

16 NCAC 06E .0305 DRIVING ELIGIBILITY CERTIFICATES

(a) For purposes of this Rule:

- (1) "School administrator" means one of the following officials within the public school unit ("PSU") in which a student is enrolled:
 - (A) For a local school administrative unit ("LSAU"), the principal of the student's school or the principal's designee, provided the designee is an employee of the LSAU authorized to access the student's educational record.
 - (B) For a charter school, the designee of the board of directors, provided the designee is an employee of the charter school authorized to access the student's educational record.
- (2) "Senior PSU official" means one of the following officials within the PSU in which a student is enrolled:
 - (A) For a local school administrative unit, the local superintendent or designee, provided the designee is senior in authority to the principal.
 - (B) For a charter school, the board of directors or designee, provided the designee is senior in authority to the school administrator.
- (3) "Student" means a person under 18 years of age who is seeking a limited learner's permit or provisional driver's license under G.S. 20-11.

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

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

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

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

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

- (1) The equivalency of a high school diploma shall include either of the following:
 - (A) A credential issued by the General Educational Development Testing Service (i.e., a "G.E.D.").
 - (B) An Adult High School Diploma issued by the North Carolina State Board of Community 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 PSU.
- (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 which expulsion, suspension, or assignment to an alternative educational setting is required; or
 - (B) Violated policies of the governing body of the PSU 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 PSU.

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