

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 760

By: Williams and Gustafson
of the Senate

and

Hager of the House

An Act relating to schools; providing for ♦
participation in the National Assessment of
♦Educational Progress; stating implementation
♦deadline; requiring State Board of Education to
♦promulgate certain rules requiring school
♦districts to allow certain testing and prohibiting
certain requirements for certain transfer
♦students; providing for codification; providing
an♥ effective date; and declaring an emergency.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

"(schools - amending 70 O.S., Sections 3-125, 16-103, 16-
111 and 16-113 - National Assessment of Educational
Progress - effective date - emergency)

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1210.514 of Title 70, unless
there is created a duplication in numbering, reads as follows:

The State Board of Education shall participate in the administration of the National Assessment of Educational Progress. The State Board of Education shall be responsible for making the application for participation of this state by the first deadline after passage of this act.

SECTION 2. AMENDATORY Section 2, Chapter 307, O.S.L. 1995 (70 O.S. Supp. 1996, Section 3-125), is amended to read as follows:

Section 3-125. A. The purpose of this act is to ensure that local schools have the necessary freedom to innovate and improve

education systems in order to maximize student learning and performance. Pursuant to this purpose, school districts shall be allowed to develop, make application for and implement educational improvement plans which would exempt the school district, a school site or any program, grade level, consortium of schools or school districts or other group within the district from the educational-related statutory regulations set forth in subsection ~~D~~ C of Section ~~3~~ 3-126 of this ~~act~~ title and the State Board of Education rules. The plans submitted by school districts and approved by the State Board of Education should emphasize innovation, flexibility, and collaboration at the local school level, accountability at the state and local level, dissemination of results, and strict emphasis on improved student achievement.

B. Beginning with the 1997-98 school year, the State Board of Education shall conduct an annual outreach campaign to local boards of education, school district superintendents, administrators, teachers, and parent organizations on the educational options provided in the Education Deregulation Act. The outreach shall place special emphasis upon the statutory requirements which may be waived under the provisions of this act. Workshops conducted annually by the State Department of Education for school personnel and for school board members shall include information on and examples of the options available for statutory waivers and deregulation when appropriate.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 16-103, as amended by Section 5, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1996, 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. 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. 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 the member 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. ~~Only materials approved by the State Textbook Committee shall be purchased from State Textbook Funds.~~

SECTION 4. AMENDATORY 70 O.S. 1991, Section 16-111, as last amended by Section 10, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1996, Section 16-111), is amended to read as follows:

Section 16-111. A. The superintendent of schools of each school district in the state shall appoint a local textbook committee consisting of not fewer than three nor more than nine members. Each committee shall have one lay member, with the remainder of the members being teachers employed in the public schools of the district, a majority of whom shall be classroom teachers. The superintendent of schools or a designee who shall be a principal or a curriculum specialist shall serve as chairperson of such local textbook committee.

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

C. On or before a date to be fixed by the State Board of Education, each local textbook committee shall adopt textbooks from the multiple list selected by the State Textbook Committee in such manner as shall be prescribed by the State Board of Education. Each local textbook committee shall serve without compensation and shall cease to exist when local adoptions have been completed and shall be

replaced by another local textbook committee appointed in the same manner as herein provided.

D. On or before a date to be fixed by the State Board of Education, the superintendent of each school district shall submit to the State Board of Education a ~~requisition for all of the textbooks adopted by the local textbook committee that will be needed for the ensuing year in the school or schools for which such adoptions were made, and immediately~~ textbook plan outlining the estimated number of textbooks needed by the school district and the total amount of money to be expended by the district for textbooks including the allocated funds and any additional supplemental funds to be expended. The superintendent or textbook coordinator appointed by the superintendent, shall place orders for all of the textbooks needed by the district for the ensuing year. Immediately upon receipt of such requisitions it shall be the duty of the State Board of Education to make requisitions on a textbook order by a school district the proper depository or, depositories or textbook publisher shall process and supply all orders for such textbooks. ~~Any~~ The superintendent of a school district or textbook coordinator may ~~requisition~~ order any textbooks placed on the official multiple textbook list, ~~if such requisition does not exceed.~~ If the order exceeds the allocation for each school district as provided in Section 16-114 of this title any additional funds expended shall be reported on the statement of expenditures for the district.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 16-113, as amended by Section 13, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 1996, Section 16-113), is amended to read as follows:

