

#### 4501-21-01 Definitions.

For purposes of this chapter:

- (A) "Adult Remedial Driving Course" means the course of adult remedial driving instruction conducted as provided in sections 4510.037 and 4510.038 of the Revised Code, including, but not limited to, those programs related to a two-point credit or twelve-point suspension.
- (B) "Advanced Juvenile Driver Improvement Program" or "advanced juvenile program" means the course of juvenile remedial instruction that includes a minimum of two hours of classroom and a minimum of four hours of behind-the-wheel instruction in a closed-course facility as provided in sections 4510.31 and 4510.311 of the Revised Code.
- (C) "Advanced Skills Instructor" or "Instructor" means a person certified to train students in the operation of vehicles in the course of the "Advanced Juvenile Driver Improvement Program."
- (D) "Approved curriculum" means the most current version of an adult remedial driving course or advanced juvenile program curriculum that has been submitted to the department as required in rule 4501-21-06 of the Administrative Code and approved by the department.
- (E) "Asynchronous" means education, instruction, and learning that do not occur in the same place or at the same time.
- ~~(F)~~ (F) "Authorizing official" or "official" means any person who owns or who maintains responsibility on behalf of an individual, corporation, business trust, estate, trust, partnership, public school, or an association for the facilities, equipment, instructors, managers and other employees of a remedial driving course enterprise.
- ~~(G)~~ (G) "Certificate of completion" or "certificate" means a certificate printed, administered, and supplied by the department to an approved remedial driving course enterprise and issued by the enterprise to students who have completed the remedial driving course.
- ~~(G)~~ (H) "Chargeable crash" means a conviction of, a guilty plea to, a finding of guilty following a plea of no contest to, or the forfeiture of any bail or collateral deposited to secure an appearance for a moving traffic violation as a result of a motor vehicle crash.
- ~~(H)~~ (I) "Chief Instructor" means an "Advanced Skills Instructor" responsible for instructors and ensuring the overall instructor and student training is compliant with the requirements of this chapter.
- ~~(I)~~ (J) "Classroom instruction" refers to in-person classroom instruction only and is not intended to refer to technology-based instruction.
- ~~(J)~~ (K) "Course manager" or "manager" means a person designated by an authorizing official of a remedial driving course enterprise to carry out orders, instruct, and conduct the business and manage a remedial driving course including the training and supervision of

instructors of an adult remedial driving course or a juvenile remedial driving course.

~~(K)~~ (L) "Department" means the Ohio department of public safety.

~~(L)~~ (M) "Director" means the director of the Ohio department of public safety or the director's designee.

(N) "Disqualifying offense" has the same meaning as in section 9.79 of the Revised Code.

~~(M)~~ (O) "Enterprise" or "remedial driving course enterprise" means a person, non-profit, or government entity that operates a remedial driving course program.

~~(N)~~ (P) "Home office" means a room in a residence that is used exclusively for the administrative purposes of the remedial business.

~~(O)~~ (Q) "Instructor" means any person, whether acting for self as operator of a remedial driving course or for such an enterprise, who teaches, conducts classes of, gives demonstrations to, monitors participation of, or monitors final written examination of, persons learning about the safe operation of motor vehicles.

~~(P)~~ (R) "Juvenile Remedial Driving Course" or "juvenile driver improvement program" means the six-hour classroom course of juvenile remedial driving instruction as provided in sections 4510.31 and 4510.311 of the Revised Code.

~~(Q)~~ (S) "Online" means an asynchronous course offered via the internet.

~~(R)~~ (T) "Ownership" means the legal right of possession; proprietorship.

(1) A change in ownership of an enterprise includes the conveyance by a partner of his interest in the partnership that results in the dissolution of the partnership.

(2) Change in ownership of an enterprise does not include the conveyance by a partner of his interest to another when such conveyance does not dissolve the partnership.

~~(S)~~ (U) "Person" means an individual, corporation, business trust, estate, trust, partnership, or association.

~~(T)~~ (V) "Pre-registration" means the process in which each student is given a unique user ID and password by the provider of the classroom portion of the course prior to beginning the technology-based method(s) of the course, and that will provide the student with access to the technology-based method(s) of the course. This pertains to an adult remedial driving course enterprise that includes technology-based method(s) training for students.

~~(U)~~ (W) "Range" means an off-highway site designed for training motor vehicle drivers that does not permit public traffic to pass through the site.

~~(V)~~ (X) "Remedial driving course" and "remedial program" can refer to the "Adult Remedial Driving Course," the "advanced juvenile program" and/or the "juvenile driver improvement program."

~~(W)~~(Y) "Video teleconferencing" means providing the classroom training through a technology platform with video and audio, where students may view presentations and/or videos, and interact with the instructor and other participants, all in real time.

~~(X)~~(Z) "Virtual classroom" means an online classroom that allows participants to communicate with one another, view presentations and/or videos, interact with other participants and instructor, engage with resources, and engage in work groups, all in real time.

~~(W)~~(AA) "Year" means twelve consecutive months beginning January first and ending December thirty-first.

**4501-21-02 Scope.**

This chapter covers approval of adult remedial driving courses pursuant to sections 4510.037 and 4510.038 of the Revised Code and juvenile remedial driving courses, including the advanced juvenile program, pursuant to sections 4510.31 and 4510.311 of the Revised Code.

**4501-21-03 Place of Business.**

- (A) Remedial enterprise office. All remedial course enterprises shall establish an office that shall be owned, leased, or rented by the enterprise.
- (1) A single business enterprise may own and operate more than one remedial course. Except for an out-of-state online remedial course, any facility used as a remedial course office is inspected and approved by the director prior to its use as a remedial driving course office. The use of a mobile or modular structure as a remedial course office is allowed if the structure is installed on a permanent foundation.
- (2) Except for an online only adult remedial course enterprise, the office for a remedial course enterprise is a fixed geographical location within the state of Ohio and:
- (a) Has access to computers, printers, e-mail, and internet functions;
- (b) Has space adequate to conduct any necessary business;
- (c) Posts, in a place that can be readily seen, of the remedial course fee schedules and display of the department issued remedial course certificate of approval; and
- (d) Conforms to all federal, state and local fire, building and safety regulations.
- (3) Each adult remedial course enterprise providing online education maintains at least one office at a fixed geographical location where records are kept.
- (B) Any remedial course office, where students are permitted, shall not consist of a house trailer; tent; temporary stand; post office box; rooming house or apartment. It shall not be located within a guest or sleeping room, or in a room that is designated or designed as a sleeping room in a hotel or motel. No enterprise may share any office with any other remedial driving course enterprise unless the same person owns both. A home office may be utilized for the sole purposes of administrative work, which includes handling phone calls, completing paperwork, etc. No students are permitted in a home office.
- (C) If a home office is used, the remedial driving course fee schedules and department issued remedial course certificate of approval shall be posted at the location where the remedial program is offered.

**4501-21-04 Character and fitness.**

- (A) Any person connected in any manner with a remedial driving course enterprise shall be of good character and reputation and comply with all rules of this chapter.
- (B) The conviction of any person connected in any manner with a remedial driving course enterprise of any ~~felony, or a misdemeanor, that is reasonably related to a person's ability to serve safely and honestly in connection with a remedial driving course enterprise~~ disqualifying offense shall be grounds to deny issuing or renewing approval or grounds for suspending or revoking a previously issued approval.
- (C) Every person connected in any manner with a remedial driving course enterprise, shall conduct himself or herself in a professional manner and shall comply with all applicable state and federal laws which prohibit discrimination based upon race, color, national origin, sex, sexual orientation, age, handicap, disability, ancestry or religion.
- (D) The director may deny the issuance of approval to any enterprise for which the applicant has had a driver training school, driver training school manager, or driver training school instructor license revoked or denied, or a remedial driving course approval revoked or denied within the five years immediately preceding the current filing for an application or renewal.
- (E) No remedial driving course manager, chief instructor or authorizing official shall knowingly permit any course manager, chief instructor or instructor of the enterprise who is not physically or mentally unfit sound to instruct students or manage the course.
- (F) A remedial driving course manager, chief instructor or instructor shall notify the authorizing official of any remedial driving course enterprise with which the person is affiliated of any injury, any physical or mental impairment, or that the person is currently taking any drug or medicine that may affect that instructor's or manager's ability to effectively and safely instruct students or manage the course.
- ~~(G) (G) No course manager, chief instructor or authorizing official shall knowingly permit any course manager, chief instructor or instructor of the enterprise to accept cash payments or gifts from students. No instructor shall knowingly accept cash payments or gifts from any student in a course, except on behalf of the remedial driving course enterprise as payment for services.~~
- ~~(H) (G)~~ (G) The authorizing official of a remedial driving course enterprise shall notify the director in writing of legal action that is filed against or by the enterprise, its officers, any owner, or any instructor arising from the enterprise's failure to perform or to operate its courses safely, within ten working days after the school, its officers, any owner, or any instructor has commenced the legal action or has been served with legal process. Included with the written notification, the enterprise shall submit a file-marked copy of the petition or complaint that has been filed with the court.

