

1 16 nCAC 06E .0301 is proposed for readoption with substantive changes as follows:

2

3 **SECTION .0300 – DRIVER TRAINING EDUCATION**

4

5 **16 NCAC 06E .0301 DRIVER TRAINING DEFINITIONS**

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

9 (1) ~~Principals shall enroll students who meet the criteria established by G.S. 20-88.1(a)(i), (iii) and (iv);~~
10 (2) ~~The program will be free of charge to eligible students;~~
11 (3) ~~Enrollees must obtain either a temporary learner's permit or a restricted instruction permit before~~
12 ~~they begin behind the wheel instruction.~~
13 (4) ~~Classroom instruction will consist of at least 30 clock hours of instruction. Beginning in school~~
14 ~~year 1992-93, students may take and pass a proficiency examination developed or designated by the~~
15 ~~Department of Public Instruction to waive the classroom instruction. Each student must complete a~~
16 ~~minimum of 6 hours of behind the wheel instruction.~~
17 (5) ~~The program will be reasonably available on a year round basis to all eligible persons.~~
18 (6) ~~The local board of education will determine class size restrictions, but may not allow instruction in~~
19 ~~the car to less than two nor more than four students.~~
20 (7) ~~The local board of education will determine the amount of instruction per day for classroom or in-~~
21 ~~ear instruction or a combination of both.~~
22 (8) ~~The local board of education will issue a certificate to students who satisfactorily complete the~~
23 ~~prescribed course.~~
24 (9) ~~Driver education instructors must possess a valid North Carolina driver's license and must have a~~
25 ~~driving record acceptable to the local board of education. In addition, instructors hired for driver~~
26 ~~education shall either:~~
27 (A) ~~hold a driver education certificate issued by the SBE; or~~
28 (B) ~~have non certified status according to minimum standards established by Rule .0302 of this~~
29 ~~Section.~~
30 (10) ~~The program shall not be provided during the regular instructional day.~~
31 (b) ~~Two or more local boards of education may jointly operate a program under a written agreement meeting the~~
32 ~~requirements of G.S. 160A-460 et seq. The agreement shall provide for one local board of education to assume~~
33 ~~administrative responsibility for the program.~~
34 (e) ~~For purposes of G.S. 20-11, G.S. 20-13.2(e1), and G.S. 115C-12(28), the following definitions shall apply:~~
35 (1) ~~"High school diploma or its equivalent" means and includes the General Equivalency Diploma~~
36 ~~(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(e1) 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.

Each LEA shall determine the process by which decisions concerning the issuance of a driving eligibility certificate shall be appealed.

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 been out of school.

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.

In this Section, the following definitions shall apply:

(1) "Continuing education unit" or "CEU" is defined in 16 NCAC 06C .0301(6).

(2) "Driver education" means instruction provided to students enrolled in North Carolina public schools on the safe and competent operation of a motor vehicle, as defined in G.S. 20-286(10), including

1 both classroom and behind-the-wheel instruction. “Driver training” has the same meaning as “driver
2 education” when used elsewhere in the General Statutes or session laws applicable to the driver
3 education program.

4 (3) “Driver education instructor” or “instructor” means an individual qualified and employed under
5 Rule .0302 of this Section to serve as an instructor in a driver education program.

6 (4) “Driver education program” means the standardized program of driver education administered by
7 the Superintendent of Public Instruction in accordance with G.S. 115C-215.

8 (5) “Learner’s Permit” is defined in G.S. 20-7(l)

9 (6) “Restricted Instruction Permit” is defined in G.S. 20-7(m)(2).

10

11

12 *History Note: Authority G.S. 20-88.1; 115C-12(28); 115C-215; 115C-216;*

13 *Filed as a Temporary Adoption Eff. August 12, 1991 for a period of 180 days to expire on February*
14 *7, 1992;*

15 *Authority G.S. 20-88.1; 115C-12(28); 115C-216;*

16 *ARRC Objection Lodged August 22, 1991;*

17 *Eff. March 1, 1992;*

18 *Temporary Amendment Eff. August 15, 1998;*

19 *Temporary Amendment Eff. March 15, 2000;*

20 *Amended Eff. July 1, 2000;*

21 *Temporary Amendment Eff. March 15, 2000 expired on December 10, 2000;*

22 *Amended Eff. July 18, 2002. 2002;*

23 *Readoption Eff. July 1, 2026.*

1 16 NCAC 06E .0302 is proposed for readoption with substantive changes as follows:

2

3 **16 NCAC 06E .0302 NON-CERTIFIED INSTRUCTOR STATUS DRIVER EDUCATION**

4 **INSTRUCTORS**

5 (a) To qualify for noncertified instructor status, a person must, as a minimum: To serve as a driver education instructor
6 for the driver education program administered by the Superintendent of Public Instruction under G.S. 115C-215, a
7 person must meet the following qualifications:

