

RULE IMPACT STATEMENT

210:10-2-1. Parents' rights concerning their minor children. [NEW]

210:10-2-2. Definitions. [NEW]

210:10-2-3. Requirements. [NEW]

210:10-2-4. Noncompliance. [NEW]

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

The purpose of this rule is to protect parents' rights to direct the education of their minor children, implementing the education-related requirements of the Parents' Bill of Rights, codified at 25 O.S. § 2001-2005. The rule expands parents' right to be notified regarding sex education materials and to inspect school materials related to sex education by enforcing the right to encompass all instruction in sexuality, including gender identity or sexual orientation. The rule also ensures that an existing statutory prohibition, which bars state and local employees from encouraging or coercing minors to hide information from their parents, is enforced in school settings, and imposes an affirmative duty to disclose information to parents.

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 rule change will directly affect students, parents and/or guardians, and employees of public school districts, including teachers and administrators.

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

The rule change will benefit students, parents, and school communities by ensuring that parents' rights with regards to raising and educating their children are not deterred, interfered with, or subverted by the State or any of its political subdivisions, to include school districts and their employees. School district employees will also benefit from the additional clarity for the education-related requirements of the Parents' Bill of Rights, codified at 25 O.S. § 2001-2005, and from the willfulness requirement for noncompliance that prioritizes corrective action instead of penalties for school district employees acting in good faith.

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

The agency does not anticipate any economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time.

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

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

- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**

The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.

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

The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.

- 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.**

The agency anticipates passage of this permanent rule will protect the public health, safety, and environment. Violations of parents' rights prescribed in State law could have a direct impact on a minor's health and/or safety. Examples of such concerning violations include a government employee coercing a minor to withhold information from his/her parent or exposing them to unwanted sexuality material, The proposed rule would reduce the risk of such violations by clarifying and enforcing penalties for those violations. The rule also reduces the risk that schools will exclude parents from the education of their minor children by ensuring parents can quickly and appropriately respond to any change that may impact the student's health or safety.

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

Failure to implement the proposed rule at this time could allow State actors to exploit the lack of specificity or lack of clear enforcement tools with regards to the education-related requirements of the Parents' Bill of Rights, codified at 25 O.S. § 2001-2005, such that school districts do not adequately honor the rights of parents in educating their children as prescribed in State law. Additionally, failure to promptly disclose information to parents regarding their students, either intentionally or inadvertently, can have negative consequences for the student's health or safety.

- k. **Date Prepared:** February 14, 2023