#### 4501-21-05 Application for and renewal of remedial driving course approval.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-21-17 of the Administrative Code.]

- (A) No person shall establish a remedial driving course or allow such course to continue unless the authorizing official first applies for and obtains from the director of public safety approval for a remedial driving course. The authorizing official ~~shall~~ is responsible to ensure the remedial driving course enterprise is in compliance with sections 4510.037 and 4510.038 of the Revised Code and Chapter 4501-21 of the Administrative Code or in the case of a juvenile remedial driving course or an advanced juvenile driver improvement program, sections 4510.31 and 4510.311 of the Revised Code and Chapter 4501-21 of the Administrative Code as well as all other applicable local, state, and federal laws. No motorcycle training or motorcycle safety program is administered under this chapter of the Administrative Code.
- ~~(B) (B) Each authorizing official applying for a remedial driving course approval shall submit the "Remedial Course Provider Application" to the department.~~
- ~~(C) (B) No~~ A remedial driving course enterprise ~~established after the effective date of these rules~~ may share the same name as ~~any other~~ another remedial driving course enterprise ~~unless~~ if the same person owns both. The enterprise name shall be registered with the secretary of state.
- ~~(D) (C) Each authorizing official applying for a remedial driving course approval submits the "Remedial Course Provider Application" to the department.~~ Each ~~authorizing official applying application~~ for an original remedial driving course approval ~~shall submit~~ includes:
- (1) The "Remedial Course Provider Application";
  - (2) Proof of legal occupancy for each ~~driver training~~ remedial driving course school. For an online adult remedial school or virtual remedial school, proof of legal occupancy for the enterprise office. The proof ~~shall~~ includes the parties with whom the agreement is made, address of the property for which the agreement is made, monetary consideration, even if none, and term of the agreement. The signatures and date of signatures shall be included.
  - (3) Proof of a fire inspection for each school location or office, whichever is applicable, that is compliant with all applicable local, state and federal laws. The inspection shall have been performed no more than one year from the date the "Remedial Course Provider Application" was received.
  - (4) The "List of Personnel Used by the Enterprise";

- (5) Criminal background checks of the authorizing official and owner. ~~The criminal background checks shall be~~ that are dated not more than ninety days prior to the date the "Remedial Course Provider Application" is received by the director. The criminal background checks ~~shall~~ include:
- (a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the authorizing official and/or owner; and
  - (b) A federal level check, provided by a government agency, which includes information from Ohio and all other states.
- (6) Except for an online adult remedial course, ~~a~~ A copy of the course manager's certificate of training showing the course manager has completed a remedial training course approved by the director. For an advanced juvenile driver training program, a copy of the chief instructor's certificate showing ~~the~~ he or she has completed a chief instructor's training course approved by the director;
- (7) Certification that the authorizing official will operate the remedial driving course enterprise in compliance with all applicable local, state, and federal laws;
- (8) Proof of eligibility to provide training:
- (a) For the adult remedial course, a copy of the certificate of the training from an organization on the list of approved curriculum providers, which is available on the driver training web page at <http://www.drivertraining.ohio.gov/schools.htm>, or a copy of a proposed curriculum for review and approval as provided in rule 4501-21-06 of the Administrative Code;
  - (b) For the juvenile remedial driving course, as provided in rules 4501-21-06 and 4501-21-13 of the Administrative Code, a copy of the certificate of completion for training in the curriculum provided by the department;
  - (c) For the advanced juvenile driver improvement program, a copy of the certificate of the training from an organization on the list of approved curriculum providers, which is available on the driver training web page at <http://www.drivertraining.ohio.gov/schools.htm>, or a copy of a proposed curriculum for review and approval as provided in rule 4501-21-06 of the Administrative Code.
  - (d) For an online adult remedial course, the complete online adult remedial course in written format and include full access to the proposed internet based website or portal for review. The online adult remedial course may be approved once the online course has met an "Acceptable" rating for all requirements as set forth in the "Minimum Standards for an Online Adult Remedial Course".
- (9) A copy of the performance bond or evidence of an escrow account as required in rule 4501-21-07 of the Administrative Code;



- (10) ~~Except for an online adult remedial course, copies~~Copies of the following forms:
- (a) "Remedial Student Report Form";
  - (b) An enrollment contract; and
  - (c) The course evaluation form.
- (11) For an online adult remedial driving course enterprise that includes partial technology-based method(s) training for students, the enterprise ~~shall~~s develop and implements ~~written policies and~~ procedures for obtaining and verifying successful student completion of the portion of the course completed by the student through the technology-based method(s). If a proposal is submitted that includes separate technology-based method(s) and classroom providers, then the proposal includes a plan for the online provider to transfer the student completion data directly to the classroom course provider.
- ~~(a) (a) If a proposal is submitted that includes separate technology-based method(s) and classroom providers, then the proposal shall~~ include a plan for the ~~technology-based method(s)~~ provider to transfer the student completion data directly to the classroom course provider.
  - ~~(b) (b) At no time shall any adult remedial driving course enterprise provide to a student, nor shall a student gain access to or possession of the student's technology-based method(s) course completion data.~~
- ~~(E) (D)~~ In addition to requirements in paragraph ~~(D) (C)~~ of this rule, an advanced juvenile program ~~shall also submit~~application also includes:
- (1) A copy of the "behind-the-wheel" evaluation form;
  - (2) Proof of liability insurance as required in paragraph (F) of rule 4501-21-15 of the Administrative Code; and
  - (3) A copy of the intended layout of the range including dimensions of the run-off areas, dimensions of the specific exercise areas and maximum speed allowed for each exercise.
- ~~(F) (E)~~ During the application process, the department may conduct any inspections it deems necessary to ensure that the remedial driving course will be operated in compliance with all applicable statutes, rules and regulations.
- ~~(G) (F)~~ Upon approval, the department ~~shall~~issues a certificate of approval that shall be displayed in a conspicuous place at the remedial driving course enterprise office or location of training.
- ~~(H) (G)~~ An online adult remedial enterprise shall receive approval from the director prior to

implementing changes to the approved course materials that significantly impact the delivery model, physical architecture, logical architecture, or other changes that will impact the audit process or alter the understanding of the provider infrastructure.

- ~~(H)~~ (H) The authorizing official of an advanced juvenile driver improvement program enterprise is responsible to notify and ~~shall~~ receive approval from the director prior to implementing changes to the approved range dimensions, run-off dimensions and maximum allowable speeds for a given exercise that significantly impacts the delivery of the exercise and safety of the students.
- ~~(I)~~ (I) The director may deny a "Remedial Course Provider Application" for approval if the director determines the application does not satisfy the requirements of this chapter. Any authorizing official whose application has been denied shall be afforded an opportunity for hearing in accordance with Chapter 119. of the Revised Code.
- ~~(J)~~ (J) An original course approval expires on December thirty-first of each year.
- ~~(K)~~ (K) Each authorizing official applying for a renewal of a remedial driving course approval ~~shall~~ submit the "renewal requirements." "Renewal requirements" may include:
- (1) The "List of Personnel Used by the Enterprise";
  - (2) Criminal background checks of the authorizing official and owner. ~~The criminal background checks shall be~~ dated not more than ninety days prior to the date the "Remedial Course Provider Application" is received by the director. The criminal background checks ~~shall~~ include:
    - (a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the authorizing official and/or owner; and
    - (b) Except for an adult remedial course, including online, a federal level check, provided by a government agency, which includes information from Ohio and all other states.
  - (3) ~~Submit proof~~ Proof of legal occupancy for each driver training school or enterprise office, whichever is applicable. The proof ~~shall~~ includes the parties with whom the agreement is made, address of the property for which the agreement is made, monetary consideration, even if none, ~~and~~ term of the agreement, and the. ~~The signatures and date of signatures. shall be included.~~
  - ~~(4)~~ (4) A copy of the course manager's certificate of training showing the course manager has completed a remedial training course approved by the director. For an advanced juvenile driver training program, a copy of the chief instructor's certificate showing the chief instructor has completed a chief instructor's training course approved by

the director;

