
**North Carolina
Community College System**

***“Lose Control, Lose Your License
Guidelines”***

May, 2000

When is the Law Effective?

The law is effective July 1, 2000.

What Does the Law Do?

The law will suspend a student's permit or license for one year. The legislation directs public schools, community colleges, and nonpublic schools to notify the North Carolina Division of Motor Vehicles 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:

1. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
 2. The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.
 3. The physical assault on a teacher or other school personnel on school property.
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What is School Property?

The physical premises of the school, school buses or other vehicles under the school's control or contract and that are used to transport students, and school-sponsored or school-related activities that occur on or off the physical premises of the school.

How Will DMV Be Notified?

The State Automated Driver License System (SADLS) will be used to notify DMV.

Who Is Affected By This Legislation?

1. Students who are at least 14 years old or who are rising 8th graders on or after July 1, 2000 are subject to this law.

Note: Students who were issued a N.C. driver's permit or license before 12/1/1997 or 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.

What About

Unlike the "Dropout Prevention/Driver's License" law that

Students Who Turn 18?

stops when a student turns 18 years old, the “Lose Control” law does not stop at age 18. It is possible for a student to have his or her license suspended as a 17-1/2 year old. If a student is unable to demonstrate exemplary behavior, then he or she will be 18-1/2 before being eligible to drive.

What About the Family Education Right to Privacy Act (FERPA) ?

Beginning with the 1999-2000 school year, colleges will require parents, guardians, or emancipated juveniles to provide their written irrevocable consent for a school to disclose to the Division of Motor Vehicles that the student no longer meets the conditions for a Driving Eligibility Certificate under G.S. 20-11.

A sample copy of this written consent appears below.

Wording for Written Consent

The following is a sample of a separate written consent form now required for a Driving Eligibility Certificate. This consent form should be signed by a parent, acting parent, guardian, or emancipated minor when requesting a Driving Eligibility Certificate.

I do hereby consent to this school or any other educational agency in North Carolina which this student may be enrolled to notify the Division of Motor Vehicles if the student exhibits conduct that subjects him/her to disciplinary action as defined by G.S. 20-11(n1).

1. The possession or sale of alcoholic beverage or an illegal substance on school property.
2. The possession or use on school property of a weapon or firearm that resulted in disciplinary action or that could have resulted in disciplinary action if the conduct had occurred in the public school.
3. The physical assault on a teacher or other school personnel.

This is subject to all terms and conditions contained in the Driving Eligibility Certificate.

Typed or Printed Name of Student

Typed or Printed Name of Parent, Acting Parent, Guardian or Emancipated Minor

Signature of Parent, Acting Parent or Guardian

Date

Home Phone

**What Happens
if the Parent Does Not
Give Consent?**

A Driving Eligibility Certificate will not be issued if the parent, acting parent, guardian, or emancipated minor does not give consent.

**How Can a Student's
Driving Privileges
Be Restored?**

The community college president or the president's designee shall issue a Driving Eligibility Certificate to the student under one of the following three conditions:

1. The enumerated student conduct occurred before the student reached the age of 15, and the student is now at least 16 years old.
2. The enumerated student conduct occurred after the student reached the age of 15, and it is at least one year after the date of the ineligibility.
3. 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.

Note: This should only apply to students with a Level 2 or 3 N.C. driver's license. Students with a permit (Level 1) cannot drive by themselves.

**Clarify "No
Other Transportation
is Available."**

The legislation is very clear on this. A Driving Eligibility Certificate shall be issued by the community college president or the president's designee, if it can be demonstrated that the student has no other possible means of transportation to and from school, a drug or alcohol treatment counseling program, as appropriate, or a mental health treatment program. Students with access to a school bus, carpooling, having a parent or other relative drive, or using other modes of transportation (bicycle, city bus, etc.) shall be denied.

**Restored for
Exemplary
Behavior or
Completion**

A student is eligible for a certificate after a six month period for displaying exemplary student behavior. The community college president or the president's designee shall issue a Driving Eligibility Certificate to the student under the following:

**of a Drug
Treatment
Counseling Program**

1. The student has returned to school or has been placed in an alternative educational setting, and has displayed exemplary student behavior.
2. The student has successfully completed a drug or alcohol treatment counseling program for a drug-related suspension and has demonstrated exemplary behavior.

Note: 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.

**What is
“Exemplary
Behavior”?**

Exemplary student behavior is defined as the student having no further incidents of misconduct where expulsion, suspension, or an assignment to an alternative educational setting is required. Students found in violation of local college policies addressing related behaviors (i.e. attendance, dress code, or other behaviors that result in an official disciplinary action by the president, etc.) would not qualify for having exemplary behavior.

