



SREB policy brief

Policy analysis and recommendations from the Southern Regional Education Board • April 2011

Strengthening Attend 'n' Drive Laws to Reduce Truancy and Dropouts

Every school day in the United States, more than 7,000 students on average drop out of high school. That's more than one million each year. About two-thirds of these dropouts accumulate excessive numbers of absences from school before they decide to leave for good.

To help solve this problem, policy-makers and education leaders have developed a variety of strategies to improve student attendance and discourage chronic absenteeism, or truancy. One is to deny truants and dropouts the right to drive. The majority of states nationwide — and all 16 SREB states — now link eligibility for a driver's license to school attendance (and in some cases to academic performance) through state laws that SREB has labeled "attend 'n' drive" laws.

From state to state, these laws have similar intent: that students meet mandatory attendance requirements to earn the right to drive. Failing this, students cannot apply for a driver's license, but they can win back the right to seek one by returning to school, qualifying for an exemption, or attaining an age beyond the law's

reach — 18 in most states. Beyond these similarities, the laws differ in significant ways. A handful of state laws mandate that students meet certain academic expectations in addition to attendance. What's more, attend 'n' drive laws vary by how states define truancy, collect and report data, and allow exemptions for students with special circumstances.

No single dropout-prevention strategy can eliminate or even dramatically reduce truancy or dropout rates. But a number of prominent researchers and organizations — including Robert Balfanz of the Everyone Graduates Center at Johns Hopkins University and Jay Smink of the National Dropout Prevention Center at Clemson University — argue that because students leave school for a variety of reasons, states should employ various strategies that focus on specific problems faced by today's high school students. Attend 'n' drive laws, in particular, have the potential to help reduce truancy and dropout rates if the provisions in the laws are clear, flexible and enforceable. This *SREB Policy Brief* examines attend 'n' drive laws in SREB states and recommends how state leaders can improve these policies.

Why attend 'n' drive laws began

By the time each student reaches the end of high school, a state has invested at least \$120,000 in his or her education. States that produce more graduates realize a higher return on that investment as students become wage-earners and taxpayers. But in order for students to make it to their high school graduation ceremony, they must first make it to class. Too many

don't. In an effort to keep more students in school all the way to graduation, policy-makers and education leaders have sought out ways to reduce truancy. Attend 'n' drive laws have become one popular, statewide carrot-and-stick approach used to address truancy and increase the odds that the financial investment in students will pay off.

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What's the Bottom Line? Key Recommendations for Attend 'n' Drive Policies

- ◆ States need to bridge the gap between compulsory attendance ages and attend 'n' drive ages so that both types of policies can work more effectively.
- ◆ States need better coordination and collaboration among stakeholders (students, parents, schools, law enforcement and juvenile justice) to ensure common goals are met.
- ◆ States need to collect the right data about student behavior and statewide penalties, study them, and share them to know which elements of their laws help keep students in school — and which ones help bring them back.
- ◆ States need to allow reasonable exemptions for students with special circumstances, such as those who need to drive in order to care for family members or attend classes.
- ◆ States need to research the views of various constituencies — including teens — on attend 'n' drive laws so that leaders can improve the design and effectiveness of the laws.

(For SREB's complete policy recommendations, see Page 7.)

Why would states restrict the privilege of driving over any other privilege? Beyond the obvious fact that states control the right to drive, students really *want* to drive. A 2010 study by The Center for Injury Research and Prevention at The Children's Hospital of Philadelphia shows that more than half of American students are behind the wheel by the ninth grade, and three-quarters are learning to drive or have a license by the 11th grade. George Mason University sociologist Amy Best contends that the car is a prime symbol of American culture, and teens want full access to one — which means they want the privilege to drive.

In 1988, **West Virginia became the first state in the nation** to recognize the value of the driver's license in the battle against truancy. Remarking on the success of

West Virginia's attend 'n' drive law a year later, the state official in charge of enforcement told *The New York Times* that "[the law] is working like nothing else we've ever tried, and we expect our graduation rate to climb steadily from here on out." By 1990, according to SREB's reporting at the time, more than half of SREB states had followed West Virginia's lead, enacting similar laws that denied a driver's license to students who dropped out of school or failed to meet attendance requirements. Indeed, Tennessee Department of Education officials told SREB in 2010 that the state's attend 'n' drive law, enacted in 1990, has had a significant impact on improving graduation rates, backed by the effective coordination of education, public safety and law enforcement officials.

