

WAC 308-100-034 Demonstrated proficiency. For the purposes of establishing the definition of demonstrated proficiency, where and how proficiency is assessed, and procedures for reporting to the department.

(1) Per WAC 308-100-033 and 49 C.F.R. Part 380, training providers must determine and document that each driver-trainee has demonstrated proficiency in all elements of behind-the-wheel (BTW) curriculum, unless otherwise noted. Proficiency-based learning must be used to teach and determine driver-trainees' basic vehicle control skills, mastery of basic maneuvers, and public road operation, as covered in 49 C.F.R. 383.111 and 383.113, necessary to operate the vehicle safely.

(a) Consistent with the definitions of BTW range training and BTW public road training in 49 C.F.R. 380.605, a simulation device cannot be used to conduct such training or to demonstrate proficiency.

(b) Training providers must document the actual number of clock hours each driver-trainee spends to complete the BTW curriculum.

(c) Driver-trainees are not required to demonstrate proficiency in the following skills:

(i) Hazard perception;

(ii) Railroad (RR) highway grade crossing;

(iii) Night operation;

(iv) Extreme driving conditions;

(v) Skid control/recovery, jackknifing, and other emergencies.

(2) Training providers must adopt a written policy for driver-trainee demonstration of proficiency.

(3) Training providers shall use a learning standards rubric, provided by the department, in addition to federally determined learning standards as criteria when making decisions regarding driver-trainee demonstration of proficiency. Training providers shall provide proficiency standards to driver-trainees in writing at the time of enrollment.

(4) Training providers shall document successful demonstration of proficiency in all required areas of the curriculum prior to submitting a course completion to the department. Documentation must include the date, time, and location of the assessment, means of assessment used, and identification of staff who conducted the assessment of proficiency.

(5) In complying with subsections (3) and (4) of this section, training providers may use any form of documentation, provided that it is sufficient to demonstrate that trainees have been evaluated on the learning standards covered by the rubric provided by the department.

(6) Training providers must determine any potential driver-trainee has the basic skills necessary to complete and benefit from the program including, but not limited to, determining English proficiency as defined in WAC 308-100-005. Training providers subject to WAC 490-105-140 and RCW 28C.10.050 (1)(g), must conform to additional requirements from the workforce training and education coordinating board.

[Statutory Authority: RCW 46.01.110 and 2023 c 57. WSR 23-23-180, § 308-100-034, filed 11/22/23, effective 12/23/23.]