

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1539

By: Stanislawski

AS INTRODUCED

An Act relating to textbooks; amending 70 O.S. 2011, Section 11-103.6b, as amended by Section 1, Chapter 257, O.S.L. 2018 (70 O.S. Supp. 2019, Section 11-103.6b), which relates to social studies curriculum; updating reference from the State Textbook Committee to the State Board of Education; 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 of the State Textbook Committee; removing language requiring the Committee to meet by certain date; directing the State Department of Education to establish certain review process for textbooks and other instructional materials; requiring that certain process be conducted online; providing for the review of certain subjects beginning in certain school year; providing elements of review process; directing the State Department of Education to post online and provide certain local committees certain list of textbooks and other instructional materials; providing certain construction; requiring a public school district to meet certain criteria prior to purchasing textbooks or other instructional materials that have not undergone certain review; allowing the State Board of Education rather than the State Textbook Committee to suspend certain selection process; removing certain definition; updating references; removing language allowing boards of education to petition for inclusion of certain textbooks on certain list; amending 70 O.S. 2011, Section 16-103, which relates to bids for textbooks; updating reference from the State Textbook Committee to the State Board of Education; removing language requiring certain display of certain textbooks; directing certain textbooks and materials under certain review to be

1 available online; providing for reasonable  
2 safeguards; allowing the State Board of Education to  
3 reject any and all bids; amending 70 O.S. 2011,  
4 Section 16-106, which relates to contracts with  
5 publishers; directing the State Department of  
6 Education to support certain cost efficiencies by  
7 providing for certain bulk purchasing through state  
8 contracts; updating references from the State  
9 Textbook Committee to the State Board of Education;  
10 allowing school districts to purchase textbooks and  
11 other materials through certain methods; directing  
12 the Department to provide certain central depository;  
13 removing language regarding certain contract changes;  
14 updating statutory language; amending 70 O.S. 2011,  
15 Section 16-107, which relates to revised and late  
16 editions; updating references from the State Textbook  
17 Committee to the State Board of Education; amending  
18 70 O.S. 2011, Section 16-108, which relates to surety  
19 bonds; updating statutory references; updating  
20 references from the State Textbook Committee to the  
21 State Board of Education; amending 70 O.S. 2011,  
22 Section 16-111, as last amended by Section 3, Chapter  
23 488, O.S.L. 2019 (70 O.S. Supp. 2019, Section 16-  
24 111), which relates to local textbook committees;  
updating references from the State Textbook Committee  
to the State Board of Education; providing statutory  
reference; amending 70 O.S. 2011, Section 16-113,  
which relates to the cost of textbooks; removing  
language directing the State Board of Education to  
provide certain office space and supplies for the  
State Textbook Committee; amending 70 O.S. 2011,  
Section 16-114a, as last amended by Section 4,  
Chapter 253, O.S.L. 2016 (70 O.S. Supp. 2019, Section  
16-114a), which relates to textbook allocations and  
adjustments; allowing use of funds on certain  
instructional materials; amending 70 O.S. 2011,  
Section 16-114.1, which relates to allocation of  
funds to purchase textbooks; updating statutory  
reference; allowing use of funds on certain  
instructional materials; amending 70 O.S. 2011,  
Section 16-115, which relates to contracts for  
textbooks; providing statutory references; requiring  
certain instructional materials to be kept in certain  
depository; updating statutory language; amending 70  
O.S. 2011, Section 16-118, which relates to rules for  
issuance of textbooks; providing for adoption of  
rules relating to issuance of other instructional

1 materials; removing language allowing the State  
2 Textbook Committee to adopt certain rules; amending  
3 70 O.S. 2011, Section 16-119, which relates to sample  
4 textbooks; updating references from the State  
5 Textbook Committee to the State Board of Education;  
6 providing for samples of certain instructional  
7 materials; amending 70 O.S. 2011, Section 16-121,  
8 which relates to providing textbooks free of cost;  
9 requiring certain instructional materials to be  
10 furnished free of cost to certain school children;  
11 amending 70 O.S. 2011, Section 16-122, which relates  
12 to bribes; removing reference to the State Textbook  
13 Committee; adding reference to instructional  
14 materials; amending 70 O.S. 2011, Section 16-123,  
15 which relates to soliciting or receiving bribes;  
16 removing reference to the State Textbook Committee;  
17 adding reference to instructional materials; amending  
18 70 O.S. 2011, Section 16-124, which relates to  
19 certain violations; updating statutory reference;  
20 removing reference to the State Textbook Committee;  
21 repealing 70 O.S. 2011, Sections 16-101, 16-101.1,  
22 16-102.1, 16-104, 16-109, 16-110, 16-111.1, 16-117  
23 and 16-120, which relate to the State Textbook  
24 Committee; and providing a conditional effective  
25 date.

