

1 ENGROSSED SENATE
2 BILL NO. 1539

By: Stanislawski of the Senate

3 and

4 West (Tammy) of the House
5

6 An Act relating to schools; amending 70 O.S. 2011,
7 Section 16-101, which relates to the State Textbook
8 Committee; modifying membership; adding dates;
9 providing for administrative services; requiring
10 compliance with the Oklahoma Open Records and
11 Oklahoma Open Meeting Acts; amending 70 O.S. 2011,
12 Section 16-102, as amended by Section 1, Chapter 75,
13 O.S.L. 2016 (70 O.S. Supp. 2019, Section 16-102),
14 which relates to meetings and processes of the State
15 Textbook Committee; clarifying language; defining
16 terms; directing the State Department of Education to
17 approve a process for selection of review teams;
18 providing for travel reimbursement; requiring the
19 Committee to create a rubric for use by review teams;
20 requiring review teams to submit rating
21 recommendations to the Committee; requiring final
22 rating and recommendation for each reviewed textbook
23 prior to publication of textbook list; requiring the
24 State Department of Education to house the State
Textbook Committee website; amending 70 O.S. 2011,
Section 16-104, which relates to consultants to the
State Textbook Committee; eliminating consultants;
clarifying standards; amending 70 O.S. 2011, Section
16-110, which relates to list of textbooks; modifying
the party to forward the list to local textbook
committees; including the rubric and rating for each
textbook in the list; modifying contents of the list;
requiring publication of the list by the State
Department of Education; amending 70 O.S. 2011,
Section 16-111, as last amended by Section 3, Chapter
488, O.S.L. 2019 (70 O.S. Supp. 2019, Section 16-
111), which relates to local textbook committees;
requiring local textbook committees to adopt
textbooks only from the list approved by the State
Textbook Committee; providing for a local review
process to be prescribed by the State Department of
Education; clarifying language; amending 70 O.S.

1 2011, Section 16-111.1, which relates to
2 supplementary textbooks and materials; requiring
3 local textbook committee to justify purchase of
4 certain supplementary textbooks and other
5 instructional materials; defining term; repealing 70
6 O.S. 2011, Section 16-101.1, which relates to the lay
7 citizen appointee; updating statutory language; and
8 providing an effective date.

9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 70 O.S. 2011, Section 16-101, is
11 amended to read as follows:

12 Section 16-101. There is hereby created the State Textbook
13 Committee, which shall be composed of thirteen (13) members
14 appointed by the Governor with the advice and consent of the Senate:
15 two members from each congressional district, two members from the
16 state at large and one member who shall be a lay citizen not having
17 a teaching certificate and having at least one child in the public
18 schools of Oklahoma. Beginning April 1, 2021, the Committee shall
19 be composed of thirteen (13) members. Twelve members shall be
20 appointed by the Governor with the advice and consent of the Senate:
21 two members from each congressional district and two members from
22 the state at large who shall be lay citizens not having a teaching
23 certificate and having at least one child in the public schools of
24 Oklahoma. The State Superintendent of Public Instruction, or a
designee, shall serve as the thirteenth member and shall serve as
chair of the Committee. However, when congressional districts are

1 redrawn, each member appointed prior to July 1 of the year in which
2 such modification becomes effective shall complete the current term
3 of office and appointments made after July 1 of the year in which
4 such modification becomes effective shall be based on the redrawn
5 districts. Appointments made after July 1 of the year in which such
6 modification becomes effective shall be from any redrawn districts
7 which are not represented by two board members until such time as
8 each of the modified congressional districts is represented by two
9 board members. A majority of the ~~twelve educator~~ members shall be
10 classroom teachers. The regular terms of all members shall be for
11 three (3) years. Members shall not be eligible to succeed
12 themselves. At no time shall more than one member of the State
13 Textbook Committee be an employee of the same school district. Each
14 educator member shall have had not less than five (5) years'
15 teaching or supervisory experience in the public schools of Oklahoma
16 at the time of appointment, and shall be actively employed in the
17 public schools of Oklahoma during the term of service on ~~said~~ the
18 Committee. ~~The~~ Until March 31, 2021, the State Superintendent of
19 Public Instruction or a designated member of the staff shall serve
20 as Secretary of the Committee and vote only when there is a tie vote
21 in the membership of the Committee. The State Department of
22 Education shall provide administrative services including a
23 secretary, to the Committee. Each member shall receive necessary
24 traveling expenses while in the performance of duties pursuant to

1 the State Travel Reimbursement Act. The State Textbook Committee
2 shall be subject to the Oklahoma Open Meeting Act and the Oklahoma
3 Open Records Act.

