

DRIVING LICENSE LEGISLATION

Frequently Asked Questions

NORTH CAROLINA SENATE BILL 57

LOSE CONTROL LOSE LICENSE

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 or use on a school property of a weapon or firearm 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 a teacher 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 the implementation of the law. The Department of Public Instruction, Division of Motor Vehicles, the Division of Non-Public Schools, and Community College System are partners in this effort.

Whom do the laws affect?

- Lose Control Lose Your License law: The law affects students who are at least 14 years old or who are rising 8th 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 18th birthday.

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

- Emancipated minors are still affected by both the Lose Control Lose Your License 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)
- 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)

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 found in violation of 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 other appropriate intervention program.

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 is unable to **maintain adequate progress** or **drops out of school**.*

DROPPING OUT

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

- The laws specifically identify several state agencies to work collaboratively in the implementation of the law. The Department of Public Instruction, Division of Motor Vehicles, the Division of Non-Public Schools, and 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 the age of 18 who are 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 of school?

- 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 other 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. At this time, the student must request a DEC form from the designee at his/her new educational setting.
- If the student was making adequate progress at the time they dropped out, they may be issued a DEC form on re-enrollment.

INADEQUATE PROGRESS (GRADES)

What is considered adequate progress?

- A student is considered making adequate academic progress if the student is passing at least 70% of his/her course load when grades are measured at the end of each semester.

Example 1

A student on the 4 x 4 block passes only 2 out of 4 courses during the first semester. The DMV will be notified at the end of the first semester and will revoke the student's permit or license. If the student is able to pass at least 3 out of 4 courses during the second semester, a DEC will be issued to the student upon the student's request.

Example 2

A student on the 4 x 4 block passes 4 courses the first semester but only passes 2 courses the second semester. At the end of the second semester, the DMV will be notified and will revoke the student's permit or license. A DEC can be issued to the student at the end of summer school upon passing one of the two courses failed second semester or at the end of the first semester of the next school year upon passing at least 3 out of 4 courses.

Example 3

A student on an A/B Day schedule only passes 5 courses out of 8 during first semester. The DMV will be notified and will revoke the permit or license. A DEC form can be issued at the end of second semester if the student passes at least 6 out of 8 courses.

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 grades and by end-of-year grades.

How does summer school affect students who may lose their license second semester?

- At the end of the school year, once final grades are posted, schools will
 - Send Inadequate Progress student list to Central Office based on timeline provided.
 - Send message/advertise to students/parents about the possibility of Summer School. Students in summer school have the option to take failed courses from second semester to qualify for adequate progress at the end of summer school (passing 70% of all courses taken). Student making adequate progress by attending summer school and now passing 70% of courses taken from second semester will be removed from the Second Semester 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)?

- WCPSS Dropout Prevention 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.
- When the student receives a high school diploma, G.E.D., or adult high school diploma (age 17 and under). In this case, student must request a DEC form from his/her high school or other educational setting.
- When the student passes 70% of his/her courses at the end of the next semester. Student must request a DEC form from his/her high school or other educational setting.

DRIVING ELIGIBILITY CERTIFICATES FAQ

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).

Who needs a Driving Eligibility Certificate?

A person under age 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 prior to age 18 due to disciplinary action during high school or community college. § 20-11(n1).

Who is responsible for issuing a DEC?

- The principal or principal's designee at each high school is responsible for signing and issuing a DEC. This will occur when a student plans to apply for a driving permit or license. Middle school students who qualify for a DEC form can receive the DEC from the base high school determined by the student's address.
- Public schools are not permitted to share Driver Eligibility Certificates with community colleges, private schools, home schools (including on-line programs), or other public schools.

Can DMV, NC DPI, Division of Non-Public Education, or the Division of Community Colleges issue DEC Forms?

- State level positions at these agencies cannot distribute DEC forms to students.
- WCPSS Central Office Staff cannot distribute DEC forms to students.

How often is the DEC form issued?

- Under most circumstances a student will only need to be given a DEC once. When a student drops out of school or does not maintain adequate progress, the school will notify WCPSS Dropout Prevention CASS Project Manager and the student's driving eligibility will be revoked. Once the student regains their driving eligibility status, a new DEC will be issued.

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) 16 NCAC 06E.0301 has been verified by the school.

- Student must show a Driver Education Completion Certificate.
- The student must be currently enrolled in base/assigned school and verify and/or proof of residency.
- The student is making adequate progress at the end of the **semester** (adequate progress is assessed at the end of each semester, not quarters). Adequate progress is defined as passing 70% of all courses taken (core and electives; 3 out of 4 or 6 out of 8).

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

The Division of Non-Public Education at www.ncdnpe.org lists directions on obtaining a Driving Eligibility Certificate. Please note, home schools must be registered with the Division of Non-Public Education for 6 months in order to obtain a Driving Eligibility Certificate. For more details please call the Division of Non-Public Education directly at: 919.733.4276.

- Public schools **may not** issue a DEC form to a student who attends any of the following: home schooled (including on-line programs), private school with NC, community college, or an out-of-state correspondence school.

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. For more details, please contact the Basic Skills office of your local community college or visit:

<http://www.nccommunitycolleges.edu/>

How does a minor enrolled in a public, private, and boarding 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 \$45.00 in fees per student. § 20.88-1 Minors attending school outside the state of North Carolina but who reside in North Carolina can attend one of the DMV certified commercial driving schools throughout North Carolina. Students attending school outside North Carolina can obtain a Driving Eligibility Certificate from their assigned WCPSS high school based on Wake County permanent residence.