**What is “Successful
Completion”
of a Treatment
Counseling
Program?**

Successful completion of a treatment counseling program would consist of a minimum of 12 hours of drug or alcohol treatment counseling, a mental health treatment program, or other appropriate intervention programs recognized by the community college. While a minimum of 12 hours is recommended, each community college can decide this based on available resources. In addition, the treatment counseling program should have a strong parental involvement focus.

Sample Form #1

In addition, colleges should convey to parents the extent of this driving privilege. A sample agreement form is found on page 7. It is further recommended that colleges keep accurate records. This will be needed to avoid the potential abuse of this provision. For example, if a student is given a Driving Eligibility Certificate to attend a 12-week drug treatment counseling program, then the student’s driving privilege should be suspended after the 12 weeks are completed.

Sample Form #2

A status form should also be a part of a student's records. This is to ensure a way to track the student when he or she enrolls in another educational setting, such as another community college. This form is needed to ensure that student's status in relationship to this law is understood by the enrolling institution.

A sample status form is found on page 8.

WARNING: Driving Eligibility Certificates

Because of the potential overlap of this new law and the current "Dropout Prevention/Driver's License" law, all school personnel should abide by the following:

- Check to see if the student has a suspension based on the "Dropout Prevention/Driver's License" law.
- A student cannot be issued a Driving Eligibility Certificate unless he or she is "clear" on both the "Lose Control" and "Dropout Prevention/Driver's License" laws.

Do We Issue DECs to In-State Private School Students?

No. In-state home school and private school students can get a Driving Eligibility Certificate from the chief administrator of his or her non-public school. All non-public school (private and home homes) administrators must obtain their supply of DECs from the Division of Non-Public Education. **Call Rod Helder at (919) 733-4276.**

Senate Bill 57

The "Lose Control, Lose Your License" Guidelines address all of the key requirements of this legislation. Colleges are also encouraged to use the original legislation when making determinations in the best interest of the student. Please refer to the attached copy of Senate Bill 57 (1999 Session).

CONTACT LIST

The following individuals are responsible for providing information on this and related legislation.

In-State Private Schools and Home Schools

For questions concerning in-state private school or home school students, please call **Rod Helder at (919) 733-4276.**

Community Colleges

For questions regarding community college students, please call **Dr. Randy Whitfield at (919) 733-7051.**

Division of

For questions regarding policies of the

Motor Vehicles	Division of Motor Vehicles, please contact Larry Daniel at (919) 861-3808.
Public Schools and Out-of-State Students	For questions regarding the rules related to out-of-state and public school students, please contact Artie Kamiya at (919) 715-1824.
SADLS Program to Notify DMV	For help with using the State Automated Driver License System (SADLS), please contact Kathy Blake, Terry Shelwood, or Joy Matthews at (919) 733-7051.
DMV Help Desk	For additional help with SADLS, please contact the DMV Help Desk at 1 (800) 368-2004 or (919) 861-3317.
Suspended Licenses	Suspended permits/licenses should be sent to DMV - Attn: Eula Williams 1100 New Bern Avenue Raleigh, NC 27697

This form should be placed on your college's letterhead.

Agreement Form

Today's Date

Pursuant to G.S. 20-11(n1), a Driving Eligibility Certificate is being issued to the following individual. Once the need for transportation is no longer required (example:: when the drug or alcohol treatment counseling program is completed), the college will use the State Automated Driver's License System (SADLS) to notify the N.C. Division of Motor Vehicles to suspend the student's driving privilege.

Typed or Printed Name of Student

Typed or Printed Name of Parent, Acting Parent or Guardian

Signature of Parent, Acting Parent or Guardian

Begin Date

Tentative End Date

Typed or Printed Name of the College President or President's Designee

Signature of College President or President's Designee

**This form will be placed in the student's permanent records
to be reviewed as needed.**

This form should be placed on your college's letterhead.

Status Form

Today's Date

The following student has been reported to the Division of Motor Vehicles under G.S. 20-11(n1) for the following reasons:

_____ The possession or sale of alcoholic beverage or an illegal substance on school property.

_____ The possession or use on school property of a weapon or firearm that resulted in disciplinary action or that could _____ have resulted in disciplinary action if the conduct had _____ occurred in the public school.

_____ The physical assault on a teacher or other school personnel.

Typed or Printed Name of Student

Student's Address

Student's Social Security Number, if known

Name of Person Completing this Form

Name of College: _____

College Phone Number: () _____

Beginning Date of the Suspension: _____

Ending Date of the Suspension: _____

This form will be placed in the student's permanent records to be reviewed as needed.