

SENATE BILL 46

By Massey

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3017(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Enrolled and making satisfactory academic progress in a course leading to a general educational development certificate (GED®) or high school equivalency test (HiSET®) from a state-approved institution or organization, or has obtained a GED® or HiSET®;

SECTION 2. Tennessee Code Annotated, Section 49-6-3017(c), is amended by deleting the subsection and substituting instead the following:

(c) The attendance teacher or director of schools shall provide documentation of enrollment status on a form approved by the department of education to any student fifteen (15) years of age or older upon request, who is properly enrolled in a school under the jurisdiction of the official, for presentation to the department of safety on application for, or reinstatement of, an instruction permit or license to operate a motor vehicle. Whenever a student fifteen (15) years of age or older withdraws from school, except as provided in subsection (d), the attendance teacher or director of schools shall notify the department of safety of such withdrawal. Within five (5) days of receipt of the notice, the department of safety shall send notice to the licensee that their license will be suspended under title 55, chapter 50, thirty (30) days following the date the notice was sent, unless documentation of compliance with this section is received by the department of safety before that time. After withdrawing from school for the first time for

the purpose of this section, a student must return to school and make satisfactory academic progress or attain eighteen (18) years of age to comply with this section. For second or subsequent withdrawals, all driving privileges are suspended until the student attains eighteen (18) years of age. When a student licensed to operate a motor vehicle is enrolled in a secondary school and fails to maintain satisfactory academic progress based on end of semester grading, the attendance teacher or director of schools shall follow the procedure set out in this subsection (c) to notify the department of safety. A student who fails to maintain satisfactory academic progress based on end of semester grading must make a passing grade in at least three (3) full unit subjects or their equivalency at the conclusion of any subsequent grading period to comply with this section.

SECTION 3. Tennessee Code Annotated, Section 49-6-3017(d), is amended by deleting the subsection and substituting instead the following:

(d) Whenever the withdrawal from school of the student; the student's failure to enroll in a course leading to a GED®, HiSET®, or high school diploma; or the student's failure to maintain satisfactory academic progress based on end of semester grading is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, the attendance teacher or director of schools shall not send notice to the department to suspend the student's motor vehicle driver license. If the student is applying for a license, the attendance teacher or director of schools shall provide the student with documentation to present to the department of safety to excuse the student from this section. The school district director of schools, or the appropriate school official of any private secondary school, with the assistance of the attendance teacher and any other staff or school personnel, is the sole judge of whether withdrawal or the student's failure to maintain satisfactory academic progress based on end of semester grading is due to circumstances beyond the control of the person.

SECTION 4. Tennessee Code Annotated, Section 49-6-3017(f), is amended by deleting the subsection and substituting instead the following:

(f) Notwithstanding this section, any student under eighteen (18) years of age enrolled in a course leading to a GED® or HiSET® who has more than ten (10) consecutive or fifteen (15) days total unexcused absences in a semester is not considered as making satisfactory academic progress and the student's motor vehicle driver license will be suspended; or if the student does not have a motor vehicle driver license, the student is ineligible to obtain a motor vehicle driver license until the student reaches eighteen (18) years of age. The attendance teacher, director of schools, or director of a GED® or HiSET® program shall notify the department of safety whenever any student under eighteen (18) years of age enrolled in a course leading to a GED® or HiSET® has more than ten (10) consecutive or fifteen (15) days total unexcused absences in a semester.

SECTION 5. This act shall take effect July 1, 2017, the public welfare requiring it.