

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2341

By: McNiel

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 3-104.4, which relates to accreditation  
9 standards; changing years during which withdrawal or  
10 denial of accreditation for failure to meet certain  
11 media program standards is prohibited; amending 70  
12 O.S. 2011, Sections 16-102, 16-111 and 16-114a, which  
13 relate to textbook adoption and allocation; directing  
14 the State Textbook Committee to suspend pending  
15 textbook selections processes; directing the  
16 Committee to extend the textbook adoption cycle for  
17 certain time period; changing years during which  
18 school districts are exempted from certain textbook  
19 adoption requirements; changing years during which  
20 school districts are allowed to expend the textbook  
21 allocation for other purposes; providing an effective  
22 date; and declaring an emergency.

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

24 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104.4, is  
amended to read as follows:

Section 3-104.4 A. On or before February 1, 1991, the State  
Board of Education shall adopt standards for the accreditation of  
the public schools in this state according to the requirements of  
this act, to be effective as set forth in this act. The

1 accreditation standards shall incorporate the curricular standards  
2 established pursuant to Section 11-103.6 of this title. The  
3 accreditation standards shall equal or exceed the accreditation  
4 standards for schools promulgated by the North Central Association  
5 of Colleges and Schools to the extent that the standards are  
6 consistent with an academic results oriented approach to  
7 accreditation, excluding those standards which deal with affective  
8 behavior to the extent the adoption of the standards does not  
9 conflict with state statute. The accreditation adopted by the State  
10 Board shall encompass accreditation for elementary schools, middle  
11 schools, junior high schools, and high schools. The accreditation  
12 standards shall be made available for public inspection at the  
13 offices of the State Department of Education.

14 B. Standards for accreditation adopted by the State Board of  
15 Education shall include standards relating to the provision of  
16 school counselors to the public school children of this state. The  
17 State Board of Education shall require each local school district to  
18 provide information regarding the number of counselors serving each  
19 school site, the duties of all such counselors including all  
20 administrative duties, the number of students served by each  
21 counselor, and information regarding the number of counselors  
22 employed per elementary school, middle school, junior high school  
23 and high school.

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1 C. Except as otherwise provided by subsection A of this section  
2 with regard to curricular standards, as a condition of receiving  
3 state accreditation pursuant to this act:

4 1. High schools shall meet the accreditation standards not  
5 later than June 30, 1995; and

6 2. Elementary, middle and junior high schools shall meet the  
7 accreditation standards not later than June 30, 1999.

8 Schools shall thereafter continue to meet the accreditation  
9 standards as a condition of continued accreditation. Nothing herein  
10 shall be construed as preventing changes to the adopted standards by  
11 the State Board of Education pursuant to the Administrative  
12 Procedures Act.

13 D. If one or more school sites fails to receive accreditation  
14 as required pursuant to this section by the dates set forth in  
15 subsection C of this section or subsequently loses accreditation,  
16 the State Board of Education shall close the school and reassign the  
17 students to accredited schools within the district or shall annex  
18 the district to one or more other districts in which the students  
19 can be educated in accredited schools.

20 E. State Board accreditation regulations shall provide for  
21 warnings and for assistance to schools and school districts whenever  
22 there is reason to believe a school is in danger of losing its state  
23 accreditation.

1 F. The State Board shall provide assistance to districts in  
2 considering the possibility of meeting accreditation requirements  
3 through the use of nontraditional means of instruction. The State  
4 Board shall also assist districts in forming cooperatives and making  
5 arrangements for the use of satellite instruction or other  
6 instructional technologies to the extent that use of such  
7 instructional means meets accreditation standards.

8 G. For the fiscal years ending June 30, ~~2011~~ 2013, and June 30,  
9 ~~2012~~ 2014, accreditation shall not be withdrawn from or denied nor  
10 shall a penalty be assessed against a school or school district for  
11 failing to meet the media materials and equipment standards and  
12 media program expenditure standards as set forth in the  
13 accreditation standards adopted by the Board.

14 H. The State Board shall not assess a financial penalty against  
15 any school district which is given a deficiency in accreditation  
16 status during the fiscal years ending June 30, 2011, and June 30,  
17 2012.

18 SECTION 2. AMENDATORY 70 O.S. 2011, Section 16-102, is  
19 amended to read as follows:

20 Section 16-102. A. The State Textbook Committee shall meet at  
21 the call of the chairperson as often as necessary, with two (2)  
22 weeks' public notice, to discharge its responsibilities. If  
23 necessary, not later than the first day of December of each year the  
24 State Textbook Committee shall meet at the call of the chairperson

1 at the State Capitol and select textbooks for subjects taught in the  
2 public schools of the state up to and including the twelfth grade,  
3 which selections shall be for not more than six (6) years for every  
4 textbook.

5 B. The Committee may suspend any currently pending selection  
6 process of textbooks and may extend by at least two (2) years the  
7 six-year adoption period of those textbooks currently on the state  
8 adopted list, for the purpose of delaying for two (2) years the six-  
9 year adoption cycle of subjects. Before September 1, 2012, the  
10 Committee shall suspend any currently pending selection process of  
11 textbooks and shall extend by at least two (2) years the six-year  
12 adoption period of those textbooks currently on the state adopted  
13 list, for the purpose of delaying for two (2) years the six-year  
14 adoption cycle of subjects.