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

27 SECTION 1. AMENDATORY 70 O.S. 2011, Section 11-103.6b,  
28 as amended by Section 1, Chapter 257, O.S.L. 2018 (70 O.S. Supp.  
29 2019, Section 11-103.6b), is amended to read as follows:

30 Section 11-103.6b. A. The State Board of Education shall adopt  
31 a social studies core curriculum with courses of instruction for all  
32 students enrolled in the public schools that reflect the racial,  
33 ethnic, religious, and cultural diversity of the United States of  
34 America. The United States history and Oklahoma history components  
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1 required in the social studies curriculum for all students shall  
2 include, but not be limited to, African Americans, Native Americans,  
3 and Hispanic Americans. The United States history component  
4 required in the social studies curriculum for all students shall  
5 include information about Juneteenth commemorating emancipation of  
6 enslaved African Americans.

7 B. The ~~State Textbook Committee~~ State Board of Education, when  
8 adopting textbooks, shall incorporate the provisions of subsection A  
9 of this section into the criteria used to evaluate United States  
10 history and Oklahoma history textbooks. Any United States history  
11 or Oklahoma history textbook on the state adopted textbook list  
12 shall conform to the purposes of this section. The ~~State Textbook~~  
13 ~~Committee~~ State Board of Education shall ensure that all social  
14 studies textbooks and supplementary materials selected to be  
15 purchased with state funds for use in Oklahoma classrooms reflect  
16 the racial, ethnic, religious, and cultural diversity of the United  
17 States.

18 C. It is the intent of the Legislature that a portion of the  
19 state funds appropriated for professional development in local  
20 school districts be used for workshops, seminars, guest lecturers,  
21 and other methods which further the purposes of this section.

22 D. As used in this section, "curriculum" means the subject  
23 matter standards adopted by the State Board of Education pursuant to  
24 Section 11-103.6 of this title. School districts shall exclusively

1 determine instruction, specific course curricula, reading lists and  
2 instructional materials pursuant to subsection F of Section 11-  
3 103.6a of this title.

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

7 Section 16-102. A. ~~The State Textbook Committee shall meet at~~  
8 ~~the call of the chairperson as often as necessary, with two (2)~~  
9 ~~weeks' public notice, to discharge its responsibilities. If~~  
10 ~~necessary, not later than the first day of December of each year the~~  
11 ~~State Textbook Committee shall meet at the call of the chairperson~~  
12 ~~at the State Capitol and select textbooks~~ The State Department of  
13 Education shall establish a transparent, digital process whereby the  
14 Department shall review textbooks and other instructional materials  
15 for subjects taught in the public schools of the state up to and  
16 including the twelfth grade, which selections shall be for not more  
17 than six (6) years for every textbook. The review process for  
18 textbooks and other instructional materials shall be conducted  
19 entirely online. Every aspect of the process, including the  
20 textbooks and other instructional materials under review and any and  
21 all comments submitted by publishers and other content providers,  
22 reviewers, parents and legal guardians and other members of the  
23 public shall be posted online and made readily accessible to all  
24 interested parties.

1       B. Beginning with the subjects that are scheduled for review in  
2 the 2021-2022 school year in accordance with the subject area  
3 textbook adoption cycle, the State Department of Education shall  
4 review textbooks and other instructional materials to determine the  
5 degree to which each aligns with the state subject matter standards  
6 adopted pursuant to Section 11-103.6a of this title. The review  
7 process shall, at a minimum, provide for the following:

8       1. Guidelines and timelines for the submission, review, comment  
9 and evaluation of textbooks and other instructional materials;

10       2. Establishment of review panels composed of public school  
11 teachers, some of whom shall be classroom teachers currently  
12 employed in schools in the state, and Oklahoma content experts who  
13 have knowledge of curriculum and the subject matter under  
14 consideration;

15       3. Evaluation criteria and procedures to determine the extent  
16 to which textbooks and other instructional materials submitted for  
17 review align with the state subject matter standards;

18       4. a. The opportunity for parents, legal guardians and the  
19 public to view and submit comments on all textbooks  
20 and instructional materials under review. A copy of  
21 all student edition textbooks and instructional  
22 materials under review shall be made readily available  
23 online for this purpose. Reasonable safeguards  
24

1 against unauthorized use, reproduction and  
2 distribution shall be provided.

