

Chapter 392-153 WAC

TRAFFIC SAFETY—DRIVER EDUCATION

Repealed by WSR 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.

WAC

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WAC 392-153-001 Authority and purpose. RCW 28A.220.030 authorizes the superintendent of public instruction to adopt rules and regulations governing the operation of public and private school traffic safety education programs and to monitor the quality of the programs offered. This chapter specifies the requirements to obtain a traffic safety education endorsement or conditional certificate and the approval requirements for public and private school traffic safety education programs. The endorsement and conditional certificate requirements in this chapter are in addition to those specified in chapter 180-79A WAC.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-001, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-001, filed 7/18/01, effective 8/18/01.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-153-005 Purposes. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-005, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-153-005, filed 1/22/92, effective 2/22/92; Order 6-77, § 392-153-005, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-005, filed 12/21/76; Order 7-75, § 392-153-005, filed 12/22/75.] Repealed by WSR 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
- 392-153-015 State reimbursement to school districts. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-015, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-153-015, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 46.81.020. WSR 80-09-027 (Order 80-24), § 392-153-015, filed 7/9/80; Order 6-77, § 392-153-015, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-015, filed 12/21/76; Order 7-75, § 392-153-015, filed 12/22/75. Formerly WAC 392-50-020.] Repealed by WSR 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
- 392-153-017 Reporting. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-017, filed 7/18/01, effective 8/18/01.] Repealed by WSR 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
- 392-153-022 Discipline—Grounds for denial, reprimand, suspension, or revocation of certification endorsement or program approval. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-022, filed 7/18/01, effective 8/18/01.] Repealed by WSR 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
- 392-153-023 Discipline—Emergency suspension. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-023, filed 7/18/01, effective 8/18/01.] Repealed by WSR 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
- 392-153-024 Discipline—Appeals—Adjudicative proceedings. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-024, filed 7/18/01, effective 8/18/01.] Repealed by WSR 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
- 392-153-030 District curriculum guides. [Order 13-76, § 392-153-030, filed 12/21/76; Order 7-75, § 392-153-030, filed 12/22/75. Formerly WAC 392-50-050.] Repealed by Order 6-77, filed 7/27/77, effective 9/11/77.
- 392-153-045 Burden and standard of proof. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-045, filed 7/18/01, effective 8/18/01.]

WAC 392-153-010 Definitions. (1) A "traffic safety education course" consists of two phases: Classroom instruction and laboratory experience. Laboratory experience is primarily characterized by student on-street driving, but includes simulator and multiple car driving range experience.

(2) A "satisfactory driving record" means an official record from the Washington state department of licensing and/or the corresponding licensing jurisdiction of the teacher's state of residence for the previous five-year period showing all departmental actions and:

(a) Not more than one moving traffic violation within the preceding twelve months or more than two moving traffic violations in the preceding twenty-four months;

(b) No alcohol related traffic violation, conviction or infraction, including any deferred prosecution program resulting from such violation;

(c) No driver's license suspension, cancellation, revocation or denial.

(3) "School district" includes, for the purpose of this chapter, education service districts and private schools approved under chapter 180-90 WAC.

(4) A "completion certificate" is a document provided by the superintendent of public instruction that indicates successful completion of an approved school district traffic safety program and is used to verify such completion to the department of licensing.

(5) "Course work" means credits and/or a combination of credits and professional development approved by the superintendent of public instruction as traffic safety professional development.

(6) "Curriculum guide" means a locally written curriculum, available to and used by each teacher in the traffic safety education program.

(7) "Clock hour" of course work or instruction is defined as not less than sixty minutes of student instruction time.

(8) "Sequenced and integrated" means that the classroom treatment of driving concepts generally precedes the laboratory practice of those concepts and that classroom instruction and laboratory experience are concurrently scheduled.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-010, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-010, filed 7/18/01, effective 8/18/01. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-153-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 46.81-020. WSR 80-09-027 (Order 80-24), § 392-153-010, filed 7/9/80; Order 6-77, § 392-153-010, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-010, filed 12/21/76; Order 7-75, § 392-153-010, filed 12/22/75. Formerly WAC 392-50-010.]

WAC 392-153-014 Program approval. School districts are required to apply annually to the superintendent of public instruction for approval of their traffic safety education program. Only approved programs are entitled to provide completion certificates to students. In order for a traffic safety education program to be approved, the school district must:

- (1) Provide the name and contact information of the program administrator;
- (2) Provide the names of all traffic safety education instructors; and
- (3) Provide verification of compliance with the provisions of this chapter.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-014, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-014, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-153-014, filed 1/22/92, effective 2/22/92.]