Comparing attend 'n' drive laws across SREB states

SREB states differ widely in their use of attendance or academic measures to trigger the driver's license suspension process. Measures of chronic absenteeism vary by the number of days a student is absent and whether the days are *consecutive* or counted in *total*. The most common measure that triggers license

suspension in SREB states considers 10 consecutive unexcused days or 15 total unexcused days as the standard for chronic absenteeism. This measure is used in six SREB states: Alabama, Georgia, Maryland, Tennessee, Virginia and West Virginia. (See Table 1.)

Table 1

Tuancy and Academic Performance Requirements for Attend ‘n’ Drive Laws

	Tuancy Standard for License Denial or Suspension	Academic Standard	Source
Alabama	10 consecutive or 15 unexcused absences during a single semester	None specified	Title 16: Education, Section 16-28-40
Arkansas	Failure to comply with the established written policy of the school district or school concerning truancy	Proof of grade-point average of at least 2.0 (grade of C)	Title 27: Transportation, Section 27-16-701
Delaware	Absent from school without an excuse for more than three school days in a school year	None specified	Title 14: Education, Section 2730
Florida	15 unexcused absences in a period of 90 calendar days	None specified	Title XXIII: Motor Vehicles, Sections 322.27 and 322.091
Georgia	10 or more school days of unexcused absences in the current or previous school year	None specified	Title 40: Motor Vehicles and Traffic, Section 40-5-22
Kentucky	Nine or more unexcused absences in the preceding semester	Received passing grades in at least four courses, or the equivalent, in the preceding semester	Title XIII: Education, Section 159.051
Louisiana	After the fifth unexcused absence or fifth unexcused occurrence of being tardy within any month	None specified	Title 32: Motor Vehicles and Traffic Regulation, Section 32:431
Maryland	10 unexcused absences during the prior school semester	None specified	Title 16 of Transportation: Vehicle Laws - Driver's Licenses, Section 16-105
Mississippi	Must show proof of enrollment	Making satisfactory progress	Title 63: Motor Vehicles and Traffic Regulations, Sections 63-1-9 and 63-1-10
North Carolina	Failure to show proof of enrollment with a Driving Eligibility Certificate	Must have passing grades in 70 percent or more of his/her classes each semester	Chapter 20: Motor Vehicles, Section 20-11
Oklahoma	Failure to show proof of enrollment in a public or private secondary school	Has passed the eighth-grade criterion-referenced reading test	Title 47: Motor Vehicles, Section 47-6-107
South Carolina	Failure to follow school, district and state attendance laws, regulations and policies	None specified	Title 56: Motor Vehicles, Section 56-1-176 and Title 59: Education, Section 59-65-90
Tennessee	10 consecutive or 15 days total unexcused absences during a single semester	Making a passing grade in at least three full unit subjects at the conclusion of any grade period	Title 49: Education, Section 49-6-3017
Texas	Failure to enroll for at least 80 days in the fall or spring semester preceding the date of the driver's license application	None specified	Title 7 of the Transportation Code: Vehicles and Traffic, Section 521.204
Virginia	10 or more unexcused absences from school on consecutive school days	None specified	Title 46.2: Motor Vehicles, Section 46.2-334
West Virginia	More than 10 consecutive days or 15 total days unexcused absences during a school year	Attaining and maintaining grades sufficient to allow for graduation in five years or by age 19	Chapter 18: Education, Section 18-8-11
Sources: State departments of education, state departments of motor vehicles and state legislative code.			

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States use different time frames to measure student absences that can count toward driver's license suspensions. Delaware, Georgia and West Virginia count absences over a calendar year, which can extend back to the previous academic year. Alabama, Kentucky, Maryland and Tennessee count absences by semester.

Six SREB states also couple *academic performance* measures with attendance in their attend 'n' drive laws. In Kentucky, North Carolina, Tennessee and West Virginia, students need passing grades in a minimum number of courses for each grading period to earn driving privileges. Arkansas requires that students maintain a minimum grade-point average to keep their licenses. In Oklahoma, students must earn passing scores on the state's eighth-grade reading assessment to be allowed to drive.

