

# Driver's License Legislation F.A.Q.

## CONTENTS

- North Carolina Laws
  - Lose Control Lose License, NC Senate Bill 57
    - LCLL Defined
    - LCLL Permit/License Reinstatement
  - Dropout Prevention Law, NC House Bill 769
    - Dropouts
    - Inadequate Progress
- Summer School
- Reporting
- Issuing a DEC
- Who's Responsible for Issuing a DEC?
- How Long is a Driving Eligibility Certificate Valid?
- Who Needs a Driving Eligibility Certificate?
- How Does a Minor Enrolled in a Public School within NC Obtain a DEC?
- How Does a Minor Enrolled in a Private School or Home-School with NC Obtain a DEC?
- How Does a Minor Enrolled in a Community College, Basic Skills, or GED Program Obtain a DEC?
- How Does a Minor Enrolled in a Public or Private School Outside NC Obtain a DEC?
- How Does Someone Under 18 Residing in NC but Not Attending School Obtain a DEC?
- How Does WCPSS Obtain the DEC's?
- Why Would a DEC be Revoked? 3 Reasons.
- Hardship Request
- Rules for a Hardship Request
- Hardship Request Appeal Process
- Can DMV, NCDPI, the Division of Non-Public Education, or the Division of Community Colleges Grant Hardships?
- Is Hardship Permanent?
- How do Technical Errors Regarding Local Public Schools Become Resolved?
- Questions? Whom to Contact

## **What are the North Carolina Laws that affect driving privileges?**

### **1. LOSE CONTROL LOSE LICENSE: NORTH CAROLINA SENATE BILL 57**

#### **What are the major aspects of the Lose Control Lose Your License law?**

- The law calls for the suspension of a student's permit or license for one year whenever a student is given an expulsion/suspension for more than 10 consecutive days or an assignment to an alternative educational setting for more than 10 consecutive days for one of the following reasons:
  - The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
  - The possession of a weapon or firearm on the school property that resulted in the disciplinary action under F.S. 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.
  - The physical assault on teachers or other school personnel on school property.

#### **What state agencies are involved in the Lose Control Lose Your License law?**

- The laws specifically identify several state agencies to work collaboratively in implementing the law. The Department of Public Instruction, the Division of Motor Vehicles, the Division of Non-Public Schools, and the Community College System are partners in this effort.

#### **Whom do the laws affect?**

- Lose Control Lose Your License Law: The law affects students at least 14 years old or rising 8<sup>th</sup> graders on or after July 1, 2000. Students who are 18 years old cannot be charged under this law; however, the year's suspension can go beyond a student's 18<sup>th</sup> birthday.

#### **How does Lose Control Lose License affect minors who are emancipated?**

- Emancipated minors are still affected by the Lose Control Lose Your License and Dropout Prevention laws.

#### **How does the Driving Eligibility Certificate become reinstated for LCLL? \***

- Under the "Lose Control/Lose License" § 20-11 (n1) (1) statute, the Driving Eligibility Certificate is reinstated one year after the disciplinary action occurred.
- However, if the local education agency determines the student displayed exemplary behavior and is attending school, a student may be eligible for the Driving Eligibility Certificate six months after the ineligibility occurred. § 20-11 (n1) (2), (3), (4)

## What is Exemplary Behavior?

- Exemplary student behavior is defined as the student having no further incident of misconduct where expulsion, suspension, or an assignment to an alternative setting is required. Students who continue to violate local school board policies addressing related behaviors would not qualify for having exemplary behavior.