15 C. "Textbooks", as used in Sections 16-101 through 16-124 of  
16 this title, means instructional materials that are designed for use  
17 by pupils as a learning resource. Instructional materials may be  
18 printed or nonprinted and may include textbooks, technology-based  
19 and other educational materials. Technology-based materials do not  
20 include the equipment required to make use of those materials.

21 D. The Committee shall select textbooks or series of textbooks  
22 for each subject, which are in its judgment satisfactory. The State  
23 Textbook Committee may determine that unusual or extraordinary  
24 circumstances exist in a particular subject area during the period

1 for which textbooks have been selected for that subject area.  
2 Unusual or extraordinary circumstances shall include but not be  
3 limited to significant new techniques of teaching in a particular  
4 subject area or significant new findings or discoveries in a  
5 particular subject area. Upon a determination by three-fourths  
6 (3/4) of the members of the State Textbook Committee that unusual or  
7 extraordinary circumstances exist in a particular subject area, the  
8 Committee may select one or more textbooks in that subject area for  
9 the remainder of the adoption period.

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

16 SECTION 3. AMENDATORY 70 O.S. 2011, Section 16-111, is  
17 amended to read as follows:

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

1 teachers. The superintendent of schools or a designee who shall be  
2 a principal or a curriculum specialist shall serve as chairperson of  
3 the local textbook committee.

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

13 C. Except as otherwise provided for in subsection E of this  
14 section, on or before a date to be fixed by the State Board of  
15 Education, each local textbook committee shall adopt textbooks from  
16 the multiple list selected by the State Textbook Committee in a  
17 manner as shall be prescribed by the State Board of Education. Each  
18 local textbook committee shall serve without compensation and shall  
19 cease to exist when local adoptions have been completed and shall be  
20 replaced by another local textbook committee appointed in the same  
21 manner as provided for in this section.

22 D. Except as otherwise provided for in subsection E of this  
23 section, on or before a date to be fixed by the State Board of  
24 Education, the superintendent of each school district shall submit

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

15 E. For the fiscal years ending June 30, ~~2011~~ 2013, and June 30,  
16 ~~2012~~ 2014, a school district shall not be required to appoint a  
17 local textbook committee, adopt textbooks, submit a textbook plan,  
18 or expend money on the purchase of textbooks during the fiscal year  
19 if the school district makes the election as provided for in  
20 subsection B of Section 16-114a of this title.

21 SECTION 4. AMENDATORY 70 O.S. 2011, Section 16-114a, is  
22 amended to read as follows:

23 Section 16-114a. A. Based upon legislative appropriations, the  
24 State Board of Education shall determine the textbook allocation to

1 be distributed to each school district in the state. Each year the  
2 textbook allocation for each school district shall be calculated and  
3 distributed in July and adjusted in December. The initial  
4 allocation shall be calculated based on the audited end-of-year  
5 average daily attendance of the preceding school year multiplied by  
6 Fifty-five Dollars (\$55.00). The initial allocation shall be  
7 calculated and distributed to each school district in July. The  
8 December adjustment shall be calculated by multiplying the audited  
9 first nine (9) weeks' average daily attendance for that current  
10 school year by Fifty-five Dollars (\$55.00) and subtracting from that  
11 amount the amount of the initial allocation. The adjustment shall  
12 be calculated in December and distributed to each eligible school  
13 district no later than January 15. A school district shall receive  
14 an adjustment only if the adjustment figure as calculated in this  
15 section is greater than zero. The State Department of Education  
16 shall retain from the total amount appropriated for textbooks not  
17 less than one percent (1%) of the total amount to be used for the  
18 purpose of making the adjustments. If the amount appropriated,  
19 including the retained amount, is not sufficient to fully fund the  
20 adjusted allocation, each school district eligible for an adjustment  
21 shall receive a proportionate reduction in funding. Any unused  
22 portion of the value of textbooks allowed to a school district shall  
23 be cumulative and may be carried over by the school district to  
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1 subsequent fiscal years, in addition to the allocation it is  
2 entitled to receive during that fiscal year.

3 B. For the fiscal years ending June 30, ~~2011~~ 2013, and June 30,  
4 ~~2012~~ 2014, a school district may elect to expend any monies  
5 allocated pursuant to this section for textbooks, including any  
6 monies carried over as authorized pursuant to subsection A of this  
7 section, for any purpose related to the support and maintenance of  
8 the school district as determined by the board of education of the  
9 school district.

10 C. All textbooks distributed to a school district that have  
11 been destroyed by fire or other hazard shall be replaced by the  
12 State Board of Education. The total cost of all additional  
13 textbooks delivered to school districts to replace those destroyed  
14 by fire or other hazard shall not exceed, for the entire state in  
15 any fiscal year, the aggregate sum of One Hundred Thousand Dollars  
16 (\$100,000.00), which sum shall be reserved for that purpose from any  
17 appropriation made to carry out the provision of this section for  
18 any fiscal year.

19 SECTION 5. This act shall become effective July 1, 2012.

20 SECTION 6. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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