3 b. The opportunity for publishers and other content  
4 providers to submit comments in response to review  
5 committee evaluations of their textbooks and other  
6 instructional materials. Publishers and content  
7 providers shall be given the opportunity to review an  
8 evaluation prior to its posting online and shall be  
9 given at least ten (10) business days to respond and  
10 make any correction to the content that they deem  
11 necessary.

12 c. All comments submitted in relation to a reviewed  
13 textbook or instructional material shall be posted  
14 online for ready access by any interested party; and

15 5. A requirement that all print textbooks and print  
16 instructional materials submitted for review be supplied in an  
17 electronic format that meets the provisions of subsection E of  
18 Section 16-106 of this title.

19 C. 1. The State Department of Education shall post online and  
20 provide to the local textbook committee of each school district a  
21 list of all textbooks and other instructional materials reviewed by  
22 the Department, including information indicating the degree to which  
23 each aligns with the state subject matter standards.

1        2. The list of reviewed textbooks and other instructional  
2 materials provided pursuant to this subsection shall include  
3 textbooks and instructional materials for each subject at each grade  
4 level that are fully aligned with the state subject matter  
5 standards.

6        3. Any list of reviewed textbooks and other instructional  
7 materials prepared by the Department shall contain a statement to  
8 the effect that the textbooks and instructional materials contained  
9 therein were reviewed for the sole purpose of determining the degree  
10 of alignment with the state subject matter standards and that it is  
11 the responsibility of each local textbook committee to determine if  
12 their use is appropriate to meet the educational needs of its  
13 students.

14        4. Nothing in this subsection shall be construed as prohibiting  
15 a public school district from purchasing or otherwise acquiring  
16 textbooks and instructional materials that are not included in the  
17 list of reviewed textbooks and instructional materials prepared by  
18 the Department, provided the use of such textbooks and instructional  
19 materials is not prohibited by the policies of the school district  
20 board of education. Prior to a public school district purchasing or  
21 otherwise acquiring textbooks and instructional materials that have  
22 not been reviewed by the State Department of Education:  
23  
24  
25



- 1           a. the district's local textbook committee shall review  
2           and provide input relative to the textbooks and  
3           instructional materials under consideration,  
4           b. the district shall provide an opportunity for parents,  
5           legal guardians and other members of the public to  
6           provide input relative to the textbooks and  
7           instructional materials under consideration, and  
8           c. the district board of education shall include on its  
9           website a link to the State Department of Education  
10           website showing the review process established  
11           pursuant to subsection B of this section.

12       D. The Committee State Board of Education may suspend any  
13 currently pending selection process of textbooks and instructional  
14 materials and may extend by at least two (2) years the six-year  
15 adoption period of those textbooks currently on the state adopted  
16 list, for the purpose of delaying for two (2) years the six-year  
17 adoption cycle of subjects.

18       ~~C. "Textbooks", as used in Sections 16-101 through 16-124 of~~  
19 ~~this title, means instructional materials that are designed for use~~  
20 ~~by pupils as a learning resource. Instructional materials may be~~  
21 ~~printed or nonprinted and may include textbooks, technology-based~~  
22 ~~and other educational materials.~~

23       ~~D.~~ E. The Committee State Board of Education shall select  
24 textbooks or series of textbooks for each subject, which are in its

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

13 ~~E. 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 F. 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~~ provisions of this section.

19 SECTION 3. AMENDATORY 70 O.S. 2011, Section 16-103, is  
20 amended to read as follows:

21 Section 16-103. A. The ~~State Textbook Committee~~ State Board of  
22 Education shall advertise for ~~books~~ textbooks and other  
23 instructional materials in all basic subjects in such manner and for  
24 ~~such time as it may deem best~~ accordance with the provisions of