WAC 392-153-020 Traffic safety education endorsement. (1) If you are a teacher certificated under provisions of chapter 28A.410 RCW, you can qualify for a traffic safety endorsement or letter of authorization issued by the superintendent of public instruction to teach the classroom or laboratory phases if you meet the following requirements:

- (a) Possess a valid Washington state driver's license (or a valid license issued by another state provided you are a legal resident of that state).
- (b) Provide a current satisfactory driving record to the employing school district on an annual basis.
- (c) Complete twelve quarter hours (or eight semester hours) of approved course work.
- (d) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.
- (2) If you were endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and you possess a conditional certificate but do not hold a valid teaching certificate under chapter 28A.410 RCW, you can continue to be qualified to teach both classroom and laboratory phase provided you continue to meet all conditional certificate requirements.
- (3) The course work requirement to maintain a traffic safety education endorsement or letter of approval is forty clock hours every five years.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-020, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-020, filed 7/18/01, effective

8/18/01. Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). WSR 96-24-044 (Order 96-18), § 392-153-020, filed 11/27/96, effective 12/28/96. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-153-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 46.81.020. WSR 80-09-027 (Order 80-24), § 392-153-020, filed 7/9/80; Order 5-77, § 392-153-020, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-020, filed 12/21/76; Order 7-75, § 392-153-020, filed 12/22/75. Formerly WAC 392-50-030.]

WAC 392-153-021 Conditional traffic safety education certificates—Behind the wheel or classroom. (1) You may be issued a behind the wheel conditional certificate by the superintendent of public instruction to teach the laboratory phase, provided you meet the following requirements:

- (a) Complete a behind the wheel conditional certificate course, consisting of at least sixty clock hours of instruction, approved by the superintendent of public instruction that includes supervised practice in instructing and demonstration of instructional competencies within two years prior to application. You must also pass practical and knowledge examinations administered by an agent approved by the office of the superintendent of public instruction.
- (b) Possess a valid Washington state driver's license (or a valid license from another state provided you are a resident of that state).
- (c) Hold a high school diploma or its equivalent.
- (d) Have at least five years of licensed driving experience.

(e) Provide a current satisfactory driving record to the employing school district on an annual basis.

(f) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.

(g) To teach using a simulator or on a multiple car driving range, you must provide evidence of having completed an additional thirty hours of course work which includes supervised practice in instructing using the designated method.

(2) You may be issued a classroom conditional certificate by the superintendent of public instruction to teach the classroom phase, provided you meet the following requirements:

(a) Possess a valid Washington state driver's license (or a valid license from another state provided you are a resident of that state).

(b) Provide a current satisfactory driving record to the employing school district on an annual basis.

(c) Complete at least one thousand hours of behind the wheel teaching experience within the last five years.

(d) Complete an eighty clock hour classroom instructor training course approved by the superintendent of public instruction.

(e) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.

(3) A behind the wheel or classroom conditional certificate is valid for two years or less. The superintendent of public instruction may reissue the conditional certificate if you provide verification that you continue to meet all requirements of this chapter, including having completed sixty hours of course work within the previous two years. However, for

the purpose of reissue, the employing school district superintendent (or designee) may approve up to forty-eight of the sixty hours, including approving credit for professional development courses or traffic safety education related projects.

(4) Conditional certificates are subject to suspension and revocation under the provisions of 180-79A WAC.

[Statutory Authority: Chapter 28A.220 RCW and RCW 46.20.100. WSR 09-03-086, § 392-153-021, filed 1/20/09, effective 2/20/09. Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-021, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-021, filed 7/18/01, effective 8/18/01.]

WAC 392-153-025 Traffic safety education vehicles.

Every vehicle used in on-street traffic safety education instruction shall:

(1) Be equipped with a dual control brake, rear view mirror for the instructor, and seat belts for each occupant.

(2) Have a sign clearly readable from the rear at one hundred feet designating the vehicle is driven by a student driver.

(3) Be used exclusively for traffic safety education purposes while the course is in session, if the vehicle is on loan from an automobile dealer.

(4) Pass a safety inspection according to the requirements of WAC 392-143-070.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-025, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-025, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). WSR 96-24-044 (Order 96-18), § 392-153-025, filed 11/27/96, effective 12/28/96; Order 13-76, § 392-153-025, filed 12/21/76; Order 7-75, § 392-153-025, filed 12/22/75. Formerly WAC 392-50-040.]

WAC 392-153-032 Curriculum guide and course requirements. (1) Each school district curriculum guide shall include:

(a) The minimum concepts to be taught, which are: Introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections, which shall include highway-rail grade crossings; management of time and space; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance, which shall include emotional and behavior issues; physical factors affecting driving performance, which shall include seatbelt usage and its benefits; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness; and driving safely among bicyclists and pedestrians using materials approved by the director of the department of licensing.

