

## 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. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 1. STANDARD I: PHILOSOPHY (AND/OR MISSION) AND GOALS

210:35-3-5. Policy Regarding the Flag of the United States of America [NEW]

Part 11. STANDARD VI: STUDENT SERVICES

210:35-3-106. Guidance and counseling services [AMENDED]

Subchapter 5. Additional Standards for Elementary Schools

Part 13. STANDARD VII: THE MEDIA PROGRAM

210:35-5-74. Expenditures [AMENDED]

Subchapter 7. Additional Standards for Middle Level Schools

Part 13. STANDARD VII: THE MEDIA PROGRAM

210:35-7-64. Expenditures [AMENDED]

Subchapter 9. Additional Standards for Secondary Schools

Part 13. STANDARD VII: THE MEDIA PROGRAM

210:35-9-74. Expenditures [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. § 3-104.4

**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 the proposed rule changes is to ensure the significance of the American flag and the Pledge of Allegiance is recognized in the educational environment pursuant to Oklahoma law. Additionally, the proposed changes ensure school counselors’ time is dedicated to the schools’ Comprehensive School Counseling Programs as well as program planning and providing school support. Proposed changes clarify that expenditures under the rule are per school site. The proposed changes ensure clarity and uniformity. Further, the proposed changes bring rule in conformity with statute(s) as well as clarify procedures and administrative functions of the State Board of Education (“SBE”) and the State Department of Education (“SDE” or “Department”).

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

Changes were necessary to ensure the significance of the American flag is recognized in educational settings as well as students' rights to display the flag. Further, changes were necessary to clarify the duties and responsibilities of school counselors. Finally, changes were necessary to provide clarity and conformity with statute.

**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 varied regarding 210:35-3-5. Some were against this proposed amendment as they state it is unnecessary, others were for it as they state the importance of the flag. For example, one comment noted that “[a]ll schools already display both the US and OK flags.” While another stated “[a]ll students should learn more about our country and its history and our flags and the symbolism behind the design as well how this country and our state were founded....”

Comments regarding 210:35-3-106 were overwhelmingly favorable. Most comments came from current school counselors, who feel as though they are being delegated work that is inconsistent with their job duties and training. They believe that this rule will help resolve that issue. Also received comment from districts stating that they were opposed to the proposed amendments regarding school counseling as it limits flexibility and does not align with current practice.

No comments specific to 210:35-5-74, 210:35-7-64, and 210:35-9-74.

**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:**

Aadel Bussinger	Amy Cozens	Ashley Roby
Adrienne Turner	Amy Mills	Autumn Slaughter
Alexis Robertson Moore Public Schools	Amy Whitewater	Barbara Hair
Alicia Woodrum	Andrea Kunkel, Cooperative Council for Oklahoma School Administration	Becky Copeland, Owasso Public Schools
Allison Morris	Angie Lewandowski	Belinda Cole
Amber Mcmath	April Kisling	Bryan Armstrong
Amber Stephens		Carey Warner

Charly Salamanca	Julie Childers	Rebecca Worth
Chelsea Hinkle	Julie Miller OSSBA	Rhonda Willcox
Chris Morgan	Kathryn Lambert	Robert Romines, Moore Public Schools
Christina Cruze	Kathy McDonald	Ruth Ives
Christy Morrow	Katie Yokum	Sarah Austin
Deana Edgar	Kaylee Wilburn	Sarah Black
Denise Sunderland	Keith Mcartor	Sarah Kirk
Elisa Howell	Kia Rappe	Sarah Lynch
Erica Harris	Kimberly McCoy	Shawn Green
Gayle Debois	Kristal Williams	Sheena Martin
Gayle Lutts, Canadian Valley Tech Center	Laura Jones	Shelby Joiner
Gini Fox	Lauren Keester	Sherry Lindley
Gradie Green	Lauren Masters	Sherry Stonecipher
Haley Durbin	Leanne Campbell	Shirley Green
Hannah Williams	Lindsey Descher	Stephanie Bridgeman
Heather Bone	Lisa McBride	Stephanie Curfman
Heather Siess	Margaret Coates Owasso Public Schools	Susan Gierhart
Jacie Housman	Maritza Chavez	Susan Weisz
Jamica Black	Megan Cline	Suzy Sharp
Jamie Clevenger	Megan LeGrand	Tara Cowan
Jared Hinkle	Michelle Warren	Tom Clark
Jason Perez, Deer Creek	Mike Howe	Tony Pivec Tech Schools
Jayne Risenhoover	Misty Beiswanger	Tonya Bucher
Jenny Bynum	Pam Self	Tricia Weber
Jill Carson	Pam Young	Trina Renfrow
Jill Henderson	Pamela Fly	Wendy Zaragoza
John Lambert	Paula Greenburg	Whitney Ward

**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

210:35-3-5. Policy Regarding the Flag of the United States of America [NEW]

210:35-3-106. Guidance and counseling services [AMENDED]

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

The purpose of the proposed rule changes is to ensure the significance of the American flag and the Pledge of Allegiance is recognized in the educational environment pursuant to Oklahoma law. Additionally, the proposed changes ensure school counselors' time is dedicated to the schools' Comprehensive School Counseling Programs as well as program planning and providing school support. The proposed changes ensure clarity and uniformity. Further, the proposed changes bring rule in conformity with statute(s) as well as clarify procedures and administrative functions of the State Board of Education ("SBE") and the State Department of Education ("SDE" or "Department").

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 changes may affect students and their parent(s) or guardian(s), local education agencies ("LEAs"), school teachers, administrators, and other school personnel as well as members of the public dealing with LEAs, the 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 changes may be beneficial to students and their parent(s) or guardian(s), 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 rules as a result of the proposed changes in the rules 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. Schools will be required to submit a report regarding the proposed change. However, such reporting may be accomplished with existing staff.

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 changes are 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 changes 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 changes do 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 changes to the rules at this time.

k. Date Prepared: December 23, 2024

## RULE IMPACT STATEMENT

### 210:35-5-74. Expenditures [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 the rule in conformity with statute(s) as well as clarifies that expenditures under the rule are per school site.

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 parent(s) or guardian(s), 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 parent(s) or guardian(s), 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.

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.

k. Date Prepared: December 23, 2024



## RULE IMPACT STATEMENT

### 210:35-7-64. Expenditures [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 the rule in conformity with statute as well as clarifies that expenditures under the rule are per school site.

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 parent(s) or guardian(s), 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 this change.

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

The proposed change may be beneficial to students and their parent(s) or guardian(s), 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.

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.

k. Date Prepared: December 23, 2024

## RULE IMPACT STATEMENT

### 210:35-9-74. Expenditures [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) as well as clarifies that expenditures under the rule are per school site.

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 parent(s) or guardian(s), 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 this change.

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

The proposed change may be beneficial to students and their parent(s) or guardian(s), 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.

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.

k. Date Prepared: December 23, 2024