

1D SBCCC 200.99 DRIVERS' ELIGIBILITY CERTIFICATE

(a) Local Boards of Trustees shall be responsible for the issuance of driving eligibility certificates, the timely reporting of dropouts and students unable to make progress toward graduation, and the provision of grievance procedures associated with the issuance of driving eligibility certificates. Local Boards of Trustees shall provide a program which meets the following requirements:

- (1) The president or the president's designee shall issue a driving eligibility certificate if it is determined that:
 - (A) The student seeking the certificate is currently enrolled in a basic skills program and is making progress toward obtaining a high school diploma or its equivalent. Making progress toward obtaining a high school diploma for a person enrolled in a community college basic skills program is defined as:
 - (i) Attending a basic skills class a minimum of sixty hours per month for a period of six consecutive months; and
 - (I) Demonstrating progress in GED at the end of each six month period by passing a minimum of two GED tests with a score of 40 or higher.
 - (II) Demonstrating progress in Adult High School at the end of each six month period by passing a minimum of two Adult High School units.
 - (III) Demonstrating progress in Adult Basic Education or English as a Second Language at the end of each six month period by one of the following: increase scores on each subsequent standardized test or make progress as documented by teacher assessment.
 - (ii) If a student does not meet the criteria for making progress and attendance during any month, the president or the president's designee shall notify the Division of Motor Vehicles the following month that the student no longer meets the requirements for the driving eligibility certificate.
 - (B) A substantial hardship would be placed on the person seeking the certificate or the person's family if the person does not receive the certificate. Examples of a substantial hardship include:
 - (i) A parent's inability to drive due to sickness or other impairment and the student is the only person of driving age in the household.
 - (ii) The student requires transportation to and from a job that is necessary to the welfare of his family and is unable by any other means to do so.
 - (C) The person seeking the certificate cannot make progress toward obtaining a high school diploma or its equivalent. The president or the president's designee shall determine, along with input from other basic skills staff, if a student is unable to make progress toward obtaining a high school diploma or its equivalent.
- (2) The President or his designee shall not issue a driving eligibility certificate if it is determined that either after the first day of July before the school year which the student enrolled in the eighth grade or after the student's fourteenth birthday, whichever event occurred first, the student was subjected to disciplinary action as defined in this Subparagraph for any of the enumerated conduct as defined in this Subparagraph. Disciplinary action is defined as:
 - (A) An expulsion;
 - (B) Suspension for more than ten consecutive days; or
 - (C) An assignment to an alternative educational setting for more than ten consecutive days, which resulted from any of the enumerated conduct. Enumerated conduct is defined as:
 - (i) The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
 - (ii) 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.
 - (iii) The physical assault on a teacher or other school personnel on school property
- (3) A student who was ineligible for a certificate under Subparagraph (a)(2) of this Rule, is eligible for a certificate when the president or president's designee determines that the student has exhausted all administrative appeals connected to the disciplinary action and that one of the following conditions is met:

- (A) The conduct which resulted in the disciplinary action occurred before the student reached the age of 15, and the student is now at least 16 years old.
 - (B) The conduct which resulted in the disciplinary action occurred before the student reached the age of 15, and at least one year has passed since the student exhausted all administrative appeals connected to the disciplinary action.
 - (C) The student needs the certificate in order to drive to and from school, a drug or alcohol treatment counseling program, or a mental health treatment program, and no other transportation is available.
- (4) A student who was ineligible for a certificate under Subparagraph (a)(2) of this Rule may otherwise be eligible for a certificate if, after six months from the date of the ineligibility, the president or the president's designee determines that:
- (A) The student has displayed exemplary behavior; or
 - (B) The ineligibility was based on a disciplinary action for the possession or sale of an alcoholic beverage or a controlled substance on school property and the president or the president's designee determines that the student has attended and successfully completed a drug or alcohol treatment program.
 - (i) Exemplary 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.
 - (ii) Attending and successfully completing a drug or alcohol treatment program is defined as a minimum of 12 hours of drug or alcohol treatment counseling or a mental health treatment program. In addition, the treatment counseling program shall have a strong parental involvement focus.
- (b) Any person denied a driving eligibility certificate may appeal that decision through the college's student grievance procedure.
- (c) The president or the president's designee shall notify the Division of Motor Vehicles when a student is no longer exhibiting exemplary behavior or attending and successfully completing a drug or alcohol treatment program as determined above, or when a student officially drops out of school. The president's designee shall be the Basic Skills Director.
- (1) The State Board shall provide to the Basic Skills Director a form for students to provide their written irrevocable consent for a community college to disclose to the Division of Motor Vehicles that the student no longer meets the conditions for a driving eligibility certificate under subparagraphs (a)(1) through (a)(4) of this Rule.
 - (2) This form shall only identify the student, and under which Subsection of this Rule the student is no longer eligible. No other details or information concerning the student's school record shall be released pursuant to this request.

*History Note: Authority G.S. 115D-5(a3);
Eff. August 1, 2001.*