

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-~~04~~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 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) Each authorizing official applying for a remedial driving course approval shall submit the "Remedial Course Provider Application" to the department.
- (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) The "Remedial Course Provider Application";
 - (2) Proof of legal occupancy for each driver training school. The proof shall include 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 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.
 - ~~(2)~~(4) ~~A list of all persons who serve as the approved course manager or chief instructor, the authorizing official, the course instructors, or officers of a corporation;~~The "List of Personnel Used by the Enterprise";

~~(3)~~(5) ~~A criminal abstract~~Criminal background checks of the authorizing official ~~provided by the bureau of criminal identification and investigation and owner. The criminal background checks shall be dated by the bureau of criminal identification and investigation~~ not more than ninety days prior to the date the ~~application~~"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.

~~(4)~~(6) A copy of the course manager's certificate of training showing the course manager has completed a ~~course manager's~~ 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;

~~(5)~~(7) Certification that the authorizing official will operate the remedial driving course enterprise in compliance with all applicable local, state, and federal laws;

~~(6)~~(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.

~~(7)~~(9) A copy of the performance bond or evidence of an escrow account as required in rule 4501-21-07 of the Administrative Code;

~~(8)~~(10) Copies of ~~those forms that will be used by the enterprise as a student report form, an enrollment contract, and a course evaluation form.~~ the following forms:

(a) "Remedial Student Report Form";

(b) An enrollment contract; and

(c) The course evaluation form.

~~(9)~~(11) For an adult remedial driving course enterprise that includes technology-based method(s) training for students, the enterprise shall develop and implement 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).

(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) 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) In addition to requirements in paragraph (D) of this rule, an advanced juvenile program shall also submit:

(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) 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) 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 or location of training.
- (H) 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.
- (I) The authorizing official of an advanced juvenile driver improvement program enterprise 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.
- (J) 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.
- (K) An original course approval expires on December thirty-first of ~~the calendar~~ each year ~~following the year in which the approval was given.~~
- (L) ~~Renewal:~~ 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:~~ the "renewal requirements." "Renewal requirements" may include:
- (1) ~~A "Remedial Course Provider Application;"~~
 - (2)(1) ~~A list of all persons who serve as the approved course manager, or chief instructor and the authorizing official, instructors for the course, or officers of a corporation;~~ The "List of Personnel Used by the Enterprise";
 - (3)(2) ~~A criminal abstract~~ Criminal background checks of the authorizing official ~~provided by the bureau of criminal identification and investigation and owner. The criminal background checks shall be dated by the bureau of criminal identification and investigation~~ not more than ninety days prior to

the date the ~~application~~ "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.

(3) Submit proof of legal occupancy for each driver training school. The proof shall include 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.

(4) A copy of the course manager's certificate of training showing the course manager has completed a ~~course manager's~~ 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) Certification that the applicant will operate the remedial driving course enterprise in compliance with all applicable local, state, and federal laws;

(6) Proof of eligibility to provide training as set forth in paragraph (D)(6) of this rule;

(7) 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) 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) Copies of ~~those forms that will be used by the enterprise as a student report form, an enrollment contract, and a course evaluation form.~~ the following forms:

(a) "Remedial Student Report Form";

(b) An enrollment contract; and

(c) The course evaluation form.

- (M) 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 submit a "Remedial Course Provider Application" for an original course approval in accordance with paragraph (D) of this rule.
- (N) 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 "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) 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) If an enterprise discontinues business for any reason, the authorizing official, chief instructor or course manager shall ~~notify~~ submit the "Enterprise Closing Procedure" to the director in writing within seven days of the intended closure. The notification shall identify where the course records will be stored. The director shall make all unused certificates inaccessible to the enterprise.
- (Q) 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.

Effective: 06/25/2015

Five Year Review (FYR) Dates: 04/09/2015 and 04/09/2020

CERTIFIED ELECTRONICALLY

Certification

06/15/2015

Date

Promulgated Under: 119.03
Statutory Authority: 4510.311, 4510.038, 5502.011
Rule Amplifies: 4510.037, 4510.038
Prior Effective Dates: 6/1/00, 5/18/06, 11/8/07, 4/17/14