1 Section 16-102 of this title. Each year the ~~Committee~~ Board shall  
2 advertise for sealed bids from publishers of textbooks for  
3 furnishing textbooks and other instructional materials for the  
4 public schools of this state. Each bid shall state specifically and  
5 clearly the price at which each book will be furnished FOB the  
6 bidder's depository or delivered to any ordering school district in  
7 this state, and the price the books may be sold for through local  
8 retail book dealers, and shall be accompanied by a sample copy of  
9 each book offered in such bid, together with any teacher edition or  
10 teacher aids used with such book. A copy of ~~each textbook for which~~  
11 ~~a bid has been accepted by the Committee shall be displayed in at~~  
12 ~~least one library or institution of higher education within each~~  
13 ~~Congressional District in this state~~ all student edition textbooks  
14 and instructional materials under review by the State Department of  
15 Education shall be made readily available online pursuant to the  
16 provisions of Section 16-102 of this title. Reasonable safeguards  
17 against unauthorized use, reproduction and distribution shall be  
18 provided. ~~The facility shall have free public access. The~~  
19 ~~textbooks shall be displayed from the time they are accepted by the~~  
20 ~~Committee until their final selection or rejection.~~ A record of all  
21 the ~~books~~ textbooks and other instructional materials delivered  
22 ~~direct~~ directly to any school district shall be immediately  
23 furnished by the shipper and the school district to the State Board  
24

1 of Education. Each bid shall be accompanied by a sworn statement  
2 specifically:

3 1. Stating whether the publisher is the owner of any interest  
4 or share in any other textbook publishing houses and, if so, giving  
5 the names and addresses thereof;

6 2. Showing whether any member of the ~~Committee~~ State Board of  
7 Education is in any manner interested, directly or indirectly, in  
8 such person, firm, or corporation submitting such bid; and

9 3. Showing the name and address of every committee, public  
10 official, or individual in this state who has been furnished, within  
11 the preceding twelve (12) months, any copy of the textbook or  
12 textbooks or any edition thereof included in the bid, together with  
13 the numbers and titles thereof furnished to each recipient.

14 If the fact shall be disclosed that any member of the ~~Committee,~~  
15 ~~State Textbook Director,~~ State Board of Education or any employee of  
16 ~~that office~~ the State Department of Education is interested in the  
17 bidder, it shall work a disqualification of such member, and the  
18 member shall not be permitted to ~~serve on the Committee~~ take part in  
19 any vote related to the bidder, and the bidder shall be

20 disqualified. If it shall be disclosed that such sworn statement  
21 does not accurately and completely give the information required,  
22 the ~~State Textbook Committee~~ State Board of Education shall  
23 disregard the bid. Oklahoma authors of school textbooks shall be  
24

1 permitted to receive the customary royalty, regardless of  
2 employment.

3 B. The State Board of Education shall have and reserve the  
4 right to reject any and all bids if the Board be of the opinion that  
5 any and all bids should, for any reason, be rejected. In case the  
6 Board fails to select from among the proposals submitted sufficient  
7 textbooks and other instructional materials for any of the subjects,  
8 it may advertise for sealed bids under the provisions of this  
9 section.

10 SECTION 4. AMENDATORY 70 O.S. 2011, Section 16-106, is  
11 amended to read as follows:

12 Section 16-106. A. The State Department of Education shall  
13 support school district boards of education in achieving maximum  
14 cost efficiencies and reducing regulatory burdens in the purchase  
15 and acquisition of textbooks and other instructional materials by  
16 providing for bulk purchasing through state contracts, whenever  
17 possible and feasible, and by encouraging publishers and other  
18 content providers to make their textbooks and other instructional  
19 materials available through a central depository.

20 B. All contracts with publishers and other content providers  
21 shall be signed by the chairperson ~~and secretary of the State~~  
22 ~~Textbook Committee~~ of the State Board of Education on behalf of the  
23 state. Each contract shall stipulate the price at which each  
24 textbook will be sold to the State of Oklahoma, ~~and that all copies~~

1 ~~supplied to the State of Oklahoma will be equal to or better than~~  
2 ~~the official copy filed with the secretary of the Committee. The~~  
3 ~~State Textbook Committee~~ State Board of Education may approve the  
4 substitution of a later edition in lieu of the textbook originally  
5 selected pursuant to the provisions of Section 16-107 of this title.  
6 The publisher or other content provider shall stipulate in the  
7 contract that:

8 1. The price for which the textbook is to be furnished will be  
9 the lowest at which the same textbook will be sold or offered for  
10 sale for the purpose of securing a state or local selection or  
11 adoption elsewhere in the United States during the six (6) months  
12 prior to the date of the execution of the contract;

