

Frequently Asked Questions and Answers

The Law

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.

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 Dropout Prevention/Driver's License Legislation and 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?

- 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.
- 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 DOP/LCLL affect minors who are emancipated?

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

Driving Eligibility Certificates (DEC forms)

What is a Driving Eligibility Certificate (DEC) and what is the purpose of the DEC?

- A Driving Eligibility Certificate is a printed document that is issued by the school principal or the principal's designee. The DEC certifies that the student has demonstrated adequate progress toward graduation.
- A student will need to have a DEC in order to receive a North Carolina driver's permit or license. The Division of Motor Vehicles will not issue a driver's permit or license without a DEC.

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.

Can DMV, 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.

What are the requirements for receiving a DEC?

- The DEC will be issued only if the student has demonstrated adequate progress in the prior semester and has not dropped out of school.

How long is a DEC valid?

- The DEC is only valid for 30 days once it has been issued by the school. For this reason, the student should present the DEC to DMV in a timely fashion.

How often is the DEC 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 DMV and the student's driving eligibility will be revoked. Once the student regains his or her driving eligibility status, a new DEC will need to be issued.

To whom can public schools issue DEC forms?

- Public schools may not issue a DEC to a student who attends any of the following: home school, private school within NC, community college, or an out-of-state correspondence school.

Can public schools share their DEC forms with other schools?

- Public schools are not permitted to share Driver Eligibility Certificates with community colleges, private schools, home schools, or other public schools.

How does a student attending a private school, home school, or community college in North Carolina receive a DEC form?

- Private Schools and Home Schools: In-state home school and private school students can get a DEC from the chief administrator of his or her non-public school. All non-public school administrators must obtain their supply of DEC forms from **Division of Non-public Education**. Visit <http://www.ncdnpe.org/>
- Community Colleges: **North Carolina Community College System** is responsible for implementing legislation for community college students. Visit <http://www.nccommunitycolleges.edu/>.

If someone under the age of 18 does not have a high school diploma from a regionally accredited high school, what must he/she do in order to qualify for a DEC?

- 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 obtaining a high school diploma or its equivalent.

Who is responsible for issuing a DEC to a student who lives in North Carolina but attends a boarding school out of state?

- A student who has permanent residency in North Carolina but attends a boarding school out of state shall receive a DEC from the school they would normally attend if they were enrolled in a North Carolina public school. That school will ask for the following documentation:
 - Proof of residency within their district
 - Transcript/report card showing the latest semester grades from the boarding school
 - A letter on the boarding school's letterhead stating that the student is currently in attendance at that school

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

- The Wake County Public School System issues a DEC form and mails it to the parent. Contact Cecil Coates at (919) 694-0576 to ensure process is followed.
- Parent completes and signs DEC form and mails it with a check for \$65 to the following address:

NCDMV Audit
Unit MSC #3111
Raleigh, NC 27699-3111

Dropping Out

When will the school system report students to DMV?

- A school should wait the determined time period to receive any hardship requests after notifying parents of the student's license revocation. The Wake County Public School System allows 30 days for receipt of a hardship for students that drop out of school.

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. A student on a 4 x 4 block schedule must pass 3 out of 4 courses each semester. A student on a traditional calendar must pass 5 out of 6 courses the first semester and pass 5 out of 6 courses for the year.

Example 1

A student on the 4 x 4 block passes only 2 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 courses during the second semester, a DEC will be issued to the student upon the student's request.

Example 2

A student on the traditional 6-period day passes only 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 5 courses for the year, a DEC will be issued to the student upon the student's request.

Example 3

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 courses.

Example 4

A student on the traditional 6-period day has passing grades in 5 classes the first semester but only passes 4 classes for the year. At the end of the school year, 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 for the year or at the end of the first semester of the next school year upon passing at least 5 of 6 classes.

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 a traditional schedule: Adequate progress is determined by first semester grades and by end-of-year grades.

How does summer school affect students who lose their license under DOP?

- At the end of the school year, once final grades are posted, schools will send letters to parents notifying them of the license suspension. At the conclusion of summer school, those students eligible may receive a DEC and have their driving eligibility reinstated. Schools should not wait until summer school is over to turn in names of students not making adequate progress.

When will the school system report students to DMV?

- A school should wait the determined time period to receive any hardship requests after notifying parents of the student's license revocation. The Wake County Public School System allows 10 days for receipt of a hardship for students making inadequate progress.

Hardships

How can a student's driving privileges be restored?

- Students that 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.
- Students making inadequate progress:
 - When the student reaches the age of 18 – reactivation will occur as stating above.
 - When the student receives a high school diploma, G.E.D., or adult high school diploma. 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.
- Students under the Lose Control Lose Your License law:
 - The student conduct occurred before the student reached the age of 15, and the student is now at least 16 years old
 - The student conduct occurred after the student reached the age of 15, and it is at least one year after the date of driving eligibility revocation. 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 or permit.
 - The student is granted a hardship.
 - The student is granted an exemplary behavior waiver.

What are the rules for hardships?

- Dropout Prevention/Driver's License Legislation: Principals and /or a principal's designee will be able to issue a DEC to a student based on a hardship. 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 consideration
 - #2: Work-related consideration
 - #3: Other consideration

In all cases of hardship, documented proof must accompany the hardship request.

See a list of proof required for hardships in the forms list – Hardship Proof Required.

See examples of the three hardship considerations in the forms list – Driving Eligibility Hardship Request Form (page 2)

- 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) 365-0016

- A Hardship Review Panel will meet twice a year, in January and in June to review hardship requests. Hardship requests that are received after the deadline indicated in the parent letter will be reviewed within 45 days of receipt.
- A letter will be sent to the parent 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.

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?

- Yes; therefore, hardships will only be granted under extreme circumstances. Once a student is granted a hardship, their license should not be revoked again.

Exemplary Behavior (only for Lose Control, Lose License)

What is Exemplary Behavior?

- A student may receive a DEC form after six months from the date of revocation of his or her permit or license if the student displays exemplary behavior for six consecutive months. Exemplary Behavior only applies to students that have lost their driving eligibility under the Lose Control Lose Your License law.
- 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.

Further Questions

Whom do I call with questions?

- DEC forms: Your high school
- Permit or license suspensions: Cecil Coates, School Counseling
 - Phone: 919-694-0576
 - Fax: 919-858-1700
 - Email: ccoates@wcpss.net
- Hardship Request reviews: Cecil Coates
- Exemplary Behavior reviews: Cecil Coates