

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 833  
Committee Substitute Favorable 4/24/17

Short Title: Driver Education Oversight/Lane Departure.

(Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE OVERSIGHT AND ACCOUNTABILITY FOR THE DELIVERY OF THE STATE'S DRIVER EDUCATION PROGRAM AND TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE ADVISABILITY OF ADDING LANE DEPARTURE TO THE ACTUAL DRIVING PORTION OF THE DRIVER EDUCATION CURRICULUM.

Whereas, motor vehicle crashes are the leading cause of deaths in individuals 15-20 years old in the United States; and

Whereas, North Carolina has a very diverse driving public, yet the younger driver population is overrepresented in fatal and serious injury crashes; and

Whereas, in 2013, in North Carolina, there were 111 fatalities and 255 serious injuries from vehicle crashes involving younger drivers in the age range of 16-19 years old; and

Whereas, although North Carolina's teen accident and fatality rates have declined since the implementation of graduated driver licensing, teen drivers 16-19 years old are still three times more likely than drivers 20 years old and over to be in a fatal crash; and

Whereas, in May 2015, the National Highway Traffic Safety Administration issued a report entitled "State of North Carolina: Technical Assessment of the Driver Education Program," in which a finding was made that the State needs to improve oversight to ensure uniform quality of instruction; and

Whereas, since a majority of North Carolina teens participate in a driver education program, it is imperative to the safety and well-being of those teens that the State provide adequate oversight of local driver education programs to ensure the delivery of effective and high-quality driver training to prevent future teen injuries and deaths related to motor vehicle crashes; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.25(b)(11) reads as rewritten:

"(11) No funds shall be transferred into or out of the driver education allotment ~~category~~ category, except that funds may only be transferred out of the driver education allotment category for the purpose of supporting driver education in other local school administrative units."

**SECTION 2.** G.S. 115C-215 reads as rewritten:

**"§ 115C-215. Administration of driver education program by the Department of Public Instruction-Instruction, Office of Driver Education Services.**

(a) In accordance with criteria and standards approved by the State Board of Education, the State Superintendent of Public Instruction shall organize and administer a standardized program of driver education through the Office of Driver Education Services established under



1 subsection (a1) of this section to be offered at the public high schools of this State for all  
2 physically and mentally qualified persons who (i) are older than 14 years and six months, (ii)  
3 are approved by the principal of the school, pursuant to rules adopted by the State Board of  
4 Education, (iii) are enrolled in a public or private high school within the State or are receiving  
5 instruction through a home school as provided by Part 3 of Article 39 of Chapter 115C of the  
6 General Statutes, and (iv) have not previously enrolled in the program. The driver education  
7 program shall be for the purpose of reducing student driver traffic accidents by making  
8 available public education to all students on driver safety and training. The State Board of  
9 Education shall use for this purpose all funds appropriated to it for this purpose and may use all  
10 other funds that become available for its use for this purpose.

11 (a1) There is established an Office of Driver Education Services within the Department  
12 of Public Instruction. The Office shall be staffed by a full-time director and other professional,  
13 administrative, technical, and clerical personnel as may be necessary to assist the Office in  
14 carrying out its powers and duties, including at least the following:

- 15 (1) Leading the statewide program and developing a three-year strategic plan  
16 consistent with subsection (c1) of this section for the driver education  
17 program.
- 18 (2) Assuring the implementation of a standard curriculum for the program and  
19 the periodic update and revision of the standard curriculum.
- 20 (3) Maintaining an advisory committee consisting of school and State  
21 employees of the Department of Transportation, Division of Motor Vehicles,  
22 and the Department of Public Instruction and other stakeholders in driver  
23 education.
- 24 (4) Verifying the accuracy of local school administrative unit cost and other data  
25 required to be in compliance with State Board policy and State law,  
26 including accounting for any local revenues and fees imposed by the units  
27 and any entities that local boards of education contract with for delivery of  
28 the driver education program.
- 29 (5) Developing a Web-based system to allow local school administrative units to  
30 report required data and for the Office to make data and reports available to  
31 the public.
- 32 (6) Publishing on its Web site an annual report of expenditures on driver  
33 education for the prior school year by purpose and object code for each local  
34 school administrative unit. The report shall be published by January 15 of  
35 each year, with the initial report published by January 15, 2018, on  
36 expenditures made in the 2016-2017 school year.
- 37 (7) Providing driver education instructor resources for program improvement  
38 and technical assistance for local school administrative units contracting  
39 with public or private entities to provide the driver education program.
- 40 (8) Identifying and sharing best practices among local school administrative  
41 units.
- 42 (9) Conducting an annual performance evaluation of the driver education  
43 performance statewide and separately for each local school administrative  
44 unit and any entities that local boards of education contract with for delivery  
45 of the driver education program. The Office shall collect and compile data  
46 on student driver outcomes. The data shall be compiled, without disclosure  
47 of personally identifiable information of students and driving instructors, to  
48 enable numerical performance comparisons among high schools and any  
49 entities that local boards of education contract with for delivery of the driver  
50 education program. Comparative data shall be maintained on the number of  
51 students (i) participating in driver education, (ii) certified as eligible or