- ~~(5)~~(4) Certification that the applicant ~~will~~operates the remedial driving course enterprise in compliance with all applicable local, state, and federal laws;
- ~~(6)~~(5) Proof of eligibility to provide training as set forth in paragraph ~~(D)~~(C)(6) of this rule;
- ~~(7)~~(6) A copy of the performance bond or evidence of an escrow account as required in rule 4501-21-07 of the Administrative Code; and
- ~~(8)~~(7) For an advanced juvenile driver improvement program, proof of liability insurance as required in paragraph (F) of rule 4501-21-15 of the Administrative Code; and
- ~~(9)~~(8) Copies of the following forms:

  - (a) "Remedial Student Report Form";
  - (b) An enrollment contract; and
  - (c) The course evaluation form.
- ~~(M)~~(L) If a renewal is not postmarked or otherwise received by the director at least thirty days prior to the expiration of the current course approval, the authorizing official ~~shall~~ submits a "Remedial Course Provider Application" for an original course approval in accordance with paragraph ~~(D)~~(C) of this rule.
- ~~(N)~~(M) No authorizing official ~~shall~~changes the enterprise's name, ownership, or enterprise location without prior approval of the director. The director may require submission of a new "Remedial Course Provider Application" for course approval if there is any change of ownership in the enterprise. The department may inspect any change in location.
- ~~(O)~~(N) No person shall submit a "Remedial Course Provider Application" that is incomplete or incorrect or which contains false or misleading information. An incomplete or incorrect application may be rejected or returned to the applicant. An application containing false or misleading information may be denied.
- ~~(P)~~(O) If an enterprise discontinues business for any reason, the authorizing official, chief instructor or course manager ~~shall~~ submits the "Enterprise Closing Procedure" to the director within seven days of the intended closure. The notification ~~shall~~ identify/identifies where the course records will be stored. The director shall make all unused certificates inaccessible to the enterprise.
- ~~(Q)~~(P) For purposes of monitoring or reviewing course content and instructional atmosphere, a remedial driving course enterprise shall permit department of public safety agents to participate, at no cost, as a student in any course which the enterprise operates.

**4501-21-06 Course curriculum.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-21-17 of the Administrative Code.]

- (A) Each enterprise shall only use an approved curriculum. ~~To obtain approval for a curriculum provider for the adult remedial driving course or the advanced juvenile program, a representative of the curriculum provider shall submit to the department a proposed curriculum. The curriculum shall be evaluated using criteria approved by the director which includes the student curriculum, instructor training curriculum, organizational information, curriculum and instructor certification and renewal system, minimum hours of training, and topics to be provided during instruction. The approval criteria provided by the department are available on the driver training web page at <http://www.drivertraining.ohio.gov/schools.htm>.~~
- (B) Except for an online adult remedial driving course, to obtain approval for a curriculum provider for the adult remedial driving course or the advanced juvenile program, a representative of the curriculum provider submits to the department a proposed curriculum. The curriculum is evaluated using criteria approved by the director which includes the student curriculum, instructor training curriculum, organizational information, curriculum and instructor certification and renewal system, minimum hours of training, and topics to be provided during instruction. The approval criteria provided by the department are available on the driver training web page at <http://www.drivertraining.ohio.gov/schools.htm>.
- ~~(B)~~(C) For an online adult remedial driving course, to obtain approval for the curriculum, a representative submits the full online course proposal to the department. The curriculum is evaluated using criteria approved by the director and found in the "Minimum Standards for an Online Adult Remedial Course". A proposal for an online adult remedial course also includes the requirements set forth in rule 4501-21-14 of this chapter.
- (D) The adult remedial driving course curriculum ~~shall~~ includes a minimum of eight hours of instruction. A minimum of twenty-five per cent of the curriculum ~~shall be~~ is devoted to instruction on driver attitude and a minimum of twenty-five per cent of instruction time ~~shall be~~ is devoted to the area of alcohol and drugs and the operation of motor vehicles.
- ~~(E)~~(E) The adult remedial driving course curriculum shall ~~includes~~ includes, at a minimum, ~~address~~ the following subject matter topics:
- (1) Driving involves risk that can be managed;
  - (2) Developing good visual habits;
  - (3) Communicating with others;
  - (4) Personal responsibility and safe driving attitude;

- (5) Safe and courteous driving strategies and principles;
- (6) Assessing speed and adjusting speed;
- (7) Dynamics of a crash;
- (8) Space management;
- (9) Consequences of poor driving behavior;
- (10) Distracted driving, including at a minimum, the types, dangers, and Ohio laws pertaining to use of mobile devices while driving;
- (11) Handling driving emergencies;
- (12) Safety restraint systems – safety belts, airbags, child passenger seats;
- (13) Financial responsibility laws;
- (14) Vehicle technology issues;
- (15) Driver fitness;
- (16) Alcohol, drugs and driving;
- (17) Aggressive driving issues and road rage;
- (18) Anatomical gifts and anatomical gift procedures; and
- (19) References to Ohio specific laws applicable to the purpose of the course.

~~(D)~~ (F) Any curriculum or delivery method shall be conducive to learning as determined by the department. For any curriculum delivered online the following requirements apply:

- (1) The student ~~shall be~~ is able to navigate logically and systematically through the course; and
- (2) Technical support personnel ~~shall be~~ is available and ~~shall~~ provides information pertaining to the course completion requirements and technical issues. Except for circumstances beyond control of the online provider, a student ~~shall have~~ has adequate access to technical assistance throughout the course such that the flow of instructional information is not delayed. Upon request of the department, an enterprise shall provide time documentation to show that this requirement is being met.

~~(E) Each enterprise shall only use an approved curriculum. The authorizing official of a remedial driving course enterprise shall maintain records demonstrating that all instructors have been properly trained in use of the curriculum as set forth in rule 4501-21-05 of the Administrative Code.~~

~~(F)~~(G) The director may deny approval of any curriculum or delivery method that fails to meet the requirements of this chapter of the Administrative Code.

~~(G)~~(H) If an enterprise is conducting a remedial course for juveniles, except for the advanced juvenile program, the enterprise ~~is required to use~~s the "Juvenile Driver Improvement Curriculum."

~~(H)~~(I) The curriculum for an advanced juvenile driver improvement program ~~shall be~~is approved by the director. The curriculum ~~shall~~includes, at a minimum, two hours of classroom instruction and four hours of behind-the-wheel driving exercises.

(1) Classroom instruction ~~shall~~includes, at a minimum, topics on:

- (a) Driving physics;
- (b) Vehicle dynamics;
- (c) Proper vision techniques;
- (d) Teen driver statistics.

(2) Behind-the-wheel instruction ~~shall~~includes, at a minimum:

- (a) Vehicle control in inclement weather conditions;
- (b) Emergency transition maneuvers, and;
- (c) Spin and skid control.

**4501-21-07 Performance bond; escrow account.**

- (A) No remedial driving course approval will be issued or renewed until the authorizing official certifies that the remedial driving course enterprise maintains a continuous performance bond for each of its courses sufficient to cover the cost of reimbursing students for instruction not supplied. In lieu of a performance bond, an enterprise may maintain an escrow account to cover the cost of reimbursing students for instruction and/or services not supplied. The performance bond or escrow account shall continue in force as long as the enterprise operates a remedial driving course or as long as the enterprise has students to whom it is contractually obligated.

In determining whether a performance bond or escrow account is sufficient to ensure reimbursement, the department ~~shall~~ considers the following:

- (1) The number of students trained by the enterprise and/or the number of students anticipated to be trained by the enterprise;
  - (2) Whether the enterprise already maintains a bond that would be sufficient to ensure reimbursement; and
  - (3) How the enterprise handles prepayments and issuance of certificates.
- (B) ~~The current and valid performance bond or evidence of escrow account shall be maintained at the remedial driving course enterprise office and filed as a part of the course records and made available upon request.~~ Such bond or escrow account shall be obtained from a company authorized to do business in this state specifying that such remedial driving course enterprise shall not practice any fraud or make any fraudulent representation that may cause a monetary loss to a person taking instruction from the enterprise.
- (C) The bond or escrow account ~~shall~~ includes the remedial driving course enterprise name, the amount of the bond or escrow account, the effective date, and the period of coverage.
- (D) The bond or escrow account shall name the department of public safety and the state of Ohio as obligees and ~~shall~~ stipulates that the director shall be notified ten days before the bond or escrow account terminates due to its expiration or cancellation or before the bond or escrow account is reduced in value.
- (E) The above bond or escrow account ~~is required of each remedial driving course enterprise~~ ~~but~~ does not apply to a remedial driving course enterprise operated under the authority of the state of Ohio or any political subdivision approved by the director.
- (F) Failure to maintain such performance bond or escrow account, including the record of bond or escrow account required by this rule, during any portion of the licensure period may result in suspension or revocation of a remedial driving course approval.

