

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

*PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY
RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY
THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F).*

SUBCHAPTER 1. GENERAL PROVISIONS

210:10-1-24. Student records

(a) School districts and local school sites are hereby prohibited from altering sex or gender designations in any prior year student records without authorization from the State Board of Education.

(b) Any authorization provided under subsection (a) must specify to the particular record at issue.

(c) School districts must promptly inform the State Board of Education of any pending litigation or any court order related to altering sex or gender designations in school records within their district.

(d) Notices that ensure compliance with subsection (b) are considered timely filed if provided to the Executive Secretary of the State Board within 14 calendar days of the school district's knowledge of litigation or of a Court order.

RULE IMPACT STATEMENT

210:10-1-24 Student records [NEW]

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

The purpose of this emergency rule is to prevent alteration of sex or gender designations in historical school records. The State Department of Education has received notice that some students changing their sex or gender with parental consent are also seeking to remove prior records that accurately reflect their sex or gender during prior years. The rule will provide districts with clear authority to protect their historical records.

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 authorities (LEAs) who maintain student records and will affect students who seek to change historic records. No costs are anticipated because the rule prohibits changes.

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

The rule change will benefit LEAs and school communities by protecting the accuracy of historic records for future use. This rule will also benefit anyone resolving conflicting records with an LEA by providing historical context and dates for any changes.

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

The agency anticipates no economic impact upon political subdivisions or affected classes as a result of implementation of the proposed rule change at this time because the rule prohibits certain actions from occurring.

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? Will the rule require their cooperation in implementing or enforcing the rule?

The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time. School districts will be required to cooperate with the rule by not making the prohibited changes.

- 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 does not anticipate any material costs and is not aware of any measures that would minimize costs as a result. 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 does not concern public health, safety, and environment. Instead, the agency anticipates passage of this emergency rule will avoid serious prejudice to the public interest in maintaining accurate government records. This rule is proposed to ensure that school records are not irreparably altered pending consideration of a permanent rule restricting changes to historical records. This rule will provide local districts a clear policy to oppose changes to historical records pending a decision on the proposed permanent rule.

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

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** September 28, 2023