4 The Committee ~~may~~ shall meet at the call of the State
5 Superintendent of Public Instruction ~~at the State Capitol~~ and elect
6 by secret written ballot a ~~chair~~ and vice-chair from its membership
7 to serve for the year. The terms for which new members from the
8 congressional districts are appointed shall be staggered by the
9 Governor in making appointments. The terms of four members shall
10 expire each year. The four new members appointed each year shall be
11 certified in one of the curriculum areas in which the textbooks will
12 be adopted that ensuing fiscal year.

13 SECTION 2. AMENDATORY 70 O.S. 2011, Section 16-102, as
14 amended by Section 1, Chapter 75, O.S.L. 2016 (70 O.S. Supp. 2019,
15 Section 16-102), is amended to read as follows:

16 Section 16-102. A. The State Textbook Committee shall meet at
17 the call of the ~~chairperson~~ chair as often as necessary, with two
18 (2) weeks' public notice, to discharge its responsibilities. If
19 necessary, not later than the first day of December of each year the
20 State Textbook Committee shall meet ~~at the call of the chairperson~~
21 ~~at the State Capitol~~ and to select textbooks for subjects taught in
22 the public schools of the state ~~up to and including the twelfth~~
23 ~~grade~~ for grades prekindergarten through twelve, which selections
24 shall be for not more than six (6) years for every textbook.

1 B. The Committee may suspend any currently pending selection
2 process of textbooks and may extend by at least two (2) years the
3 six-year adoption period of those textbooks currently on the state
4 adopted list, for the purpose of delaying for two (2) years the six-
5 year adoption cycle of subjects.

6 C. "Textbooks", as used in Sections 16-101 through 16-124 of
7 this title, means instructional materials that are designed for use
8 by pupils as a learning resource. Instructional materials may be
9 printed or nonprinted and may include textbooks, technology-based
10 and other educational materials.

11 D. "List of textbooks" or "the list", as used in Sections 16-
12 101 through 16-111 of this title, means the official textbook list
13 required by Section 6 of Article XIII of the Oklahoma Constitution.
14 The list shall include the textbooks and other instructional
15 materials selected by the State Textbook Committee for use in the
16 common schools of the state.

17 E. The State Department of Education, in coordination with the
18 State Textbook Committee, shall approve an application process to
19 assemble annually one or more review teams comprised of subject
20 matter experts for each subject area under review to assist the
21 Committee in reviewing textbooks and instructional materials. The
22 number of review teams shall be contingent on the number of subject
23 areas under review each year. Members of the review teams shall
24 have specific expertise in the subject areas being reviewed that

1 year. Review teams shall consist of no less than twelve members
2 each but may be as large as is deemed necessary by the State
3 Textbook Committee and the State Department of Education. Subject
4 to the availability of funds within the State Department of
5 Education, members of the review teams shall receive from the
6 Department necessary traveling expenses while in the performance of
7 duties pursuant to the State Travel Reimbursement Act.

8 F. The Committee shall select textbooks or series of textbooks
9 for each subject, which, to the greatest extent possible, are in its
10 judgment satisfactory. The aligned with the subject matter
11 standards adopted by the State Board of Education pursuant to
12 Section 11-103.6 of this title. The Committee, in consultation with
13 the State Department of Education, shall adopt a rubric to be used
14 by the review teams as a means of evaluating textbooks submitted for
15 review. The rubric shall contain a three-tiered rating system in
16 which the first tier shall be labeled "Exemplifies Quality", the
17 second tier shall be labeled "Approaching Quality" and the third
18 tier shall be labeled "Not Representing Quality". The rubric shall
19 also include but not be limited to criteria for alignment to subject
20 matter standards such that all standards are present and treated
21 with the appropriate depth to support students in learning the
22 skills and information contained in the subject matter standards, as
23 well as usability for teacher planning, learning, assessment and
24 differentiated instruction. The Committee, in consultation with the

1 review teams, may include additional criteria specific to the
2 subject area being reviewed. The rubric shall require each
3 criterion to be scored individually with justification and shall
4 provide an overall recommendation for the rating.

5 G. Review teams shall review all materials in accordance with
6 the rubric adopted in subsection F of this section and shall submit
7 the review and recommended rating to the Committee. The Committee
8 shall consider but not be required to accept the recommended rating
9 of the review teams. The Committee may request that the review
10 teams supply additional information to support their recommendations
11 or the Committee may provide its own justification utilizing the
12 adopted rubric.

