

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF EDUCATION SERVICES
Policies and Procedures**

DRIVER'S LICENSE / RECORD CHECK

Effective Date: August 1, 2009
Reference: Individuals with Disabilities Education Act (IDEA) 1997, GS 115C Article 9, North Carolina Constitution, Federal Driver's Privacy Protection Act (FDPPA) 1994, GS 20-43.1, DMV Regulations

Purpose:

This policy establishes a driver's license and record check on current OES employees, applicants, contractors, and volunteers engaged in student transportation.

Mission Statement:

The Office of Education Services (OES) is committed to promoting independence and educational opportunities for students through positive, safe, and efficient transportation experiences. The Office of Education believes that a safe and secure transportation system should be provided for all students and staff. These beliefs reflect the fundamental principle that anyone engaged in the transportation of students in North Carolina is in a unique position of trust in this society. Driving record convictions and dispositions may have an impact upon this mission and will be considered in employment decisions.

Target Group:

This policy applies to all current OES personnel engaged in transportation of students using state vehicles, and contractors who provide transportation for students. OES personnel include permanent, probationary, time-limited, and temporary, and volunteer classifications. Hereafter, OES personnel, contractors, and volunteers engaged in student transportation will be referred to as Transportation Safety Assistants (TSAs).

Policy:

1. Accordingly, a driver records check will be conducted by Human Resources on current OES TSAs, as defined above, and applicants for employment, contractor, and volunteers who will be engaged in student transportation.
2. OES applicants, current employees, contractors, and volunteers, as defined above, will be required to complete a Transit's Driver Disclosure Form, granting OES access to personal information regarding their driving history.

3. If an applicant is hired prior to the completion of the driver records check, the employment shall be considered conditional pending a review of the results of the check and a decision regarding continued employment by management.
4. Applicants are required to answer completely and accurately questions on their application with regard to previous criminal history, including driving convictions, offenses, violations, and dispositions. Failure to do so may subject the applicant to not being hired or an employee to being dismissed.
5. The applicant or conditional employee may be rejected for or terminated from employment if the driving record check and supporting records reveal a criminal driving history, defined as a driving conviction, driving offense, and/or repeated violations, that indicates the employee (1) poses a threat to the physical safety of students or personnel, or (2) has demonstrated through repeated offenses and violations that he or she does not have the integrity or honesty to fulfill his or her duties as an OES employee. Driving convictions, repeated violations and offenses, as used in this policy, includes the entry of (1) a plea of guilty; (2) a verdict or finding of guilty in a court of law or military tribunal; (3) repeated traffic violations, incidents, and offenses; (4) and a prayer for judgment or plea of nolo contendere.
6. OES TSAs failure or refusal to complete a Transit's Driver Disclosure Form may result in disciplinary action up to and including dismissal.
7. OES TSAs may be subject to disciplinary action up to and including dismissal if the driving record check and supporting records reveal a criminal driving history, defined as a driving conviction, driving offense, and/or repeated violations, that indicates the employee (1) poses a threat to the physical safety of students or personnel, or (2) has demonstrated through repeated offenses and violations that he or she does not have the integrity or honesty to fulfill his or her duties as an OES employee. Driving convictions, repeated violations and offenses, as used in this policy, includes the entry of (1) a plea of guilty; (2) a verdict or finding of guilty in a court of law or military tribunal; (3) repeated traffic violations, incidents, and offenses; (4) and a prayer for judgment or plea of nolo contendere.
8. Contractor's failure to complete a Transit's Driver Disclosure Form may result in the termination of contracted services.
9. Contracts may be terminated if the driving record check and supporting records of individuals providing transportation to students reveal a criminal driving history, defined as a driving conviction, driving offense, and/or repeated violations, that indicates the employee (1) poses a threat to the physical safety of students or personnel, or (2) has demonstrated through repeated offenses and violations that he or she does not have the integrity or honesty to fulfill his or her duties as an OES employee. Conviction of crime,

repeated violations and offenses, as used in this policy, includes the entry of (1) a plea of guilty; (2) a verdict or finding of guilty in a court of law or military tribunal; (3) repeated traffic violation, incidents, and offenses; (4) and a prayer for judgment or plea of nolo contendere.