(b) The methods of instruction used by the teacher in presenting the material.

(c) The student performance objectives and evaluation criteria.

(d) The activities that will enable a student to accomplish the objectives (while allowing for individual differences) and the required level of competency for each objective.

(1/20/09)

(e) Information on the fifty hours of adult guided practice and the driving restrictions required by the intermediate driver license.

(f) A flow chart that indicates how the classroom and laboratory lessons are sequenced and integrated.

(g) Classroom and laboratory lesson plans, including driving routes for laboratory experience.

(2) Each traffic safety education course shall include comprehensive written and driving exams.

[Statutory Authority: Chapter 28A.220 RCW and RCW 46.20.100. WSR 09-03-086, § 392-153-032, filed 1/20/09, effective 2/20/09. Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-032, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-032, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). WSR 96-24-044 (Order 96-18), § 392-153-032, filed 11/27/96, effective 12/28/96. Statutory Authority: RCW 28A.220.030. WSR 92-20-061 (Order 92-10), § 392-153-032, filed 10/2/92, effective 11/2/92; WSR 92-03-138 (Order 92-04), § 392-153-032, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 46.81.020. WSR 80-09-027 (Order 80-24), § 392-153-032, filed 7/9/80; Order 6-77, § 392-153-032, filed 7/27/77, effective 9/11/77.]

WAC 392-153-033 Student requirements. A student enrolled in a traffic safety education course must have a valid driver instruction permit issued before or within seven days after the start date of classroom instruction. A student shall meet the objectives and competencies listed in the curriculum guide prior to being issued a completion certificate.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-033, filed 3/30/06, effective 4/30/06.]

WAC 392-153-035 Course scheduling requirements.

(1) Any portion of a traffic safety education course may be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course.

(2) Students shall not have more than two hours of classroom and one hour laboratory instruction in any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, up to one additional hour per day is allowed.

(3) The minimum course of instruction is thirty hours of classroom instruction, six hours of driving experience and four hours of driving observation time. Break time shall not be included in clock hours. Four hours of simulation instruction may be substituted for up to one hour driving experience. Two hours of multiple car off-street driving range time may be substituted for up to one hour of driving experience.

[Statutory Authority: Chapter 28A.220 RCW and RCW 46.20.100. WSR 09-09-051, § 392-153-035, filed 4/12/07, effective 9/1/07. Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-035, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-035, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.81.020. WSR 80-09-027 (Order 80-24), § 392-153-035, filed 7/9/80; Order 13-76, § 392-153-035, filed 12/21/76; Order 7-75, § 392-153-035, filed 12/22/75. Formerly WAC 392-50-060.]

WAC 392-153-040 Administration. Each school district offering an approved traffic safety education program shall:

(1) Appoint a person to be responsible for ensuring the program's continuing compliance with the requirements of this chapter.

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(2) Adopt written policies including enrollment criteria, student fees, student fee refunds, failures, repeats, and access for part-time and home-based students.

(3) Maintain individual student records which include the student's progress, time of instruction and evaluation results.

Records shall also include attendance information and the starting and ending dates for each course conducted within the program.

(4) Ensure that any activity provided under a contract with a commercial driving school meets all the requirements of a public school program.

(5) Notify the superintendent of public instruction, in accordance with the provisions of chapter 180-79A WAC, of any instructor no longer meeting the requirements of WAC 392-153-010(2).

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-040, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-040, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.81.020. WSR 80-09-027 (Order 80-24), § 392-153-040, filed 7/9/80; Order 6-77, § 392-153-040, filed 7/27/77, effective 9/10/77; Order 13-76, § 392-153-040, filed 12/21/76; Order 7-75, § 392-153-040, filed 12/22/75. Formerly WAC 392-50-070.]

WAC 392-153-050 Discipline—Grounds for denial, reprimand, suspension, or revocation of program approval. A request for program approval may be denied or a program approval issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in this chapter.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-050, filed 3/30/06, effective 4/30/06.]

WAC 392-153-060 Discipline—Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare of students, instructors, teachers, or the general public is threatened or compromised and requires an emergency action, and incorporates a finding to that effect in its order, emergency suspension of the program approval may be ordered pending proceedings for revocation or other action. In all cases in this section, the superintendent of public instruction shall expedite all due process actions.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-060, filed 3/30/06, effective 4/30/06.]

WAC 392-153-070 Discipline—Appeals—Adjudicative proceedings. Any school district may appeal a decision by the superintendent of public instruction to deny, suspend, or revoke a traffic safety education program approval, using the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures in chapter 392-101 WAC.

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-070, filed 3/30/06, effective 4/30/06.]