



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
H. Martin Lancaster, President

March 9, 2004

MEMORANDUM

TO: Basic Skills Directors

FROM: Randy Whitfield, Ed.D.
Associate Vice President of Academic & Student Services
Basic Skills Department

SUBJECT: Drivers License Laws Update

Attached is a list of "Frequently Asked Questions and Answers" regarding the drivers license laws. The first two questions and answers were recently drafted after staff from the Community College System Office and the Department of Public Instruction met with a representative from the Attorney General's Office to discuss issues that were causing some confusion.

The first question asks what minors need to do to get a driving eligibility certificate if they do not have a high school diploma from a regionally accredited high school. Students who have been home schooled in another state or country may be considered a high school graduate, but they do not have a diploma from a *regionally* accredited high school; therefore, the only way they can get a driving eligibility certificate is to enroll in a community college Basic Skills class or a North Carolina public, private or approved home school and demonstrate adequate progress.

The second question asks what minors need to do to get a driving eligibility certificate if they have passed placement tests at a community college and enrolled in a community college curriculum program. The answer, according to the Attorney General's Office, is the same as the answer to the first question – they must enroll in a community college Basic Skills class or a North Carolina public, private or approved home school and demonstrate adequate progress. The law would have to be amended to be able to grant these students a driving eligibility certificate.

Enclosure
cc: Presidents
Senior Continuing Education Administrators

CC04-051
Paper & Email Copy

Frequently Asked Questions and Answers Drivers License Laws

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 driving eligibility certificate?

- 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.

What if a student has passed the necessary placement tests at a community college and enrolled in a curriculum program, how does he/she get a driving eligibility certificate?

- Pursue a GED or high school diploma.
- Enroll in a public, private, or approved home school and demonstrate adequate academic progress toward obtaining a high school diploma or its equivalent.

What happens to students who leave school to attend a Community College?

- When a student leaves a public school to attend a community college and is NOT making adequate progress at the point of withdrawal the public school should revoke that student's driving privileges.
- When a student leaves a public school to attend a community college and IS making adequate progress the public school should not revoke that student's driving privileges.

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. That school may ask for the following documentation:
 1. Proof of residency within their district.
 2. Transcript/report card showing the latest semester from the school.
 3. A letter on school letterhead stating the student is currently in attendance at that school.
 4. A report card/transcript at the end of each semester until the child graduates – making sure the student understands that they will lose driving privileges if this is not presented at the end of each semester.

Can public schools share their DEC's with other schools?

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

Are public schools or community colleges allowed to revoke a private school student's license?

- No, the private school should contact the Division of Non Public Schools to revoke driving privileges of a student attending the private school.

Who can community colleges issue DEC's to?

- Community colleges may not issue a DEC to a student who attends any of the following; public school, home school, private school (within NC), or an out of state correspondence school.

How does Dropout Prevention/Lose Control- Lose Your License affect minors who are emancipated?

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

Is a hardship permanent?

- Hardships should only be granted under extreme circumstances. Once a student is granted a hardship their license should not be revoked again.

Can DMV, DPI, or the North Carolina Community College System Office issue DEC's or grant hardships?

- State level positions at DPI, DMV, and the North Carolina Community College System Office cannot grant hardships or distribute DEC's to students.

Who is responsible for charges incurred when a license is revoked in error?

- If a program revokes a student's license in error and the student has to have a duplicate license issued, the program should be responsible for the \$10.00 duplication fee.

When should programs send the names of licenses to be revoked to the DMV?

- Programs should wait the determined time period to receive any hardship requests after notifying parents of the student's license revocation before sending the names to the DMV.

When errors occur...

- If a program places a suspension in error it is important that NCCCS is contacted and the suspension is deleted. If suspensions placed in error are not deleted, the student may incur increases in their insurance premiums.
- Programs should use extreme caution when entering suspensions so they do not label a student as a Lose Control suspension when it should have been under Dropout Prevention. Each suspension has different guidelines for reinstatement and special attention should be paid when entering this information.

What is the purpose of the DEC?

- A DEC is used to determine if a student is maintaining adequate progress toward graduation and has not been suspended for having an illegal substance on campus or assaulting a staff member.

For More Information, Contact Randy Whitfield at NCCCS Office:

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