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**4501-21-13 Classrooms.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (V) in rule 4501-21-01 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 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 Neither the "Juvenile Driver Improvement Program" nor the "Advanced Juvenile Driver Improvement Program" cannot can be taught in the same classroom at the same time that the "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."
  - (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) Classroom and behind-the-wheel instruction

- (1) 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 taught and supervised by instructors ~~that~~who 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.~~
    - (i) For the adult remedial program, instructors shall instruct students only under the authority and guidance of a department-approved adult remedial driving course;
    - (ii) For the juvenile remedial driving course, the instructors shall instruct students using the "Juvenile Driver Improvement Curriculum;"

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(iii) For the advanced juvenile remedial 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 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 shall be 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) 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 shall require that the student complete that 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) 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.
- (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

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enterprise shall 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 and advanced juvenile remedial 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 seventy-five per cent shall 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 shall be issued unless an adult remedial driving course student has correctly answered seventy-five percent of the final examination questions.~~

(a) For the adult remedial driving course, 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 shall be issued unless an adult remedial driving course student has correctly answered seventy-five percent of the final examination questions.

(b) For the advanced juvenile remedial course, the final examination shall consist of three different test versions with a minimum of ten questions per test.

- (2) Accommodations may be made for the final test to assist students who identify themselves as having learning difficulties.
- (3) Students taking the examination shall not be allowed to refer to any materials that may contain answers to the questions.
- (4) 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.
- (5) Any student found cheating on the final examination shall not be issued a certificate of completion.
- (6) 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 final examination one additional time. The retake examinations shall be different tests. 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.

~~(7) 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) Evaluations

(1) 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.

(2) For an advanced juvenile remedial 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

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rating for each exercise as 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.

## ~~(D)~~ (E) Course manager and instructors

(1) Each remedial driving course enterprise, other than an advanced juvenile remedial enterprise, shall employ a course manager who has successfully completed a course manager's course approved by the department.

(2) Each advanced juvenile remedial 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 for law enforcement driving, fire department or other similar agency or entity, military driving, or advanced or high performance driving, within ten years preceding the date of the chief instructor course.

~~(2)~~ (3) 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)~~ (4) Each enterprise shall have policies in place establishing how the enterprise shall ensure instructors, advanced skills instructors, chief instructors and course managers comply with this chapter.

~~(4)~~ (5) Each enterprise shall ensure that all course managers, chief instructors, advanced skills instructors 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 aof any~~ felony, or ~~of a~~ misdemeanor, ~~which~~ that 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; and

(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

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application.

(d) Have completed a continuing education course as established 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.

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

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

(e) For an advanced juvenile remedial program, the chief instructor shall complete an additional continuing education course every five years as approved by the department. The course shall include, at a minimum, topics on automotive technology advancement.

~~(e)~~ (f) 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)-(6) Each enterprise-~~ 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 driving abstract for each course manager, chief instructor , advanced skills instructor and instructor.