1 certified with a high school diploma or its equivalent, and (iii) for certified  
2 students, success on the level two provisional license phase and level three  
3 full provisional license phase administered by the Division of Motor  
4 Vehicles. The data shall allow comparison of traffic accidents, accidents  
5 with associated injuries, and accidents with associated fatalities for  
6 graduated license drivers by individual years of age from 15 years old to 20  
7 years old who participated in driver education and individuals who did not  
8 from that same age population. The evaluation shall include any corrective  
9 actions or additional assistance planned by local school administrative units  
10 based on evaluation data. The Office shall notify the General Assembly in  
11 accordance with G.S. 120-29.5, the Fiscal Research Division, and the  
12 Program Evaluation Division of the availability of the annual report for the  
13 prior school year on its Web site, beginning with an initial report published  
14 by January 15, 2020, and every January 15 annually thereafter.

15 ...  
16 ~~(e) The State Board of Education shall establish and implement a strategic plan for the~~  
17 ~~driver education program. At a minimum, the strategic plan shall consist of goals and~~  
18 ~~performance indicators, including the number of program participants as compared to the~~  
19 ~~number of persons projected to be eligible to participate in the program, the implementation of~~  
20 ~~a standard curriculum for the program, expenditures for the program, and the success rate of~~  
21 ~~program participants in receiving a drivers license as reported by the Division of Motor~~  
22 ~~Vehicles. The strategic plan shall also outline specific roles and duties of an advisory~~  
23 ~~committee consisting of employees of the Division of Motor Vehicles and the Department of~~  
24 ~~Public Instruction and other stakeholders in driver education.~~

25 (c1) By January 15, 2018, and every three years thereafter, the State Board of Education  
26 shall review the strategic plan developed by the Office of Driver Education Services for the  
27 driver education program. At a minimum, the strategic plan shall consist of the following:

- 28 (1) The goals, strengths, accomplishments, and measurable indicators used for  
29 tracking the success of the driver education program.
- 30 (2) Program areas in need of improvement, causes of any limitations or  
31 challenges to the program, and strategies to improve the program.
- 32 (3) Action steps planned for each year of the three-year period of the plan.
- 33 (4) For subsequent plans, a comparison of planned to actual accomplishment of  
34 goals and measurable performance stated in the previous strategic plan.

35 (c2) Local school administrative units shall report to the Office of Driver Education  
36 Services each year on driver education training offered in the unit in accordance with  
37 G.S. 115C-216, with at least the following information:

- 38 (1) A description of how the driver education program is delivered, including  
39 whether the program is offered directly by the local school administrative  
40 unit or through a contract with an outside provider and how the vehicles  
41 used for driver training are provided and maintained.
- 42 (2) All data required for the evaluations under subsection (a1) of this section.
- 43 (3) Materials used for instruction of the standardized driver education  
44 curriculum.
- 45 (4) The role of parents and legal guardians in driver education instruction and  
46 the results of a survey regarding instruction delivery administered to a parent  
47 or legal guardian upon completion of the training by each student.
- 48 (5) Local assessments and evaluations used to determine quality and success of  
49 the driver education program.
- 50 (6) Information on the driving records of driver education instructors as deemed  
51 necessary by the Office.

1       (c3) The Department of Public Instruction may withhold up to five percent (5%) of the  
2 State funds allocated to a local school administrative unit for driver education until the unit  
3 reports the information required by subsection (c2) of this section.

