

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1539

By: Stanislawski

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 16-101, which relates to the State Textbook Committee; modifying membership; adding dates; providing for administrative services; requiring compliance with the Oklahoma Open Records and Oklahoma Open Meeting Acts; amending 70 O.S. 2011, Section 16-102, as amended by Section 1, Chapter 75, O.S.L. 2016 (70 O.S. Supp. 2019, Section 16-102), which relates to meetings and processes of the State Textbook Committee; clarifying language; defining terms; directing the State Department of Education to approve a process for selection of review teams; providing for travel reimbursement; requiring the Committee to create a rubric for use by review teams; requiring review teams to submit rating recommendations to the Committee; requiring final rating and recommendation for each reviewed textbook prior to publication of textbook list; requiring the 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

1 textbooks only from the list approved by the State  
2 Textbook Committee; providing for a local review  
3 process to be prescribed by the State Department of  
4 Education; clarifying language; amending 70 O.S.  
5 2011, Section 16-111.1, which relates to  
6 supplementary textbooks and materials; requiring  
7 local textbook committee to justify purchase of  
8 certain supplementary textbooks and other  
9 instructional materials; defining term; repealing 70  
10 O.S. 2011, Section 16-101.1, which relates to the lay  
11 citizen appointee; updating statutory language; and  
12 providing an effective date.

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

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

16 Section 16-101. There is hereby created the State Textbook  
17 Committee, which shall be composed of thirteen (13) members  
18 appointed by the Governor with the advice and consent of the Senate:  
19 two members who hold current Oklahoma teaching certificates from  
20 each congressional district, two members who hold current Oklahoma  
21 teaching certificates from the state at large and one member who  
22 shall be a lay citizen not having a teaching certificate and having  
23 at least one child in the public schools of Oklahoma. Beginning  
24 April 1, 2021, the Committee shall be composed of thirteen (13)  
members. Twelve members shall be appointed by the Governor with the  
advice and consent of the Senate: two members who hold current  
Oklahoma teaching certificates from each congressional district, two  
members who hold current Oklahoma teaching certificates from the

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

1 Education shall provide administrative services, including a  
2 secretary, to the Committee. Each member shall receive necessary  
3 traveling expenses while in the performance of duties pursuant to  
4 the State Travel Reimbursement Act. The State Textbook Committee  
5 shall be subject to the Oklahoma Open Meeting Act and the Oklahoma  
6 Open Records Act.

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

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

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

1 the public schools of the state ~~up to and including the twelfth~~  
2 ~~grade~~ for grades prekindergarten through twelve, which selections  
3 shall be for not more than six (6) years for every textbook.

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

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

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

20 E. The State Department of Education, in coordination with the  
21 State Textbook Committee, shall approve an application process to  
22 assemble annually one or more review teams comprised of subject  
23 matter experts for each subject area under review to assist the  
24 Committee in reviewing textbooks and instructional materials. The

1 number of review teams shall be contingent on the number of subject  
2 areas under review each year. Members of the review teams shall  
3 have specific expertise in the subject areas being reviewed that  
4 year. Review teams shall consist of no less than twelve members  
5 each but may be as large as is deemed necessary by the State  
6 Textbook Committee and the State Department of Education. Subject  
7 to the availability of funds within the State Department of  
8 Education, members of the review teams shall receive from the  
9 Department necessary traveling expenses while in the performance of  
10 duties pursuant to the State Travel Reimbursement Act.

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

1 skills and information contained in the subject matter standards, as  
2 well as usability for teacher planning, learning, assessment and  
3 differentiated instruction. The Committee, in consultation with the  
4 review teams, may include additional criteria specific to the  
5 subject area being reviewed. The rubric shall require each  
6 criterion to be scored individually with justification and shall  
7 provide an overall recommendation for the rating.

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

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

23 I. After a final textbook list is published, the State Textbook  
24 Committee may determine that unusual or extraordinary circumstances

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

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

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

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

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

21 Section 16-104. All bids shall be sealed and delivered to the  
22 secretary of the State Textbook Committee, to be delivered by the  
23 secretary to the Committee for the purpose of considering the bids.  
24 The Committee shall meet prior to August 15 of each year at the time

