

Chapter 28A.220 RCW
TRAFFIC SAFETY

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RCW 28A.220.010 Legislative declaration. It is the purpose of chapter 76, Laws of 1977 to provide the students of the state with an improved quality traffic safety education program and to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, an understanding of the causes and consequences of traffic accidents, and to provide training in the skills necessary for the safe operation of motor vehicles; to provide financial assistance to the various school districts while permitting them to achieve economies through options in the choice of course content and methods of instructions by adopting in whole or with modifications, a program prepared by the office of the superintendent of public instruction, and keeping to a minimum the amount of estimating, bookkeeping and reporting required of said school districts for financial reimbursement for such traffic safety education programs. [1977 c 76 § 1. Formerly RCW 28A.08.005, 46.81.005.]

Severability—1977 c 76: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 c 76 § 5.]

RCW 28A.220.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appropriate course delivery standards" means the classroom and behind-the-wheel student learning experiences considered acceptable to the superintendent of public instruction under RCW 28A.220.030 that must be satisfactorily accomplished by the student in order to successfully complete the driver training education course.

(2) "Approved private school" means a private school approved by the board of education under chapter 28A.195 RCW.

(3) "Director" means the director of the department of licensing.

(4) "Driver training education course" means a course of instruction in traffic safety education (a) offered as part of a traffic safety education program authorized by the superintendent of public instruction and certified by the department of licensing and (b) taught by a qualified teacher of driver training education that consists of classroom and behind-the-wheel instruction using curriculum that meets joint superintendent of public instruction and department of licensing standards and the course requirements established by the superintendent of public instruction under RCW 28A.220.030. Behind-the-wheel instruction is characterized by driving experience.

(5) "Qualified teacher of driver training education" means an instructor who:

(a) Is certificated under chapter 28A.410 RCW and has obtained a traffic safety endorsement or a letter of approval to teach traffic safety education from the superintendent of public instruction or is certificated by the superintendent of public instruction to teach a driver training education course; or

(b) Is an instructor provided by a driver training school that has contracted with a school district's or districts' board of directors under RCW 28A.220.030(3) to teach driver education for the school district.

(6) "Superintendent" or "state superintendent" means the superintendent of public instruction.

(7) "Traffic safety education program" means the administration and provision of driver training education courses offered by secondary schools of a school district or vocational-technical schools that are conducted by such schools in a like manner to their other regular courses. [2017 c 197 § 2; 1990 c 33 § 218; 1979 c 158 § 195; 1977 c 76 § 2; 1969 ex.s. c 218 § 1; 1963 c 39 § 2. Formerly RCW 28A.08.010, 46.81.010.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Findings—Intent—2017 c 197: "The legislature finds that there is a need to establish consistency in the quality of driver training education in this state to reduce the number of young driver accidents that are prematurely killing our youth. The traffic safety commission reports that out of two hundred forty-five fatalities in the first half of 2016, thirty-one involved young drivers aged sixteen to twenty-five. The intent of this act is to require driver training education curriculum to be developed and maintained jointly by the office of the superintendent of public instruction and the department of licensing. The legislature also finds that there is a need to audit driver training education courses; therefore, the intent of this act is also to provide the department of licensing with resources and authority to audit all driver training education courses, in consultation with the superintendent of public instruction for driver

training education courses offered by school districts." [2017 c 197 § 1.]

Effective date—2017 c 197: "Except for section 13 of this act, this act takes effect August 1, 2018." [2017 c 197 § 16.]

Severability—1977 c 76: See note following RCW 28A.220.010.

RCW 28A.220.030 Traffic safety education section—Administration of traffic safety education program—Certification and endorsement of qualified teachers of driver training—Powers and duties of school officials—Administration of knowledge and driving portions of driver licensing examination. (1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define appropriate course delivery standards required to provide an effective driver training education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective statewide program is implemented and sustained; administer, supervise, and develop the traffic safety education program; and assist local school districts and approved private schools in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules governing the operation and scope of the traffic safety education program; and each school district and approved private school shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) (a) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, or any approved private school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education program.

(b) Any school district or approved private school that offers a driver training education course must certify to the department of licensing that it is operating a traffic safety education program, that the driver training education course follows the curriculum promulgated by the office of the superintendent of public instruction and the department of licensing, that it meets the course delivery standards promulgated by the office of the superintendent of public instruction, that a record retention policy is in place to meet the requirements of subsection (5) of this section, and that the school district or approved private school has verified that all instructors are authorized by the office of the superintendent of public instruction to teach a driver training education course.