## Does every student qualify for the six-month exemplary behavior review?

- No. A student given a drug-related suspension MUST successfully complete a treatment-counseling program. This is NOT an option if the student wishes to get a Driving Eligibility Certificate after the six-month waiting period. The treatment counseling program must consist of a minimum of 18 sessions of drug or alcohol treatment counseling, a mental health treatment program, or another appropriate intervention program.
- Furthermore, if the school administrator determines the student has exhausted all administrative appeals related to the disciplinary action and needs the certificate to drive to and from school, a drug or alcohol treatment counseling program, as appropriate, or a mental health treatment program, and no other transportation is available, the student is eligible for a Driving Eligibility Certificate. § 20-11 (n1) (3)

## 2. DROPOUT PREVENTION LAW: NORTH CAROLINA HOUSE BILL 769

### What are the major aspects of the Dropout Prevention/Driver's License Legislation?

- The legislation reflects a coordinated statewide effort to motivate and encourage students to complete high school. *The revocation of a student's driving permit or license will result if the student cannot **maintain adequate progress or drops out of school.***

#### 1. Dropping Out of School

### What state agencies are involved in the Dropout Prevention/Driver's License Legislation?

- The laws specifically identify several state agencies to work collaboratively in implementing the law. The Department of Public Instruction, the Division of Motor Vehicles, the Division of Non-Public Schools, and the Community College System are partners in this effort.

### Whom do the laws affect?

- Dropout Prevention/Driver's License Legislation: The legislation is directed to all North Carolina students under 18 years of age eligible for a driving permit or license. This

includes public schools, federal schools, home schools, private schools, and community college students.

### **How does Dropout Prevention affect minors who are emancipated?**

- Emancipated minors are still affected by both the Dropout Prevention laws.

### **When will the school system report students to WCPSS Dropout Prevention (CASS Project Manager)?**

- WCPSS Dropout Prevention will provide schools with timelines.

### **How can a student's driving privileges be restored if they drop out?**

- When the student reaches the age of 18 reactivation will automatically occur providing there are no other DMV suspensions on the license. Go to any NC DMV driver's license office to obtain a new license.
- When the student enrolls in an approved educational setting such as another public school, charter school, private school, home school, or community college AND passes 70% of all courses at the end of the first semester of attendance in the new school. The student must request a DEC form from the designee at his/her new educational setting.
- A dropout student may be issued a DEC upon re-enrollment if making adequate progress before dropping out.

## **2. Inadequate Progress**

### **What is considered adequate progress?**

Adequate academic progress is defined as passing 70% of the courses enrolled when grades are measured at the end of each semester.

### **When are grades checked to measure adequate progress?**

For schools on a 4 X 4 block schedule: Adequate progress is determined by first-semester grades and again by second-semester grades.

For schools on an A/B Day schedule: Adequate progress is determined by first-semester and end-of-year final grades.

### **How does summer school affect students who may lose their licenses?**

- At the end of the school year, once final grades are posted, schools will
  - Send the inadequate progress student list to the Central Office based on the timeline provided.
  - Schools should send a message/advertise to students/parents about the possibility of Summer School. Summer school students can take failed courses from the second semester to qualify for adequate progress at the end of summer school

(passing 70% of all courses taken). Students making sufficient progress by attending summer school and now passing 70% of courses taken from the second semester will be removed from the Second Semester's Inadequate Progress report, therefore, they will not be reported to NCDPI/DMV for license/permit revocation.

### **When will the school system report students to WCPSS Dropout Prevention (CASS Project Manager)?**

- The WCPSS Dropout Prevention Project Manager will provide schools with timelines.

### **How can a student's driving privileges be restored after making inadequate progress?**

- When the student reaches the age of 18 reactivation will occur providing there are no other DMV suspensions on the license. Go to any NC DMV driver's license office to obtain a new license and pay the DMV reinstatement fee.
- When the student receives a high school diploma, G.E.D., or adult high school diploma (age 17 and under). In this case, the student must request a DEC form from his/her high school or another educational setting. The student will take the DEC form to NC DMV to have the permit/license reinstated and pay the DMV reinstatement fee.
- When the student passes 70% of his/her courses at the end of the next semester. Students must request a DEC form from his/her high school or another educational setting. The student will take the DEC form to NC DMV to have the permit/license reinstated and pay DMV the reinstatement fee.