8 (1) be Be at least 21 years of age and have graduated from high school or hold a high school equivalency
9 certificate;

10 (2) be of good moral character; Never have been convicted of a felony and not have been convicted of
11 a misdemeanor in the past ten years;

12 (3) not Not have had convictions of moving violations totaling seven five or more points in the three
13 years preceding the date of application; hire as an instructor;

14 (4) have Have at least four years years of experience as a licensed operator of a motor vehicle;

15 (5) not Not have had a revocation or suspension of his or her driver's license in the four five years
16 immediately preceding the date of application; and

17 (6) have completed the licensed instructor course offered through the community college system and
18 approved by the Department and the Division of Motor Vehicles. Have completed one of the
19 following driver education instructor courses:

20 (A) The Safety and Traffic Education Program administered by the Department of Public
21 Instruction.

22 (B) The Basic Driver Education Course administered by the Division of Motor Vehicles.

23 (C) A driver education instructor training program administered by the division of motor
24 vehicles or equivalent agency in another state or United States territory.

25 (b) A person who meets the qualifications in Paragraph (a) may qualify for a teacher license in Safety and Driver
26 Education under 16 NCAC 06C .0304 if the person otherwise qualifies for a professional educator license under
27 Subchapter 06C, Section .0300 of this Chapter and:

28 (1) Has completed an educator preparation program in driver education or an equivalent license area;
29 or

30 (2) Holds a teacher license in another license area and applies to add Safety and Driver Education as an
31 additional license area under 16 NCAC 06C .0307.

32 A person who qualifies for a Safety and Driver Education license pursuant to Subparagraph (b)(1) is exempt from the
33 course requirements in Subparagraph (a)(5). To obtain a teacher license in Safety and Driver Education, a qualified
34 instructor shall apply to the State Board of Education in accordance with 16 NCAC 06C .0334.

35 (c) Each driver education instructor shall complete continuing education as described below.

36 (1) An instructor who holds a teacher license in Safety and Driver Education shall follow the
37 requirements of 16 NCAC 06C .0360.

(2) An instructor who does not hold a teacher license in Safety and Driver Education shall complete at least eight continuing education requirements (CEUs) once every five years, consisting of the following:

(A) Four CEUs focused safety and driver education; and

(B) Four CEUs focused on pedagogy and classroom instruction.

The five-year renewal cycle shall begin on the date the instructor completed the driver instructor course required by Subparagraph (a)(5). For instructors who completed the course on or before July 1, 2026, the renewal cycle shall begin on that date.

(3) An instructor who holds a commercial driver training instructor license issued by the Division of Motor Vehicles shall be deemed to have satisfied this requirement as long as that instructor license remains active.

(d) Each public school unit shall ensure that driver education instructors in its employment meets the qualifications and continuing education requirements in this Rule. Each public school unit shall report to DPI the status of each of its driver education instructors no later than July 1 of each year. A public school unit shall notify DPI within 30 days if it learns that a driver education instructor in its employment has lost the privilege to drive in North Carolina or any other state.

*History Note: Filed as a Temporary Adoption Eff. August 12, 1991 For a Period of 180 Days to Expire on February 7, 1992;
Authority G.S. 20-88.1; 115C-215; 115C-216;
Eff. March 1, 1992; 1992;
Readoption Eff. July 1, 2026.*

1 16 NCAC 06E .0303 is proposed for readoption with substantive changes as follows:

2

3 **16 NCAC 06E .0303 DRIVER EDUCATION CONTRACTS**

4 (a) ~~Local boards~~ A local board of education may ~~enter into contracts~~ contract with a public or private ~~entities or~~
5 ~~individuals~~ person or entity ("contractor") to ~~provide~~ administer a program of driver education ~~for students~~ at high
6 schools under the local board's jurisdiction, provided the contractor complies with the requirements of this Section
7 and Chapter 115C, Article 14 of the General Statutes.

8 (b) ~~Contracts shall be awarded~~ The local board shall award contracts on a competitive basis through requests for
9 ~~proposals to contract~~ proposals. ~~Local boards of education~~ The local board shall establish the process for soliciting
10 proposals, the number of proposals required, and the time and place for receiving and opening proposals. In addition,
11 ~~local boards of education~~ the local board shall determine whether bid bonds or performance bonds shall be required.
12 Decisions to award contracts shall be based on quality, safety, costs and such other reasonable factors as ~~local boards~~
13 ~~of education~~ the local board may establish.

14 (c) A contract may not be awarded to an entity not licensed by the Division of Motor Vehicles as a commercial driving
15 school pursuant to G.S. 20-322. A contract may be awarded to ~~an individual~~ a person not licensed as a commercial
16 driving school ~~by the Division of Motor Vehicles~~ if he or she is certified by the SBE in driver education or holds
17 ~~non certified instructor status~~ qualifies as a driver education instructor under Rule .0302 of this Section.

