

RULE IMPACT STATEMENT

210:35-3-121. Statement of the standard [AMENDED]

210:35-3-121.1. Definitions. [NEW]

210:35-3-126. Collection requirements and penalty for noncompliance [AMENDED]

210:35-3-128. Evaluation [AMENDED]

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

The purpose of this rule is to prohibit school libraries from making pornographic materials or sexualized content available to minors. To facilitate the prohibition, this rule requires school districts to annually report a list of books and other materials available in their school libraries, either through a public online catalog or through a list reported to the Department. This rule also requires districts to have a written policy for reviewing library materials and for responding to complaints.

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, 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 minor students are not exposed to any sexualized content via school library/media programs. School district employees will also benefit 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 substantial 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. Exposing minors to sexualized content, to include pornography, is already a criminal offense due to the negative effects such exposure can have on children, and there should be no exception to this standard with regards to school libraries and media programs. The proposed rule would reduce the likelihood of such negative exposures in school settings by increasing accountability and transparency for school libraries and media programs.

- 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, either intentionally or inadvertently, to exploit the lack of specificity or clear enforcement tools with regards to ensuring school library and media program content is appropriate for consumption by minor students. Additionally, failure to promptly ensure compliance with these basic content standards poses a greater risk of minor students being exposed to sexualized content.

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