4       ...

5       (e) The State Board of Education shall adopt rules to permit local boards of education  
6 to enter contracts with public or private entities to provide a program of driver education at  
7 public high schools. The Office of Driver Education Services shall provide local boards of  
8 education with technical assistance to develop and implement a competitive selection process  
9 for contracting with other public or private entities to include request for proposals and a model  
10 contract with necessary terms and conditions. All driver education instructors shall meet the  
11 requirements established by the State Board of Education; provided, however, driver education  
12 instructors shall not be required to hold teacher certificates.

13       (f) The clear proceeds of the newly established motor vehicle registration late fee  
14 charged pursuant to G.S. 20-88.03, as enacted by S.L. 2015-241, shall be used to provide a  
15 dedicated source of revenue for the drivers education program administered by the Department  
16 of Public ~~Instruction~~-Instruction, Office of Driver Education Services, in accordance with this  
17 section and shall be appropriated by the General Assembly for this purpose for the 2016-2017  
18 fiscal year and subsequent fiscal years thereafter. Of the funds appropriated under this  
19 subsection each fiscal year, the Department may use up to two percent (2%) of those funds for  
20 the direct costs of statewide program administration."

21       **SECTION 3.** G.S. 20-88.1 is amended by adding a new subsection to read:

22       "(e) The Division shall provide the Department of Public Instruction, Office of Driver  
23 Education Services, any data on student drivers, to the extent allowable under State and federal  
24 law, as part of the evaluation requirement under G.S. 115C-215."

25       **SECTION 4.** By January 15, 2018, the Office of Driver Education Services and the  
26 Division of Motor Vehicles shall develop an implementation plan to provide for the transfer  
27 and collection of data on student drivers available through the Division as part of the evaluation  
28 requirement under G.S. 115C-215, as amended by this act.

29       **SECTION 5.** The Office of Driver Education Services shall submit a report  
30 electronically to the Joint Legislative Education Oversight Committee, the Fiscal Research  
31 Division, and the Program Evaluation Division by October 15, 2017, describing any actions  
32 taken by the Office in response to the requirements of this act, as well as the findings included  
33 in the Program Evaluation Division's report to the Joint Legislative Program Evaluation  
34 Oversight Committee, *Performance Measurement and Monitoring Would Strengthen*  
35 *Accountability of North Carolina's Driver Education Program*, March 19, 2014, and the  
36 recommendations from the National Highway Traffic Safety Administration's Technical  
37 Assessment of the Driver Education Program for the State of North Carolina from May 2015.

38       **SECTION 6.** Study. – The Department of Public Instruction, in coordination with  
39 the Department of Transportation, shall study and make recommendations regarding whether to  
40 add lane departure to the actual driving portion of the driver education curriculum. The study  
41 shall include, but not be limited to, a review and analysis of all of the following:

- 42       (1) The advisability of adding an element to the driver education curriculum that  
43 would allow students participating in the actual driving portion of the course  
44 to experience lane departure and learn to avoid overcorrection. This would  
45 involve taking the wheels of the vehicle off the paved road and onto the  
46 shoulder and then safely returning the vehicle to the paved road.
- 47       (2) The practicality of teaching students to respond to situations of lane  
48 departure during the actual driving portion of the driver education course,  
49 including the probability of finding sufficient, convenient locations to safely  
50 practice this maneuver.

- 1           (3)    Data regarding fatalities and injuries associated with lane departure and  
2           overcorrection.  
3           (4)    Any liability that may attach to the instructor, the school, the local school  
4           administrative unit, or the State, by adding this element to the driver  
5           education curriculum.  
6           (5)    Any other matter the Department deems relevant to the study.

7           The Department of Public Instruction shall ensure that at least one representative  
8 from the North Carolina Driver and Traffic Safety Education Association, one instructor  
9 employed by a private driving school, and one public school teacher who is certified in driver  
10 education is involved in the study.

11           **SECTION 7.** Report. – The Department of Public Instruction shall report its  
12 findings and recommendations, including any legislative proposals, to the Joint Legislative  
13 Education Oversight Committee no later than March 1, 2018.

14           **SECTION 8.** Sections 1 through 5 of this act become effective July 1, 2017. The  
15 remainder of this act is effective when it becomes law.