13 2. It will reduce the contract price of the textbook, if the  
14 price of the same textbook is reduced below such contract price  
15 elsewhere in the United States, and that it will file with the  
16 secretary of the ~~Committee~~ State Board of Education a sworn  
17 statement of such reduction made elsewhere;

18 3. If it prepares any supplementary or abridged or special  
19 editions of any of the textbooks, and shall sell such editions  
20 elsewhere at a lower price than that stipulated in the contract, it  
21 will file copies of any and all such editions, together with the  
22 prices thereof, with the secretary of the ~~Committee~~ State Board of  
23 Education;  
24  
25

1        4. It has not entered into any understanding, agreement or  
2 combination to control the prices or restrict competition in the  
3 sale of textbooks;

4        5. It will furnish the textbooks to the State of Oklahoma  
5 during the term of the contract in such amounts as may be required;  
6 and

7        6. It will furnish for a like period in lieu of the  
8 corresponding textbooks under contract any other books listed in any  
9 annual statement subsequently filed by it during the term of the  
10 contract to any school district at the lowest new prices contained  
11 in such statement, and that it will maintain ~~said~~ the prices  
12 uniformly through the state.

13        ~~B. C. 1. Textbooks and other instructional materials~~ selected  
14 by the ~~State Textbook Committee~~ State Board of Education may be  
15 purchased by school districts at the prices for which contracts have  
16 been awarded, pending the effective dates of the contracts.

17        ~~C. The chairperson and secretary of the State Textbook~~  
18 ~~Committee, on the advice and consent of the attorney for the State~~  
19 ~~Department of Education, may, with the consent of the holders of~~  
20 ~~state textbook contracts, change any contract to conform with the~~  
21 ~~provisions of Section 16-102 of this title.~~

22        ~~D.~~

23        2. A school district may purchase textbooks and other  
24 instructional materials through a state contract or through a

1 central depository or may contract directly with a publisher or  
2 other content provider.

3 3. Each contract between the state or a school district board  
4 of education and a publisher or other content provider for textbooks  
5 and other instructional materials shall provide that upon the  
6 request of a school district board of education, a publisher or  
7 other content provider shall allow the board of education to  
8 purchase textbooks and other instructional materials through a  
9 central depository.

10 D. The State Department of Education shall provide for a  
11 central depository for textbooks and other instructional materials  
12 that are aligned to the state subject matter standards adopted  
13 pursuant to Section 11-103.6a of this title to facilitate the  
14 purchase and distribution of textbooks and other instructional  
15 materials.

16 E. As requested by a school district or the Oklahoma School for  
17 the Blind, all publishers or other content providers who enter into  
18 contracts with the ~~State Textbook Committee~~ State Board of Education  
19 shall be required to furnish the ~~Committee~~ Board with electronic  
20 files in a file format from which Braille and other accessible  
21 versions of the instructional materials can be produced. The file  
22 format in which electronic instructional materials files are  
23 provided to the ~~Committee~~ Board shall be in a format prescribed by  
24 federal law or regulations promulgated by the United States



1 Department of Education which requires national standards for  
2 electronic files to be used for production of accessible  
3 instructional materials. In the absence of a federal law or  
4 regulation establishing a national standard, a file format standard  
5 shall be prescribed by the State Department of Rehabilitation  
6 Services.

7 SECTION 5. AMENDATORY 70 O.S. 2011, Section 16-107, is  
8 amended to read as follows:

9 Section 16-107. A. In the event that a publisher or other  
10 content provider whose bid has been accepted shall publish at any  
11 time before the expiration of the adoption period a new or revised  
12 edition of the adopted textbook, the ~~State Textbook Committee~~ State  
13 Board of Education may require such publisher to substitute such new  
14 or revised edition for the adopted edition at a price to be mutually  
15 agreed upon by the publisher or other content provider and the ~~State~~  
16 ~~Textbook Committee~~ State Board of Education, but not in excess of  
17 the lowest price at which the same textbook will be sold or offered  
18 for sale for the purpose of securing a state or local selection or  
19 adoption elsewhere in the United States during the twelve (12)  
20 months preceding the date of submitting such new or revised edition.  
21 A contract shall be made for such new or revised edition as for any  
22 other selection. Each bidder shall expressly agree to this  
23 provision as a part of the bid and the contract awarded if  
24 successful.