18 (d) All contracts shall specifically require the contractor to adhere to the requirements of these Rules, 16 NCAC 06E
19 .0301-.0303. In addition, all contracts shall prescribe: include at least the following provisions:

- 20 (1) ~~the~~ The term of the contract, which ~~may~~ shall not exceed one ~~year~~; year.
- 21 (2) ~~the~~ The procedure for renewal of the ~~term of the~~ contract, if any, except that a contract may not be
22 renewed for more than two successive one-year ~~terms~~; terms.
- 23 (3) ~~the~~ The grounds for termination of the contract, including automatic termination in the event of
24 revocation of the license required by G.S. ~~20-325~~; 20-325.
- 25 (4) ~~whether~~ Whether school facilities or vehicles are to be ~~leased or~~ used by the ~~contractor and, if so,~~
26 ~~the terms and conditions or the lease; contractor. The local board shall not charge the contractor any~~
27 ~~fee for the use of school facilities or vehicles except for damages arising from the negligent, reckless,~~
28 ~~or intentional acts of the contractor.~~
- 29 (5) ~~whether the contractor will provide transportation home for students;~~
- 30 (6) ~~(5) the~~ (5) ~~The~~ types of vehicles and equipment to be provided by the contractor, if ~~any~~; and any. Any
31 ~~vehicle or equipment purchased using State funds shall remain the property of the local board, and~~
32 ~~the local board may not, by the terms of the contract, transfer ownership to the contractor.~~
- 33 (6) An agreement by the contractor to comply with the requirements of this Section and Chapter 115C,
34 Article 14 of the General Statutes.
- 35 (7) ~~such other~~ Other such terms and conditions, including the purchase of insurance by the contractor,
36 as the local board ~~of education~~ may determine to be reasonable and appropriate.

1 *History Note: Filed as a Temporary Adoption Eff. August 12, 1991 For a Period of 180 Days to Expire on*
2 *February 7, 1992;*
3 *Authority G.S. 20-88.1; 115C-215; 115C-216;*
4 *Eff. March 1, 1992; 1992;*
5 *Readoption Eff. July 1, 2026.*

1 16 NCAC 06E .0304 is proposed for adoption as follows:

2

3 **16 NCAC 06E .0304 DRIVER EDUCATION PROGRAM**

4 (a) Each local board of education shall offer a driver education course in high schools under its jurisdiction using the
5 standardized curriculum developed by the Department of Public Instruction pursuant to G.S. 115C-215. The driver
6 education course shall not qualify for course credit under Subchapter 06D, Section, .0500 of this Chapter.

7 (b) Each driver education course shall include:

8 (1) At least 30 clock hours of classroom instruction; and

9 (2) At least 6 hours of behind-the-wheel instruction under the supervision of a certified driver education
10 instructor.

11 The local school administrative unit shall determine the number of hours of instruction per day, which may include a
12 combination of classroom instruction and behind-the-wheel instruction.

13 (c) No more than 50 students may be assigned to a class for classroom instruction. No fewer than two and no more
14 than three students may be in a vehicle during behind-the-wheel instruction. The LSAU may offer reasonable
15 accommodations to a student with a disability consistent with the Americans with Disabilities Act, the Individuals
16 with Disabilities in Education Act, or Section 504 of the Rehabilitation Act of 1973.

17 (d) The LSAU shall offer the driver education course throughout the calendar year as reasonable based on available
18 personnel and resources.

19 (e) Prior to beginning behind-the-wheel driving instruction, a student must obtain a Learner's Permit or a Restricted
20 Instruction Permit issued by the Division of Motor Vehicles ("DMV").

21 (f) The principal of each high school shall approve each student at that school who meets the requirements in G.S.
22 115C-215(a) for enrollment in the driver education course.

23 (g) The LSAU shall issue a certificate to each student who completes either classroom instruction or behind-the-wheel
24 phases of the driver education course.

25 (h) The LSAU shall submit the following reports to the Department of Public Instruction:

26 (1) Quarterly Reports – due July 15th, October 15th, January 15th, and April 15th of each fiscal year:

27 (A) Total number of students enrolled in the classroom and driving phases of the driver
28 education program at each school within the LSAU, including the total number in each
29 grade level from Grade 8 through Grade 12.

30 (B) Total number of students enrolled in the driver education program who are identified as a
31 child with a disability, as defined in G.S. 115C-106.3(1).

32 (C) Total number of students who have dropped out of the driver education program.

33 (D) Total number of students receiving special accommodations or resources from the LSAU
34 to complete the driver education program.

