

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 339
Education/Higher Education Committee Substitute Adopted 3/31/11
Third Edition Engrossed 4/5/11

Short Title: Modify Driver Education Program.

(Public)

Sponsors:

Referred to:

March 15, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE
3 ADDITIONAL FISCAL AND TECHNICAL OVERSIGHT OF THE DRIVER
4 EDUCATION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE
5 PROGRAM EVALUATION OVERSIGHT COMMITTEE.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 115C-215 reads as rewritten:

8 "**§ 115C-215. Instruction in driver training and safety education. Administration of driver**
9 **education program by the Department of Public Instruction.**

10 ~~There shall be organized and administered under the general supervision of the~~
11 ~~Superintendent of Public Instruction a program of driver training and safety education in the~~
12 ~~public schools of this State, said courses to be noncredit courses taught by instructors who meet~~
13 ~~the requirements established by the State Board of Education. Instructors shall not be required~~
14 ~~to hold teacher certificates.~~

15 (a) In accordance with criteria and standards approved by the State Board of Education,
16 the State Superintendent of Public Instruction shall organize and administer a standardized
17 program of driver education to be offered at the public high schools of this State for all
18 physically and mentally qualified persons who (i) are older than 14 years and six months, (ii)
19 are approved by the principal of the school, pursuant to rules adopted by the State Board of
20 Education, (iii) are enrolled in a public or private high school within the State, and (iv) have not
21 previously enrolled in the program. The State Board of Education shall use for this purpose all
22 funds appropriated to it for this purpose and may use all other funds that become available for
23 its use for this purpose.

24 (b) The driver education curriculum shall include the following:

25 (1) Instruction on the rights and privileges of the handicapped and the signs and
26 symbols used to assist the handicapped relative to motor vehicles, including
27 the "international symbol of accessibility" and other symbols and devices as
28 provided in Article 2A of Chapter 20 of the General Statutes.

29 (2) At least six hours of instruction on the offense of driving while impaired and
30 related subjects.

31 (3) At least six hours of actual driving experience. To the extent practicable, this
32 experience may include at least one hour of instruction on the techniques of
33 defensive driving.

34 (4) At least one hour of motorcycle safety awareness training.



1 (c) The State Board of Education shall establish and implement a strategic plan for the
2 driver education program. At a minimum, the strategic plan shall consist of goals and
3 performance indicators, including the number of program participants as compared to the
4 number of persons projected to be eligible to participate in the program, the implementation of
5 a standard curriculum for the program, expenditures for the program, and the success rate of
6 program participants in receiving a drivers license as reported by the Division of Motor
7 Vehicles. The strategic plan shall also outline specific roles and duties of an advisory
8 committee consisting of employees of the Division of Motor Vehicles and the Department of
9 Public Instruction and other stakeholders in driver education.

10 (d) The State Board of Education shall adopt a salary range for driver education
11 instructors who are public school employees and who are not licensed teachers.

12 Driver education instructors who are public school employees and who are licensed
13 teachers shall be paid on the teacher salary schedule. A day of employment for driver education
14 instructors who hold teacher certificates shall be the same number of hours required of all
15 regular classroom teachers as established by the local board of education.

16 (e) The State Board of Education shall adopt rules to permit local boards of education
17 to enter contracts with public or private entities to provide a program of driver education at
18 public high schools. All driver education instructors shall meet the requirements established by
19 the State Board of Education; provided, however, driver education instructors shall not be
20 required to hold teacher certificates."

21 **SECTION 2.** G.S. 115C-216 reads as rewritten:

22 "**§ 115C-216. Boards of education required to provide courses in operation of motor**
23 **vehicles.**

24 (a) ~~Course of Training and Instruction Required in Public High Schools. – The State~~
25 ~~Board of Education and local~~ Local boards of education are required to provide as a part of the
26 program of the public high schools in this State a course of training and instruction in the
27 operation of motor vehicles, in accordance with G.S. 20-88.1. shall offer noncredit driver
28 education courses in high schools using the standardized curriculum provided by the
29 Department of Public Instruction.

30 (b) ~~Inclusion of Expense in Budget. – The local boards of education of every local~~
31 ~~school administrative unit are hereby authorized to~~ shall include as an item of instructional
32 service and as a part of the current expense fund of the budget of the several high schools under
33 their supervision, the expense necessary ~~to install and maintain such a course of training and~~
34 ~~instructing eligible persons in such schools in the operation of motor vehicles.~~ to offer the driver
35 education course.

36 (c) to (f) Repealed by Session Laws 1991, c. 689, s. 32(c)."

37 **SECTION 3.** G.S. 20-88.1 reads as rewritten:

38 "**§ 20-88.1. Driver education.**

39 ~~In accordance with criteria and standards approved by the State Board of Education,~~
40 ~~the State Superintendent of Public Instruction shall organize and administer a program of driver~~
41 ~~education to be offered at the public high schools of this State for all physically and mentally~~
42 ~~qualified persons who (i) are older than 14 years and six months, (ii) are approved by the~~
43 ~~principal of the school, pursuant to rules adopted by the State Board of Education, (iii) are~~
44 ~~enrolled in a public or private high school within the State, and (iv) have not previously~~
45 ~~enrolled in the program. The State Board of Education shall use for such purpose all funds~~
46 ~~appropriated to it for said purpose, and may use all other funds that become available for its use~~
47 ~~for said purpose.~~

48 ~~The driver education program established pursuant to this section must include the~~
49 ~~following:~~

50 (1) ~~Instruction on the rights and privileges of the handicapped and the signs and~~
51 ~~symbols used to assist the handicapped relative to motor vehicles, including~~

1 the "international symbol of accessibility" and other symbols and devices as
2 provided in Article 2A of this Chapter.