1 B. In the event that a publisher or other content provider  
2 shall publish a textbook or other instructional materials for a  
3 subject during the period for which adoptions for that subject have  
4 not expired, such publisher may submit a bid for such textbook or  
5 other instructional materials at the time and in the manner other  
6 bids are submitted. The ~~State Textbook Committee~~ State Board of  
7 Education may adopt such ~~book~~ textbook or other instructional  
8 materials for the balance of the adoption period and thereafter  
9 local textbook committees may adopt such ~~book~~ textbook or other  
10 instructional materials.

11 SECTION 6. AMENDATORY 70 O.S. 2011, Section 16-108, is  
12 amended to read as follows:

13 Section 16-108. The bidder to whom one or more contracts may be  
14 awarded pursuant to the provisions of Section 16-106 of this title  
15 shall make and execute a good and sufficient surety bond, payable to  
16 the State of Oklahoma, in a sum not less than Two Thousand Dollars  
17 (\$2,000.00), nor more than Ten Thousand Dollars (\$10,000.00), to be  
18 fixed by the ~~Committee~~ State Board of Education, conditioned that  
19 the contractor shall perform all of the conditions of the contract.  
20 Prior to acceptance, the contract shall be approved by an attorney  
21 for the State Department of Education and shall be in conformity  
22 with, and subject to, all of the provisions of ~~this article~~ Section  
23 16-106 of this title. The bond shall not be exhausted by a single  
24 recovery thereon but may be sued upon until the full amount thereof

1 is recovered; and the ~~Committee~~ State Board of Education may, after  
2 twenty (20) days' notice, require a new bond to be given, and in the  
3 event the contractor shall fail to furnish such new bond, such  
4 contract may at the option of the ~~Committee~~ State Board of Education  
5 be forfeited.

6 SECTION 7. AMENDATORY 70 O.S. 2011, Section 16-111, as  
7 last amended by Section 3, Chapter 488, O.S.L. 2019 (70 O.S. Supp.  
8 2019, Section 16-111), is amended to read as follows:

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

19 B. Upon the written request of any duly appointed local  
20 textbook coordinator, the publisher or content provider of a  
21 textbook or other instructional materials selected by the ~~State~~  
22 ~~Textbook Committee~~ State Board of Education shall furnish at least  
23 one examination copy of the textbook or other instructional  
24 materials and the teacher edition of the textbook or other

1 instructional materials, if one is published, and a copy of software  
2 for purposes of complete demonstration and review, if available, to  
3 the school district so that the local textbook committee may examine  
4 any or all new adoptions in the subjects taught or to be taught in  
5 schools in the district.

6 C. Except as otherwise provided for in subsection E of this  
7 section, on or before a date to be fixed by the State Board of  
8 Education, each local textbook committee shall adopt textbooks and  
9 instructional materials from the multiple ~~list~~ lists selected by the  
10 ~~State Textbook Committee~~ State Board of Education in a manner as  
11 shall be prescribed by the ~~State Board of Education~~. Each local  
12 textbook committee shall serve without compensation and shall cease  
13 to exist when local adoptions have been completed and shall be  
14 replaced by another local textbook committee appointed in the same  
15 manner as provided for in this section.

16 D. Except as otherwise provided for in subsection E of this  
17 section, on or before a date to be fixed by the State Board of  
18 Education, the superintendent of each school district shall submit  
19 to the State Board of Education a textbook plan outlining the  
20 estimated number of textbooks and other instructional materials  
21 needed by the school district and the total amount of money to be  
22 expended by the district for textbooks and instructional materials  
23 including the allocated funds and any additional supplemental funds  
24 to be expended. The superintendent or textbook coordinator

1 appointed by the superintendent, shall place orders from the proper  
2 depository or depositories for all of the textbooks needed as  
3 outlined in the textbook plan by the district for the ensuing year.  
4 The superintendent of a school district or textbook coordinator may  
5 order any textbooks ~~placed on the official multiple textbook list~~  
6 and other instructional materials pursuant to the provisions of  
7 Section 16-106 of this title. If the order exceeds the allocation  
8 for each school district as provided in Section 16-114a of this  
9 title any additional funds expended shall be reported on the  
10 statement of expenditures for the district.

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

17 2. The provisions of paragraph 1 of this subsection shall cease  
18 to be effective during the fiscal year which begins on the July 1  
19 immediately succeeding the legislative session during which the  
20 measure appropriating monies to the State Board of Education for the  
21 financial support of public schools is enacted as law and such  
22 appropriation amount is at least Fifty Million Dollars  
23 (\$50,000,000.00) greater than the amount of money appropriated to  
24 the State Board of Education for the financial support of public

1 schools for the fiscal year ending June 30, 2019, pursuant to  
2 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars  
3 (\$50,000,000.00) shall not include any amount of appropriations  
4 dedicated for support or certified employee salary increases.