## **Driver Eligibility F.A.Q.**

### **Who's responsible for issuing a DEC?**

A Driving Eligibility Certificate (DEC) is a printed document issued by the school principal or the principal's designee. The Driving Eligibility Certificate verifies that the student is enrolled and has demonstrated adequate academic progress toward graduation. To obtain a Driving Eligibility Certificate (DEC) students must have a driver education certificate of completion from an approved North Carolina Driving School. The certificate verifies students have completed 30 hours of classroom, and 6 hours of behind-the-wheel (BTW) instruction.

A DEC is needed when a student plans to apply for a North Carolina driving permit or license. Students must meet adequate academic progress toward graduation to obtain or maintain a driver's license or learner's permit. Academic progress is defined as passing 70% of the courses enrolled. Driver eligibility certificates can be obtained at local public and private high schools. Middle school students who qualify for a DEC form can receive the DEC from the

base high school determined by the student's address. Homeschools obtain their driver eligibility certificates from the [Division of Non-Public Education](#).

State-level and district-level positions (DMV, NC DPI, Division of Non-Public Education, the Division of Community Colleges, or WCPSS Central Office Staff) cannot distribute DEC forms to students.

Public schools are not permitted to share Driver Eligibility Certificates with community colleges, private schools, home schools (including online programs), or other public schools.

This is dropout prevention and driver's license legislation.

### **What is a Driving Eligibility Certificate?**

A Driving Eligibility Certificate is used to verify that a student is meeting academic and enrollment expectations for the state of North Carolina and therefore in combination with the other requirements outlined in § 20-11 (d) (1), (2), and (3) may obtain either a limited driver's learner permit or a provisional (limited or full) driver's license.

### **How long is a Driving Eligibility Certificate valid?**

The Driving Eligibility Certificate is valid for 30 days. § 20-11(n)(3).

Under most circumstances, a student will need a DEC once. When a student drops out of school or does not maintain adequate progress based on timelines, the school will notify the WCPSS Driver's License Legislation CASS Administrator and the student's driving eligibility will be revoked. A new DEC will be issued once the student regains their eligibility status.

### **Who needs a Driving Eligibility Certificate?**

A person under 18 seeking a driver's learner permit or provisional driver's license needs a Driving Eligibility Certificate. A person over age 18 may also need a Driving Eligibility Certificate if the Driving Eligibility Certificate was revoked before age 18 due to disciplinary action during high school or community college. § 20-11(n1)

### **How does a minor enrolled in a public school within North Carolina obtain a Driving Eligibility Certificate?**

Upon successful completion of a Driver Education program, the student may obtain a Driving Eligibility Certificate from the school once adequate academic progress (pass at least 70% of the maximum of possible courses each semester and meet promotion standards established by the LEA) 16 NCAC 06E.0301 has been verified by the school.

WCPSS Requirements to obtain a DEC:

- Driver Education Completion Certificate from an approved NC Driving School.

- The student must be enrolled in their base/assigned school and provide proof of address.
- The student must provide a current report card passing 70% of courses enrolled.

**How does a minor enrolled in a private school or home-schooled (online schools are considered home-schooled) within North Carolina obtain a Driving Eligibility Certificate?**

[The Division of Non-Public Education](#) lists directions on obtaining a Driving Eligibility Certificate. Please note, that home schools must be registered with the Division of Non-Public Education for 6 months to receive a Driving Eligibility Certificate. For more details, please call the Division of Non-Public Education directly at: 919.733.4276

**How does a minor enrolled in a Community College / Basic Skills / GED program obtain a Driving Eligibility Certificate?**

Once a student has enrolled in a local Community College Basic Skills / GED program for 6 months, the Basic Skills program determines academic eligibility and issues the Driving Eligibility Certificate. Contact the Basic Skills office of your local community college or visit [nccommunitycolleges.edu](http://nccommunitycolleges.edu).

