

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 974

BY: WRIGHT

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1991,  
SECTIONS 16-103 AND 16-121, WHICH RELATE TO  
ADVERTISEMENT FOR BIDS ON TEXTBOOKS AND FREE  
TEXTBOOKS; PROVIDING THAT CERTAIN WORKBOOKS ARE NOT  
TEXTBOOKS; AUTHORIZING SCHOOL DISTRICTS TO REQUIRE  
PARENT OR GUARDIAN TO PAY FOR CERTAIN WORKBOOKS AND  
MATERIALS; PROVIDING FEE SCALE; SETTING MINIMUM  
FEE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN  
EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 16-103, is amended to read as follows:

Section 16-103. The State Textbook Committee shall advertise for books in all basic subjects in such manner and for such time as it may deem best. Prior to June 1 of each year, the Committee shall advertise for sealed bids from publishers of textbooks for furnishing textbooks for the public schools of this state. Each bid shall state specifically and clearly the price at which each book will be furnished FOB the bidder's depository or delivered to any

ordering school district in this state, and the price the books may be sold for through local retail book dealers, and shall be accompanied by a sample copy of each book offered in such bid, together with any teacher edition or teacher aids used with such book. A copy of each textbook for which a bid has been accepted by the Committee shall be displayed in at least one library or institution of higher education within each Congressional District in this state. The facility shall have free public access. The textbooks shall be displayed from the time they are accepted by the Committee until their final selection or rejection. A record of all the books delivered direct to any school district shall be immediately furnished by the shipper and the school district to the State Board of Education. It shall be required that each bidder deposit with the State Treasurer such sums of money as the Committee may require, which shall be not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00). Each bid shall be accompanied by a sworn statement specifically:

1. stating whether the publisher is the owner of any interest or share in any other textbook publishing houses and, if so, giving the names and addresses thereof;

2. showing whether any member of the Committee is in any manner interested, directly or indirectly, in such person, firm, or corporation submitting such bid; and

3. showing the name and address of every committee, public official, or individual in this state who has been furnished, within the preceding twelve (12) months, any copy of the textbook or textbooks or any edition thereof included in the bid, together with the numbers and titles thereof furnished to each recipient.

If the fact shall be disclosed that any member of the Committee, State Textbook Director, or any employee of that office is interested in the bidder, it shall work a disqualification of such

member, and he shall not be permitted to serve on the Committee, and the bidder shall be disqualified. If it shall be disclosed that such sworn statement does not accurately and completely give the information required, the State Textbook Committee shall disregard the bid. Oklahoma authors of school textbooks shall be permitted to receive the customary royalty, regardless of employment. The words "textbook" or "book" as used in this article shall include all printed materials intended for use in teaching. Provided that workbooks and other materials that cannot be reused by another student shall not be considered to be textbooks. Only materials approved by the State Textbook Committee shall be purchased from State Textbook Funds.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 16-121, is amended to read as follows:

Section 16-121. A. All textbooks adopted, purchased and distributed to school districts shall be furnished free of cost to the school children of such districts and shall be owned by such districts and each district shall mark each textbook with an appropriate number or other identification as deemed necessary to maintain proper records thereof. Every child shall be issued a complete set of textbooks for his grade, for his personal use, and the State Board of Education shall maintain a replacement program so that each child shall have, at all times, textbooks that are in satisfactory condition, and so that worn-out textbooks or textbooks that are in an unsanitary condition will not be used. All such textbooks shall be requisitioned, and no money allocated for the purchase of such textbooks shall be sent directly to a school district. The State Board of Education shall issue purchase orders for books to the Oklahoma depository of the publisher of the books, immediately upon receipt of requisitions therefor which are not in excess of the allocations for the district for the current or ensuing fiscal year. Nothing herein shall prevent the purchase,

from local school district funds, of any adopted textbook or any additional and supplementary textbooks if the board of education of any school district deems it necessary to make such purchases in order to establish and maintain the highest standards of excellence of its schools. Provided, that the chairman and secretary of the State Textbook Committee, on the advice and approval of the Attorney General, are hereby authorized and directed, with the consent of any holders of state textbook contracts, to change said contracts to conform to the provisions of this article. Provided, further, that all officially selected textbooks bearing the state stamp as previously required by law may be purchased by the State Board of Education even though the said stamp has not been removed.

Provided, further, that all officially selected textbooks which have been purchased by the State Board of Education are hereby made the property of the school district now in possession of said textbooks.

B. 1. Each school child who has been issued a set of textbooks pursuant to this section, and the parents or legal guardian of such child shall be responsible to the school district for the return of or payment for such textbook issued to the child which is not returned to the school.

2. The State Board of Education is authorized to promulgate rules and regulations requiring the return of or payment for any textbook used by a school child which is not returned to the school. Such rules and regulations shall provide for certain exceptions to such policies. Local boards shall include considerations for the inability to pay for the textbook, and reasons for the nonreturn of the textbook. A local school board is authorized to withhold transcripts, or other records of the school relating to any school child who fails to return a textbook or make payment for the textbook if not returned. For the purpose of this subsection, the term "transcript" shall include any record of a grade or grades given to a student by a teacher.

3. The provisions of this subsection shall not authorize the State Board of Education to prevent any school child from actually receiving a grade he is otherwise entitled to for completion of a course of study, from graduating upon completion of the requirements, or from obtaining any records or information supplied to the school or otherwise owned by the child.

4. Books, such as workbooks and other materials that cannot be reused by another student, shall not be construed as textbooks, and school districts may require a child's parent or guardian to pay all or part of the cost of such workbooks and other materials. The amount that a school district may require a parent or guardian to pay shall be based on the parent's or guardian's income so that lower income parents may pay less. In no case may a parent or guardian pay less than ten percent (10%) of the cost of such workbooks and materials.

SECTION 3. This act shall become effective July 1, 1992.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.