



## DRIVER'S LICENSE AND ACADEMIC PROGRESS

<https://ncadmin.nc.gov/frequently-asked-questions-driving-eligibility-certificates>

### **Who Is Affected By The Driving Eligibility Certificate Legislation?**

Under [NCGS 20-11\(n\)](#), this legislation is directed to all North Carolina students under the age of 18 who are eligible for a driving permit or license.

This includes public school, federal school, charter school, home school, private school, and community college students.

### **Who Is Not Affected By This Legislation?**

Students who have attained a high school diploma, a G.E.D., or an adult high school diploma as issued by a community college are not affected by

this legislation. In addition, students who received a driving permit or license prior to the Graduated Driver's License program (before 12/1/97) are not affected.

### **What Is A Driving Eligibility Certificate (DEC)?**

A Driving Eligibility Certificate (DEC) is a printed document that is issued by the school principal and/or the principal's designee.

The Driving

Eligibility Certificate certifies that the student is currently enrolled in school and has demonstrated adequate academic progress toward graduation.

### **Who Issues Driving Eligibility Certificates?**

The principal and/or the Driving Eligibility Certificate (DEC) Representative is responsible for signing and issuing a Driving Eligibility Certificate. A

DEC is needed when a student plans to apply for a driving permit or license.

### **Does This Meet The Family Education Right To Privacy Act (FERPA)?**

Yes. The current DEC requires parents, guardians, or emancipated juveniles to provide their written irrevocable consent for a school to disclose to

the Division of Motor Vehicles when a student no longer meets the conditions under G.S. 20-11. A Driving Eligibility Certificate cannot be issued

without the parent's written consent.

### **Who Is Not Eligible To Receive A Driving Eligibility Certificate?**

Students who are not making adequate academic progress or have dropped out of school. According to [NCGS20-11\(n1\)](#), some students are

ineligible to receive a Driving Eligibility Certificate. Students expelled, suspended or placed in an alternative educational setting for more than ten

(10) consecutive days for possessing or selling alcohol, illegal or controlled substances on school property; bringing, possessing or using a weapon

or firearm on school property, pursuant to [NCGS 115C-391 \(d1\)](#); or assaulting any school personnel on school property are ineligible.

### **What Are The Requirements For A Driving Eligibility Certificate?**

The Driving Eligibility Certificate will be issued only if the student has demonstrated adequate academic progress in the prior semester and has not

dropped out of school. Students must not be in violation of [NCGS 20-11\(n1\)](#) as described in the above statement. Students who do not meet these

requirements will not be issued a Driving Eligibility Certificate.

### **What If A Student Has Already Been Issued A Driver's Permit Or License?**

The Division of Motor Vehicles will be notified to revoke the driving privileges of students who are not making adequate academic progress or have

dropped out of school. This notification of DMV will take place after the parents have been given written notification of the pending action. In

addition, DMV will be notified to revoke of driving privileges of students expelled, suspended or placed in an alternative educational setting for

more than ten (10) consecutive days for possessing or selling alcohol, illegal or controlled substances on school property; bringing, possessing or

using a weapon or firearm on school property, pursuant to [NCGS 115C-391 \(d1\)](#); or assaulting any school personnel on school property.

### **What Is Adequate Progress?**

A student must have passing grades in 70% or more of his or her classes. The 70% relates to passing 3 of 4 courses during the semester. Any

semester course load of less than 4 courses will require passing 100% (all) the courses during the semester. Adequate academic progress will be

evaluated at the midpoint of the school year (first semester grades) and at the end of the school year.

### **Are There Hardship Rules?**



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Yes, principals and/or DEC Representatives will be able to issue Driving Eligibility Certificates to students based on hardship. Students must have already been issued a driver's permit/license in order to request a hardship. Cases of hardship must reflect specific circumstances that are beyond the control of the student, his or her parents, or the school. In all cases of hardship, documented proof must be submitted. The specific hardship circumstances are divided into three categories:

### **Hardship Guidelines**

#### **1. Medical Considerations**

- a. Student – Documented proof must be submitted to the school from a doctor (on letterhead) citing reasons why the student missed school, dates of illness, etc.
- b. Parent – Documented proof must be submitted to the school as to the parent's medical illness or impairment. Evidence must demonstrate the absolute necessity of the student to have a driver's license.

#### **2. Work-related Considerations**

- a. Student must demonstrate that he/she required transportation to/from a job that is necessary to the family's financial welfare and is unable by any other means to do so.
- b. There should be documented proof that the student is working and that the student's earnings go directly to support the basic needs of the family. In addition, there must be proof that the student is unable by any other means to get to and from work.

#### **3. Exceptional Children Considerations**

- a. A DEC can be issued to a student when it has been determined that the student is unable to make progress toward obtaining a diploma/certificate. This ruling is not intended to apply to exceptional students who have the ability to obtain a high school diploma.
- b. Input from the IEP Committee and other sources should help guide in the decision.