(c) Any portion of a driver training education course offered by a school district may be taught before or after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school district. If a school district elects to offer a driver training education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one driver training education course must be given at times other than regular school hours if there is sufficient demand for it.

(3) (a) A qualified teacher of driver training education must be certificated under chapter 28A.410 RCW and obtain a traffic safety endorsement or a letter of approval to teach traffic safety education from the superintendent of public instruction to teach either the classroom instruction or the behind-the-wheel instruction portion of the driver training education course, or both, under rules adopted by the superintendent. The classroom or behind-the-wheel instruction portion of the driver training education course may also be taught by instructors certificated under rules adopted by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under chapter 28A.410 RCW.

(b) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for qualified teachers of driver training education.

(4) The board of directors of a school district, or combination of school districts, may contract with any driver training school licensed under chapter 46.82 RCW to teach the behind-the-wheel instruction portion of the driver training education course. Instructors provided by any such contracting driver training school must be properly qualified teachers of driver training education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(5) Each school district or approved private school offering a traffic safety education program must maintain: (a) Documentation of each instructor's name and address and that establishes the instructor as a qualified teacher of driver training education as defined in RCW 28A.220.020; and (b) student records that include the student's name, address, and telephone number, the date of enrollment and all dates of instruction, the student's driver's instruction permit or driver's license number, the type of training received, the total number of hours of instruction, and the name of the instructor or instructors. These records must be maintained for three years following the completion of the instruction and are subject to inspection upon request of the department of licensing or the office of the superintendent of public instruction. The superintendent may adopt rules regarding the retention of additional documents that are subject to inspection by the department of licensing or the office of the superintendent of public instruction.

(6) A driver training education course may not be offered by a school district or an approved private school to a student who is under the age of fifteen, and behind-the-wheel instruction may not be given by an instructor to a student in a motor vehicle unless the student possesses either a current and valid driver's instruction permit issued under RCW 46.20.055 or a current and valid driver's license.

(7) School districts that offer a driver training education course under this chapter may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle as authorized under RCW 46.20.120(7). The superintendent shall work with the department of licensing, in consultation with school districts that offer a traffic safety education program, to develop standards and requirements for administering each portion of the driver licensing examination that are comparable to the standards and requirements for driver training schools under RCW 46.82.450.

(8) Before a school district may provide a portion of the driver licensing examination, the school district must, after consultation

with the superintendent, enter into an agreement with the department of licensing that sets forth an accountability and audit process that takes into account the unique nature of school district facilities and school hours and, at a minimum, contains provisions that:

(a) Allow the department of licensing to conduct random examinations, inspections, and audits without prior notice;

(b) Allow the department of licensing to conduct on-site inspections at least annually;

(c) Allow the department of licensing to test, at least annually, a random sample of the drivers approved by the school district for licensure and to cancel any driver's license that may have been issued to any driver selected for testing who refuses to be tested; and

(d) Reserve to the department of licensing the right to take prompt and appropriate action against a school district that fails to comply with state or federal standards for a driver licensing examination or to comply with any terms of the agreement. [2017 c 197 § 3; 2011 c 370 § 2; 2000 c 115 § 9; 1979 c 158 § 196; 1977 c 76 § 3; 1969 ex.s. c 218 § 2; 1963 c 39 § 3. Formerly RCW 28A.08.020, 46.81.020.]

Findings—Intent—Effective date—2017 c 197: See notes following RCW 28A.220.020.

Intent—2011 c 370: "It is the intent of the legislature to utilize the infrastructure and resources of the commercial driver training schools and the school districts' traffic safety education programs by authorizing these entities to provide driver licensing examinations. The legislature intends for the department of licensing to authorize the administration of driver licensing examinations by these entities in order to maintain and reprioritize its staff for the purpose of reducing the wait times at its driver licensing offices.

Further, the legislature recognizes the growing importance of the work performed by department of licensing driver licensing services employees, who play an increasingly vital role in our security by ensuring that applicants are properly issued identification." [2011 c 370 § 1.]

Inclusion of stakeholder groups in communications to facilitate transition of driver licensing examination administration—2011 c 370: See note following RCW 46.82.450.

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Severability—1977 c 76: See note following RCW 28A.220.010.