13 H. The Committee, having verified that the review process has
14 been conducted in a scrupulous and fair manner, shall adopt a final
15 rating for each textbook prior to including it on the textbook list
16 required by Section 16-110 of this title. The completed rubric for
17 each evaluated textbook including the review team's recommendations,
18 shall be made publicly available on the State Textbook Committee
19 website.

20 I. After a final textbook list is published, the State Textbook
21 Committee may determine that unusual or extraordinary circumstances
22 exist in a particular subject area during the period for which
23 textbooks have been selected for that subject area. Unusual or
24 extraordinary circumstances shall include but not be limited to

1 significant new techniques of teaching in a particular subject area
2 or significant new findings or discoveries in a particular subject
3 area. Upon a determination by three-fourths (3/4) of the members of
4 the State Textbook Committee that unusual or extraordinary
5 circumstances exist in a particular subject area, the Committee may
6 select one or more textbooks in that subject area for the remainder
7 of the adoption period.

8 ~~E.~~ J. The State Department of Education shall house the website
9 of the State Textbook Committee on its agency website.

10 K. Five or more district boards of education may petition the
11 State Board of Education to add a book or series of textbooks to the
12 approved list selected by the State Textbook Committee.

13 L. The State Board of Education shall promulgate rules to
14 implement the method and time frame for handling the petitions in
15 the most expeditious manner.

16 SECTION 3. AMENDATORY 70 O.S. 2011, Section 16-104, is
17 amended to read as follows:

18 Section 16-104. All bids shall be sealed and delivered to the
19 secretary of the State Textbook Committee, to be delivered by the
20 secretary to the Committee for the purpose of considering the bids.
21 The Committee shall meet prior to August 15 of each year at the time
22 and place mentioned in the advertisement required by Section 16-103
23 of this title, to open and examine the sealed bids received, and
24 make a full and complete investigation of all books and the bids

1 accompanying the same. ~~The Committee may use regular classroom~~
2 ~~teachers as consultants.~~ The books shall be selected after careful
3 consideration of all the books presented, and the books selected for
4 adoption shall be those which, ~~in the opinion of the Committee,~~ are
5 ~~best suited for the public schools in this state~~ rates as
6 "Exemplifies Quality" or "Approaching Quality" on the rubric
7 pursuant to Section 16-102 of this title. The Committee shall give
8 consideration to any legislative resolution concerning textbook
9 content and the testimony received at public hearings when making
10 the selections. The Committee shall proceed without delay to
11 select, for use of the public schools of this state, textbooks as
12 specified in this article and shall notify publishers to whom
13 contracts are awarded. If the State Textbook Committee determines
14 that significant inaccuracies exist in the contents of a textbook
15 which has been bid or that information contained in the textbook is
16 not current, the Committee may adopt the book on a provisional
17 basis. Final adoption of the textbook and use of textbook money
18 shall be contingent upon the publisher providing a modified or
19 revised textbook which is acceptable ~~by~~ to the State Textbook
20 Committee.

21 SECTION 4. AMENDATORY 70 O.S. 2011, Section 16-110, is
22 amended to read as follows:

23 Section 16-110. As soon as any contract is entered into for the
24 furnishing of textbooks for use in the public schools of the state,

1 the secretary of the State Textbook Committee shall send a list of
2 the textbooks selected by the State Textbook Committee to every
3 superintendent of schools ~~and local textbook committee~~ in the state,
4 ~~which~~ who shall supply it to the local textbook committee. The list
5 shall show the respective prices of such textbooks ~~and contain such~~
6 ~~other information as the secretary shall deem advisable,~~ the
7 completed rubric and the rating for each selected textbook as
8 required by Section 16-102 of this title. The ~~secretary~~ State
9 Department of Education shall annually publish and distribute a list
10 of all textbooks that have been selected ~~and that are then in force.~~

11 SECTION 5. AMENDATORY 70 O.S. 2011, Section 16-111, as
12 last amended by Section 3, Chapter 488, O.S.L. 2019 (70 O.S. Supp.
13 2019, Section 16-111), is amended to read as follows:

14 Section 16-111. A. Except as otherwise provided for in
15 subsection E of this section, the superintendent of schools of each
16 school district in the state shall appoint a local textbook
17 committee consisting of not fewer than three nor more than nine
18 members. Each committee shall have one lay member, with the
19 remainder of the members being teachers employed in the public
20 schools of the district, a majority of whom shall be classroom
21 teachers. The superintendent of schools or a designee who shall be
22 a principal or a curriculum specialist shall serve as chairperson of
23 the local textbook committee.

