

## **4501-7-09 Driver education.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

Driver education courses for beginning drivers, who are between fifteen years and five months of age and eighteen years of age, may be delivered in a classroom or via an online program to satisfy the requirements as provided for in division (C) of section [4508.02](#) of the Revised Code.

(A) The following requirements apply to all driver education courses, instructors, and training managers, as applicable, who provide instruction to beginning drivers who are between the ages of fifteen years and five months and eighteen years of age.

(1) No student will be accepted for driver education before attaining the age of fifteen years and five months without approval from the director;

(2) The program shall be based on the principles of and cover, at a minimum, the body of knowledge contained in the "Ohio Driver Training Curriculum." The program shall include no less than twenty-four hours of driver education;

(3) The instruction shall consist of no less than sixty minutes of instruction for each hour credited toward completion of the required training;

(4) The instruction shall include dissemination of materials regarding anatomical gifts and anatomical gift procedures as specified in section [4508.021](#) of the Revised Code that are created or approved by the second chance trust fund advisory committee created under section [2108.17](#) of the Revised Code;

(5) The instruction shall include the dangers of driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication;

(6) It shall be the responsibility of the driver training enterprise offering the driver education instruction to determine each student's successful completion by means of a comprehensive final examination measuring driver knowledge.

(a) No student being tested shall be permitted to refer to any materials that may contain answers to the questions thereon;

(b) Student knowledge measured by the final examination shall be representative of the entire scope of knowledge of the driver training curriculum and of motor vehicle laws. These laws are summarized in the "Digest of Motor Vehicle Laws";

(c) The student shall answer seventy-five per cent or more of the questions comprising the final examination correctly in order to constitute a successful completion of the driver education course. If a student fails the exam, the student may be offered no more than two additional opportunities to pass without further education. Students may not be provided a final examination less than twenty-four hours from the last attempt;

(7) Not more than nine hours nor fewer than three hours of driver education shall be devoted to showing educational videos, slides or films that relate to driver training. No videos, slides or films, or activities unrelated to safe driving practices, driver knowledge, or driver skill shall be used;

(8) All training as required in this rule and rule [4501-7-10](#) of the Administrative Code, provided by the enterprise shall be made available to, and completed by, the student within six months of the first date of training, unless mitigating circumstances occur. Mitigating circumstances include health and family issues that disrupt the student's ability to receive training. Mitigating circumstances do not include the inability to schedule training due to parent or student elective or extra-curricular activities, such as sports and school clubs. Mitigating circumstances shall be documented in the student's record. Requests for special circumstances not listed to be considered as "mitigating" shall be requested through the department. If no mitigating circumstances are approved, training will be voided and the student shall re-take the training.

(B) In addition to the requirements for class "D" licensed schools listed in paragraph (A) of this rule, driver training courses for beginning drivers, shall also meet the following requirements:

(1) Students shall be taught and supervised by a licensed instructor. Licensed instructors shall instruct students only under the authority and guidance of a licensed driver training school;

(2) The classroom environment shall be maintained in a manner that is conducive to learning. In maintaining an environment that is conducive to learning, the school shall give consideration to the appropriate class size, appropriate methods of maintaining discipline, and any other relevant factors;

(3) The total training a student receives shall not exceed four hours in one day. Students receiving more than two continuous hours of training shall be permitted a break at the approximate mid-point of the lesson;

(4) Current textbooks or workbooks, as defined in paragraph (O) of rule [4501-7-01](#) of the Administrative Code, or other materials used for classroom instruction shall be available to every student taking that instruction. Instructional materials referenced during classroom instruction shall be provided for each student;

(5) A student absent from a training session shall make up the segment of the training that was missed prior to receiving a certificate of completion;

(6) In addition to requirements in paragraph (A)(6) of this rule, it shall be the responsibility of the training manager and the instructor to provide each student with a final examination at the completion of classroom instruction.

(a) The final examination shall be administered and graded in-person by a licensed instructor. Only examinations provided by the director may be used. Accommodations shall be made for the final examination to assist students with confirmed learning difficulties.

(b) The student may not re-take an exam that the student had previously taken and failed.

(c) The record of all final examinations given shall include the date the test was given, the student's score, the name and signature of the instructor who administered and graded the test, and the student's name and signature.

(d) The school's training manager or authorizing official shall store the results of such measurements and maintain the results in the school office for three years.

(C) In addition to the requirements listed in paragraph (A) of this rule, online driver education courses for beginning drivers, who are between fifteen years and five months of age and eighteen years of age, shall meet the following requirements:

- (1) Student curriculum and content based questions and/or comments shall be responded to by an online instructor. This includes, but is not limited to, responses to message boards, chat rooms, e-mails and telephone calls;
- (2) Any reference material required for the student to complete the online instruction must be provided to the student prior to the start of the online instruction;
- (3) Students shall receive a "Certificate of Enrollment" after completing two hours of online internet based instruction. The two hours shall not include the time spent for registration;
- (4) Each student successfully enrolled in an online driver education course shall be provided with a username and password. This username and password shall be required for each time the student logs into the program;
- (5) All instruction provided by the online provider must have measures in place that prevent a student from completing more than four hours of instruction in a twenty-four hour period;
- (6) No student shall be given more than four hours of training in an online driver education program within twenty-four hours from the previous day's log in. Students shall be provided with a break in instruction after two consecutive hours of training. The break shall be documented and recorded;
- (7) Personal validation questions shall appear periodically throughout the entire course and at a minimum shall appear once during the final examination. The student shall answer correctly the personal validation question within sixty seconds for the questions presented over the internet. The student shall have no more than one additional opportunity to answer another validation question if the student fails to answer correctly the first question. Failure to answer both validation questions correctly shall lock the student out of the program for twenty-four hours.
- (8) The online driver education program shall provide a final examination at the completion of the program. All final examinations shall be given during the online provider's operational hours and an online instructor shall be available during this time. In addition to the requirements in paragraph (A) (6) of this rule, final examinations shall:
  - (a) Include fifty questions that have been randomly drawn from the "Examination Questions Test Bank." No question shall appear more than once per final examination;
  - (b) Not identify the correct answer of a final examination question to the student until the entire test has been completed and submitted;
- (9) 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.
- (10) In order to meet the standards set forth in division (A)(2)(a) of section [4508.02](#) of the Revised Code, an online provider must implement and maintain all security controls included in the "Online Driver Education Security Assessment."

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