

8-24-05
DRAFT RULES
Remedial Driving Courses

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4501-21-01 Definitions.

(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 those programs related to a two-point credit or twelve-point suspension.

(B) “Approved curriculum” means the most current version of an adult remedial driving course curriculum that has been submitted to the department as required in rule 4501-21-06 of the Administrative Code and approved by the department.

(C) “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.

(D) “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.

(E) “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.

(F) “Department” means the Ohio department of public safety.

(G) “Director” means the director of the Ohio department of public safety or the director’s designee.

(H) “Enterprise” or “remedial enterprise” means a person, non-profit, or government entity that operates a remedial driving course program.

(I) “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.

(J) “Juvenile Remedial Driving Course” - means the course of juvenile remedial driving instruction as provided in sections 4510.31 and 4510.311 of the Revised Code.

(K) “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.

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

(M) "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.

(N) "Year" means calendar year.

4501-21-02 Scope.

These rules and regulations cover approval of adult remedial driving courses pursuant to sections 4510.037 and 4510.038 of the Revised Code and juvenile remedial driving courses pursuant to sections 4510.31 and 4510.311 of the Revised Code.

4501-21-03 Place of business

All remedial driving course enterprises shall establish an office that shall be owned, leased, or rented by the enterprise. The office shall be in a fixed geographic location within the state of Ohio.

(A) A single business enterprise may own and operate more than one remedial driving course. Any facility used as a remedial driving course office shall be inspected and approved by the director prior to its use as a remedial driving course office. A copy of the rental or lease agreement or deed for the property shall be kept on file with the remedial driving course records. The use of a mobile or modular structure as a remedial driving course office shall be prohibited unless the structure is installed on a permanent foundation.

(B) A remedial driving course office shall not consist of a house trailer; tent; temporary stand; post office box; rooming house or apartment. It shall not be located within 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. No driver training enterprise may share any office with any other remedial driving course enterprise unless the same person owns both.

(C) The remedial driving course enterprise shall have access to computers,

printers, and e-mail and internet functions.

(D)The office of a remedial driving course enterprise shall:

- (1) Have space adequate to conduct any necessary business and display the course approval.
- (2) Include in a place that can be readily seen, conspicuous posting of the remedial driving course fee schedules and display of the department- issued remedial driving course certificate of approval.
- (3) Conform to all federal, state and local fire, building and safety regulations.

(E)The remedial driving course enterprise shall provide written notice to the department clearly identifying the location of the required records. They shall be stored in a location easily accessible from the enterprise office.

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 of the above persons of any felony, or of a misdemeanor, which is reasonably related to a person's ability to serve safely and honestly in connection with a remedial driving course enterprise, or an equivalent conviction from another jurisdiction, 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 themselves in a professional manner and shall comply with all applicable state and federal laws which prohibit discrimination based upon race, color, national origin, sex, age, handicap, disability, ancestry or religion.

(D) The director may deny the issuance of approval to any enterprise applying for approval that has had a driver training school, driver training school manager, or driver training school instructor's 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 or authorizing official shall knowingly permit any course manager or instructor of the enterprise who is physically or mentally unfit to instruct students or manage the course.

(F) A remedial driving course manager 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 or manager's ability to effectively and safely instruct students or manage the course.

(G) No course manager or authorizing official shall knowingly permit any course manager 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) 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 five 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.

(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 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 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) Each authorizing official applying for a remedial driving course approval shall make application in writing to the department in the manner and on a form prescribed by the director.

(C) No remedial driving course enterprise established after the effective date of these rules may share the same name as any other remedial driving course enterprise unless the same person owns both. The enterprise name shall be registered with the Secretary of State.

(D) Each authorizing official applying for an original remedial driving course approval shall submit:

- (1) An application form supplied by the director;

(2) A list of all persons who are the approved course manager, the authorizing official, the course instructors, or officers of a corporation;

(3) A criminal abstract of the authorizing official provided by the bureau of criminal identification and investigation and dated by the bureau of criminal identification and investigation not more than ninety days prior to the date the application is received by the director;

(4) A copy of the course manager's certificate of training showing the course manager has completed, a course manager's course approved by the director;

(5) A certification that the applicant will operate the remedial driving course enterprise in compliance with all applicable local, state, and federal laws.

(6) A copy of a proposed curriculum for the adult remedial driving course for review and approval as provided in rule 4501-21-06 of the Administrative Code.

(7) A copy of the performance bond required in rule 4501-21-07 of the Administrative Code.