**4501-21-08 Advertising and soliciting business.**

- (A) A remedial driving course enterprise shall not use any name other than its approved name for advertising or publicity purposes, nor ~~shall a remedial driving course enterprise~~ advertise or imply it is supervised, recommended, or endorsed by the director or the department.
- (B) A remedial driving course enterprise shall not advertise or imply that it is endorsed or sanctioned by any organization unless such endorsement or sanction is maintained on file in written form at the enterprise office and can be produced upon demand of any person. As applied to provisions of this chapter of the Administrative Code, use of an approved curriculum by a remedial driving course enterprise does not constitute curriculum provider endorsement of the enterprise.
- (C) No person shall advertise in any manner a course of adult, advanced juvenile program or juvenile remedial driving instruction prior to being approved as an adult, advanced juvenile program or juvenile remedial driving course.
- (D) No remedial driving course enterprise ~~shall~~solicits or advertises for business without supplying its name, website, if applicable, and the location where training is conducted.
- (E) Advertisement of goods and services shall not appear on actual instructional pages of the course.



**4501-21-09 Inspections.**

- (A) The department of public safety may conduct any inspections necessary to ensure a remedial driving course is being conducted in compliance with all applicable statutes, rules and regulations. Upon request, within a reasonable time period, a remedial driving course enterprise shall correct any problems the department identifies during inspection.
- (B) All locations at which a course is being conducted or records are being maintained shall be accessible to the department during reasonable hours.
- (C) Each applicant shall provide during the inspection certification that all facilities of a course conform to all federal, state, and local building, fire, and health regulations.
- (D) A remedial driving course enterprise shall furnish upon request any and all records relating to operation of a remedial driving course. There may be announced or unannounced compliance surveys each year. The course manager or authorizing official shall make any records accessible for copying.

**4501-21-10 Disciplinary Action.**

The director may deny an application for a remedial driving course renewal or reprimand, suspend, revoke, or place on probationary status the remedial driving course approval when the director determines that the course is not being operated in accordance with this chapter of the Administrative Code or the Revised Code. An enterprise against which disciplinary action is proposed according to this rule shall be afforded an opportunity for hearing in accordance with Chapter 119. of the Revised Code.

**4501-21-11 Enrollment contract.**

- (A) A remedial driving course enterprise shall provide each student with an enrollment contract that includes fees and verification that the course will meet all Ohio requirements prior to providing training.
- (B) An enrollment contract ~~shall also~~ includes:
- (1) The hours of required instruction;
  - (2) A grievance procedure. The grievance procedure ~~shall~~ also includes that the matter may be referred to the "Department of Public Safety through the Driver Training Program Office, 1970 West Broad Street, Columbus, Ohio 43223";
  - (3) Policies for dismissal of a student;
  - (4) Refund policy; and
  - (5) Final examination requirements, if applicable.
- (C) For an adult remedial program providing instruction through online, an enrollment contract ~~shall be requires. The enrollment contract shall~~ also includes the following:
- (1) ~~Should third-party data be required, there shall be a clause within the enrollment contract that identifies~~ Identifying the type of any third-party data that will be accessed prior to or during validation of the student's identity, if third-party data verification is used; ~~and an adult remedial driving course enterprise shall obtain the student's prior approval before accessing the third-party data, if applicable;~~
  - (2) Identify the hardware and software requirements to successfully complete the course; ~~and the enterprise shall obtain the student's acknowledgement that the student understands the computer requirements, if applicable;~~
  - (3) Specify that interruptions in course service may occur which the course owner has no control ~~and the adult remedial driving course enterprise shall obtain the student's acknowledgement that the student understands that service interruptions may occur;~~
  - (4) A statement that notifies the student of the course security and privacy policy regarding student data including personal and financial data; ~~and the enterprise shall obtain the student's acknowledgement that the student understands the privacy policy.~~
  - (5) A declaration of the date by which the complete program will be made available to and completed by the student. The date is no more than thirty days from the time the student starts the content of the course;

(6) The enterprise shall obtain the student's acknowledgement of the enrollment contract and policies and requirements as provided in this rule.

(D) Enterprises using a web-based enrollment process shall use secure and reasonable controls to authenticate the student's identity. This may be accomplished by a combination of the following:

(1) Third-party database authentication;

(2) Biometric authentication;

(3) Other secure means that are based on emerging technologies and allow for reasonable assurance that the student's identity is authenticated; or

(4) A signed and notarized affidavit. The affidavit includes certification that the student submitted official documents to verify the student's identity. The affidavit is received by the online enterprise before training begins.

#### 4501-21-12 Records and certificates of completion.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-21-17 of the Administrative Code.]

- (A) Except for an online adult remedial course, each~~Each~~ remedial driving course enterprise shall keep true, accurate, and complete records pertaining to the courses taught. The course records ~~shall~~ include:
- (1) "Daily Classroom Roster - Remedial Courses";
  - (2) The final examination record for each student completing the course. For a juvenile remedial course, this includes the assessment used in lieu of the final examination;
  - ~~(2)~~(3) "Remedial Student Report Form"; and
  - ~~(3)~~(4) Copy of enrollment contract.
- (B) Each enterprise shall maintain records regarding all training provided to its instructors and managers who are employed. The authorizing official of a remedial driving course enterprise maintains records demonstrating that all instructors have been properly trained in use of the curriculum as set forth in rule 4501-21-06 of the Administrative Code.
- (C) Each enterprise shall maintain a file for all business records at the enterprise office and be easily accessible. ~~These records include: copy of all information provided to the department as part of the application process.~~
- (1) A copy of all information provided to the department as part of the application process;
  - (2) A copy of the rental or lease agreement or deed for the property used as the established place of business;
  - (3) The current and valid performance bond or evidence of escrow account and filed as a part of the course records and made available upon request;
  - (4) Proof of insurance coverage, as applicable and required by paragraph (F) in rule 4501-21-14 of the Administrative Code.
- (D) Each enterprise shall keep any other records that the department may require as part of the remedial driving course approval process.
- (E) An online adult remedial course offering either partial or full online course instruction maintains a complete student course data file to demonstrate student activity and ensures that the following information, at a minimum, is collected and retained for creating the student footprint:
- (1) Student's name and driver license number;

- (2) Dates and times of student activity (log-on and log-off times);
- (3) Dates, times, and results of personal-validation and course-content questions. If a "key" or "code" is used to identify the question and answer, rather than recording the entire question and answer, then the "key" or "code" must be furnished;
- (4) Verification of the amount of time the student spent in each unit;
- (5) Verification of the amount of total time the student spent in the course;
- (6) An identifier of the reason a person was suspended or failed the course;
- (7) Dates, times, and responses for each question on the final examination;
- (8) Name or identity number of an adult remedial driving course enterprise staff member entering comments, retesting, or revalidating student, if applicable.

~~(E)~~ (F) "Certificate of Completion"

- (1) Every student who successfully completes a remedial driving course ~~shall be given~~is issued a "Certificate of Completion."
- (2) For a student who completes an approved adult remedial driving course that includes instruction through technology-based method(s), the classroom course provider ~~will~~issues a "Certificate of Completion" to the student upon verification of student completion of the approved eight hours of training. The "Certificate of Completion" ~~shall be~~is provided by the department via the online certificate system.
- (3) In the event a "Certificate of Completion" is lost or stolen after being issued to a student, the student may receive a duplicate certificate after completing the "Request for Duplicate Certificate," which shall be maintained by the remedial driving course.
- (4) ~~No "Certificate of Completion" may be sent electronically.~~ An authorizing official, course manager, or chief instructor of the remedial driving course who issues the certificate ~~shall~~signs each certificate. If an authorizing official, course manager, or chief instructor permits the use of a stamped or electronically produced signature, that authorizing official, course manager, or chief instructor ~~shall be~~is responsible for securing the stamp or electronic means. The authorizing official, course manager, or chief instructor ~~shall be~~is responsible for any document on which their stamped or electronic signature is produced.

~~(F)~~ (G) All records ~~shall be~~are maintained for a period of three years. All records required to be maintained in this chapter shall be made available to the director upon request.

(H) All records required to be maintained by an enterprise under the rules of this chapter, that are stored electronically, are stored either in a secured computer at the office for the enterprise or at a secure off-site data center within the United States. Any records

required to be maintained which are in a computer database shall be accessible and capable of being distinguished from non-related records.

