

## SECTION .0300 – DRIVER TRAINING

### 16 NCAC 06E .0301 DRIVER TRAINING

(a) In discharging their duty to provide a course of training and instruction in the operation of motor vehicles as set forth in G.S. 115C-216, local boards of education shall provide a program which meets the following standards and requirements:

- (1) Principals shall enroll students who meet the criteria established by G.S. 20-88.1(a)(i), (iii) and (iv);
  - (2) The program will be free of charge to eligible students;
  - (3) Enrollees must obtain either a temporary learner's permit or a restricted instruction permit before they begin behind-the-wheel instruction.
  - (4) Classroom instruction will consist of at least 30 clock hours of instruction. Beginning in school year 1992-93, students may take and pass a proficiency examination developed or designated by the Department of Public Instruction to waive the classroom instruction. Each student must complete a minimum of 6 hours of behind-the-wheel instruction.
  - (5) The program will be reasonably available on a year-round basis to all eligible persons.
  - (6) The local board of education will determine class size restrictions, but may not allow instruction in the car to less than two nor more than four students.
  - (7) The local board of education will determine the amount of instruction per day for classroom or in-car instruction or a combination of both.
  - (8) The local board of education will issue a certificate to students who satisfactorily complete the prescribed course.
  - (9) Driver education instructors must possess a valid North Carolina driver's license and must have a driving record acceptable to the local board of education. In addition, instructors hired for driver education shall either:
    - (A) hold a driver education certificate issued by the SBE; or
    - (B) have non-certified status according to minimum standards established by Rule .0302 of this Section.
  - (10) The program shall not be provided during the regular instructional day.
- (b) Two or more local boards of education may jointly operate a program under a written agreement meeting the requirements of G.S. 160A-460 et seq. The agreement shall provide for one local board of education to assume administrative responsibility for the program.
- (c) For purposes of G.S. 20-11, G.S. 20-13.2(c1), and G.S. 115C-12(28), the following definitions shall apply:
- (1) "High school diploma or its equivalent" means and includes the General Equivalency Diploma (G.E.D.) and the adult high school diploma.
  - (2) "Making progress toward obtaining a high school diploma" means that the student must pass at least seventy percent (70%) of the maximum of possible courses each semester and meet promotion standards established by the LEA.
  - (3) "Substantial hardship" means a demonstrable burden on the student or the student's family as evidenced by circumstances such as the following:
    - (A) The parent is unable to drive due to sickness or other impairment and the student is the only person of driving age in the household.
    - (B) The student requires transportation to and from a job that is necessary to the welfare of the student's family and the student is unable to obtain transportation by any means other than driving.
    - (C) The student has been unable to attend school due to documented medical reasons, but the student is demonstrating the ability to maintain progress toward obtaining a high school diploma.
  - (4) A "student who cannot make progress toward obtaining a high school diploma or its equivalent" shall mean a student who has been identified by the principal or principal's designee, together with the IEP committee or the school's student assistance team, as not having the capacity to meet the requirements for a high school diploma or its equivalent due to a disability.
  - (5) "Exemplary behavior" shall mean that a student whose operator's permit or license has been revoked pursuant to G.S. 20-13.2(c1) and who has returned to school has, since returning to school:
    - (A) had no additional incidents of misconduct for which expulsion, suspension, or assignment to an alternative educational setting is required; and

- (B) had no violations of local school board policies such as attendance, dress codes, or other behaviors that may result in disciplinary action against the student.
- (6) "Successful completion of a treatment counseling program" shall mean completion of a minimum of 12 hours of drug or alcohol treatment, counseling, a mental health treatment program, or other intervention program required by the LEA.
- (d) Each LEA shall determine the process by which decisions concerning the issuance of a driving eligibility certificate shall be appealed.
- (e) The principal of a high school or the principal's designee shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma or its equivalent or when the student has dropped out of school.
- (f) Each charter school, non-public school, and community college shall designate an official who shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma.

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