(E) During the application process, the department may conduct any inspections or investigations it deems necessary to ensure that the remedial driving course will be operated in compliance with all applicable statutes, rules and regulations.

(F) Upon approval, the department shall issue a certificate of approval that shall be displayed in a conspicuous place at the remedial driving course enterprise office.

(G) An 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) The director may deny an application for approval if the director determines the application does not satisfy the requirements of these rules. Any applicant whose application has been denied shall be afforded an opportunity for hearing in accordance with Chapter 119. of the Revised Code.

(I) An original course approval expires on December thirty-first of the calendar year following the year in which the approval was given.

(J) Renewal application: Each authorizing official applying for a renewal of a remedial driving course approval shall submit at least thirty days prior to the

expiration of the original approval:

- (1) An application form supplied by the director;
- (2) A list of all persons who serve as the approved course manager and the authorizing official, instructors for the course, or officers of a corporation;
- (3) A criminal abstract of the authorizing official provided by the bureau of criminal identification and investigation and dated by the bureau of criminal identification and investigation not more than ninety days prior to the date the application is received by the director;
- (4) If applicable, a copy of the course manager's certificate of training showing the course manager has completed, within the past ten years, a course manager's course approved by the director;
- (5) A certification that the applicant will operate the remedial driving course enterprise in compliance with all applicable local, state, and federal laws.
- (6) A copy of the approval document from the curriculum provider for the adult remedial driving course as provided in rule 4501-21-06 of the Administrative Code.
- (7) A copy of the performance bond required in rule 4501-21-07 of the Administrative Code.

(K) If a renewal application 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 submit an application for an original course approval in accordance with paragraph (D) of this rule.

(L) No authorizing official shall change the enterprise's name, ownership, or enterprise location without prior approval of the director. The director may require submission of a new original application for course approval if there is any change of ownership in the enterprise. The department may inspect any change in location.

(M) No person shall submit an 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.

(N) If an enterprise discontinues business for any reason, the authorizing official or course manager shall notify the director in writing within seven days. The notification shall identify where the course records will be stored. The enterprise shall return to the department any unused certificates, log sheets and certificates

of approval at the time of discontinuing business.

(O) 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.

(A) Each enterprise applying for adult remedial driving course approval shall submit to the department a proposed curriculum. Each enterprise shall only use an approved 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 or renewal system, minimum hours of training, and topics to be provided during instruction.

(B) The adult remedial driving course curriculum shall include a minimum of eight hours of instruction. A minimum of twenty-five per cent of the curriculum shall be devoted to instruction on driver attitude and a minimum of twenty-five per cent of instruction time shall be devoted to the area of alcohol and drugs and the operation of motor vehicles.

(C) The adult remedial driving course curriculum shall at a minimum address the following subject matter topics:

- (a) Driving involves risk that can be managed
- (b) Developing good visual habits
- (c) Communicating with others
- (d) Avoiding "blind spots"
- (e) Safe driving strategies and principals and courteous driving practices
- (f) Assessing speed and adjusting speed
- (g) Dynamics of a crash
- (h) Space management
- (i) Safe passing: passing and being passed
- (j) Handling driving emergencies

- (k) Safety restraint systems – safety belts, airbags, child passenger seats
- (l) Crash reporting and financial responsibility laws
- (m) Vehicle technology issues
- (n) Driver fitness
- (o) Alcohol, drugs and driving
- (p) Aggressive driving issues and road rage
- (q) Anatomical gifts and anatomical gift procedures
- (r) References to Ohio specific laws

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

(1) The student shall be able to navigate logically and systematically through the course;

(2) Technical support personnel shall be available and knowledgeable of course completion requirements and technical issues. Except for circumstance beyond control, a student shall have adequate access to telephonic technical assistance (help desk) 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 require is being met.

(E) Each remedial driving course enterprise shall maintain records demonstrating that all instructors have been properly trained in use of the curriculum.

(F) 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) If the enterprise is conducting a remedial driving enterprise course for juveniles, the enterprise is required to use the curriculum provided by the Department.

4501-21-07 Performance bond.

(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. Such bond shall be no less than five thousand dollars for the first course location and an additional two thousand five hundred dollars for each additional department-approved course conducted by the same enterprise at a different location. The performance bond 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.

(1) The current and valid performance bond 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 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.

(2) The bond shall include the remedial driving course enterprise name, the amount of the bond, the effective date, and the period of coverage.

(3) The bond shall name the department of public safety and the state of Ohio as obligees and shall stipulate that the director shall be notified ten days before the bond terminates due to its expiration or cancellation or before the bond is reduced in value.