### 4501-21-13 Classrooms.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-21-17 of the Administrative Code.]

#### (A) Physical location.

- (1) A remedial driving course conducted in a classroom setting shall be conducted in an environment conducive to learning. Consideration ~~shall be~~ is given to the safety and well-being of all students, the appropriate methods of maintaining discipline, environmental factors and any other relevant factors.
- (2) The classroom shall be located in a permanent structure or in a mobile or modular structure installed on a permanent foundation. The classroom shall not be located in a residence, a guest or sleeping room or in a room that is designated or designed as a sleeping room in a hotel or motel.
- (3) The classroom ~~shall~~ includes:
  - (a) ~~Comfortably accommodate students and instructors and have~~ Having sufficient space to contain tables and chairs or desks for all students to comfortably accommodate students and instructors;
  - (b) ~~Be~~ Being equipped with a variety of audio and/or visual training aids that support the course curriculum;
  - (c) ~~Be~~ Being reasonably free of visible and/or audible distractions and shall present an atmosphere adequate for learning;
  - (d) ~~Have available for student use within its facility~~ Having a clean and functional restroom available for student use within its facility; and
  - (e) Conform to all federal, state and local fire, building and safety regulations.

#### (B) Instruction requirements.

- (1) Neither a "Juvenile Driver Improvement Program" nor an "Advanced Juvenile Driver Improvement Program" ~~can be~~ is taught in the same classroom at the same time that an "Adult Remedial Driving Course" is conducted. A "Juvenile Driver Improvement Program" may not be taught in the same classroom at the same time as an "Advanced Juvenile Driver Improvement Program."
- (2) The requirements in this rule apply to authorizing officials, course managers, chief instructors, advanced skills instructors and instructors instructing students participating in a remedial driving course. Instruction of individuals in remedial driving courses shall conform to this rule.



- (a) Students ~~shall be~~are taught and supervised by instructors who meet the requirements of this chapter.
  - (i) For the adult remedial program, instructors shall instruct students only under the authority and guidance of a department-approved adult remedial curriculum provider;
  - (ii) For the juvenile remedial driving course, the instructors shall instruct students using the "Juvenile Driver Improvement Curriculum";
  - (iii) For the advanced juvenile program, advanced skills instructors shall instruct students only under the authority and guidance of a department-approved advanced skills curriculum provider. Behind-the-wheel instruction shall be taught and supervised by certified instructors. A minimum of one instructor shall instruct no more than six students on any one range exercise.
- (b) No radios, cell phones, electronic games or similar distractions shall be used or allowed during times of instruction.
- (c) Classroom instruction ~~shall consist~~s of no less than sixty minutes of instruction for each hour credited toward completion of the required training. Time taken for breaks in instruction ~~shall be~~are not ~~be~~ included when calculating completion of the required instruction.
- (d) Instructors ~~shall~~ instruct students for no more than two hours without taking a ten-minute break from instruction. For courses being completed in one day an additional lunch break of at least thirty minutes ~~shall be~~is provided.
- (e) There shall be no more than twenty-four students in a remedial driving course. At least one instructor who meets the requirements of this chapter shall be present and conduct a remedial driving course.
- (f) A student who is late or absent from any part of a course shall make up that portion of the instruction that was missed prior to receiving a "Certificate of Completion." A student who does not actively participate in any part of the instruction is not eligible to receive a "Certificate of Completion."
- (g) The "Daily Classroom Roster - Remedial Courses" shall be used to ascertain the attendance of students.
  - (i) If the student does not complete the entire course, including all makeup sessions, within the timeline specified by the court or the bureau of motor vehicles, no credit for instruction ~~shall be~~is granted.
  - (ii) Any period of absence for any portion of instruction ~~shall~~requires that the student complete ~~that~~the missed session of instruction. All make-up sessions shall be equivalent in length and content to the instruction missed and taught

by an instructor who meets the requirements of this chapter.

~~(iii) (iii) Each student dismissed for inappropriate behavior or for not participating in the course shall meet the conditions for reentry of students dismissed for violating the conduct or participation policy established by the enterprise.~~

(h) For the adult remedial driving course, not more than three hours or less than one hour of classroom instruction shall be devoted to showing educational videos, slides or films that relate to adult remedial driving courses. No videos, DVDs, films or activities unrelated to safe driving practices, driver knowledge or driver skill shall be used. ~~If the educational videos, DVDs or films that are a part of the approved curriculum are not available or are not functional at the time of the session, the session must be re-scheduled to a time when the educational videos, slides or films are available or functional.~~

(3) A student may be refused instruction if the course officials reasonably believe that the person is under the influence of alcohol or a controlled substance.

(4) For each remedial driving course there shall be a written grievance procedure made available to students that specifies the manner by which students may make complaints and the method by which the enterprise shall attempt to resolve them.

(5) The identity of all students ~~shall be~~ verified by the instructor at the beginning of each course and prior to administering the final examination.

#### (C) Final examination

(1) An adult remedial driving course ~~shall~~ include administration of an examination to test the student's comprehension of the material included in the course. The examination ~~shall~~ consist of a minimum of forty multiple choice questions. The questions ~~shall be~~ drawn from a bank of at least one hundred and twenty questions or there shall be established three different test versions.

(2) An advanced juvenile program ~~shall~~ include administration of an examination to test the student's comprehension of the material included in the course. The final examination ~~shall~~ consist of three different test versions with a minimum of ten multiple choice questions per test.

(3) For a juvenile remedial course, the enterprise ~~shall~~ use the assessment material provided in the "Juvenile Driver Improvement Curriculum" in lieu of a final examination.

(4) Accommodations may be made for the final test to assist students who identify themselves as having learning difficulties.

- (5) Students taking the examination ~~shall~~are not ~~be~~ allowed to refer to any materials that may contain answers to the questions.
- (6) Records of each examination given ~~shall~~includes the date, the student's score, the student's name, and the identity and signature of the person who graded the examination. ~~These records shall be maintained by the enterprise for a period of three years.~~
- (7) Any student found cheating on the final examination shall not be issued a "Certificate of Completion."
- (8) ~~No "Certificate of Completion" shall be issued unless a~~ A student successfully completes the final examination when the student has correctly answered seventy-five percent of the final examination questions. If a student does not correctly answer seventy-five per cent of the final examination questions, the student shall have the opportunity to retake ~~the~~ a different version of the final examination one additional time. ~~The second examination shall be a different test.~~ If the student fails to score at least seventy-five per cent after taking the examination the second time, the student shall be required to retake the course.

(D) Evaluations

- (1) For an advanced juvenile program, a behind-the-wheel evaluation shall be used to assess the progress of each student for each driving exercise. The student's evaluation shall be based on a pass/fail rating for each exercise provided in paragraph (H)(2) of rule 4501-21-06 of the Administrative Code. No "Certificate of Completion" shall be issued unless the student has passed the final examination and evaluation given during the behind-the-wheel training.
- (2) The participants of an adult remedial program shall be provided the opportunity to complete an anonymous evaluation of the course and instructor. The course evaluation shall be provided on an official form.

**4501-21-14 Technology-based method(s).**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-21-17 of the Administrative Code.]

An adult remedial driving course enterprise may use technology-based method(s) for delivery of part or all of the curriculum. Partial online adult remedial is ~~This shall be~~ done in conjunction with classroom-based instruction. Sections 4510.037 and 4510.038 of the Revised Code require at least fifty per cent of the adult remedial curriculum to be delivered to a student through classroom instruction. The student ~~shall~~ is required to successfully complete all technology-based method(s) portions of the training prior to starting the classroom portion of the training. Each student shall finish the complete

eight hours of training within thirty days of the initial starting date and time. After thirty days, the student shall be required to begin the course again.

~~Any enterprise that wants to use a technology-based instruction method beyond that provided for in paragraph (B)(2)(h) of rule 4501-21-13 of the Administrative Code shall, as part of the course approval application process, submit a proposal to the department that meets all of the requirements in rule 4501-21-06 and this rule as well as the approval criteria provided by the department and available on the driver training web page at <http://www.drivertraining.ohio.gov/schools.htm>.~~

The department shall review the proposal for technology-based instruction, and approve or deny approval of the proposed method. Under no circumstances shall the department approve technology-based instruction to accomplish juvenile remedial driving instruction as provided in sections 4510.31 and 4510.311 of the Revised Code. The enterprise shall provide any additional information required by the department as part of the approval process.