10. All OES drivers transporting students shall maintain clean driving records with the Department of Motor Vehicles.
11. The following standards and qualifications will define a “clean” driving record for OES drivers, applicants, volunteers, and contractors:
 - 11.1. Must be 18 years old;
 - 11.2. Must possess a valid North Carolina’s driver’s license;
 - 11.3. Must have had a valid driver’s license for a minimum of two years;
 - 11.4. With 2-4 years total driving experience; no more than one ticket or at-fault accident during that period;
 - 11.5. With 5-9 years total driving experience; no more than two tickets and two at-fault accidents and one ticket during that period;
 - 11.6. No convictions of DWI in the last 10 years and not more than one DWI conviction ever;
 - 11.7. No convictions of reckless driving;
 - 11.8. No suspensions of driving privileges in the last 10 years due to a moving violation (a suspension for failure to appear does not count);
 - 11.9. Any prospective driver who has had a license in another state within the last five years must provide a driving record from that state as well as possess a valid North Carolina driver’s license at the applicant’s expense;
 - 11.10. Not more than one conviction for a moving violation within the past 12 months and not more than 3 such convictions within the past 5 years;
 - 11.11. OES drivers who transport students must initially satisfactorily complete behind-the-wheel training, including skills tests, and classroom instruction, under the instruction of DMV trainers and Transportation Directors. These drivers will be required to complete annual refreshers at the beginning of the school year.
12. The Office of Education Services’ Transportation Director will serve as the security administrator in charge of granting access to the Division of Motor Vehicles’ driving license database. Driving Records Checks will be conducted by OES Human Resource offices.
13. All motor vehicle records are subject to the Federal Driver’s Privacy Protection Act (FDPPA) and General Statute (GS) 20-43.1. The FDPPA and GS 20-43.1 require that information in the Division of Motor Vehicle Records (MVR) be closed to the public. Personal information from these records may be released to individuals or organizations that qualify under one or more of

the below fourteen exceptions. These exceptions are summarized statements of permissible use.

- 13.1. For use by any governmental agency, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
- 13.2. For use in matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from original owner records of motor vehicle manufacturers.
- 13.3. For use in the normal course of business by a legitimate business, but only:
 - a. To verify accuracy of personal information.
 - b. To obtain correct information, but only for purposes of:
 1. Preventing fraud by the individual
 2. Pursuing legal remedies against the individual
 3. Recovering on a debt or security interest against the individual
- 13.4. For use in connection with any civil, criminal, administrative, or arbitrate proceeding in any Federal, State, or local court or agency (includes the execution or enforcement of judgments and orders or court orders)
- 13.5. For use in research activities and statistical reports
 - a. Personal information must not be:
 1. Published
 2. Redisclosed
 3. Used to contact individuals
- 13.6. For use by insurance companies in connection with claims investigation antifraud activities, rating or underwriting.
- 13.7. For use in providing notice to owners of towed or impounded vehicles.
- 13.8. For use by private investigators or licensed security service.
- 13.9. For use by employer to verify information regarding CDL.
- 13.10. For use in connection with private toll facilities.
- 13.11. For any other use if person has opportunity to refuse disclosure on DMV forms (Prohibited by NC General Statute 20-43.1).
- 13.12. For bulk surveys, marketing or solicitations (Disclosure must be in accordance with NC General Statute 20-43.1).
- 13.13. For use by any requester that has obtained written consent of the individual to whom the information pertains.
- 13.14. For any use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

14. Applicants, current employees, contractors, and volunteers must notify OES Transportation Director within 48 hours and/or prior to transporting students if they are charged with or convicted of a criminal charge or traffic offense including a plea of guilty, nolo contendere, and a prayer for judgment continued.
15. Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes and regulations. Records shall be kept in a secure place, separate from the individual's personnel file. Procedures for implementing this policy, including a list of individuals entitled to access driving records, may be developed and administered by the Superintendent.

DIVISION OF EDUCATION SERVICES DRIVER DISCLOSURE FORM

My job duties include transportation of OES students utilizing motor vehicles owned or provided by the State and/or vehicles contracted to transport OES students. I understand that my Division of Motor Vehicle (DMV) driving records will be accessed by the Office of Education Services. I understand that the Office of Education Services will not release any information contained in my record. I understand that if I leave employment and/or contractual relationship with OES or no longer am engaged in the transportation OES students, OES will no longer retain access to my driving record. I further understand that the intent of accessing my driving record to ensure the safety of students engaged in transportation.

_____ (Check here after acknowledging the contents above.) *By giving my signature below, I understand the policies and procedures above and have read the contents of this form, should I not understand, I will proceed to ask questions to clarify.*

Signature _____ Date

NAME:

(Print Last Name) (Print First Name) (M.I.)

ADDRESS:

CITY: _____ STATE: _____ ZIP: _____

DL #/STATE: _____/_____

ARE YOU AN OES EMPLOYEE?: YES / NO

ARE YOU AN OES CONTRACTOR WITH OES?: YES /NO

EMPLOYMENT BEGIN DATE: ____/____/____

Return Completed Form To: _____