Across the SREB region, some states allow for flexibility in specific cases. Students who lose their licenses can earn them back in three primary ways: by adhering to statewide school-attendance requirements for a specific period of time, by reaching a certain age, or by applying for an exemption related to personal or professional circumstances. In the first case, after having lost their driving privileges, students must regularly

attend school for a semester or a year (it varies by state) without again becoming truant. In the second case, students in most SREB states can simply wait until they reach the age of 18 to earn back the right to drive.

In the third case, students may appeal for a hardship or alternative exemption. Attorney Andrew Bolton argued in a legal analysis that states' attend 'n' drive policies should allow students to appeal suspensions. State education departments should also provide clear notice of intent to revoke a license and clear language concerning who is exempted.

Most SREB states offer students with special circumstances some reasonable exemptions from attend 'n' drive restrictions. A student in Alabama, Georgia or West Virginia, for instance, who serves as a caretaker for a sick parent or guardian can qualify for an exemption. Kentucky, Louisiana and West Virginia students can apply for economic hardship exemptions if they need to drive to jobs that support them and their families. Mississippi allows students under 18 to be exempt if they are married. Most SREB states allow students to drive to General Educational Development (GED) certificate programs, while a few states also allow students to drive if they are enrolled in job training.

A 'disconnect' that can undermine the law

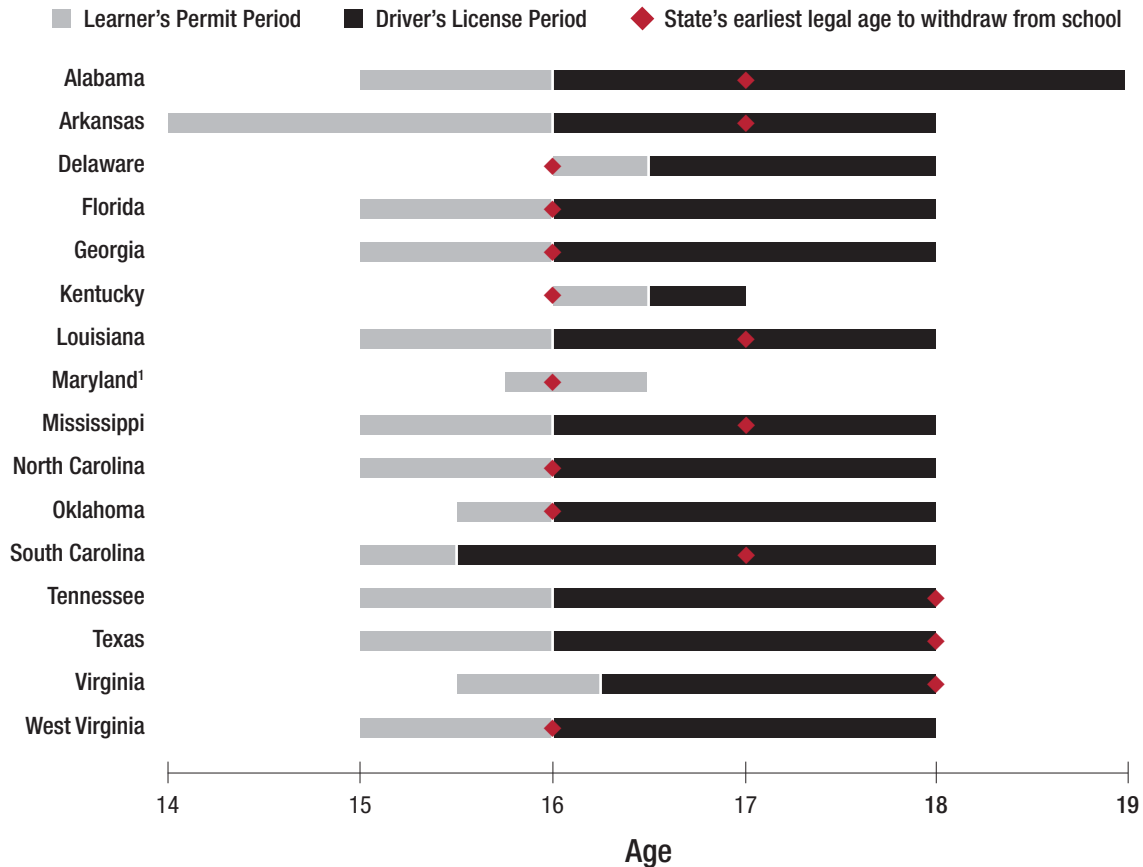
Some states have a "disconnect" between their attend 'n' drive laws (which apply to both learner's permits and driver's licenses) and their compulsory attendance policies. Attend 'n' drive laws in nearly all SREB states no longer apply to students once they turn 18. At that time, students who have dropped out of school or have been chronically truant can obtain a license. However, in most SREB states students can also legally withdraw from school at ages 16 or 17. The result is a one- or two-year gap between when students can legally leave school and when the attend 'n' drive law no longer applies to them. (See Figure 1.)