5 SECTION 8. AMENDATORY 70 O.S. 2011, Section 16-113, is  
6 amended to read as follows:

7 Section 16-113. A. All monies allocated for the purchase of  
8 textbooks and other instructional materials shall be sent directly  
9 to the school districts. The treasurer of each school district  
10 shall enter the allocated textbook amount for deposit in the  
11 appropriate account and the reporting of financial transactions  
12 involving textbooks and other instructional materials shall be made  
13 according to the Oklahoma Cost Accounting System, as adopted by the  
14 State Board of Education pursuant to Section 5-135 of this title.  
15 The price to be paid for instructional materials on the state  
16 textbook list shall be no greater than that stipulated in the  
17 contract with the publisher. The State Board of Education shall  
18 approve purchase order forms to be used by school districts to order  
19 books from the depository. All books ordered shall be delivered to  
20 the school district. Depositories are authorized to confer with  
21 individual school districts on plans to reduce the number of  
22 textbooks returned by school districts to depositories and to confer  
23 on restocking fees associated with such returns.  
24

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

8       ~~C.~~ The State Board of Education shall not reserve any funds  
9 from appropriations made for the purchase of textbooks and other  
10 instructional materials for rebinding or for freight or  
11 transportation costs. Each school district shall be responsible for  
12 any cost incurred by that district for rebinding services or freight  
13 or transportation costs.

14       SECTION 9.       AMENDATORY       70 O.S. 2011, Section 16-114a, as  
15 last amended by Section 4, Chapter 253, O.S.L. 2016 (70 O.S. Supp.  
16 2019, Section 16-114a), is amended to read as follows:

17       Section 16-114a. A. Based upon legislative appropriations, the  
18 State Board of Education shall determine the textbook allocation to  
19 be distributed to each school district in the state. Each year the  
20 textbook allocation for each school district shall be calculated and  
21 distributed in July and adjusted in December. The initial  
22 allocation shall be calculated based on the audited end-of-year  
23 average daily attendance of the preceding school year multiplied by  
24 Fifty-five Dollars (\$55.00). The initial allocation shall be

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

20 B. A school district seeking flexibility in the use of state-  
21 appropriated funding allocated pursuant to this section for  
22 textbooks and other instructional materials shall be required to  
23 demonstrate to the State Board of Education that the textbooks and  
24 instructional materials used by the district for the subject areas



1 being considered in the current textbook adoption cycle are current  
2 and appropriate for student learning. Subject to the provisions of  
3 subsection E of Section 16-111 of this title, a school district that  
4 has received textbook funding flexibility approval from the Board  
5 may elect to expend any monies allocated pursuant to this section  
6 for textbooks and other instructional materials, including any  
7 monies carried over as authorized pursuant to subsection A of this  
8 section, for any purpose related to the support and maintenance of  
9 the school district as determined by the board of education of the  
10 school district.

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

20 SECTION 10. AMENDATORY 70 O.S. 2011, Section 16-114.1,  
21 is amended to read as follows:

22 Section 16-114.1. The funds appropriated for the purchase of  
23 textbooks shall be apportioned by the State Board of Education to  
24 each school district pursuant to the provisions of ~~Sections 16-101~~

1 ~~through 16-124~~ Section 16-114a of this title. Upon application from  
2 a local school district, the State Board of Education may allocate  
3 funds appropriated for the purchase of textbooks and other  
4 instructional materials to be used for the purchase of special  
5 education textbooks or other instructional materials for those  
6 students enrolled in special education programs. Approval of funds  
7 shall be based on the following formula:

8         No funds shall be provided for students attending special  
9         education classes less than two (2) hours per day. Those  
10        attending two (2) hours or more per day but less than four  
11        (4) hours shall receive a one-half (1/2) allocation. Those  
12        attending special education classes for four (4) or more  
13        hours per day shall receive a full allocation.

