

The Washington State

DRIVER TRAINING SCHOOLS

ANNOUNCEMENT

*A publication of the Washington
State Driver Training Schools Program*

August 11, 2020

Dear Driver Training School Owners,

As you know, the Department of Licensing (DOL) has been developing rules to allow for web based instruction during state of emergencies, which would allow schools to remain operational during the COVID-19 pandemic and other times when the Governor has declared a state of emergency under [RCW 43.06.210](#). We are reaching out to you now to invite your input on the permanent rule language.

Overview:

The DOL is looking to adopt an emergency clause in Washington State Administrative Code (WAC) that would allow for web based instruction during a state of emergency. For the purpose of this rulemaking we are only proposing authorizing web based instruction during a state of emergency.

We understand that there may be owners who are interested in exploring authorizing web based instruction during normal operations, however, due to the short window of time we have to adopt these rules, we feel that there is not adequate time to collaboratively develop language across the industry. If we are not able to adopt permanent language authorizing web based instruction by November 7, 2020 schools will no longer be authorized to conduct web based instruction during the current state of emergency.

Proposed Language:

Attached you will find a word version of the proposed permanent rule language. Please review this language and provide us with your questions, concerns, and recommended changes **by close of business on Wednesday, August 19, 2020**. We have provided an explanation on the DOL's reasoning for proposing each section of the language in the table below. Responding by August 19th should give us time to schedule follow ups to address any of the concerns raised.

It is our intent to develop these rules as collaboratively as possible within the short window of time we have to develop them. If we do not file the proposed language by September 2, 2020, we will not have permanent rules in place to allow for web based instruction after November 7, 2020.

Paragraph	Proposed Language	Justification
1.	The following rule applies to when instructors or students are not able to convene in-person due to a state of emergency issued by the governor under RCW 43.06.210. While a state of emergency remains in effect, the Director of Licensing may allow driver training schools	This paragraph is intended to create a trigger mechanism in the WAC that, should a state of emergency persist or be declared in the future, would allow driver training schools to offer driver training education via web based instruction. The "may" was added to address times when a state of emergency might be declared but there is no need for schools to close their physical locations.

	to:	
2.	(1) Offer driver training education through web based instruction. Any web based instruction offered under this provision must;	Section (1) makes clear that any driver training school conducting web based instruction during a state of emergency must meet requirements (a) – (d) of the proposed WAC.
3.	(a) Comply with all requirements in RCW 46.82, including RCW 46.82.350;	This proposal is being made under the authority of RCW 46.82 and, among other legal requirements in statute, only schools who have a brick and mortar operation in Washington State are eligible to offer web based instruction during a state of emergency, in compliance with this statute.
4.	(b) Offer classes remotely with interactive, web based instruction;	This is currently in the emergency rule and addresses the goal of this rulemaking. This language would allow driver training schools to continue to offer web based instruction during a state of emergency.
5.	(c) Meet instruction standards set forth in WAC 308-108-150, excluding the requirement to hold classes in-person; and	Driver training education must continue to meet other standards outlined in WAC, excluding the requirement to hold classes in-person, which is stated in WAC 308-108-150.
6.	(d) Allow students to communicate with the instructor in real-time.	This proposed language further explains what is meant by “interactive” and is being included to provide greater clarity to driver training school owners in complying with the current and proposed web based instruction rules.
7.	[No proposed language at this time]	DOL is trying to determine the best approach to ensuring a smooth transition between a state of emergency and schools needing to return students to the classroom. When a state of emergency is rescinded, there will no longer be authorization to conduct classes via web based instruction. Schools must plan on having capacity to move all online students back to the classroom when the state of emergency is over. What language would you like to see here to make that clear in the WAC for schools who may be new or unfamiliar with web based instruction rules in Washington State?

We appreciate your timely review and feedback of this proposed WAC. Thank you for your partnership as we navigate these difficult times. If you would like to speak to someone about these proposed changes before submitting your edits, please reach out to Ellis Starrett at estarrett@dol.wa.gov or over the phone at (360) 902 3846, who is lead for this rulemaking.

Sincerely,
The Driver Training School Program