

RULE IMPACT STATEMENT

210:20-29-5. Principle III [AMENDED]

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

The purpose of this rule change is to allow for dismissal of a certified teacher for sexual acts, acts that appeal to the prurient interest in sex, or acts that excessively promote sexuality either in the presence of a minor or in a manner available to a minor online.

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 affect local education agencies (LEAs) who must now enforce the additional limitation on permissible conduct by teachers.

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

The rule change will benefit parents, students, and school communities by excluding teachers from public schools who participate in the specified sexual conduct in a manner accessible to minors.

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

The agency anticipates some economic impact upon political subdivisions or affected classes because of implementation of the proposed rule change at this time because the amendment may require replacing certain personnel.

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

The agency anticipates some cost to the agency to implement and enforce as a result of the proposed change in the rule at this time because the agency may need to revoke some certificates in light of the amendment.

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 agency anticipates some economic impact on any political subdivision to implement the proposed rule change at this time because the amendment may require replacing certain personnel.

- 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. **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?**

While the agency does anticipate some costs, the agency is not aware of any measures that would minimize costs or otherwise 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 rule change concerns public health and safety because teachers who participate in certain sexualized conduct in the presence of minors or in a manner accessible to minors online are also likely to behave inappropriately in the presence of minors in a classroom. The proposed amendment removes that risk.

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

If the rule is not adopted, then certain teachers may continue behaving inappropriately in the presence of minors, threatening the public health and safety of those minors.

- k. **Date Prepared:** January 11, 2024