**How does a minor enrolled in a public or private school outside North Carolina obtain a Driving Eligibility Certificate?**

Driver education is provided to students attending school within the state of North Carolina, the local education authorities have the option of charging up to \$65.00 in fees per student. § 20.88-1. Minors attending school outside of North Carolina but who reside in North Carolina can attend one of the DMV-certified commercial driving schools throughout North Carolina. Students enrolling in schools outside North Carolina can obtain a Driving Eligibility Certificate from the local school system central office where they have permanent residence. The local education agency determines what evidence is needed to verify an out-of-state student's Driving Eligibility. Contact the Driver's Training Coordinator at your local central office for the school system's criteria. A North Carolina Driver Education Certification of Completion obtained from the commercial driving school is also presented to the local central public school system office. The DEC and the certificate of completion of Driver's Training are presented to the local DMV office.

Requirements needed to verify an out-of-state student's Driving Eligibility:

- Driver's Education Certificate of Completion from an approved NC Driving School.
- Proof of NC permanent residency with WCPSS District.
- Transcript/report card showing the latest semester grades (passing 70% of the courses enrolled).
- A letter on the school's letterhead stating that the student is in current attendance and good standing.

## **How does someone under 18 residing in North Carolina but not attending school obtain a Driving Eligibility Certificate?**

In North Carolina, before age 18, everyone must show adequate progress toward a high school diploma, a high school diploma, or its equivalent to obtain a driver's license. (§ 20-11)

Enroll in a North Carolina public, private, or approved home school and demonstrate adequate academic progress toward a high school diploma or its equivalent. The process for enrolling in a Community College is listed previously.

## **How does a public school obtain the Driving Eligibility Certificates?**

Driving Eligibility Certificates are distributed through the school district central office. Schools should email Cecil Coates (Counseling and Student Services) at [ccoates@wcpss.net](mailto:ccoates@wcpss.net) to request more DEC certificates.

## **Why would a Driving Eligibility Certificate be revoked?**

There are three reasons why a Driver Eligibility Certificate could be revoked.

### **Dropout Prevention Law: North Carolina House Bill 769**

- The legislation reflects a coordinated statewide effort to motivate and encourage students to complete high school. The revocation of a student's driving permit or license will result if the student is unable to maintain adequate progress or drops out of school.

#### **1. Dropping Out of School Before Age 18**

As of Aug. 1, 1998, any public, private, federal, home-schooled, or community college student under age 18 who does not make adequate academic progress or drops out of school will have their driving permit or provisional license revoked. (§ 20-11)

Under the Dropout Prevention Guidelines, a dropout student has withdrawn from school before the end of the academic term and whose enrollment in an educational setting cannot be verified for 30 days. Parents should be notified in writing that the student's Driver Eligibility Certificate will be revoked. Parents may submit a hardship request to the principal or designee to maintain the student's Driving Eligibility status.

#### **2. Not Making Adequate Academic Progress**

Academic progress is defined as passing 70% of the courses a student is enrolled in. Each semester, Report Cards include a statement indicating that if a student is not making adequate progress, the student's permit or license will be revoked. Parents can request a Driver's Eligibility Hardship Request and send it to the Central Office Administrator. Second semester can attend summer school to repeat the courses failed to avoid revocation.



### 3. Disciplinary Action (Lose Control Lose License: NC Senate Bill 57)

Disciplinary action includes an expulsion, a suspension for more than 10 consecutive days, or an assignment to an alternative educational setting for more than 10 consecutive days. (§ 20-11(n1))

Under the Lose Control/Lose License guidelines, the Driving Eligibility Certificate is revoked for one year. The revocation of a Driving Eligibility Certificate for disciplinary action could extend beyond age 18 if the disciplinary action happened when the student was 17.

\*See more information under pages 2-3, Lose Control Lose License.

### Hardship Request (NC House Bill 769)

#### What is a hardship?

A hardship is defined as "a demonstrable burden on the student or the student's family..." 16 NCAC 06E.0301 (c) (3).

