

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1539, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Stanislawski

Stanislawski-EB-FS-Req#3998
3/4/2020 10:43 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 1539

By: Stanislawski of the Senate

and

West (Tammy) of the House

FLOOR SUBSTITUTE

[schools - State Textbook Committee - membership -
meetings and processes - review teams - consultants -
local textbook committees - supplementary textbooks
and materials - repealer - lay citizen appointee -
effective date]

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

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

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

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

1 public schools of Oklahoma during the term of service on ~~said the~~
2 Committee. ~~The~~ Until March 31, 2021, the State Superintendent of
3 Public Instruction or a designated member of the staff shall serve
4 as Secretary of the Committee and vote only when there is a tie vote
5 in the membership of the Committee. The State Department of
6 Education shall provide administrative services including a
7 secretary, to the Committee. Each member shall receive necessary
8 traveling expenses while in the performance of duties pursuant to
9 the State Travel Reimbursement Act. The State Textbook Committee
10 shall be subject to the Oklahoma Open Meeting Act and the Oklahoma
11 Open Records Act.

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

21 SECTION 2. AMENDATORY 70 O.S. 2011, Section 16-102, as
22 amended by Section 1, Chapter 75, O.S.L. 2016 (70 O.S. Supp. 2019,
23 Section 16-102), is amended to read as follows:
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1 Section 16-102. A. The State Textbook Committee shall meet at
2 the call of the ~~chairperson~~ chair as often as necessary, with two
3 (2) weeks' public notice, to discharge its responsibilities. If
4 necessary, not later than the first day of December of each year the
5 State Textbook Committee shall meet ~~at the call of the chairperson~~
6 ~~at the State Capitol and~~ to select textbooks for subjects taught in
7 the public schools of the state ~~up to and including the twelfth~~
8 ~~grade~~ for grades prekindergarten through twelve, which selections
9 shall be for not more than six (6) years for every textbook.

10 B. The Committee may suspend any currently pending selection
11 process of textbooks and may extend by at least two (2) years the
12 six-year adoption period of those textbooks currently on the state
13 adopted list, for the purpose of delaying for two (2) years the six-
14 year 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.

20 D. "List of textbooks" or "the list", as used in Sections 16-
21 101 through 16-111 of this title, means the official textbook list
22 required by Section 6 of Article XIII of the Oklahoma Constitution.
23 The list shall include the textbooks and other instructional
24

1 materials selected by the State Textbook Committee for use in the
2 common schools of the state.

3 E. The State Department of Education, in coordination with the
4 State Textbook Committee, shall approve an application process to
5 assemble annually one or more review teams comprised of subject
6 matter experts for each subject area under review to assist the
7 Committee in reviewing textbooks and instructional materials. The
8 number of review teams shall be contingent on the number of subject
9 areas under review each year. Members of the review teams shall
10 have specific expertise in the subject areas being reviewed that
11 year. Review teams shall consist of no less than twelve members
12 each but may be as large as is deemed necessary by the State
13 Textbook Committee and the State Department of Education. Subject
14 to the availability of funds within the State Department of
15 Education, members of the review teams shall receive from the
16 Department necessary traveling expenses while in the performance of
17 duties pursuant to the State Travel Reimbursement Act.

18 F. The Committee shall select textbooks or series of textbooks
19 for each subject, which, to the greatest extent possible, are in its
20 judgment satisfactory. The aligned with the subject matter
21 standards adopted by the State Board of Education pursuant to
22 Section 11-103.6 of this title. The Committee, in consultation with
23 the State Department of Education, shall adopt a rubric to be used
24 by the review teams as a means of evaluating textbooks submitted for

1 review. The rubric shall contain a three-tiered rating system in
2 which the first tier shall be labeled "Exemplifies Quality", the
3 second tier shall be labeled "Approaching Quality" and the third
4 tier shall be labeled "Not Representing Quality". The rubric shall
5 also include but not be limited to criteria for alignment to subject
6 matter standards such that all standards are present and treated
7 with the appropriate depth to support students in learning the
8 skills and information contained in the subject matter standards, as
9 well as usability for teacher planning, learning, assessment and
10 differentiated instruction. The Committee, in consultation with the
11 review teams, may include additional criteria specific to the
12 subject area being reviewed. The rubric shall require each
13 criterion to be scored individually with justification and shall
14 provide an overall recommendation for the rating.

15 G. Review teams shall review all materials in accordance with
16 the rubric adopted in subsection F of this section and shall submit
17 the review and recommended rating to the Committee. The Committee
18 shall consider but not be required to accept the recommended rating
19 of the review teams. The Committee may request that the review
20 teams supply additional information to support their recommendations
21 or the Committee may provide its own justification utilizing the
22 adopted rubric.

23 H. The Committee, having verified that the review process has
24 been conducted in a scrupulous and fair manner, shall adopt a final

1 rating for each textbook prior to including it on the textbook list
2 required by Section 16-110 of this title. The completed rubric for
3 each evaluated textbook including the review team's recommendations,
4 shall be made publicly available on the State Textbook Committee
5 website.

6 I. After a final textbook list is published, the State Textbook
7 Committee may determine that unusual or extraordinary circumstances
8 exist in a particular subject area during the period for which
9 textbooks have been selected for that subject area. Unusual or
10 extraordinary circumstances shall include but not be limited to
11 significant new techniques of teaching in a particular subject area
12 or significant new findings or discoveries in a particular subject
13 area. Upon a determination by three-fourths (3/4) of the members of
14 the State Textbook Committee that unusual or extraordinary
15 circumstances exist in a particular subject area, the Committee may
16 select one or more textbooks in that subject area for the remainder
17 of the adoption period.