~~The enterprise proposal shall contain the following:~~

- (A) Along with the requirements in rule 4501-21-05 of the Administrative Code, an enterprise proposal includes ~~An adult remedial driving course enterprise shall develop the development of~~ security policies and procedures. The elements of the security policies and procedures ~~shall~~ include:
- (1) Risk management plan;
  - (2) User authentication and authorization procedures and technologies;
  - (3) Access control procedures and technologies;
  - (4) Auditing capability;
  - (5) Systems availability;
  - (6) Course and systems integrity;
  - (7) Confidentiality and privacy;
  - (8) Business continuity and disaster recovery;
  - (9) Systems monitoring and incident response; and
  - (10) Change control.
- (B) An enterprise shall incorporate a personal validation process that verifies student identity and participation. An enterprise shall develop and maintain a means to reasonably authenticate users on a periodic basis. Authentication shall occur randomly twice during the course and upon entering, and exiting the adult remedial driving course. This may be accomplished by a combination of the following:

- (1) Username and password authentication;
  - (2) Third-party database authentication including the department-provided student validated questions;
  - (3) Certification authentication through the use of digital certificates;
  - (4) Biometric authentication; or
  - (5) Other means that are as secure as the methods described in paragraphs (B)(1) to (B)(4) of this rule that are based on emerging technologies and allow for reasonable assurance that the students are authenticated.
- (C) An enterprise shall incorporate and maintain compliance with the "Minimum Standards for an Online Adult Remedial Course". The "Minimum Standards for an Online Adult Remedial Course" includes, but is not limited to, the following: ~~a course validation process that verifies student participation and comprehension of course material, including the following:~~
- (1) A course validation process that verifies student participation and comprehension of course material;
  - ~~(1)-(2)~~ Built-in timers to ensure that the statutorily required amount of hours have been attended and completed by the student; and
  - ~~(2)-(3)~~ Testing of student participation throughout the course and at the completion of the course to ensure that the student receives the minimum course content and time management requirements for instruction, ~~as follows:~~
    - ~~(a) At least ten course validation questions per hour shall be asked throughout the course. Course validation questions shall be~~ asked in every major unit or section throughout the course;
    - ~~(b) At least fifty per cent of the course validation questions asked shall be~~ educational content questions drawn from statistics, facts, and techniques presented as part of the course material and at least five of the validation questions shall be devoted to the area of alcohol, drugs and the operation of motor vehicles;
    - ~~(c) At least one course validation question shall be~~ asked during or following each section of the course to show that the student participated in and comprehended the course section and at least five of the validation questions shall be devoted to the area of alcohol, drugs and the operation of motor vehicles;
    - ~~(d) The test bank for course validation questions shall be at least eighty questions, of which at least fifty per cent shall be educational questions drawn from the course material;~~
    - ~~(e) All course validation questions shall be~~ generated in random order within each major unit or section and the same questions ~~shall~~ not be asked more than twice.

Questions that appear twice shall be as a result of random generation and not by design; and

~~(f) Course validation questions shall be~~ multiple choice and designed to ensure the student participated in the actual course instruction.

~~(D) An enterprise shall maintain a complete student course data file to demonstrate student activity and shall ensure that at least the following information is collected and retained for creating the student footprint:~~

~~(1) Student's name and driver license number;~~

~~(2) Dates and times of student activity (log on and log off times) or rental activity;~~

~~(3) Dates, times, and results of personal validation and course content questions. If a "key" or "code" is used to identify the question and answer, rather than recording the entire question and answer, then the "key" or "code" must be furnished;~~

~~(4) Verification of the amount of time the student spent in each unit;~~

~~(5) Verification of the amount of total time the student spent in the course;~~

~~(6) An identifier of the reason a person was suspended or failed the course;~~

~~(7) Dates, times, and responses for each question on the final examination;~~

~~(8) Name or identity number of an adult remedial driving course enterprise staff member entering comments, retesting, or revalidating student, if applicable.~~

~~(E) (D) For partial online adult remedial enterprises, the online course does~~ The technology-based method(s) portion of the course shall not include the final exam. The classroom portion of the course ~~shall~~ includes administration and scoring of the final exam, including the one retake examination that is permitted under paragraph (C)(8) of rule 4501-21-13 of the Administrative Code.

(E) In addition to paragraph (C)(8) of rule 4501-21-13 of the Administrative Code, an online adult remedial driving course offering the full course online, testing procedures also includes the following:

(1) Measures that will ensure a student taking the examination is not allowed to refer to any materials that may contain answers to the questions, including identifying the correct response to each question presented until the examination is completed;

(2) Accommodations for the final examination to assist student who identify themselves as having learning difficulties;

(3) Recording of each examination given including the questions presented, the student's answer to the questions, the date, and the student's score; and

(4) Measures to ensure the student's identity prior to starting the final examination.

(F) An online adult remedial enterprise shall provide for systems security. Systems security includes the following as follows:

- (1) ~~An adult remedial driving course enterprise shall develop and maintain~~ Developing and maintaining a technology infrastructure that facilitates sound security and positively contributes to the student learning experience;
- (2) ~~An enterprise shall develop and maintain~~ Developing and maintaining an appropriate solution to ensure the integrity of information, especially financial and personal information, in transit and at rest;
- (3) ~~An enterprise shall develop and maintain~~ Developing and maintaining a systems back-up and disaster recovery capability;
- (4) ~~An enterprise shall assure~~ Maintaining assurance that course data are readily, securely, and reliably available by electronic or printed means to the department and the department authorized recipients on a demand basis;
- (5) ~~An enterprise shall develop and maintain~~ Developing and maintaining a means to facilitate state audit, compliance, and verification requirements; and
- (6) ~~An enterprise shall develop and maintain~~ Developing and maintaining a means to facilitate state-conducted audit requirements. The department retains the right to request and review work papers and other supporting documentation related to the audit reports and the reviews undertaken. If the technical support, application server host, or data storage facilities are located outside the state of Ohio, upon the request of the department, the enterprise ~~shall submit~~ upon request of the department, a report encompassing the rules of this chapter to meet the audit requirements. ~~in lieu of a state-conducted audit of technical support, application server host, or data storage facilities.~~ An enterprise shall provide the department with an audit amendment describing any significant system changes within thirty days of enabling those changes. ~~An enterprise shall make student records available to the department online, in a password-protected environment upon request.~~

(G) Audits

- (1) A remedial driving course enterprise may be audited upon request of the department to ensure compliance with the applicable rules and regulations, and the results shall become a part of the course provider file maintained by the department.
- (2) An enterprise shall address all exceptions noted during the audit and provide such documentation to the department within thirty days of notice of said exceptions.
- (3) An enterprise upon termination of the course approval, shall deliver any missing

student data to the department within seven calendar days of termination.

(H) Student pre-registration process for partial online adult remedial driving courses.

- (1) An enterprise using technology-based method(s) as a part of the course of instruction shall establish a student pre-registration process that requires each student to register with the affiliated classroom provider as identified in paragraph (D)(11) of rule 4501-21-05 of the Administrative Code.
- (2) During the student pre-registration process, the classroom provider shall verify the identification of each student using the list of approved primary and secondary documents as published in the "Digest of Motor Vehicle Laws."
- (3) Students may not begin the technology-based method(s) portion of the course until their identity has been verified during the classroom provider's student pre-registration process. Following verification of each student's identity, the classroom provider will issue the student a unique user ID and password that will provide the student with access to the on-line portion of the course.

(I) Any modifications made to the online instruction, including but not limited to, design, quizzes, activities, modules, content, law updates or resources must be approved by the director prior to being placed into production.



**4501-21-15 Ranges, vehicles, and insurance for advanced juvenile driver improvement programs.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-21-17 of the Administrative Code.]

- (A) The range ~~shall be~~ is a closed-course facility that:
- (1) Contains exercise dimensions that include, at a minimum, the following:
    - (a) Spin-and-skid control exercise area, with speeds at no more than twenty miles per hour, ~~shall be~~ and is no less than three hundred eighty-five feet in length by one hundred eighty feet in width;
    - (b) Vehicle control in inclement weather conditions exercise area, with speeds at no more than twenty-five miles per hour, ~~shall be~~ and is no less than two hundred fifty feet in length by fifty feet in width;
    - (c) Emergency transition maneuvers exercise area, with speeds at no more than thirty-five miles per hour, ~~shall be~~ and is no less than four hundred twenty-five feet in length by sixty feet in width.
  - (2) Has adequate unobstructed run-off areas;
  - (3) Has paths of travel that ~~shall~~ provides adequate space to minimize risk to students;
  - (4) Has paved or concrete, reasonably level surfaces that are in decent condition and free of potholes, loose materials or other surface defects; and
  - (5) Does not contain obstacles within the exercise areas.
- (B) All vehicles used in the training of this program shall meet the minimum vehicle requirements set forth in Chapter 4513. of the Revised Code.
- (C) The authorizing official of a course using the enterprise's vehicles shall have the vehicles inspected annually by the ~~Ohio highway patrol~~ department and issued a valid inspection number. ~~and each vehicle shall display a valid inspection decal.~~
- (D) The advanced skills instructor or chief instructor of a course allowing the use of a student's vehicle ~~shall~~ ensures:
- (1) ~~Require each~~ Each student ~~to~~ provides a "Vehicle Inspection" that has been performed within ninety days prior to the student taking the course; and
  - (2) ~~Consider the~~ The size of the vehicle ~~to determine the capability of the vehicle~~ is capable to navigate safely through the drills.
- (E) Vehicles used in the operation of the spin-and-skid control driving exercise shall be

equipped with devices that simulate the loss of grip and maintain all four of the vehicle's tire contact patches during the exercise.

