

01 NCAC 40 .0305 STUDENT APPEALS PROCESS

(a) Each conventional nonpublic school and educational program that enrolls students that are at least 15 years of age shall establish a Driving Eligibility Certificate Appeals Committee to receive and act upon student protests that a driving eligibility certificate was improperly denied or revoked. All student protests shall be made within five days of the school's or program's decision and directed to the chief administrator of the conventional nonpublic school or educational program. The Appeals Committee shall:

- (1) Be appointed by and serve at the pleasure of the chief administrator of the conventional nonpublic school or educational program, or the chief administrator's designee; and
- (2) Consist of at least three members, each of which shall be a member of the school's or program's governing board, administration or staff, or a parent/guardian with a child currently enrolled in the school or program.

(b) The Division shall establish a Home School Driving Eligibility Certificate Appeals Committee exclusively to receive and act upon student protests that a driving eligibility certificate was improperly denied or revoked by a home school. All home school student protests shall be made within five days of the school's decision and directed to the Director of the Division or the Director's designee, at Division of Nonpublic Education, Department of Administration, 1309 Mail Service Center, Raleigh, North Carolina 27699-1309. The Home School Driving Eligibility Certificate Appeals Committee shall:

- (1) Be appointed by, and serve on a voluntary basis at the pleasure of, the Director of the Division or the Director's designee; and
- (2) Consist of at least three members, each being the chief administrator of a home school currently operating under G.S. 115C, Article 39, Part 3. The members shall not receive per diem or any other type of compensation for their service. The Director, or the Director's designee, shall appoint a chairperson from the committee's membership. The chairperson shall then direct the decision-making work of the committee.

(c) All Driving Eligibility Certificate Appeals Committees shall:

- (1) Consider the written protest of the student as to why the driving eligibility certificate was improperly denied or revoked;
- (2) Decide the protest based on whether the requirements for the certificate were met or whether the certificate was properly revoked; and
- (3) Render its decision within 30 calendar days of receipt of the written protest from the student, and promptly notify the student and the chief administrator of the school or program of the decision.

(d) The decision of the appropriate appeals committee shall be final.

History Note: Authority G.S. 115C-566;
Eff. April 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.