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HOUSE BILL DRH10279-MK-73C (02/09)

Short Title: Driver Education Oversight. (Public)

Sponsors: Representatives Johnson, Torbett, Howard, and Horn (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN THE OVERSIGHT AND ACCOUNTABILITY FOR THE
3 DELIVERY OF THE STATE'S DRIVER EDUCATION PROGRAM.

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

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

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

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

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

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

22 The General Assembly of North Carolina enacts:

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

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

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

29 "**§ 115C-215. Administration of driver education program by the Department of Public**
30 **~~Instruction.~~Instruction, Office of Driver Education Services.**

31 (a) In accordance with criteria and standards approved by the State Board of Education,
32 the State Superintendent of Public Instruction shall organize and administer a standardized
33 program of driver education through the Office of Driver Education Services established under
34 subsection (a1) of this section to be offered at the public high schools of this State for all
35 physically and mentally qualified persons who (i) are older than 14 years and six months, (ii)
36 are approved by the principal of the school, pursuant to rules adopted by the State Board of



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1 Education, (iii) are enrolled in a public or private high school within the State or are receiving
2 instruction through a home school as provided by Part 3 of Article 39 of Chapter 115C of the
3 General Statutes, and (iv) have not previously enrolled in the program. The driver education
4 program shall be for the purpose of reducing student driver traffic accidents by making
5 available public education to all students on driver safety and training. The State Board of
6 Education shall use for this purpose all funds appropriated to it for this purpose and may use all
7 other funds that become available for its use for this purpose.

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

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

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

12 ...
13 ~~(e) The State Board of Education shall establish and implement a strategic plan for the~~
14 ~~driver education program. At a minimum, the strategic plan shall consist of goals and~~
15 ~~performance indicators, including the number of program participants as compared to the~~
16 ~~number of persons projected to be eligible to participate in the program, the implementation of~~
17 ~~a standard curriculum for the program, expenditures for the program, and the success rate of~~
18 ~~program participants in receiving a drivers license as reported by the Division of Motor~~
19 ~~Vehicles. The strategic plan shall also outline specific roles and duties of an advisory~~
20 ~~committee consisting of employees of the Division of Motor Vehicles and the Department of~~
21 ~~Public Instruction and other stakeholders in driver education.~~

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

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

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

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

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

1 ...
2 (e) The State Board of Education shall adopt rules to permit local boards of education
3 to enter contracts with public or private entities to provide a program of driver education at
4 public high schools. The Office of Driver Education Services shall provide local boards of
5 education with technical assistance to develop and implement a competitive selection process
6 for contracting with other public or private entities to include request for proposals and a model
7 contract with necessary terms and conditions. All driver education instructors shall meet the
8 requirements established by the State Board of Education; provided, however, driver education
9 instructors shall not be required to hold teacher certificates.

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

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

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

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

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

35 **SECTION 6.** Except as otherwise provided, this act becomes effective July 1,
36 2017.