(4) The above bond 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.

(5) Failure to maintain such performance bond, including the record of bond required by this rule, during any portion of the licensure period may result in suspension or revocation of a remedial driving course approval.

(B) The bond requirements of this rule shall be in addition to the bond requirements for a driver training enterprise as provided for in Chapter 4501-7 of the Administrative Code.

4501-7-08 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, 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.

(C) No person shall advertise in any manner a course of adult or juvenile remedial driving instruction prior to being approved as an adult or juvenile remedial driving course.

(D) No adult remedial driving course enterprise shall solicit or advertise for business without supplying its name 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 or investigations 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 a 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 an adult 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. 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 Registration Process.

(A) Should third-party data be required, there shall be a clause within the enrollment contract which identifies the type of any third-party data that will be accessed prior to or during validation of the student's identity and an adult remedial driving course enterprise shall obtain the student's prior approval before accessing the third-party data, if applicable;

(B) An enrollment contract shall 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;

(C) An enrollment contract shall specify that interruptions in course service may occur over 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;

(D) An enrollment contract shall include 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.

4501-21-12 Records, certificates of completion, & course evaluations

(A) Each remedial driving course enterprise shall keep true, accurate, and complete records pertaining to the courses taught.

(B) The records shall identify the students who took the course, the date the course was conducted and whether each student successfully completed the course.

(C) For each student, the enterprise shall complete and maintain a form prescribed by the department.

(D) Each enterprise shall maintain records regarding all training provided to its instructors and managers who are employed, if applicable.

(E) Each enterprise shall maintain a copy of all information provided to the department as part of the application process.

(F) Each enterprise shall keep any other records that the department may require as part of the remedial driving course approval process.

(G) Certificate of Completion

(1) Every student who successfully completes the remedial driving course shall be given a certificate of completion. The certificate shall be on a form prescribed by the department.

(2) The remedial driving course enterprise shall certify student participation during each required session.

(3) The remedial driving course enterprise shall certify that certificates of completion are awarded only to students who have successfully completed the entire remedial driving course.

(4) The remedial driving course enterprise shall institute reasonable measures to ensure the security of voided, replacement or unissued certificates of completion.

(5) The remedial driving course enterprise shall report to the department any lost, stolen, voided, or replacement certificates of completion or any circumstances suggesting that certificates were issued in violation of these rules. Both written and electronic notification shall be given immediately upon discovery.

(H) Course Evaluation

(1) An enterprise shall provide students with an opportunity to provide anonymous feedback on the course on an official form. The feedback forms shall be made available to the department upon request.

(2) A remedial driving course enterprise shall collect adequate student data to enable the department to evaluate the overall effectiveness of a course in reducing the number of violations and accidents of persons who successfully complete the course. The department may determine the reporting information and format and a level of effectiveness that serves the purposes of the department.

(3) All records shall be maintained for a period of three years.

4501-21-13 Classrooms.

(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 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:

(a) Comfortably accommodate students and instructors and have sufficient space to contain tables and chairs or desks for all students. The Juvenile Driver Improvement Program cannot be taught in the same classroom at the same time that the Adult Remedial Driving Course is conducted.

(b) Be equipped with a variety of audio and/or visual training aids that support the course curriculum.

(c) Be 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 a clean and functional restroom.

(e) Conform to all federal, state and local fire, building and safety regulations.

(B) Instruction

(1) The requirements in this rule apply to authorizing officials, course managers 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 taught and supervised by instructors that meet the requirements of this chapter. These instructors shall instruct students only under the authority and guidance of a department-approved adult remedial driving course. For the juvenile remedial driving course, the instructors shall instruct students using the department-provided curriculum.

(b) No radios, cell phones, electronic games or similar distractions shall be used or allowed during times of instruction.

(c) Classroom instruction shall consist 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 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 must be provided.

(e) There shall be no more than twenty-four students in a remedial driving course. A remedial driving course cannot be conducted with fewer than four students without approval from the director. At least one instructor who meets the requirements of this chapter must 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) Appropriate standards supplied by the department to ascertain the attendance of students shall be used.

(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 granted;

(ii) Any period of absence for any portion of instruction will require that the student complete that session of instruction. All make-up sessions must be equivalent in length and content to the instruction missed and taught by an instructor who meets the requirements of this chapter.

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

(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.

(2) 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.

(3) 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 will attempt to resolve them.