For attend 'n' drive laws to keep more teens in school, **states need to align their attend 'n' drive laws with their school attendance laws.** Otherwise, certain students who withdraw from school before the compulsory age of attendance might still be able to obtain a license, while others who are still enrolled but have poor attendance may not.

Florida is an example of a state that has found a way to address this problem. Like six other SREB states, Florida has a two-year gap — the longest duration in the region — between the compulsory attendance age

Figure 1

Teen Attend 'n' Drive Enforcement Periods and Compulsory Attendance Ages



¹ Maryland is the only SREB state in which students are subject to license suspension during the permit (or preliminary) stage. Maryland students are eligible for a permit at age 15 years and nine months, and for a license at 16 years and six months; the state's attend 'n' drive law applies only to students under 16.

Sources: Insurance Institute for Highway Safety, U.S. Department of Labor and state law.

and the end of attend 'n' drive provisions. To prevent withdrawn students in this gap from obtaining a license — usually because officials responsible for issuing driver's licenses may not know in time that these students are ineligible — Florida's schools assign codes to all such withdrawing students. School officials make the withdrawals and the related codes available electronically and immediately to driver's licensing officials. The codes fall into two broad groups: students transferring to a variety of other schools and who remain

eligible for licenses; and students leaving school for reasons unrelated to a transfer (e.g., health, court order or expulsion) and who lose their eligibility to hold a license until they turn 18 years old. These codes have given Florida school officials a simple, computerized way to close a notification loophole that some students had used to bypass the intent of the law. Leaders in other states may want to refer to Florida's policy as they think about how to close this potential loophole in their own states. (See Appendix A.)

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Do attend ‘n’ drive laws work?

Likely, they do — at least to keep some students in school. Most of what’s known on the effectiveness of these laws comes from statements by education and public safety officials, who have reported in publications such as *Education Week* and *Phi Delta Kappan* that attend ‘n’ drive laws in their states are working. They report outcomes similar to those reported by a West Virginia official, noting that the laws had reduced student absenteeism, boosted graduation rates by keeping students in school through their senior year and even attracted some dropouts back to school. Still, almost no formal research has been conducted on these laws’ effectiveness.

One Texas Education Agency task force report on dropout-prevention initiatives noted that a majority of high school students surveyed were aware of the state’s attend ‘n’ drive law and believed it “helped prevent students from dropping out.” In contrast, a majority of principals surveyed did not believe the Texas law “increased the likelihood of regular students completing school.” A separate study examined the impact of Kentucky’s attend ‘n’ drive law on decreasing dropout rates in the state from the late 1980s to the

early 1990s. While the law might have had an impact, the researcher found that a statewide counseling program that was implemented during the same period was more likely the key factor contributing to lower dropout rates.

But clearly, better data are needed. The limited data currently available offer little insight about the numbers of students impacted by attend ‘n’ drive laws. Upon request, only a handful of states — notably Florida, Georgia, Kentucky and Tennessee — provided SREB with detailed data on students’ license suspensions under these laws. (See Box 1.) But even these data don’t provide policy-makers with *specific* causes for license suspensions or measure the long-term effectiveness of these suspensions on truancy or dropout rates. What’s more, too many states were unsure which agency — education or public safety — collected such data, if the statistics were collected at all. **All SREB states need to collect and report more information about attend ‘n’ drive license suspensions and learn more about the effectiveness of their laws.** Current driver’s license suspension statistics fall far short of helping policy-makers with that task.