35 (2) Annual Reports – due July 15th of each fiscal year:

(A) Whether the driver education program is directly managed by the PSU or managed by a contractor pursuant to Rule 06E .0303 of this Section and, if the program is managed by a contractor, the name of the contractor.

(B) A list of driver education instructors employed by the LSAU. The list shall identify any instructors who hold a teacher license in Safety and Driver Education or a commercial driver training instructor license issued by the DMV. The list shall specify the next deadline for each instructor to complete the continuing education units required by 16 NCAC 06E .0302(c).

(C) The amount of any fee collected by the LSAU to manage the driver education program.

local boards of education may jointly operate a driver education course under a written agreement

irements of G.S. 160A-460 et seq. The agreement shall provide for one local board of education to

ative responsibility for the course.

ment of Public Instruction determines that the LSAU is out of compliance with any provision of this

ay withhold additional State funding allocated to the LSAU for its driver education program until such

rmes that the LSAU is back in compliance.

1 16 NCAC 06E .0305 is proposed for adoption as follows:

2

3 **16 NCAC 06E .0305 DRIVING ELIGIBILITY CERTIFICATES**

4 (a) For purposes of this Rule:

5 (1) "School administrator" means one of the following officials within the public school unit in which
6 a student is enrolled:

7 (A) For a local school administrative unit ("LSAU"), the principal of the student's school or the
8 principal's designee, provided the designee is an employee of the LSAU authorized to
9 access the student's educational record.

10 (B) For a charter school, the designee of the board of directors, provided the designee is an
11 employee of the charter school authorized to access the student's educational record.

12 (2) "Senior PSU official" means one of the following officials within the public school unit ("PSU") in
13 which a student is enrolled:

14 (A) For a local school administrative unit, the local superintendent or designee, provided the
15 designee is senior in authority to the principal.

16 (B) For a charter school, the board of directors or designee, provided the designee is senior in
17 authority to the school administrator.

18 (3) "Student" means a person under 18 years of age who is seeking a limited learner's permit or
19 provisional driver's license under G.S. 20-11.

20 (b) The school administrator shall provide a driving eligibility certificate to a student if:

21 (1) The student is eligible for the certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1);
22 or

23 (2) The student is eligible for the certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).

24 (c) The PSU shall provide students with the right to appeal the denial of a driving eligibility certificate by the school
25 administrator to a senior PSU official. The senior PSU official shall issue the driving eligibility certificate if the official
26 determines that the school administrator's decision is not supported by the factual record or is inconsistent with the
27 requirements of Paragraph (b).

28 (d) The school administrator shall notify the Division of Motor Vehicles whenever a student no longer meets the
29 requirements for a driving eligibility certificate and the student has exhausted all rights to appeal within the LSAU.

30 (e) For purposes of this Rule and of G.S. 20-11 and 20-13.2:

31 (1) The equivalency of a high school diploma shall include either of the following:

32 (A) A credential issued by the General Educational Development Testing Service (i.e., a
33 "G.E.D.").

34 (B) An Adult High School Diploma issued by the North Carolina State Board of Community
35 Colleges.

(2) A student shall be deemed to be making progress toward obtaining a high school diploma if the student passes at least 70 percent of the maximum possible courses in each semester and is meeting the promotion standards established by the public school unit.

(3) A student shall be deemed unable to make progress toward obtaining a high school diploma or its equivalent under G.S. 201-11(n)(1)c. if the student has been identified as a child with a disability in accordance with Chapter 115C, Article 9 of the General Statutes and the student's IEP team has determined that, due to the disability, the student cannot satisfy the state graduation requirements under Subchapter 06D , Section .0500 of this Chapter or the requirements for the equivalency of a high school diploma.

(4) "Substantial hardship" means a demonstrable burden on the student or the student's family, including any of the following circumstances:

(A) The student's parent is unable to drive due to documented illness or other mental or physical impairment, and the student is the only other person of driving age in the household.

(B) The student requires transportation to and from a job that is necessary for the welfare of the student's family, and the student is unable to obtain transportation by any other means.

(C) The student has been unable to attend school for documented medical reasons, but the student has demonstrated the ability to make progress toward a high school diploma or its equivalent.

(5) "Exemplary student behavior" means that, since returning to school or an alternative educational setting, the student has not:

(A) Committed additional acts of misconduct for expulsion, suspension, or assignment to an alternative educational setting is required; or

(B) Violated policies of the governing body of the public school unit that may result in disciplinary action against the student.

(6) A student shall be deemed to have successfully completed a drug or alcohol treatment counseling program if the student has completed at least 12 hours of either:

(A) Alcohol or drug treatment or counseling;

(B) A mental health treatment program; or

(C) Any other or other intervention deemed appropriate by the public school unit.

History Note: Authority G.S. 20-11; 20-13.2; 115C-12(28);
Eff. July 1, 2026.