3 (2) ~~At least six hours of instruction on the offense of driving while impaired and~~
4 ~~related subjects.~~

5 (3) ~~At least six hours of actual driving experience. To the extent practicable, this~~
6 ~~experience may include at least one hour of instruction on the techniques of~~
7 ~~defensive driving.~~

8 (b) ~~The State Board of Education shall adopt a salary range for driver education~~
9 ~~instructors who are public school employees and who do not hold teacher certificates.~~

10 ~~Driver education instructors who are public school employees and who hold teacher~~
11 ~~certificates shall be paid on the teacher salary schedule. A day of employment for driver~~
12 ~~education instructors who hold teacher certificates shall be the same number of hours required~~
13 ~~of all regular classroom teachers as established by the local board of education.~~

14 (b1) ~~The State Board of Education shall adopt rules to permit local boards of education~~
15 ~~to enter contracts with public or private entities to provide a program of driver education at~~
16 ~~public high schools. All driver education instructors shall meet the requirements established by~~
17 ~~the State Board of Education; provided, however, driver education instructors shall not be~~
18 ~~required to hold teacher certificates.~~

19 (c) ~~All expenses incurred by the State in carrying out the provisions of this section~~
20 ~~the~~ driver education program administered by the Department of Public Instruction in accordance
21 with G.S. 115C-215 shall be paid out of the Highway Fund.

22 (d) The Division shall prepare a driver license handbook that explains the traffic laws of
23 the State and shall periodically revise the handbook to reflect changes in these laws. At the
24 request of the Department of ~~Education, Public Instruction,~~ the Division shall provide free
25 copies of the handbook to that Department for use in the program of driver education offered at
26 public high schools."

27 **SECTION 3.1.(a)** G.S. 20-11(b) reads as rewritten:

28 "(b) Level 1. – A person who is at least 15 years old but less than 18 years old may
29 obtain a limited learner's permit if the person meets all of the following requirements:

30 (1) Passes a course of driver education prescribed in ~~G.S. 20-88.1~~
31 G.S. 115C-215 or a course of driver instruction at a licensed commercial
32 driver training school.

33 (2) Passes a written test administered by the Division.

34 (3) Has a driving eligibility certificate or a high school diploma or its
35 equivalent."

36 **SECTION 3.1.(b)** G.S. 20-322(b) reads as rewritten:

37 "(b) Regulations adopted by the Commissioner shall state the requirements for a school
38 license, including requirements concerning location, equipment, courses of instruction,
39 instructors, financial statements, schedule of fees and charges, character and reputation of the
40 operators, insurance, bond or other security in such sum and with such provisions as the
41 Commissioner deems necessary to protect adequately the interests of the public, and such other
42 matters as the Commissioner may prescribe. A driver education course offered to prepare an
43 individual for a limited learner's permit or another provisional license must meet the
44 requirements set in ~~G.S. 20-88.1~~ G.S. 115C-215 for the program of driver education offered in
45 the public schools."

46 **SECTION 4.(a)** The State Board of Education shall report to the Joint Legislative
47 Program Evaluation Oversight Committee by July 15, 2011, on the status of the
48 implementation of Section 7.12 of S.L. 2010-31, which mandates the creation of a standard
49 curriculum to be used for the driver education program in the Department of Public Instruction.

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1 **SECTION 4.(b)** For the 2011-2012 school year, no State funds shall be used for
2 driver education programs that do not use the standard driver education curriculum created in
3 accordance with Section 7.12 of S.L. 2010-31.

4 **SECTION 5.** The State Board of Education shall establish a pilot program to
5 deliver driver education by electronic means. At least five local school administrative units
6 shall participate in the pilot program. Funds appropriated for driver education shall be used to
7 implement the pilot program. The State Board shall report on the implementation of the pilot
8 program to the Joint Legislative Education Oversight Committee and the Joint Legislative
9 Program Evaluation Oversight Committee by June 15, 2012. The report shall include the cost
10 per student of delivering the instruction and the success rate of program participants in
11 receiving a drivers license.

12 **SECTION 6.** The State Board of Education shall report to the Joint Legislative
13 Education Oversight Committee and to the Joint Legislative Program Evaluation Oversight
14 Committee by June 15, 2012, on the following:

- 15 (1) The most cost-effective method of delivering driver education in the short-
16 and long-term. In making this determination, the State Board of Education
17 shall consider the results of the pilot program implemented pursuant to
18 Section 5 of this act.
- 19 (2) The strategic plan adopted by the State Board of Education in accordance
20 with G.S. 115C-215.

21 **SECTION 7.** This act is effective when it becomes law.