginia plan, students who drop out of high school, are chronically truant, or fail many of their classes are no longer eligible for driver's licenses. If licensed students drop out or become serious truants, state troopers are dispatched to their homes to confiscate their licenses. West Virginia offers hardship exemptions for certain students and no student, dropout or not, is denied a license after age 18.

The West Virginia law (Chapter 7, West Virginia Book of Acts) took effect last July 15. The new "no pass-no drive" law, in effect less than one academic year, has already cut West Virginia's dropout and truancy rates.

■ Twenty-five percent of the 353 dropouts who lost licenses have re-enrolled in high school. In one school district—Raleigh County—the re-enrollment rate has topped 35%.

■ High school absentee rates have been halved since the "no pass-no drive" plan took effect. Daily high school attendance rates have climbed above 95% statewide and as high as 98% at some schools.

■ Fewer students are considering dropping out. According to Sheila Lucento, guidance supervisor for the Raleigh County School District, a spot check of guidance counselors in the district revealed a marked reduction in the number of students wishing to discuss the option of dropping out of school.

Although the West Virginia law has not been in effect for a full academic year, all indicators show that this approach to West Virginia's serious attendance and dropout problem has earned "a mid-term grade" of A+.

The Wisconsin Experience

Lawmakers in Wisconsin have also turned to driver's licenses as one incentive to discourage habitual truancy and to cut high school dropout rates. Last year, Wisconsin enacted legislation granting counties, cities, towns and other local jurisdictions the authority to suspend the driver's licenses of habitual truants and dropouts. Local jurisdictions have until September 1989 to enact

specific measures to combat chronic truancy and discourage dropping out.

Other States

"No pass-no drive" legislation is not without its critics.

Last year, California lawmakers joined their colleagues in West Virginia and Wisconsin, passing a "no pass-no drive" measure. However, the bill was vetoed by Governor George Deukmejian. In his veto message, the Governor faulted the "no pass-no drive" concept as an "unfair infringement on family responsibility."

And this year, Representative Paulson's "no pass-no drive" legislation was narrowly defeated in the Colorado House of Representatives after it came under heavy fire from rural lawmakers.

The reservations which led to the defeat of "no pass-no drive" in California and Colorado, have been answered in West Virginia with clauses allowing for exceptions to the driver's license suspension in hardship cases.

Representative Paulson remains undeterred: "I'll get it passed next session. Good ideas always take a long time to pass."

Other legislators share Paulson's optimism. During 1989, "no pass-no drive" dropout prevention legislation has been introduced in North Carolina, South Carolina, Kentucky, Missouri, Illinois and Maine.

"No pass-no drive" measures are not a panacea for the tragedy of increasing dropout rates. Some rethinking of how our education establishment can better attract and hold our students through graduation must occur.

But legislators in many states—with their options limited by budget considerations and the need for immediate, short-term solutions—have hit upon a program that appears, at least initially, to begin to solve our nation's high school dropout crisis. □

FOR MORE HELP...

This edition of POLICY INSIGHTS is published as part of the *Conservative State Policy Exchange*, a project of the Center for State Policy of the Free Congress Foundation. The Exchange has more information on this and other policies which provide thoughtful, proven solutions to many of the critical challenges facing state policymakers.

For more information on this topic, or on the Exchange, contact Bill Myers, Director of the Free Congress Center for State Policy, at (202) 546-3000.

For more information concerning West Virginia's "Steering Dropouts Back to Class" program, contact Therese Wilson at (304) 348-8830.

For information concerning Wisconsin's program, contact Dr. Dennis Vandenhevel, Pupil Services Division of the Wisconsin Department of Public Instruction, at (608) 266-1723.

"One of . . . primary status symbols in the [high school] dropout group is . . . an automobile. [W]hy not use that as an incentive to keep them in school?"

Representative
Chris Paulson

Majority Leader
Colorado House
of Representatives

Court Backs Lifting of Dropouts' Car Permits

CHARLESTON, W. Va., Aug. 5 (AP) — A judge has upheld a law that allows West Virginia to revoke the driver's licenses of school dropouts.

Judge Paul Zakaib of Kanawha County Circuit Court said Friday that the law, a model for proposed Federal legislation, is based on interest in keeping teen-agers in school. "It is not unreasonable and withstands any constitutional challenge."

The case involved an appeal by Michael Means, 17 years old, of Charleston, who lost his license after he dropped out of junior high one month after his 16th birthday. Mr. Means, whose wife, 15 years old, is expecting

their first child this month, had argued that he could not get a job to support his family unless he could drive. He did not attend the hearing Friday. His lawyer, Christopher Butch, said he would appeal.

"It's punitive," Mr. Butch said. "It's punishing him. His wife is also a dropout. She can't drive. Who's going to take her to the hospital when she has to give birth?"