Box 1

Attend ‘n’ Drive Suspensions in Selected SREB States, 2009-2010 School Year

Florida, third quarter only:

- ◆ 7,557 notices issued to nonlicensed students informing them they were not eligible to apply and receive driver’s licenses
- ◆ 2,219 notices of intent to suspend driving privileges issued
- ◆ 1,844 suspension orders issued
- ◆ 100 second suspensions issued to students who had reinstated driving privileges

Georgia:

- ◆ 16,000 licenses suspended for attendance-related violations

Kentucky:

- ◆ 2,317 licenses suspended due to attendance or academic violations

Tennessee:

- ◆ 3,697 licenses suspended due to attendance or academic violations

Sources: State departments of education staff.

Policy recommendations

State leaders should periodically revisit both the attend 'n' drive laws currently in force in their states and the policies that follow from them to ensure that strong communication, enforcement and accountability measures are in place. States can start by strengthening the alignment of these policies with compulsory attendance laws; by improving inter-agency coordination, data collection and reporting; and by building better awareness among students, school leaders and other stakeholders. Details are outlined below.

Bridge the gap between compulsory attendance ages and attend 'n' drive ages.

In most SREB states, a one- or two-year gap exists between when a student can legally withdraw from school and when attend 'n' drive policies no longer apply. Unless school officials have ways to notify licensing officials when students drop out of school and become ineligible to drive, driver's license laws will not be as effective as they could be. One way for states to close this gap is to align the ages of compulsory attendance and attend 'n' drive provisions. Alternatively, states can follow Florida's lead and designate certain groups of withdrawn students as ineligible to drive. (See Appendix A.)

Coordinate and communicate within and across agencies.

In many states, when students are ready to drive, they meet with a school-level official for verification of attendance and, if applicable, academic performance. But public safety officials actually issue driver's licenses, and juvenile justice officials enforce the suspensions. Between schools and other agencies, states have created a potential maze of miscommunication that results in poor policy implementation and lackluster accountability.

To remedy this, SREB states should ensure that all agencies responsible for implementing, enforcing and evaluating attend 'n' drive policies communicate and coordinate more effectively. According to Tennessee officials, where graduation rate increases led the nation

over the past decade, coordination among these agencies was essential for the state's policy to work. Including community partners, law enforcement officials and social services in the information pipeline can further improve deterrence and enforcement.

Enhance data collection and disclosure, and research the impact of attend 'n' drive laws.

Since 2005, the Data Quality Campaign has called for states to gather better education data, make it publicly available and ensure that stakeholders in education have the capacity to use these data to improve their work. Better data are needed on attend 'n' drive policies. Education and public safety officials should inventory and audit the data they currently have, including letters that notify students and guardians of ensuing license suspensions, reinstatements and other actions. Florida, Georgia, Kentucky and Tennessee generate publicly available reports from statewide data systems that include some of this information. Reports in all SREB states should be linked to general education data and then studied in order to establish whether attend 'n' drive policies have an impact on keeping students in school, reducing truancy, and lowering dropout rates. (See Appendix B for potential research questions.)

Allow reasonable exemptions for students with special circumstances.

Some students are sole caretakers of parents, siblings or their own children. Others support their families by working after school. Still others attend programs to work toward a GED credential or an industry certification. For many students, meeting these obligations would be difficult, if not impossible, without the ability to drive. State policy-makers should ensure that attend 'n' drive laws include carefully considered exemptions for such students. State policies should specify which individuals are authorized to grant exemptions based on clear, published guidelines, and stakeholders need to know exactly to whom and when attend 'n' drive policies apply. Finally, school officials should know how to implement the laws' or policies' provisions effectively.

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Find out what students know and think.

Policy-makers also should make an effort to understand the interests of teens and other stakeholders so they can make continuous improvement in the effectiveness of carrot-and-stick approaches for staying in school, such as attend ‘n’ drive laws. They should know whether students are aware of these laws and whether they are deterred from leaving school by the threat of losing their driving privileges. One reason some students may not feel threatened by these laws is lackluster enforcement by education or public safety agencies. “Without effective monitoring and enforcement, teens at risk of dropping out of school won’t take the threat of license suspension seriously,” Jay

Smink, the executive director of the National Dropout Prevention Center at Clemson University, told SREB.

Carrot-and-stick policies are most effective when both the carrot and stick are meaningful to students. Research confirms that most students want to drive and, if they lose that privilege, they want it back. The Texas survey on dropout prevention confirmed that teens have somewhat different ideas about the importance of such policies than their principals do. But the survey did not explore the student perspective to determine which parts of the policies made them effective. By surveying and studying the interests of students, more informed policy approaches could follow.