- (F) The authorizing official shall maintain financial responsibility for the operation of all motor vehicles used for instruction as specified in Chapter 4509. of the Revised Code. Such insurance coverage ~~shall be~~is acquired from a company licensed to do business in this state and shall be maintained as long as the remedial course is operating as an advanced juvenile driver improvement program. Proof of this insurance coverage ~~shall be~~is maintained ~~in the school office and~~ with all motor vehicles used for instruction. ~~The certificate of insurance shall be available for inspection during reasonable hours.~~
- (1) Insurance coverage ~~shall be~~is maintained in the following minimum limits:
- (a) Five hundred thousand dollars combined single limit liability coverage;
  - (b) Twenty-five thousand dollars for injury to property of others in any one crash;
  - (c) Five thousand dollars medical payments for each occupant;
  - (d) Uninsured motorists coverage at least equal to the bodily injury coverage required in paragraph (F)(1)(a) of this rule.
- (2) For vehicles used solely for the operation of the advanced juvenile program on a closed range facility, vehicle insurance may be maintained under the business general liability in amounts at least equal to the liability coverage specified in (F)(1) of this rule. The insurance shall stipulate that the coverage pertains to the operations of an advanced juvenile program at the designated facility.
- (3) Failure to maintain the required insurance, including record of current coverage as required by this rule, may result in the suspension or revocation of an advanced juvenile driver improvement program approval.
- (G) Students providing motor vehicles for their own instruction shall, before such motor vehicle is used for any instruction, provide proof of insurance or other financial responsibility that indicates compliance with Chapter 4509. of the Revised Code.
- (H) No student's vehicle may be used for the operation of the spin-and-skid control exercise.

#### 4501-21-16 Instructors for remedial programs.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-21-17 of the Administrative Code.]

- (A) The requirements in this rule apply to authorizing officials, course managers, chief instructors, advanced skills instructors and instructors instructing students participating in a remedial driving course, [except for an asynchronous online adult remedial course](#).
- (B) Adult remedial driving course.
- (1) Every adult remedial driving course shall employ a course manager who has been trained in an adult remedial curriculum.
  - (2) Each course ~~shall be~~is taught by an instructor who has been trained to teach the curriculum and has knowledge of Chapter 4501-21 of the Administrative Code, road signs, the care and operation of motor vehicles and the "Digest of Ohio Motor Vehicle Laws."
  - (3) Each instructor and course manager shall be trained by an organization on the list of approved curriculum providers, which is available on the driver training web page at <http://www.drivertraining.ohio.gov/schools.htm>.
  - (4) Each instructor and course manager shall complete a continuing education course every five years as provided by the curriculum provider and approved by the department and ~~shall~~, upon request from the director, provide proof of the satisfactory completion of such training in a manner approved by the director.
- (C) Juvenile remedial driving course.
- (1) Every juvenile remedial driving course shall employ a course manager who has been trained in the "Juvenile Driver Improvement Curriculum."
  - (2) Each course ~~shall be~~is taught by an instructor who has been trained to teach the "Juvenile Driver Improvement Curriculum."
  - (3) Each instructor and course manager shall complete a continuing education course every five years as provided by the department and ~~shall~~, upon request from the director, provide proof of the satisfactory completion of such training in a manner approved by the director.
- (D) Advanced juvenile driver improvement program.
- (1) Each advanced juvenile program enterprise shall employ a chief instructor who has successfully completed a chief instructor's course approved by the department. A chief instructor is eligible for such training after providing either of the following:
    - (a) Proof of providing training as an advanced skills instructor for a minimum of

sixty hours of instruction or two years in an advanced juvenile driver improvement program; or

- (b) Proof of being a certified instructor in a driving course for a fire department, law enforcement or other similar agency or entity, or the military, within ten years preceding the date of the chief instructor course; or
  - (c) Proof of being a certified instructor for advanced or high performance driving within ten years preceding the date of the chief instructor course.
- (2) The chief instructor shall complete an additional continuing education course every five years as approved by the department. The course ~~shall~~ includes, at a minimum, topics on automotive technology advancement.
- (E) Each enterprise shall have policies in place establishing how the enterprise shall ensure either the instructors and course managers or the advanced skills instructors and chief instructors, whichever are applicable to the enterprise, comply with this chapter.
- (F) The authorizing official for each remedial enterprise shall ensure that all course managers, chief instructors, advanced skills instructors and instructors are eligible to teach the course. Eligibility includes:
- (1) Possessing a currently valid driver's license and have been the operator of a motor vehicle for at least three years;
  - (2) ~~Have~~ Having a record free of ~~convictions of any felony, or a misdemeanor, that is reasonably related to a person's ability to serve safely and honestly in connection with a remedial driving course enterprise~~ a disqualifying offense; and
  - (3) ~~Have~~ Having a driving record free of any of the following:
    - (a) Three or more chargeable crashes within the three years preceding the date of application;
    - (b) Three or more moving violation convictions under Chapter 4511. of the Revised Code, or an equivalent conviction from another jurisdiction, within the preceding three years;
    - (c) An accumulation of six points or more under Chapter 4510. of the Revised Code, or equivalent action from another jurisdiction, within the preceding three years; and
    - (d) A twelve-point administrative suspension under section 4510.037 of the Revised Code, or equivalent action from another jurisdiction, within the ten years preceding the date of application.
- (G) As applicable to the course, the authorizing official shall periodically verify that the course manager, chief instructor, advanced skills instructor and all instructors remain

eligible to serve as course managers, chief instructors, advanced skills instructor and instructors and ~~shall at least~~ every year obtain a current driving abstract for each course manager, chief instructor, advanced skills instructor and instructor.

- (H) Each course manager, chief instructor, advanced skills instructor, or instructor shall report any occurrences that would cause an instructor, advanced skills instructor, chief instructor, or course manager to no longer be employed or eligible to be employed as such to the authorizing official of the enterprise.
- (I) The director may require attendance and satisfactory completion of department-sponsored workshops to update instructors on Ohio-specific information.

#### **4501-21-17 Incorporated by reference.**

[Comment: For dates and availability of material incorporated by reference in this chapter, see paragraph (A) of this rule.]

- (A) Incorporated by reference. This chapter includes material that has been incorporated by reference. If the material is subject to change, only the specific version listed in this rule is incorporated. Any revision to the referenced material is not incorporated unless and until this rule has been amended to specify the new date.
- (1) "Certificate of Completion" is made available to approved remedial driving course providers and may be accessed via the driver training program office on-line application database at <https://services.dps.ohio.gov/DETS>.
  - (2) "Daily Classroom Roster - Remedial Courses" or "DTO 0146" (July, 2014) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx>.
  - (3) "Digest of Ohio Motor Vehicle Laws" or "HSY 7607" (~~October, 2014~~ [August, 2020](#)) may be accessed via the bureau of motor vehicles' website at <http://www.bmv.ohio.gov/>.
  - (4) "Enterprise Closing Procedure" or "DTO 0158" (July, 2014) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx>.
  - (5) "Juvenile Driver Improvement Curriculum" or "OTS 0114" (February, 2014) is available through the driver training program's on-line application database at <https://www.dps.ohio.gov/DriverTraining>.
  - (6) "List of Personnel Used by the Enterprise" or "DTO 0140" (July, 2014) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx>.
  - (7) ["Minimum Standards for an Online Adult Remedial Course" or "DTO 0237" \(August, 2021\) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx>.](#)
  - (8) "Remedial Course Provider Application" or form "DTO 0129" (July, 2014) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx> or electronically through the "Driver Education and Training System" at <https://services.dps.ohio.gov/DETS>.
  - (9) "Remedial Student Report Form" or "DTO 0132" (July, 2014) may be accessed via the driver training program website at <http://www.drivertraining.ohio.gov/forms.aspx>.
  - (10) "Renewal Requirements" are available through the driver training program's on-line application database at <https://services.dps.ohio.gov/DETS>.

(11) "Request for Duplicate Certificate" or form "DTO 0120" (July, 2014) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx>.

(12) "Vehicle Inspection" or "DTO 0206" (September, 2014) may be accessed via the driver training program website at <http://www.drivertraining.ohio.gov/forms.aspx>.

(B) Materials incorporated by reference are also available by writing to the "~~Office of Criminal Justice Services~~, Driver Training Program Office, 1970 West Broad Street, Columbus, Ohio 43223."

