

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1455

By: Staggs of the House

and

Robinson of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 1991, Section 1210.508, as last amended by Section 2, Chapter 188, O.S.L. 1995 (70 O.S. Supp. 1996, Section 1210.508), which relates to criterion-referenced tests; requiring the results of criterion-referenced tests be returned to school districts prior to May 1 of each year; amending 70 O.S. 1991, Sections 16-103, as amended by Section 5, Chapter 229, O.S.L. 1993, 16-111, as last amended by Section 10, Chapter 360, O.S.L. 1993, 16-113, as amended by Section 13, Chapter 229, O.S.L. 1993 and 16-114 (70 O.S. Supp. 1996, Sections 16-103, 16-111 and 16-113), which relate to textbooks; deleting certain requirement for only materials approved by the State Textbook Committee allowed to be purchased from State Textbooks Funds; replacing requisition submission mandate with textbook plan mandate; specifying such plan; providing for certain textbook orders; requiring certain report for additional funds expended; requiring certain textbook monies be sent directly to the school districts; modifying certain procedures related to such monies; limiting price to be paid for instructional materials; providing for certain procedures; authorizing school districts and depositories to confer on return plans; eliminating certain repair services provided by the State Board; requiring school districts to be responsible for costs of certain repair services; providing for certain responsibilities for school district treasurers relating to allotted textbook monies; providing procedures related thereto; modifying textbook allocation calculation; eliminating certain textbook transfer authorization; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1210.508, as last amended by Section 2, Chapter 188, O.S.L. 1995 (70 O.S. Supp. 1996, Section 1210.508), is amended to read as follows:

Section 1210.508 A. Beginning with the 1994-95 school year and every school year thereafter, the State Board of Education shall cause a norm-referenced test to be administered to every student enrolled in grades three and seven of the public schools of this state. The test used shall be selected by the Board and shall measure specific skills represented by learner objectives. The student skills to be tested at the specified grade levels shall include reading, mathematics, language arts, communications, science and the principles of citizenship in the United States and other countries through the study of the ideals, history and government of the United States and other countries of the world, and through the study of the principles of democracy as they apply in the lives of citizens. Because the purpose of such norm-referenced testing is to focus on the progress of students and to diagnose a student's strengths and weaknesses, the Board shall seek to ensure that data yielded from the test is utilized at the school district level to prescribe skill reinforcement and/or remediation by requiring school districts to develop and implement a specific program of improvement based on the test results.

B. Periodically the State Department of Education shall review existing norm-referenced tests commercially available and shall make recommendations to the State Board of Education which shall designate for statewide use those tests which evaluate the broadest range of identified, age-appropriate competencies.

C. The Board shall develop a series of criterion-referenced tests designed to indicate whether competencies Oklahoma public school students are expected to have attained in grades five, eight and twelve in mathematics, science, reading and writing of English, history, constitution and government of the United States, geography, and culture and the arts, and in grade twelve, Oklahoma history, as defined by the Board, have been mastered. The tests shall measure academic competencies and shall be designed and implemented in correlation with the implementation of

the curricula standards adopted by the Board pursuant to Section 11-103.6 of this title. The series of tests shall be field-tested and implemented by the following schedule:

Subject	Field-tested	Implemented
Mathematics	1993-94	1994-95
Science	1993-94	1994-95
Reading and Writing of English	1994-95	1995-96
History, Constitution and Government of the United States	1995-96	1996-97
Geography, and for grade 11, includes Oklahoma history	1996-97	1997-98
Culture and the Arts	1997-98	1998-99

D. The Board shall cause the tests in each subject to be field-tested during the year the field tests for each subject are scheduled. The Board shall cause the tests in each subject to be implemented by administering the fifth-grade competency test to fifth-grade students, by administering the eighth-grade competency test to eighth-grade students, and by administering the twelfth-grade competency test to eleventh-grade students in the public schools of this state during the spring semester of the year scheduled for implementation of tests in each subject. The Board shall administer the appropriate tests in each implemented subject to fifth-, eighth-, and eleventh-grade students every year after implementation. Students who do not perform satisfactorily on the implemented tests shall be provided opportunities for remediation and shall retake the tests at times established by the Board during subsequent years as follows: Fifth-grade tests shall be re-administered during the sixth and seventh grades; eighth-grade tests shall be re-administered during the ninth and tenth grades; and the twelfth-grade tests shall be re-administered during the twelfth grade.

E. Results of the criterion-referenced test series required in subsection C of this section shall be ~~included~~:

1. Returned, beginning with the 1998-99 school year, to each school district prior to May 1 of each year; and

2. Included in the summary report of the Oklahoma Educational Indicators Program published pursuant to Section 1210.531 of this title. The report shall include the number of students who perform satisfactorily on the tests, the number of students who do not perform satisfactorily, and the number of students who perform satisfactorily on subsequent administrations of the tests.

F. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series required in subsection C of this section. In the interest of economy the Board shall adapt criterion-referenced tests that have been developed by other states or are otherwise commercially available, or portions of such tests, to the extent that such tests are appropriate for use in the criterion-referenced test series to be administered to Oklahoma students.

G. The Board shall develop, administer, and incorporate as a part of the Oklahoma School Testing Program, other testing programs or procedures, including appropriate accommodations for the testing of handicapped students and students with learning disabilities, necessary to measure additional competencies of students which are not adequately measured by the tests required by this section.

SECTION 2. 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 3. 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 upon receipt of such requisitions it shall be the duty of the State Board of Education~~

~~to make requisitions on the proper depository or depositories for such textbooks~~ 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 from the proper depository or depositories for all of the textbooks needed as outlined in the textbook plan by the district for the ensuing year. ~~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 4. 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 monies~~ 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
Depositories are authorized to confer with individual school districts on plans to reduce the number of textbooks returned by school districts to depositories and to confer on restocking fees associated with such returns.

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 5. 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 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). 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~~ For the 1997-98 school year, and each year thereafter, the textbook allocation for each school district shall be calculated and distributed in July and adjusted in December. The initial allocation shall be calculated based on the audited end-of-year average daily attendance of the preceding school year multiplied by Thirty-two Dollars (\$32.00). The initial allocation shall be calculated and distributed to each school district in July. The December adjustment shall be calculated by multiplying the audited first nine (9) weeks average daily attendance for that current school year by Thirty-two Dollars (\$32.00) and subtracting from that amount the amount of the initial allocation. The adjustment shall be calculated in December and distributed to each eligible school district no later than January 15. A school district shall receive an adjustment only if the adjustment figure as calculated in this section is greater than zero. The State Department of Education shall retain from the total amount appropriated for textbooks not less than one percent (1%) of the total amount to be used for the purpose of making the adjustments. If the amount appropriated, including the retained amount, is not sufficient to fully fund the adjusted allocation each school district eligible for an adjustment shall receive a proportionate reduction in funding. Any unused portion of the value of textbooks allowed to a school district shall be cumulative and shall be allowed to such may be retained by the 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 3. 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.

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