

## Agency Rule Report

**1. The date the notice of the intended rulemaking action was published in “The Oklahoma Register” pursuant to Section 255 of this title:**

November 25, 2024

**2. The name and address of the agency:**

Oklahoma State Board of Education, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, OK 73105

**3. The title and number of the rule:**

Subchapter 3. Funding Criteria

210:25-3-4. Personnel [AMENDED]

Subchapter 5. Budgeting and Business Management

Part 1. IMPLEMENTATION

210:25-5-4. Accounting [AMENDED]

**4. A citation to the constitutional or statutory authority for the rule:**

OK Const. Art. XIII § 5, 70 O.S. § 3-104, 70 O.S. § 22-113

**5. The citation to any federal or state law, court ruling, or any other authority requiring the rule:**

N/A

**6. A statement of the gist of the rule or a brief summary of the content of the adopted rule:**

The purpose of this proposed rule change is to ensure safety for students. Proposed changes require school districts to immediately report to the Oklahoma State Department of Education (“SDE” or “Department”) any employee that resigns or is not re-employed due, in whole or in part, to suspicion of abuse or neglect of a student. Further, proposed changes clarify language and bring rule in conformity with statute(s) and federal and state program regulations. Further, the proposed change clarifies procedures and issues regarding External Sources of Revenue.

**7. A statement explaining the need for the adopted rule:**

Changes were necessary to close loophole in rule and protect the health, safety, and welfare of students in the Oklahoma school system. Further, changes were needed in order to conform with current law as well as to clarify procedures and issues regarding External Sources of Revenue.

**8. The date and location of the meeting, if held, at which such rules were adopted or the date and location when the rules were adopted if the rulemaking agency is not required to hold a meeting to adopt rules:**

January 28, 2025; Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, OK 73105

**9. A summary of the comments and explanation of changes or lack of any change made in the adopted rules as a result of testimony received at all hearings or meetings held or sponsored by an agency for the purpose of providing the public an opportunity to comment**

**on the rules or of any written comments received prior to the adoption of the rule. The summary shall include all comments received about the cost impact of the proposed rules:**

Comments were generally in support of 210:25-3-4. Several commenters thanked the agency for these amendments at the public comment hearing as well as talked about how this proposed amendment would be beneficial to the public. One comment noted that “[t]he decision to uphold and strengthen Rule 210:25-3-4 is not merely about compliance; it is about ensuring that all students, especially those who are most vulnerable, have the safe, supportive, and nurturing environments they need to thrive.”

Though, one commenter noted that they “feel it would be best to report to a person than reporting to an online page,” referring to the Awareness Reporting Program. All complaints submitted through the Awareness Reporting Program are reviewed and investigated by employees of the Operations Department.

Few comments were received regarding 210:25-5-4. Though one commenter noted that “the recording of donations received from external sources of revenue are often one-time donations and not recurring in nature. Assuming the purpose for including this accounting is for budgeting purposes, such reporting could skew projections of future income for school districts.”

**10. A list of persons or organizations who appeared or registered for or against the adopted rule at any public hearing held by the agency or those who have commented in writing before or after the hearing:**

Alex Morain	Kevin Oxsen	Rob Friesen Thomas Public Schools
Allie Scott	Kyla Skeens	Robert Romines, Moore Public Schools
Andrea Kunkel, Cooperative Council for Oklahoma School Administration	Lacey Billeg Lana Oxsen Lindsey Oxsen	Sarah Rhodes Scott Burnett
Anthony Alfonso	Lucia Frohling	Sheena Martin
Cheri Butler	Luke Haley	Shirley Green
Crystal Huckabaa	Margaret Coates Owasso Public Schools	Susan Weisz
Darci Smith	Mary Nemcok	Terry Brown
Julie Miller OSSBA	Nishay Alfonso	Wendy Rue
Kacey Burnett	Paula Greenburg	Whitney Ward
Kenday Nashert		

**11. A rule impact statement if required pursuant to Section 303 of this title:**

See attached.

**12. An incorporation by reference statement if the rule incorporates a set of rules from a body outside the state, such as a national code:**

N/A

**13. The members of the governing board of the agency adopting the rules and the recorded vote of each member:**

Ryan Walters: Aye

Kendra Wesson: Aye

Donald Burdick: Aye

Katie Quebedeaux: Aye

Zachary Archer: Not Present

Sarah Lepak: Not Present

**14. The proposed effective date of the rules, if an effective date is required pursuant to paragraph 1 of subsection B of Section 304 of this title:**

The rules will become effective July 1, 2025, or as early as is allowed under the Administrative Procedures Act (i.e., ten days after the finally adopted rules are published in The Oklahoma Register).