**4501-21-18 Disqualifying offenses.**

(A) "Disqualifying offense" means a conviction, judicial finding of guilt, or plea of guilty to a criminal offense that has is directly related to the duties and responsibilities related to the operation of a driver training school, the operation as an instructor or training manager, or both. A conviction of attempt, conspiracy, or complicity to any section or offense listed in subsection (C) of this rule is considered a disqualifying offense.

(B) "Offense" for the purposes of this rule means an offense as listed in sections of the Revised Code as listed in this rule and includes any municipal ordinance, law of this state, any other state or the United States that is substantially equivalent to any section or offense listed in subsection (C) of this rule.

(C) For any certification issued by the department pursuant to Chapter 4510.037, 4510.038, 4510.31, or 4510.311 of the Revised Code and the related rules adopted by the director, the following offenses are disqualifying offenses:

(1) Violent offenses: section 2903.01 (aggravated murder), 2903.02 (murder), 2903.03 (voluntary manslaughter), 2903.04 (involuntary manslaughter), 2903.041 (reckless homicide), 2903.05 (negligent homicide), 2903.11 (felonious assault), 2903.12 (aggravated assault), 2903.13 (assault), 2903.21 (aggravated menacing), 2903.211 (menacing by stalking), or 2909.24 (terrorism) of the Revised Code;

(2) Sexually-oriented offenses: section 2907.02 (rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), 2907.06 (gross sexual imposition), 2907.07 (importuning), 2907.08 (voyeurism), 2907.09 (public indecency), 2907.19 (commercial sexual exploitation of a minor), 2907.21 (compelling prostitution), 2907.22 (promoting prostitution), 2907.23 (enticement or solicitation to patronize a prostitute; procurement of a prostitute for another), 2907.231 (pandering obscenity involving minor or impaired person), 2907.31 (disseminating matter harmful to juveniles), 2907.311 (Displaying matter harmful to juveniles), 2907.32 (pandering obscenity), 2907.321 (pandering obscenity involving minor or impaired person), 2907.322 (pandering sexually oriented matter involving a minor or impaired person), or 2907.323 (illegal use of a minor or impaired person in nudity-oriented material or performance) of the Revised Code or a violation of former section 2907.12 (felonious sexual penetration) of the Revised Code;

(3) Child-related violent offenses: section 2903.15 (permitting child abuse), 2905.05 (criminal child enticement); 2912. 2919.22 (endangering children), 2919.24 (contributing to the unruliness or delinquency of a child), of the Revised Code;

(4) Arson offenses: section 2909.02 (aggravated arson), and 2909.03 (arson) of the Revised Code;

(5) Vandalism and related offenses: section 2909.05 (vandalism), 2909.06 (criminal damaging or endangering), 2909.09 (vehicular vandalism) of the Revised Code;

(6) Major motor vehicle offenses: section 4511.19 (operating a motor vehicle under the influence), 2903.06 (aggravated vehicular homicide, vehicular homicide, vehicular



manslaughter), 2903.08 (aggravated vehicular assault, vehicular assault) of the Revised Code;

(7) Terrorism-related offenses: section 2909.22 (soliciting or providing support for act of terrorism), 2909.23 (making a terroristic threat), 2909.24 (terrorism), 2909.26 (criminal possession of chemical, biological, radiological, or nuclear weapon or explosive device), 2909.27 (criminal use of chemical, biological, radiological, or nuclear weapon or explosive device), 2909.27 (illegal assembly or possession of chemicals or substances for manufacture of prohibited weapons), and 2909.29 (money laundering) of the Revised Code;

(8) Theft-related offenses: section 2911.01 (aggravated robbery); 2911.02 (robbery); 2911.11 (aggravated burglary); 2911.12 (burglary); 2911.13 (breaking and entering); 2921.13 (falsification- in theft offense - to purchase firearm); 2921.41 (theft in office); of the Revised Code;

(9) Weapons-related offenses: section 2923.12 (carrying concealed weapons); 2923.122 (illegal conveyance of deadly weapon or dangerous ordinance or of object indistinguishable from firearm in school safety zone); 2923.1211 (falsification of concealed handgun license - possessing a revoked or suspended concealed handgun license); 2923.13 (having weapons while under disability) of the Revised Code;

(10) Failing to provide for a functionally impaired person as set forth in section 2903.16 of the Revised Code;

(11) Menacing by stalking as set forth in section 2903.211 of the Revised Code;

(12) Patient abuse or neglect as set forth in section 2903.34 of the Revised Code;

(13) Patient endangerment as set forth in section 2903.341 of the Revised Code;

(14) Kidnapping as set forth in section 2905.01 of the Revised Code;

(15) Abduction as set forth in section 2905.02 of the Revised Code;

(16) Extortion as set forth in section 2905.11 of the Revised Code;

(17) Coercion as set forth in section 2905.12 of the Revised Code;

(18) Trafficking in persons as set forth in section 2905.32 of the Revised Code;

(19) Disrupting public services as set forth in section 2909.04 of the Revised Code;

(20) Aggravated trespass as set forth in section 2911.211 of the Revised Code;

(21) Safecracking as set forth in section 2911.31 of the Revised Code;

(22) Tampering with coin machines as set forth in section 2911.32 of the Revised Code;

(23) Operating a gambling house as set forth in section 2915.03 of the Revised Code;

- [\(24\) Inciting to violence as set forth in section 2917.01 of the Revised Code;](#)
- [\(25\) Riot as set forth in section 2917.03 of the Revised Code;](#)
- [\(26\) Telecommunications harassment as set forth in section 2917.21 of the Revised Code;](#)
- [\(27\) Inducing panic as set forth in section 2917.31 of the Revised Code;](#)
- [\(28\) Making false alarms as set forth in section 2917.32 of the Revised Code;](#)
- [\(29\) Unlawful possession or use of a hoax weapon of mass destruction as set forth in section 2917.33 of the Revised Code;](#)
- [\(30\) Improperly handling infectious agents as set forth in section 2917.47 of the Revised Code;](#)
- [\(31\) Unlawful abortion upon a minor as set forth in section 2919.121 of the Revised Code;](#)
- [\(32\) Unlawful distribution of an abortion-inducing drug as set forth in section 2919.123 of the Revised Code;](#)
- [\(33\) Abortion manslaughter as set forth in section 2919.13 of the Revised Code;](#)
- [\(34\) Abortion trafficking as set forth in section 2919.14 of the Revised Code;](#)
- [\(35\) Dismemberment abortion as set forth in section 2919.15 of the Revised Code;](#)
- [\(36\) Partial birth feticide as set forth in section 2919.151 of the Revised Code;](#)
- [\(37\) Terminating or attempting to terminate human pregnancy after viability as set forth in section 2919.17 of the Revised Code;](#)
- [\(38\) Abortion after gestational age of twenty weeks as set forth in section 2919.201 of the Revised Code;](#)
- [\(39\) Domestic violence as set forth in section 2919.25 of the Revised Code;](#)
- [\(40\) Violating protection order as set forth in section 2919.27 of the Revised Code;](#)
- [\(41\) Bribery as set forth in section 2921.02 of the Revised Code;](#)
- [\(42\) Intimidation as set forth in section 2921.03 of the Revised Code;](#)
- [\(43\) Intimidation of attorney, victim or witness in criminal case of delinquent child action proceeding as set forth in section 2921.04 of the Revised Code;](#)
- [\(44\) Retaliation as set forth in section 2921.05 of the Revised Code;](#)
- [\(45\) Perjury as set forth in section 2921.11 of the Revised Code;](#)
- [\(46\) Tampering with evidence as set forth in section 2921.12 of the Revised Code;](#)

- (47) Making or causing false report of child abuse or neglect as set forth in section 2921.14 of the Revised Code;
- (48) Making false allegation of peace officer misconduct as set forth in section 2921.15 of the Revised Code;
- (49) Compounding a crime as set forth in section 2921.21 of the Revised Code;
- (50) Obstructing official business as set forth in section 2921.31 of the Revised Code;
- (51) Obstructing justice as set forth in section 2921.32 of the Revised Code;
- (52) Failure to comply with order or signal of police officer as set forth in section 2921.331 of the Revised Code;
- (53) Aiding escape or resistance to lawful authority as set forth in section 2921.35 of the Revised Code;
- (54) Illegal conveyance of weapons, drugs, or other prohibited items onto grounds of detention facility or institution as set forth in section 2921.36 of the Revised Code;
- (55) Dereliction of duty as set forth in section 2921.44 of the Revised Code;
- (56) Impersonation of peace officer or private police officer as set forth in section 2921.51 of the Revised Code.