RCW 28A.220.035 Traffic safety education program—Required curriculum—Development by the office of the superintendent of public instruction and the department of licensing. The office of the superintendent of public instruction and the department of licensing shall jointly develop and maintain a required curriculum for school districts and approved private schools operating a traffic safety education program. The jointly developed curriculum must be prepared

by August 1, 2018. The curriculum and instructional materials must comply with the course content requirements of RCW 46.82.420(2) and 46.82.430. In developing the curriculum, the office of the superintendent of public instruction and the department of licensing shall consult with one or more of Central Washington University's traffic safety education instructors or program content developers. [2017 c 197 § 4.]

Findings—Intent—Effective date—2017 c 197: See notes following RCW 28A.220.020.

RCW 28A.220.037 Traffic safety education program—Development and administration of certification process—Program audits—Suspension of program certification—Duties of department of licensing. (1) The department of licensing shall develop and administer the certification process required under RCW 28A.220.030 for a school district's or approved private school's traffic safety education program in consultation with the superintendent.

(2) The department of licensing shall conduct audits of traffic safety education programs to ensure that the instructors are qualified teachers of driver training education and teaching the required curriculum material, and that accurate records are maintained and accurate information is provided to the department of licensing regarding student performance. Each school district and approved private school may be audited at least once every five years or more frequently. The audit process must take into account the unique nature of school district facilities, operations, and hours. As part of its audit process, the department of licensing may examine all relevant information, including driver training education course curriculum materials and student records, and visit any course in progress that is part of the traffic safety education program. The director shall consult with the superintendent in developing and carrying out these auditing practices.

(3) The department of licensing may suspend a school's or school district's traffic safety education program certification if: The school or school district does not follow the curriculum promulgated by the office of the superintendent of public instruction and the department of licensing, any program instructors are not qualified teachers of driver training education, accurate records have not been maintained under RCW 28A.220.030(5) or accurate information regarding student performance has not been provided to the department of licensing, or the school or school district refuses to cooperate with the department of licensing audit process authorized under this chapter. The director shall consult with the superintendent in developing and carrying out these program certification suspension practices. [2017 c 197 § 5.]

Findings—Intent—Effective date—2017 c 197: See notes following RCW 28A.220.020.

RCW 28A.220.040 Fiscal support—Reimbursement to school districts—Enrollment fees—Deposit. (1) Each school district shall be reimbursed from funds appropriated for traffic safety education.

(a) The state superintendent shall determine the per-pupil reimbursement amount for the *traffic safety education course to be funded by the state. Each school district offering an approved standard *traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be appropriated.

(b) The state superintendent may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirement of **RCW 28A.220.030(4).

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a *traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the *traffic safety education course. [2000 c 115 § 10; 1984 c 258 § 331; 1977 c 76 § 4; 1969 ex.s. c 218 § 6; 1967 ex.s. c 147 § 5; 1963 c 39 § 8. Formerly RCW 28A.08.070, 46.81.070.]

Reviser's note: *(1) The term "traffic safety education course" was renamed "driver training education course" by 2017 c 197 § 2.

** (2) RCW 28A.220.030 was amended by 2017 c 197 § 3, deleting subsection (4).

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

Severability—1977 c 76: See note following RCW 28A.220.010.

Traffic safety commission: Chapter 43.59 RCW.

RCW 28A.220.070 Rules. The superintendent of public instruction, in consultation with the department of licensing, shall adopt rules for implementing RCW 46.20.075(1)(d). [2000 c 115 § 11.]

Finding—2000 c 115: See note following RCW 46.20.075.

RCW 28A.220.090 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 § 14.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

RCW 28A.220.900 Purpose. It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in traffic safety education and by that means to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents, with an emphasis on the consequences, both physical and legal, of the use of drugs or alcohol in relation to operating a motor vehicle. The course in traffic safety education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles. [1991 c 217 § 1; 1969 ex.s. c 218 § 7; 1963 c 39 § 1. Formerly RCW 28A.08.900, 46.81.900.]

RCW 28A.220.901 Coordination of responsibilities with department of licensing—2017 c 197. The department of licensing and the office of the superintendent of public instruction must work together on the transfer and coordination of responsibilities to comply with chapter 197, Laws of 2017. [2017 c 197 § 13.]

Findings—Intent—2017 c 197: See note following RCW 28A.220.020.