Section 16-113. A. All ~~textbooks shall be requisitioned, and no money~~ moneys allocated for the purchase of textbooks shall be sent directly to a the school district districts. ~~The cost of textbooks to be distributed to the several districts of the state shall be paid from funds appropriated for such purposes upon claims~~

~~approved by the State Board of Education~~ The treasurer of each school district shall enter the allocated textbook amount for deposit in the appropriate account and the reporting of financial transactions involving textbooks shall be made according to the Oklahoma Cost Accounting System, as adopted by the State Board of Education pursuant to Section 5-135 of this title. The price to be paid for instructional materials on the state textbook list shall be no greater than that stipulated in the contract with the publisher. ~~Upon receipt of a proper requisition for textbooks, the~~ The State Board of Education shall ~~issue~~ approve purchase ~~orders for~~ order forms to be used by school districts to order books ~~to the Oklahoma from the depository of the publisher of the books and shall cause the textbooks requisitioned to.~~ All books ordered shall be delivered to the school district. The amount requisitioned shall not exceed the total of the allocation of the school district as provided in Section 16-114 of this title The depository shall accept all textbooks returned by a school district for any reason and shall not charge a restocking or service fee for accepting the returned textbooks.

B. The State Board of Education shall provide sufficient office space, equipment, records and supplies necessary for a proper performance of the duties and functions vested in it and the State Textbook Committee, and the State Board of Education shall appoint and fix the compensation and duties of necessary personnel to assist the State Board of Education in performing its said duties and functions.

C. ~~The State Board of Education may provide a repair service for printed textbooks distributed to school districts. The State Board of Education shall prescribe rules for the repair of textbooks and for the distribution of repaired textbooks. Nothing herein shall require the State Board of Education to repair textbooks which in its judgment cannot be economically reconditioned~~ shall not

reserve any funds from appropriations made for the purchase of textbooks for rebinding or for freight or transportation costs.

Each school district shall be responsible for any cost incurred by that district for rebinding services or freight or transportation costs.

SECTION 6. AMENDATORY 70 O.S. 1991, Section 16-114, is amended to read as follows:

Section 16-114. Based upon legislative appropriations, the State Board of Education shall determine the textbook allocation to be distributed to each school district in the state. Except as otherwise provided for in this section, the amount allowed each school district shall be based on the legal average daily ~~attendance~~ membership of the school district for the second preceding school year as certified by the State Board of Education multiplied by ~~Twenty-five Dollars (\$25.00)~~ Thirty-two Dollars (\$32.00). ~~For any school district with an increase in membership pursuant to the provisions of subsection C of Section 18-200 of this title, the allocation shall be based upon an average daily attendance which is equivalent to the membership as determined pursuant to the provisions of subsection C of Section 18-200 of this title. Provided, that any~~ Any unused portion of the value of textbooks allowed to a school district shall be cumulative and shall be allowed to such school district the following fiscal year, in addition to the allocation it is entitled to receive during such fiscal year. ~~When it is determined by the State Board of Education that a surplus of textbooks exists in any school district in the state, the State Board of Education shall have the authority to transfer any or all surplus textbooks to another district or districts where the same are needed. Provided, further, that all~~ All textbooks distributed to a school district that have been destroyed by fire or other hazard shall be replaced by the State Board of Education. The total cost of all additional textbooks

delivered to school districts to replace those destroyed by fire or other hazard shall not exceed, for the entire state in any fiscal year, the aggregate sum of One Hundred Thousand Dollars (\$100,000.00), which sum shall be reserved for such purpose from any appropriation made to carry out the provision of this article for any fiscal year.

SECTION 7. This act shall become effective July 1, 1997.

SECTION 8. 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."

Passed the House of Representatives the 9th day of April, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate