

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 1. ADMINISTRATIVE OPERATIONS
SUBCHAPTER 1. THE OKLAHOMA STATE SYSTEM OF HIGHER EDUCATION**

RULE IMPACT STATEMENT

A. Brief description of the purpose of the proposed rule.

The Oklahoma Legislature passed HB 1775 during the 2021 legislative session and the bill was signed into law by Governor Kevin Stitt on May 7, 2021. HB 1775 created a new section of law, codified at 70 O.S. § 24-157(A)(1), and that provides the following: “No enrolled student of an institution of higher education within The Oklahoma State System of Higher Education shall be required to engage in any form of mandatory gender or sexual diversity training or counseling; provided, voluntary counseling shall not be prohibited. Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex shall be prohibited.”

In Black Emergency Response Team, et al. v. Drummond, et al., students, educators and others challenged 70 O.S. § 24-157 and its restrictions on training, counseling, orientation and requirements concerning race and gender at institutions of higher education among other restrictions on primary and secondary schools. Plaintiffs sought preliminary and permanent injunctive relief from enforcement of HB 1775.

On June 14, 2024, an Order of Preliminary Injunction was granted in part and denied in part and a Motion to Dismiss was granted in part and denied as moot in part. The case is still pending judgment on the merits.

Under 70 O.S. § 24-157, the Oklahoma State Regents for Higher Education are required to promulgate rules, subject to approval by the Governor and the Legislature, to implement the provisions of 70 O.S. § 24-157(A)(1). *See* 70 O.S. § 24-157(A)(2) (“Pursuant to the provisions of the Administrative Procedures Act, the Oklahoma State Regents for Higher Education shall promulgate rules, subject to approval by the Legislature, to implement the provisions of this subsection.”).

B. Description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities.

The proposed rule changes will affect the Oklahoma State Regents for Higher Education, public institutions comprising the Oklahoma State System of Higher Education and students who pursue degree pathways within the Oklahoma State System of Higher Education. No information on cost impacts has been received from any private or public entities.

C. Description of the classes of persons who will benefit from the proposed rule.

The proposed rule changes will benefit the Oklahoma State Regents for Higher Education, the public institutions comprising the Oklahoma State System of Higher Education and students who pursue degree pathways within the Oklahoma State System of Higher Education.

D. Description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change.

The proposed rules should have a neutral economic impact and do not involve fee changes.

E. Probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

The proposed rules should have a neutral impact on the agency and state revenue. The proposed rules are not expected to require revenue for implementation and enforcement.

F. Determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule.

The proposed rules are not expected to have an economic impact on any political subdivisions. Cooperation in implementing the rule will be necessary by the institutions comprising the Oklahoma State System of Higher Education.

G. Determination of whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

After consideration with reference to Section 303(A)(4) and 303(B)(6) of Title 75, it is believed that the proposed rules will have no adverse impact upon Small Business.

H. Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule.

Compliance costs are not expected. The Oklahoma State Regents for Higher Education will work with the institutions comprising the Oklahoma State System of Higher Education to minimize the administrative burden for implementing the rule.

I. Determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

The proposed rules will have no effect on the public health, safety, and environment.

J. Determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented.

No effect on the public health, safety, or the environment will result if the proposed rules are not implemented.

K. Date the rule impact statement was prepared and if modified, the date modified.

November 22, 2024