Conclusion

The purpose of states’ attend ‘n’ drive laws is to keep students in school or bring truant students back to class by providing them with the right to drive as an incentive. In some states, these policies require students to meet academic performance standards such as passing classes or maintaining a minimum grade-point average. Anecdotal evidence indicates that in some states, attend ‘n’ drive policies have a positive influence on student attendance and performance. But more rigorous studies and regular student surveys are needed to establish more directly whether the policies actually lead to improved attendance and lower dropout rates. One way states can generate the research they need is by creating partnerships with state universities, which can conduct evaluations using state data.

States can take additional steps in order to improve their attend ‘n’ drive policies. Three-quarters of SREB states have a compulsory attendance age of less than 18. These states can ensure that the same license suspension penalties apply to those students who withdraw from school without intending to re-enroll or transfer; i.e., true dropouts. States also should improve the coordination and collaboration among officials from education, transportation and law enforcement agencies so that students receive due process at each stage. This

includes providing exemptions from the law for students with extraordinary circumstances.

No single truancy- or dropout-prevention strategy will keep all students in school and on the path to high school graduation — and states shouldn’t expect to find one. Many researchers and organizations assert that states need an arsenal of truancy and dropout prevention programs and strategies, each designed to influence a target population. With literally more than one million students dropping out of high school each year, states can make significant progress in keeping more students in school if they have several dropout-prevention strategies and if each is successful with even a small percentage of the population most at risk of dropping out. The cumulative effect can make the difference.

Because so many students are behind the wheel in high school, attend ‘n’ drive policies have the potential to be a powerful tool for improving students’ attendance and academic performance. Policy-makers and education leaders should require evaluations of their attend ‘n’ drive laws and strengthen the laws as part of a comprehensive effort to keep students in school — and if they leave, to bring them back.

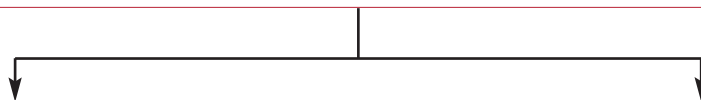
Appendix A - Driving Ineligibility of Withdrawn Students in Florida

In Florida, certain groups of students who withdraw from school (see codes below) lose their eligibility to drive. Students who *already have a license* are noncompliant and lose their driving privileges. Students who *don't already have a license* cannot obtain one.

These groups of students include those:

- ◆ expected to attend school but who did not enter as expected for unknown reasons (DNE).
- ◆ 16 or older who leave school voluntarily, with no intention of returning (W05).
- ◆ withdrawn from school due to court action (W13).
- ◆ withdrawn due to nonattendance (W15).
- ◆ withdrawn due to medical reasons (W18).
- ◆ withdrawn due to being expelled (W21).
- ◆ whose whereabouts are unknown (W22).
- ◆ who withdraw from school for some other reason (W23).

The route to compliance differs depending on whether the student has a license at the time of withdrawal:



Students who had a license can earn it back by:

- ◆ becoming compliant with state attendance rules and regulations, or
- ◆ applying and being approved for a hardship exemption.

Students who don't yet have a license can obtain one by:

- ◆ becoming compliant with state attendance rules and regulations.

*This group of students **cannot** apply for a hardship exemption.*

Sources: *Implementation of Attendance Requirements for Minors to Maintain Their Driving Privilege* and *2009-10 Guide to Calculations for Florida's Public High School Graduation Rate*.

Appendix B - Questions to Help Guide SREB States' Research on Attend 'n' Drive Policies

- ◆ Are students, parents and the community aware of attend 'n' drive policies? Do school and public safety officials — or both — inform students about the policies as soon as they reach the legal driving age?
- ◆ Are policies or practices in place that provide warnings to students and their parents when students could lose their eligibility for a license?
- ◆ How many students have their license eligibility revoked as a result of the law? Was this their first time losing the privilege?
- ◆ Did individual student attendance improve after the initial loss of eligibility? If so, did the improvement continue after eligibility was restored?
- ◆ Are returning dropouts surveyed to determine their reasons for dropping out of school? Do school officials adjust the learning environment in response?
- ◆ Does the impact of attend 'n' drive policies vary by racial/ethnic groups, gender and geography?

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