

**01 NCAC 40 .0303 ISSUANCE OF DRIVING ELIGIBILITY CERTIFICATES**

(a) Each conventional nonpublic school, home school and educational program shall be responsible for the issuance of driving eligibility certificates on forms that must be supplied only by the Division. The forms are non-transferable.

(b) Before any conventional nonpublic school or home school can issue a driving eligibility certificate, that school must have on file with the Division a currently valid Notice of Intent to Operate and must be in compliance with all laws and regulations applicable to conventional nonpublic schools or home schools which enroll students subject to compulsory attendance laws. Once the school is in compliance with such laws and regulations as apply to it, the driving eligibility certificate forms may be requested from, and supplied by, the Division.

(c) Before any educational program can issue a driving eligibility certificate, that program must have on file with the Division for at least six months:

- (1) A letter stating the name of the educational program, its address and telephone number, and contact person; and
- (2) Legal documentation in the form of a certified court order or judgment that the program was found to be in compliance with the Compulsory Attendance Law, G.S. 115C, Article 26, Part 1, prior to July 1, 1998.

Once the educational program is in compliance with such laws and regulations as apply, to it, the driving eligibility certificate forms may be requested from, and supplied by, the Division.

(d) Notwithstanding 01 NCAC 40 .0303(b), A nonpublic school shall not request driving eligibility certificate forms from the Division until after the school's currently valid Notice of Intent to Operate has been on file with the Division for at least six calendar months. This provision shall not apply in the case of any student that is newly resident in the State of North Carolina within the 30 days immediately preceding the request for a driving eligibility certificate from a school affected by this provision.

(e) A nonpublic school student under the age of 18 who wishes to obtain a limited learner's permit, a limited provisional license or a full provisional license under G.S. 20-11 must first request and obtain a driving eligibility certificate signed by the chief administrator, or the chief administrator's designee, in the case of a conventional nonpublic school or the chief administrator of the home school or the educational program. It must be obtained no more than 30 days before the student applies for a learner's permit or driver's license.

(f) Before a nonpublic school student is eligible to receive a driving eligibility certificate, the student must be currently enrolled in a nonpublic school which is meeting all the statutory requirements of G.S. 115C, Article 39, or in an educational program at the time the certificate form is issued and meet one of the following requirements:

- (1) The student is making progress toward obtaining a high school diploma or its equivalent -- unless the student is unable to make such progress -- and is exhibiting exemplary student behavior while on school property and at all school-sponsored and school-related activities; or
- (2) The student will have a substantial hardship placed on the student or the student's family if the certificate is not issued.

(g) If a student is denied a certificate, the chief administrator of the nonpublic school or the educational program shall inform the student of the school's or the program's decision and the availability and details of the school's or program's appeals process.

*History Note: Authority G.S. 115C-566;  
Eff. April 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*