The following evidence is needed to verify an out of state student's Driving Eligibility.

- NC Driver Education Certification of Completion
- Proof of NC permanent residency within WCPSS District (i.e., power bill, apartment lease, etc.)
- Transcript/report card showing the latest semester grades (70% adequate progress)
- A letter on the school's letterhead stating that the student is in current attendance and in good standing

Both the DEC and the certificate of completion of Driver's Training are presented to the local DMV office.

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

- In North Carolina, prior to age 18, everyone must show adequate progress toward a high school diploma, a high school diploma, or its equivalent in order to obtain a driver's license. (§ 20-11)
- Enroll in a North Carolina public, private, approved home school, or community college (basic skills program leading toward a GED) and demonstrate adequate academic progress toward a high school diploma or its equivalent.

What if a student loses their driving eligibility in NC but moves to another state?

- Parent contacts WCPSS Dropout Prevention Coordinator for process (listed in this document)
 - Parent may ask for a Hardship Request Form (same procedure as listed in this document)
 - Or, parent will have to provide Dropout Prevention Coordinator with transcript/report card showing adequate progress at current school (70% passing of courses taken)

- If making adequate progress, WCPSS Dropout Prevention Coordinator will issue a DEC form and mail it to the parent(s)/guardian
- Parent completes and signs DEC form and mails it with a check for \$65 to NC DMV (address can be located at: <https://www.ncdot.gov/dmv/>)
- Please note: parent should make and keep copies of all documents mailed out.

How does a Wake County Public School obtain the Driving Eligibility Certificates?

Driving Eligibility Certificates are distributed through the school district central office. Schools should email Cecil Coates at ccoates@wcpss.net / Counseling and Student Services) and request DEC forms.

Why would a Driving Eligibility Certificate be revoked?

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

- **Disciplinary Action / Lose Control Lose License / North Carolina Senate Bill**

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. Unlike the Dropout Prevention guidelines that end when a student turns age 18, the revocation of a Driving Eligibility Certificate for disciplinary action can extend beyond age 18 if the disciplinary action took place during the time the student was age 17.

- **Dropping out of School Prior to Age 18 / North Carolina House Bill 769**

As of August 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 is one who 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 principal's designee to maintain the student's Driving Eligibility status. Hardship Request forms are available from the school.

- **Not Making Adequate Progress / North Carolina House Bill 769**

At the end of each semester, students not passing 70% of the maximum possible courses taken are identified. Parents receive letter from DMV that the student is not making adequate academic progress and have the option of submitting a hardship request to the principal or principal's designee to maintain the student's Driving Eligibility status.

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

Public schools should work with their central office coordinator. Contact Cecil Coates at:

- ccoates@wcpss.net

- 919-694-0576

* **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-the 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.

HARDSHIPS

What constitutes a hardship request to receive a Driving Eligibility Certificate?
The school principal or principal's designee may determine specific circumstances exist that constitute a hardship thereby allowing a student to receive a Driving Eligibility Certificate. 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?

- Dropout Prevention/Driver's License Legislation: Cases of hardship must reflect specific circumstances that are 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 the 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 statements from teachers, an interim report card, etc. If the student was capable of making up work and failed to do so, causing them to fail classes, a hardship will not be granted. *For the parent* - A note from a doctor must be submitted with the reasons why the parent is unable to drive.

#2 WORK-RELATED CONSIDERATIONS: Documentation must demonstrate the need for the student to continue to drive. *For the student* - there is no hardship consideration given to a student based solely on the student's desire to earn additional income or to 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 is 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 on an as-needed basis.

- **In all cases of hardship, documented proof must accompany the hardship request.**
- **Documentation must demonstrate the need for the student to continue to drive.**
- Lose Control Lose Your License Law: Principals and/or principal's designee will be able to issue a DEC to a student if the student 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. This only applies to students with a Level 2 or 3 N.C. driver's license, as students with a permit (Level 1) cannot drive by themselves.
- Clarify No other transportation is available – Students with access to a school bus, carpooling, having a parent or other relative drive, or using other modes of transportation (bicycle, city bus, taxi, etc.) shall be denied a hardship. The parent must prove that no other transportation is available. School system employees are not required to investigate other means of transportation for a student.

What is the process for hardships?

- Parents or legal guardians of a student wanting to pursue a DEC based on a hardship must fill out a Driving Eligibility Hardship Request Form in its entirety. Forms that are not completely filled out, lack required documentation, or are not signed by a parent or guardian will be returned.
- Driving Eligibility Hardship Request Forms should be mailed to the CASS Project Manager at the following address:

Wake County Public School System
 CASS Project Manager – Dropout Prevention
 Crossroads II
 110 Corning Road
 Cary, NC 27511

Or faxed to (919) 694-7775

- A School Hardship Review Panel will meet in the spring and in the summer to review hardship requests. Hardship requests that are received after the deadline indicated in the parent letter will be reviewed on a case-by-case issue.
- The CASS Project Manager will send a letter to the parent and/or guardian indicating the panel's decision.
- 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.

Can DMV, DPI, 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 a hardship permanent?

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

FURTHER QUESTIONS

Whom do I call with questions?

- DEC Forms: Your High School
- Permit or License Suspensions:
 - Cecil Coates, CASS Senior Administrator
 - Phone: 919-694-0576
 - Fax: 919-694-7775
 - Email: ccoates@wcpss.net
- Hardship Request reviews: Cecil Coates/WCPSS Driver's License Legislation Committee & Current School where student attends.
- Exemplary Behavior reviews: Cecil Coates/WCPSS Driver's License Legislation Committee & Current School where student attends.

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