

RULE IMPACT STATEMENT

210:35-3-86. Qualifications; personnel records; health and safety. [AMENDED]

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

The purpose of this rule change is to apply an accreditation deficiency to school districts that maintain the active employment of a certified employee during an investigation that results in certificate revocation and to apply an accreditation deficiency to school districts that maintain the active employment of a non-certified employee during an investigation that finds the employee committed a felony.

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 impose costs on local education agencies (LEAs) who have inadequate investigation processes and incorrectly find no wrong done by a staff member who is ultimately found guilty of a felony or ineligible for certification.

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

The rule change will benefit school communities by ensuring that school districts take appropriate steps to address serious allegations regarding staff.

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

The agency anticipates limited economic impact upon political subdivisions or affected classes due to implementation of the proposed rule change at this time because the rule change would primarily affect LEAs with both problematic staff and inadequate investigation processes.

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 the rule as a result of the proposed change in the rule at this time.

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 limited economic impact on some political subdivisions to implement the proposed rule change at this time because LEAs with both problematic staff and inadequate investigation processes may experience some costs to fix either issue.

- 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?**

The agency has minimized compliance costs by focusing on the outcome while leaving the details of proper investigation to the LEAs, and the agency is not aware of any measures that would minimize costs. The agency 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 rule change concerns public health and safety because it seeks to prevent felons and other ineligible staff from continuing to work in public schools, where they could potentially endanger students, other staff, or the district.

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

The agency anticipates that if the rule change is not implemented, some school district will continue using inadequate investigation processes to resolve allegations regarding staff, which would have a negative effect on public health and safety.

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