**15. Any other information requested by the Governor, the Speaker of the House of Representatives, or the President Pro Tempore of the Senate.**

N/A

## RULE IMPACT STATEMENT

### 210:25-3-4. Personnel [AMENDED]

- a. What is the purpose of the proposed rule change?

The purpose of this proposed rule change is to ensure safety for students. Proposed change requires school districts to immediately report to the Oklahoma State Department of Education (“SDE” or “Department”) any employee that resigns or is not re-employed due, in whole or in part, to suspicion of abuse or neglect of a student. Further, proposed change brings rule in conformity with statute(s) as well as clarify language.

- b. What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?

The proposed change may affect students and their families, local education agencies (“LEAs”), school teachers, administrators, and other school personnel as well as members of the public dealing with LEAs, the State Board of Education (“SBE”), and the SDE. No costs are anticipated with these changes.

- c. What classes of persons will benefit from the proposed rule change?

The proposed change may be beneficial to students and their families, LEAs, school teachers, administrators, and other school personnel as well as members of the public dealing with LEAs, the SBE, and the SDE by allowing for cleaner processes as well as aligning rule with statute(s).

- d. What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?

The Department does not anticipate an economic impact upon persons or political subdivisions.

- e. What is the probable cost to the agency to implement and enforce the proposed rule change?

The Department does not anticipate any cost to the SBE or the SDE to implement and enforce the rule as a result of the proposed change in the rule at this time. Additional services, if any, will be performed by existing staff.

- f. What is the economic impact on any political subdivision to implement the proposed rule change? Will the rule require their cooperation in implementing or enforcing the rule?

The Department does not anticipate an economic impact upon persons or political subdivisions. Though, the proposed change would require schools’ cooperation in reporting.

- g. Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?

The proposed change is not directly related, or applicable to the economy or small business. The Department does not anticipate any adverse economic impact on small business as a result of the proposed change at this time.

h. What methods has the agency taken to minimize compliance costs? Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?

The Department does not anticipate any compliance costs and therefore is not aware of any other methods that could achieve the intended goal at a reduced burden.

i. Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.

The proposed change is designed to reduce risks to the public health and safety by requiring the reporting of any employee that resigns or is not re-employed due, in whole or in part, to suspicion of abuse or neglect of a student under the age of eighteen (18) years.

j. What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?

If the proposed change is not implemented, ex-employees may continue to abuse and/or neglect other students while remaining undetected.

k. Date Prepared: December 23, 2024

## RULE IMPACT STATEMENT

### 210:25-5-4. Accounting [AMENDED]

- a. What is the purpose of the proposed rule change?

The purpose of this proposed rule change is to ensure clarity and uniformity. Proposed change brings rule in conformity with statute(s) and federal and state program regulations. Further, the proposed change clarifies procedures and issues regarding External Sources of Revenue.

- b. What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?

The proposed change may affect students and their families, local education agencies (“LEAs”), school teachers, administrators, and other school personnel as well as members of the public dealing with LEAs, the State Board of Education (“SBE”), and the State Department of Education (“SDE” or “Department”). No costs are anticipated with these changes.

- c. What classes of persons will benefit from the proposed rule change?

The proposed change may be beneficial to students and their families, LEAs, school teachers, administrators, and other school personnel as well as members of the public dealing with LEAs, the SBE, and the SDE.

- d. What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?

The Department does not anticipate an economic impact upon persons or political subdivisions.

- e. What is the probable cost to the agency to implement and enforce the proposed rule change?

The Department does not anticipate any cost to the SBE or the SDE to implement and enforce the rule as a result of the proposed change in the rule at this time. Additional services, if any, will be performed by existing staff.

- f. What is the economic impact on any political subdivision to implement the proposed rule change? Will the rule require their cooperation in implementing or enforcing the rule?

The Department does not anticipate an economic impact upon persons or political subdivisions.

- g. Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?

The proposed change is not directly related, or applicable to the economy or small business. The Department does not anticipate any adverse economic impact on small business as a result of the proposed change at this time.

h. What methods has the agency taken to minimize compliance costs? Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?

The Department does not anticipate any compliance costs and therefore is not aware of any other methods that could achieve the intended goal at a reduced burden.

i. Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.

The proposed change does not concern public health, safety, or the environment.

j. What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?

The Department does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed change to the rule at this time.

Date Prepared: December 23, 2024