#### What are the rules for hardships?

- Cases of hardship must reflect specific circumstances beyond the control of the student, his or her parents, or the school. The specific hardship circumstances are divided into three categories:

**#1 Medical Considerations:** Documentation must demonstrate the need for the student to continue to drive. *For the student* - A note from a doctor must be submitted with reasons why the student missed school and why the student's illness/accident caused the student to begin failing classes. Along with the doctor's note, documentation is required showing that the student was making adequate progress before the illness, accident, etc. This should be in the form of teacher's statements, an interim report card, etc. A hardship will not be granted if the student can make up work and fails to make up the work. *For the parent* - A note from a doctor must be submitted with why the parent cannot drive.

**#2 Work-related Considerations:** Documentation must demonstrate the need for the student to continue to drive. *For the student* - No hardship consideration is based solely on the student's desire to earn additional income or save for college. *For the family* - a brief statement of why the student's earnings will benefit the family income must be submitted with the hardship. We DO NOT require an official earnings statement from the parents, simply a written statement. The WCPSS does reserve the right to confirm the accuracy of any documentation before granting a hardship. For this consideration, the student must still show

that there are no other means of transportation to and from his/her job. If there is public transportation, the hardship will be denied.

**#3 Other Considerations: Documentation must demonstrate the need for the student to continue to drive.** This is for unusual circumstances not covered by the first two categories and will be reviewed as needed.

### What is the process for hardships?

- Parents or legal guardians must fill out a Driving Eligibility Hardship Request Form in its entirety. Forms that are not filled out, lack required documentation, or are not signed by a parent or guardian will be returned. (See below where to send the hardship request)
- Hardship Request Forms are located in local high school Student Services Departments.
- The student’s School Hardship Request Review Panel will meet to review the hardship request. The school will make a recommendation to approve or deny the hardship request.
- The final decision to approve or deny the hardship request will be made by the CASS Project Manager’s Review Panel.
- Once the decision to approve or deny the hardship request the CASS Project Manager will send the parent or guardian a letter, email, or call indicating the panel’s decision.
- **Appeal Process:**
  - The local education agency (school, school district, school board) determines the process by which decisions concerning the issue of a driving eligibility certificate shall be appealed. 16 NCAC 06E.0301 (d)
  - If a hardship is denied, the parent or guardian has the right to appeal the hardship by completing an Appeal Form within 10 days of the notification that the hardship was denied to the CASS Project Manager. §20-11 (n1) (3). The Appeal Form can be received from the District Central Office CASS Project Manager.
- Driving Eligibility Hardship Request can be sent in one of the following ways:

<b><u>U.S. Mail:</u></b> Wake County Public School System CASS Project Manager-Driver’s License Legislation Crossroads II, 110 Corning Road / Cary, NC 27511	<b><u>FAX:</u></b> 919-694- 7775	<b><u>Email:</u></b> <a href="mailto:ccoates@wcpss.net">ccoates@wcpss.net</a>
---	--	--

### Can DMV, NCDPI, the Division of Non-Public Education, or the Division of Community Colleges grant hardships?

- State-level positions at these agencies **cannot** grant hardships for students.

## **Is hardship permanent?**

- No. Hardships will only be granted under extreme circumstances. Once a student is granted hardship, the hardship must continue to exist so their license will not be revoked again. Data managers should keep a record of granted hardships and not include them on inadequate progress reports or dropout lists unless the hardship does not exist anymore.

## **How do technical errors regarding Driving Eligibility Certificates from local public schools become resolved?**

Public schools should work with their central office coordinator. The CASS Project Manager will work with NCDPI to have errors corrected.

\* NOTE: To reinstate driving privileges, the DMV must have electronic confirmation from the child's private school, public school, community college, or for home school students Division of Non-Public Education as well as the paper DEC when the child and parent/guardian visit the local DMV office. DMV may also charge a restoration fee.

## **Questions?**

Cecil Coates

[ccoates@wcpss.net](mailto:ccoates@wcpss.net)

919.694.0576

WCPSS School Counseling

Driver's License Legislation

May 13, 2024