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1 B. Upon the written request of any duly appointed local
2 textbook coordinator, the publisher of a textbook selected by the
3 State Textbook Committee shall furnish at least one examination copy
4 of the textbook and the teacher edition of the textbook, if one is
5 published, and a copy of software for purposes of complete
6 demonstration and review, if available, to the school district so
7 that the local textbook committee may examine any or all new
8 adoptions in the subjects taught or to be taught in schools in the
9 district.

10 C. Except as otherwise provided for in subsection E of this
11 section, on or before a date to be fixed by the State Board of
12 Education, each local textbook committee shall adopt textbooks only
13 from the ~~multiple~~ list of textbooks selected by the State Textbook
14 Committee in a manner as shall be prescribed by the State Board of
15 Education. In order for the local textbook committee to adopt a
16 textbook that was not reviewed by the State Textbook Committee, the
17 local textbook committee shall conduct a review process in a manner
18 prescribed by the State Board of Education. Each local textbook
19 committee shall serve without compensation and shall cease to exist
20 when local adoptions have been completed and shall be replaced by
21 another local textbook committee appointed in the same manner as
22 provided for in this section.

23 D. Except as otherwise provided for in subsection E of this
24 section, on or before a date to be fixed by the State Board of

1 Education, the superintendent of each school district shall submit
2 to the State Board of Education a textbook plan outlining the
3 estimated number of textbooks needed by the school district and the
4 total amount of money to be expended by the district for textbooks
5 including the allocated funds and any additional supplemental funds
6 to be expended. The superintendent or textbook coordinator
7 appointed by the superintendent, shall place orders from the proper
8 depository or depositories for all of the textbooks needed as
9 outlined in the textbook plan by the district for the ensuing year.
10 The superintendent of a school district or textbook coordinator may
11 order any textbooks placed on the official ~~multiple textbook~~ list of
12 textbooks. If the order exceeds the allocation for each school
13 district as provided in Section 16-114a of this title any additional
14 funds expended shall be reported on the statement of expenditures
15 for the district.

16 E. 1. If a school district makes the election as provided for
17 in subsection B of Section 16-114a of this title, the district shall
18 not be required to appoint a local textbook committee, adopt
19 textbooks, submit a textbook plan, or expend money on the purchase
20 of textbooks during any fiscal year as provided for in this
21 subsection.

22 2. The provisions of paragraph 1 of this subsection shall cease
23 to be effective during the fiscal year which begins on the July 1
24 immediately succeeding the legislative session during which the

1 measure appropriating monies to the State Board of Education for the
2 financial support of public schools is enacted as law and such
3 appropriation amount is at least Fifty Million Dollars
4 (\$50,000,000.00) greater than the amount of money appropriated to
5 the State Board of Education for the financial support of public
6 schools for the fiscal year ending June 30, 2019, ~~pursuant to~~
7 ~~Chapter 146, O.S.L. 2018~~. Provided, the Fifty Million Dollars
8 (\$50,000,000.00) shall not include any amount of appropriations
9 dedicated for support or certified employee salary increases.

10 SECTION 6. AMENDATORY 70 O.S. 2011, Section 16-111.1, is
11 amended to read as follows:

12 Section 16-111.1. The funds allocated for textbooks in Section
13 16-114a of this title may be used by a school district for
14 supplementary textbooks and other instructional materials other than
15 those selected and ~~listed~~ placed on the list of textbooks by the
16 State Textbook Committee. The local textbook committee shall submit
17 a statement to the local board of education justifying any such
18 selections. For purposes of this section, "supplementary textbooks
19 and other instructional materials" shall mean materials pertaining
20 to subjects that are not reviewed by the State Textbook Committee or
21 materials that support instruction in the subject matter standards
22 as adopted by the State Board of Education in Section 11-103.6 of
23 this title that were not reviewed by the State Textbook Committee.

24

1 SECTION 7. REPEALER 70 O.S. 2011, Section 16-101.1, is
2 hereby repealed.

3 SECTION 8. This act shall become effective November 1, 2020.
4 Passed the Senate the 11th day of March, 2020.

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6 _____
7 Presiding Officer of the Senate

8 Passed the House of Representatives the ____ day of _____,
9 2020.

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11 _____
12 Presiding Officer of the House
13 of Representatives

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