

Feedback to the DOL regarding proposed rule-change WAC 308-108-190 - Emergency Clause

New Section

WAC 308-108-190 Emergency Clause. 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 to:

- (1) Offer driver training education through **web-based instruction**. Any web-based instruction offered under this provision must;
 - (a) Comply with all requirements in RCW 46.82, including RCW 46.82.350;
 - (b) Offer classes remotely with **interactive, web-based instruction**;
 - (c) Meet instruction standards set forth in **WAC 308-108-150**, excluding the requirement to hold classes in-person; and
 - (d) Allow students to **communicate with the instructor** in real-time **during the presentation of the lesson**.

Comments & Questions:

- 1) Terms must be defined to clarify the following issues:
 - a. **“Web-based instruction”**
 - i. Does that include a webinar or a recorded video session vs a live “ZOOM” meeting, Facetime, Google Meet, Microsoft Teams, Skype session, etc.?
 - ii. Does that include a pre-recorded classroom presentation on YouTube, Screencastify, Marco Polo, or another video recording format? Will certain formats have to be approved, or will certain features be required in order to be approved?
 - iii. Does that include watching a video from a link on a topic, the same as it might be done in a classroom, but the student independently clicks on the link instead of the instructor playing it from his/her computer? Or must the instructor be in control of playing the video link during the lesson from his/her computer?
 - b. **“Interactive web-based instruction”**
 - i. How is attendance assured to certify “in-person” interactive student participation?
 - ii. What constitutes “interactive” on the part of a student? Does each student have to respond verbally, or will responding through a “chat/Q&A” feature or a poll during each class session suffice? Is there a requirement for the number of “interactions” to meet this provision?

- iii. Does the person delivering the “interactive” instruction have to be a certified/licensed instructor, or could it be a para-educator, office-worker, etc.?
- iv. If an instructor is delivering the lesson via a pre-recorded session or webinar, and an office-worker is monitoring the “chat” or “Q&A” feature, does that meet the intention and requirements of this “interactive” provision?
- v. To meet the requirements of this provision, must students have a camera, and must it be turned on to verify that the actual student is in attendance and participating?
- vi. If a student does not have a computer device, does participating through the phone feature (audio only) satisfy this requirement? If so, how would this student be able to respond to a poll if that is how the instructor certifies “interaction” from a student?
- vii. Must all students be “present and accounted for” in a scheduled class time and session, or will they be able to view a recorded class session independently “on their own time?”

c. “communicate with the instructor”

- i. Does this require that the student has video-camera and voice capability?
- ii. Would participating in “chats,” “polls,” and “Q&A” features alone, without the student’s camera/microphone turned on, satisfy this requirement?
- iii. What about phone-only participation? Would that meet this provision? How?

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