(4) 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) Before issuing a certificate of completion, 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 multiple choice questions, of which at least eighty per cent must be correctly answered by the student. The final examination questions shall be drawn from a bank of at least one hundred and twenty questions or three different test versions. No certificate of completion is to be issued unless an adult remedial driving course student has correctly answered eighty percent of the final examination questions

(2) Students taking the examination shall not be allowed to refer to any materials that may contain answers to the questions.

(3) Records of each examination given, which shall include the date, the student's score, the student's name, and the identity and signature of the person who graded the examination shall be maintained by the enterprise for a period of three years.

(4) Any student found cheating on the final examination shall not be issued a certificate of completion.

(5) If a student does not correctly answer eighty per cent of the final examination questions, the student shall have the opportunity to retake the final examination up to two additional times. The retake examinations shall be different tests. If the student fails to score at least eighty per cent after taking the examination the third time, the student shall be required to retake the course.

(6) For juvenile remedial courses, the enterprise shall use the assessment material provided by the department; this shall be employed in lieu of a final examination.

(D) Course Manager and Instructors

(1) Each remedial driving course enterprise shall employ a course manager who has successfully completed a course manager's course approved by the department.

(2) Each enterprise shall ensure each course 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 enterprise shall have policies in place establishing how the enterprise will ensure instructors and course managers comply with this chapter.

(4) Each enterprise shall ensure that all course managers and instructors:

(a) Possess a currently valid driver's license and have been the operator of a motor vehicle for at least three years.

(b) Have a record free of convictions for a felony, or of a misdemeanor, which is reasonably related to a person's ability to serve safely and honestly in connection with an adult remedial driving course enterprise, or an equivalent conviction from another jurisdiction.

(c) Have a driving record free of any of the following:

(i) Three or more chargeable crashes within the three years preceding the date of application;

(ii) 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;

(iii) 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;

(iv) 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.

(d) Have completed a continuing education course as required by the department and shall, upon request from the director, provide proof of the satisfactory completion of such training.

(1) In addition, the director may require attendance and satisfactory completion of department-sponsored workshops to update instructors on Ohio-specific information.

(2) The proof of satisfactory completion shall be in a manner or form prescribed by the director.

(e) Are required by policy to report any occurrences that would cause an instructor or course manager to no longer be employed or eligible to be employed as an instructor.

(5) Each enterprise shall periodically verify that the course manager and all instructors remain eligible to serve as course managers and instructors and shall at least every year obtain a driving abstract for each course manager and instructor.

4501-21-14 Technology-based instruction

An adult remedial driving course enterprise may use technology-based method(s) for delivery of the curriculum. This may be done in conjunction with classroom-based instruction or in lieu of classroom based training. Any enterprise that wants to use a technology-based instruction method beyond that provided for in paragraph (B)(1)(h) of rule 4501-21-11 of the Administrative Code shall, as part of the course approval application process, submit a proposal to the department.

The department shall review the proposal for technology-based instruction, and approve or deny approval of the proposed method. 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) An adult remedial driving course enterprise shall develop 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 (1)-(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 a course validation process that verifies student participation and comprehension of course material, including the following:

- (1) Built-in timers to ensure that the statutorily required amount of hours have been attended and completed by the student; and
- (2) Testing of student participation throughout the course to ensure that the student receives the minimum course content and time management requirements for instruction, as follows:

(a) At least forty course validation questions shall be asked throughout the course. Course validation questions shall be asked in every major unit or section throughout the course, not including the final examination;

(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) An enterprise shall incorporate a final examination that measures student knowledge and comprehension of course material by an examination of a total of at least forty multiple choice questions covering topics within the curriculum. The final examination questions shall be drawn from a bank of at least one hundred twenty questions. Test questions shall be generated in random order, and no test question shall be repeated within the forty-question final examination. Test questions shall be designed to ensure the student participated in the actual course instruction. A student must correctly answer eighty per cent or more of the questions on the final examination. No certificate of completion shall be issued unless an adult remedial driving course student has correctly answered eighty per cent of the final examination questions. The student shall be able to browse or review previously completed material during the course only, but may not access such pages during the examination portions of the course;

(F) An enterprise shall provide for systems security as follows:

(1) An adult remedial driving course enterprise shall develop and maintain a technology infrastructure that facilitates sound security and positively contributes to the student learning experience;

(2) An enterprise shall develop and maintain 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 a systems back-up and disaster recovery capability;

(4) An enterprise shall assure 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 a means to facilitate state audit, compliance, and verification requirements; and

(6) An enterprise shall develop and maintain 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, 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, 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.