

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 339  
Education/Higher Education Committee Substitute Adopted 3/31/11

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.

35 (c) The State Board of Education shall establish and implement a strategic plan for the  
36 driver education program. At a minimum, the strategic plan shall consist of goals and  
37 performance indicators, including the number of program participants as compared to the



1 number of persons projected to be eligible to participate in the program, the implementation of  
2 a standard curriculum for the program, expenditures for the program, and the success rate of  
3 program participants in receiving a drivers license as reported by the Division of Motor  
4 Vehicles. The strategic plan shall also outline specific roles and duties of an advisory  
5 committee consisting of employees of the Division of Motor Vehicles and the Department of  
6 Public Instruction and other stakeholders in driver education.

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

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

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

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

19 **"§ 115C-216. Boards of education required to provide courses in operation of motor**  
20 **vehicles.**

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

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

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

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

35 **"§ 20-88.1. Driver education.**

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

45 ~~The driver education program established pursuant to this section must include the~~  
46 ~~following:~~

- 47 (1) ~~Instruction on the rights and privileges of the handicapped and the signs and~~  
48 ~~symbols used to assist the handicapped relative to motor vehicles, including~~  
49 ~~the "international symbol of accessibility" and other symbols and devices as~~  
50 ~~provided in Article 2A of this Chapter.~~

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

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

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

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

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

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

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

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

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

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

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

43           (1) The most cost-effective method of delivering driver education in the short-  
44           and long-term. In making this determination, the State Board of Education  
45           shall consider the results of the pilot program implemented pursuant to  
46           Section 5 of this act.

47           (2) The strategic plan adopted by the State Board of Education in accordance  
48           with G.S. 115C-215.

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