Lawyer Assails Approach

Mr. Butch says the law is a "shotgun approach" to forcing teen-agers to return to school while state law lets them drop out at 16. "Why not just change the law and make them stay in until they're 18?" he said.

The law requires students under 18 to stay in school if they want to drive. It was passed in an effort to lower the state's 25 percent dropout rate. If a student misses more than 10 consecutive days or has 15 unexcused absences, the license is revoked.

Judge Zakaib ruled that Mr. Means was not denied due process because he was granted a hearing by the Department of Motor Vehicles before his license was suspended.

The judge also ruled that Mr. Means did not prove he was forced to drop out by circumstances beyond his control.

an exemption the state law provides. In Congress Thursday, Representative George E. Sangmeister, Democrat of Illinois, introduced a bill that would revoke driving privileges for teen-agers who drop out of school. The bill, co-sponsored by Representative Harley O. Staggers Jr., Democrat of West Virginia, is modeled on the West Virginia law, enacted last year.

Looking at West Virginia

"I took a good look at what was happening in West Virginia," Mr. Sangmeister said in a telephone interview from Washington. "As a result, the dropout rate has been cut by 30 percent. There's no question that the high school dropout program is something the Congress had to look at."

Florida, Texas and Wisconsin have passed similar measures. Legislation

is pending in 13 other states, including Mr. Sangmeister's home state.

The Congressman said his bill, like the West Virginia law, would require students who want to drive to attend school until they graduate or reach 18. The bill also carries a hardship clause allowing states to make exceptions.

The bill mandates that all states develop a dropout program or face a 5 percent cutback in Federal highway funds.

Results in West Virginia

West Virginia education officials said the state law had brought some dropouts back to school.

Therese Wilson, acting director of the Office of Educational Support Services in the State Department of Education, said school districts reported that 1,800 students faced with the threat of losing their licenses had returned to school.

Four hundred teen-agers lost their licenses and then came back to school, said Attorney General Charlie Brown.

"The numbers are very good, but behind the numbers are the real life stories," Mr. Brown said. "Kids say somebody came, saw the state intervention and say, 'If you will stay in school, you can keep your license.'"

Ms. Wilson stands by the law. "Educators are supportive, parents are supportive and the community seems supportive," she said. "The only one that's not happy is Michael Means. That's the only case."

Florida Bars Licenses To Reduce Dropout Toll

TALLAHASSEE, Fla., Oct. 3 (AP) — Florida has joined the growing list of states that withhold driver's licenses from high school dropouts.

The state's new law, which took effect Sunday, drew praise from some educators as an effective way to cut the dropout rate and improve overall attendance.

"I believe this is an excellent tool for parents to use to encourage their students to remain in school," said Betty Castor, Florida's Commissioner of Education.

But others say the law could create a paperwork nightmare and might increase discipline problems by keeping reluctant pupils in the classroom.

"There may be more children who will be in school," said Mary Kay Cariseo of the state's Association of School Administrators. "But they don't want to be in there, and they may become problems in the classroom. Sometimes these children just don't care."

Last year, West Virginia became the first state to enact a law requiring that teen-agers stay in school to have driving privileges, with some exceptions. Arkansas, Louisiana and Texas followed, and dozens of similar bills are pending in legislatures around the country.

Nationwide Ban to Be Sought

In Congress, Representative George E. Sangmeister, Democrat of Illinois, has introduced legislation to make such a ban nationwide.

Under Florida's law, the driver's license will be suspended a student under 18 years of age is not in school or enrolled in an eligible program like a course for a high school equivalency test or a training program. Teen-agers are eligible to drive at 16 in Florida.

The State Department of Education estimates that 9,200 students will decide to stay in school to keep driving. The law also limits unexcused absences to 11 in a row or 20 for the year; a provision that supporters of the law may improve attendance for as many as 62,000 students.

Nearly 30,000 students drop out every year in Florida.

Views of similar laws in other states are mixed.

"It's so new that I don't think anybody really knows all the effects," said Mary Ellen Parker of the National Association of Secondary School Principals. "A lot of people simply think it's too broad."

Through February, 1,809 dropouts returned to school in West Virginia, but 48 percent of them then left school a second time, said Therese Wilson, acting director of state educational support services. The licenses of more than 780 teen-agers have been revoked under the law, she said.

In Florida, schools must certify in writing that each student meets the attendance rules when he or she applies for a license.

Supporters say the law will bolster parent warnings about the danger of dropping out.

"It's hard to tell a student he'll have a lower-paying job when he's 30 and have him listen," said an education department spokesman, David Voss. "When a parent says, 'You can't drive any more,' it's immediate."

Ms. Castor plans to ask the Legislature for \$5.8 million to cover administrative costs, with the money to come from Florida's lottery.

10/4/89
NY Times

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