

RULE IMPACT STATEMENT
STATE DEPARTMENT OF EDUCATION

Title 210
Chapter 1. State Board of Education
Subchapter 5. Due Process
210:1-5-7-8

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

House Bill 1380 was signed into law on April 12, 2011, and will go into full force and effect on August 26, 2011. This bill reforms the dismissal procedures for career teachers by giving superintendents and local school boards the ability to dismiss or nonreemploy teachers in a timelier manner by repealing the trial de novo process. HB 1380 also requires the SBE to implement new hear procedures for districts to follow when dismissing teachers and revokes trial de novo procedures contained at 70 O.S. §6-1-1.27.

Due to this legislation, the existing SBE rules need to be modified and/or deleted to reflect the current status of the law that became effective August 26, 2011.

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?**

Career teachers will be affected by the proposed rule changes. Districts will also be affected by the new rules regarding the new hearing process they must follow to dismiss teachers. There are no costs associated with these procedural rule changes. Any costs that may be incurred by modification of the hearing procedures will be borne by the districts.

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

Districts and teachers will both benefit by providing clear procedural rules districts must follow when dismissing a teacher. The clarification of the process and establishment of procedure will benefit all parties affected by the legislative change in the dismissal procedures.

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

N/A. There is currently a due process hearing provided to probationary and non-career teachers. The removal of the trial de novo process and the adoption of one hearing process for all teachers will actually be less time consuming and costly to districts and provide one unified system for handling terminations within districts rather than two different kinds of termination procedures.

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

N/A. The proposed rule change is applicable to the districts. The SBE does not anticipate any cost or change in creating these procedural rules for the districts to follow as contemplated by HB 1380. Any cost incurred would be minimal as it relates to publication and posting of the new procedural rules.

- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The rule change is warranted by the removal of the trial de novo process by the legislature. It is believed the removal of the trial de novo process will actually result in a cost savings benefit to the districts by simplifying the teacher dismissal process.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
No. Title 75 O.S. § 504(D) states: “[t]he Oklahoma Small Business Regulatory Flexibility Act shall not apply to proposed permanent rules by an agency to implement a statute or ordinance that does not require an agency to interpret or describe the requirements of the statute or ordinance, such as state legislative or federally mandated provisions which afford the agency no discretion to consider less restrictive alternatives.” In this case, the state legislature has required these changes and the SBE to create procedural rules for districts to follow regarding teacher termination hearings.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- 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.**
No impact to public health, safety and environment is anticipated by these rule changes. The rule pertains to dismissal proceedings, which are administrative and/or legal procedures.
- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**
None. Note: HB 1380 requires new procedures to be passed by the SBE.
- k. The Rule Impact Statement was originally prepared July 11, 2011.

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