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

20 K. Five or more district boards of education may petition the
21 State Board of Education to add a book or series of textbooks to the
22 approved list selected by the State Textbook Committee.
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1 L. The State Board of Education shall promulgate rules to
2 implement the method and time frame for handling the petitions in
3 the most expeditious manner.

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

6 Section 16-104. All bids shall be sealed and delivered to the
7 secretary of the State Textbook Committee, to be delivered by the
8 secretary to the Committee for the purpose of considering the bids.
9 The Committee shall meet prior to August 15 of each year at the time
10 and place mentioned in the advertisement required by Section 16-103
11 of this title, to open and examine the sealed bids received, and
12 make a full and complete investigation of all books and the bids
13 accompanying the same. ~~The Committee may use regular classroom~~
14 ~~teachers as consultants.~~ The books shall be selected after careful
15 consideration of all the books presented, and the books selected for
16 adoption shall be those which, ~~in the opinion of the Committee, are~~
17 ~~best suited for the public schools in this state~~ rates as
18 "Exemplifies Quality" or "Approaching Quality" on the rubric
19 pursuant to Section 16-102 of this title. The Committee shall give
20 consideration to any legislative resolution concerning textbook
21 content and the testimony received at public hearings when making
22 the selections. The Committee shall proceed without delay to
23 select, for use of the public schools of this state, textbooks as
24 specified in this article and shall notify publishers to whom

1 contracts are awarded. If the State Textbook Committee determines
2 that significant inaccuracies exist in the contents of a textbook
3 which has been bid or that information contained in the textbook is
4 not current, the Committee may adopt the book on a provisional
5 basis. Final adoption of the textbook and use of textbook money
6 shall be contingent upon the publisher providing a modified or
7 revised textbook which is acceptable ~~by~~ to the State Textbook
8 Committee.

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

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

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1 SECTION 5. AMENDATORY 70 O.S. 2011, Section 16-111, as
2 last amended by Section 3, Chapter 488, O.S.L. 2019 (70 O.S. Supp.
3 2019, Section 16-111), is amended to read as follows:

4 Section 16-111. A. Except as otherwise provided for in
5 subsection E of this section, the superintendent of schools of each
6 school district in the state shall appoint a local textbook
7 committee consisting of not fewer than three nor more than nine
8 members. Each committee shall have one lay member, with the
9 remainder of the members being teachers employed in the public
10 schools of the district, a majority of whom shall be classroom
11 teachers. The superintendent of schools or a designee who shall be
12 a principal or a curriculum specialist shall serve as chairperson of
13 the local textbook committee.

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

23 C. Except as otherwise provided for in subsection E of this
24 section, on or before a date to be fixed by the State Board of

1 Education, each local textbook committee shall adopt textbooks only
2 from the ~~multiple~~ list of textbooks selected by the State Textbook
3 Committee in a manner as shall be prescribed by the State Board of
4 Education. In order for the local textbook committee to adopt a
5 textbook that was not reviewed by the State Textbook Committee, the
6 local textbook committee shall conduct a review process in a manner
7 prescribed by the State Board of Education. Each local textbook
8 committee shall serve without compensation and shall cease to exist
9 when local adoptions have been completed and shall be replaced by
10 another local textbook committee appointed in the same manner as
11 provided for in this section.

12 D. Except as otherwise provided for in subsection E of this
13 section, on or before a date to be fixed by the State Board of
14 Education, the superintendent of each school district shall submit
15 to the State Board of Education a textbook plan outlining the
16 estimated number of textbooks needed by the school district and the
17 total amount of money to be expended by the district for textbooks
18 including the allocated funds and any additional supplemental funds
19 to be expended. The superintendent or textbook coordinator
20 appointed by the superintendent, shall place orders from the proper
21 depository or depositories for all of the textbooks needed as
22 outlined in the textbook plan by the district for the ensuing year.
23 The superintendent of a school district or textbook coordinator may
24 order any textbooks placed on the official ~~multiple-textbook~~ list of

1 textbooks. If the order exceeds the allocation for each school
2 district as provided in Section 16-114a of this title any additional
3 funds expended shall be reported on the statement of expenditures
4 for the district.

5 E. 1. If a school district makes the election as provided for
6 in subsection B of Section 16-114a of this title, the district shall
7 not be required to appoint a local textbook committee, adopt
8 textbooks, submit a textbook plan, or expend money on the purchase
9 of textbooks during any fiscal year as provided for in this
10 subsection.

11 2. The provisions of paragraph 1 of this subsection shall cease
12 to be effective during the fiscal year which begins on the July 1
13 immediately succeeding the legislative session during which the
14 measure appropriating monies to the State Board of Education for the
15 financial support of public schools is enacted as law and such
16 appropriation amount is at least Fifty Million Dollars
17 (\$50,000,000.00) greater than the amount of money appropriated to
18 the State Board of Education for the financial support of public
19 schools for the fiscal year ending June 30, 2019, ~~pursuant to~~
20 ~~Chapter 146, O.S.L. 2018~~. Provided, the Fifty Million Dollars
21 (\$50,000,000.00) shall not include any amount of appropriations
22 dedicated for support or certified employee salary increases.

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

1 Section 16-111.1. The funds allocated for textbooks in Section
2 16-114a of this title may be used by a school district for
3 supplementary textbooks and other instructional materials other than
4 those selected and ~~listed~~ placed on the list of textbooks by the
5 State Textbook Committee. The local textbook committee shall submit
6 a statement to the local board of education justifying any such
7 selections. For purposes of this section, "supplementary textbooks
8 and other instructional materials" shall mean materials pertaining
9 to subjects that are not reviewed by the State Textbook Committee or
10 materials that support instruction in the subject matter standards
11 as adopted by the State Board of Education in Section 11-103.6 of
12 this title that were not reviewed by the State Textbook Committee.

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

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

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