1 and place mentioned in the advertisement required by Section 16-103  
2 of this title, to open and examine the sealed bids received, and  
3 make a full and complete investigation of all books and the bids  
4 accompanying the same. ~~The Committee may use regular classroom~~  
5 ~~teachers as consultants.~~ The books shall be selected after careful  
6 consideration of all the books presented, and the books selected for  
7 adoption shall be those which, ~~in the opinion of the Committee, are~~  
8 ~~best suited for the public schools in this state~~ rates as  
9 "Exemplifies Quality" or "Approaching Quality" on the rubric  
10 pursuant to Section 16-102 of this title. The Committee shall give  
11 consideration to any legislative resolution concerning textbook  
12 content and the testimony received at public hearings when making  
13 the selections. The Committee shall proceed without delay to  
14 select, for use of the public schools of this state, textbooks as  
15 specified in this article and shall notify publishers to whom  
16 contracts are awarded. If the State Textbook Committee determines  
17 that significant inaccuracies exist in the contents of a textbook  
18 which has been bid or that information contained in the textbook is  
19 not current, the Committee may adopt the book on a provisional  
20 basis. Final adoption of the textbook and use of textbook money  
21 shall be contingent upon the publisher providing a modified or  
22 revised textbook which is acceptable ~~by~~ to the State Textbook  
23 Committee.

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

3       Section 16-110. As soon as any contract is entered into for the  
4 furnishing of textbooks for use in the public schools of the state,  
5 the secretary of the State Textbook Committee shall send a list of  
6 the textbooks selected by the State Textbook Committee to every  
7 superintendent of schools ~~and local textbook committee~~ in the state,  
8 ~~which~~ who shall supply it to the local textbook committee. The list  
9 shall show the respective prices of such textbooks ~~and contain such~~  
10 ~~other information as the secretary shall deem advisable,~~ the  
11 completed rubric and the rating for each selected textbook as  
12 required by Section 16-102 of this title. The ~~secretary~~ State  
13 Department of Education shall annually publish and distribute a list  
14 of all textbooks that have been selected ~~and that are then in force.~~

15       SECTION 5.       AMENDATORY       70 O.S. 2011, Section 16-111, as  
16 last amended by Section 3, Chapter 488, O.S.L. 2019 (70 O.S. Supp.  
17 2019, Section 16-111), is 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 only  
16 from the ~~multiple~~ list of textbooks selected by the State Textbook  
17 Committee in a manner as shall be prescribed by the State Board of  
18 Education. In order for the local textbook committee to adopt a  
19 textbook that was not reviewed by the State Textbook Committee, the  
20 local textbook committee shall conduct a review process in a manner  
21 prescribed by the State Board of Education. Each local textbook  
22 committee shall serve without compensation and shall cease to exist  
23 when local adoptions have been completed and shall be replaced by  
24

1 another local textbook committee appointed in the same manner as  
2 provided for in this section.

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

20 E. 1. If a school district makes the election as provided for  
21 in subsection B of Section 16-114a of this title, the district shall  
22 not be required to appoint a local textbook committee, adopt  
23 textbooks, submit a textbook plan, or expend money on the purchase  
24

1 of textbooks during any fiscal year as provided for in this  
2 subsection.

3 2. The provisions of paragraph 1 of this subsection shall cease  
4 to be effective during the fiscal year which begins on the July 1  
5 immediately succeeding the legislative session during which the  
6 measure appropriating monies to the State Board of Education for the  
7 financial support of public schools is enacted as law and such  
8 appropriation amount is at least Fifty Million Dollars  
9 (\$50,000,000.00) greater than the amount of money appropriated to  
10 the State Board of Education for the financial support of public  
11 schools for the fiscal year ending June 30, 2019, ~~pursuant to~~  
12 ~~Chapter 146, O.S.L. 2018~~. Provided, the Fifty Million Dollars  
13 (\$50,000,000.00) shall not include any amount of appropriations  
14 dedicated for support or certified employee salary increases.

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

17 Section 16-111.1. The funds allocated for textbooks in Section  
18 16-114a of this title may be used by a school district for  
19 supplementary textbooks and other instructional materials other than  
20 those selected and ~~listed~~ placed on the list of textbooks by the  
21 State Textbook Committee. The local textbook committee shall submit  
22 a statement to the local board of education justifying any such  
23 selections. For purposes of this section, "supplementary textbooks  
24 and other instructional materials" shall mean materials pertaining

1 to subjects that are not reviewed by the State Textbook Committee or  
2 materials that support instruction in the subject matter standards  
3 as adopted by the State Board of Education in Section 11-103.6 of  
4 this title that were not reviewed by the State Textbook Committee.

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

7 SECTION 8. This act shall become effective November 1, 2020.

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