14        SECTION 11.        AMENDATORY        70 O.S. 2011, Section 16-115, is  
15 amended to read as follows:

16        Section 16-115. All ~~contractors~~ publishers and other content  
17 providers under contract pursuant to the provisions of Section 16-  
18 106 of this title shall establish and maintain a suitable and  
19 convenient depository or depositories in the State of Oklahoma where  
20 a stock of their books and other instructional materials to supply  
21 all immediate demands shall be kept. ~~Said~~ The depository or  
22 depositories may be operated jointly with other contractors. Each  
23 contractor shall maintain at the depository a sufficient supply of  
24 textbooks for individuals or boards of education desiring to

1 purchase the same and shall be required to sell such books to any  
2 individual or board of education at the same price at which the  
3 textbook is sold to the State of Oklahoma plus cost of  
4 transportation to the individual or board of education purchasing  
5 the textbook. Upon the failure of any contractor to carry a  
6 sufficient stock of books at the depository to take care of all  
7 immediate demands of the State of Oklahoma and others requesting the  
8 same, or to furnish the textbooks as required by the contract, the  
9 State Board of Education shall have power to recover on the bond  
10 given by such contractor pursuant to the provisions of Section 16-  
11 108 of this title for the full value of the books not furnished as  
12 required by the contract and terminate ~~said~~ the contract.

13 SECTION 12. AMENDATORY 70 O.S. 2011, Section 16-118, is  
14 amended to read as follows:

15 Section 16-118. The State Board of Education shall adopt rules  
16 for the issuance of textbooks and other instructional materials to  
17 school children and for the preservation of such textbooks and  
18 instructional materials, and all rules it deems necessary to carry  
19 out its duties and functions, and all such rules shall apply alike  
20 to all school districts. It shall prescribe the form of all reports  
21 and applications, and superintendents of schools, and boards of  
22 education shall be required to make such reports fully and  
23 completely at the time and in the manner prescribed by the State  
24 Board of Education. The State Board of Education shall keep an

1 exact account of the cost of ~~books~~ textbooks and other instructional  
2 materials distributed to each school district, together with the  
3 proper proportion of transportation and accounting charges.

4 ~~The State Textbook Committee shall also have the power to adopt~~  
5 ~~such rules as it deems necessary to enable it to perform its~~  
6 ~~functions and duties.~~

7 SECTION 13. AMENDATORY 70 O.S. 2011, Section 16-119, is  
8 amended to read as follows:

9 Section 16-119. All advance or sample copies of textbooks and  
10 other instructional materials or any edition thereof furnished to  
11 any member of the ~~State Textbook Committee~~ State Board of Education  
12 or employee of the State Department of Education, or to any  
13 individual for the purpose of obtaining a selection of the textbook  
14 by the ~~State Textbook Committee~~ State Board of Education, shall not  
15 be sold by the recipient thereof, but shall be disposed of as may be  
16 prescribed by the rules of the State Board of Education. Any  
17 advance or sample textbook and other instructional materials or any  
18 edition thereof furnished to a member of a local textbook committee,  
19 or to any school official or individual for the purpose of obtaining  
20 a local adoption of the textbook, may be returned to the publisher  
21 for credit if the cost of such book was charged against the value of  
22 textbooks allowed such school district. Publishers shall pay the  
23 cost of shipment on returned samples. All publishers having  
24 contracts to furnish textbooks and other instructional materials to

1 the State of Oklahoma shall be required to file with the State Board  
2 of Education, not later than the first day of January and the first  
3 day of July of each year following the dates of their respective  
4 contracts, a sworn statement showing the names and addresses of all  
5 persons to whom they have furnished, during the preceding six (6)  
6 months, any advance or sample copies of such textbooks, or any  
7 edition thereof, together with the numbers and titles of such  
8 textbooks furnished to each such recipient, and a failure to do so,  
9 or to give accurate and complete information concerning the same,  
10 shall authorize the State Board of Education to cancel the contract  
11 of such publisher.

12 SECTION 14. AMENDATORY 70 O.S. 2011, Section 16-121, is  
13 amended to read as follows:

14 Section 16-121. A. All textbooks and other instructional  
15 materials adopted, purchased and distributed to school districts  
16 shall be furnished free of cost to the school children of such  
17 districts and shall be owned by such districts and each district  
18 shall mark each textbook with an appropriate number or other  
19 identification as deemed necessary to maintain proper records  
20 thereof. Each district board of education shall ensure that all  
21 textbooks and other instructional materials necessary for completion  
22 of assigned course work are routinely available for every child  
23 enrolled in the schools of the district for the child's personal use  
24 in a manner that will enable the child to complete assigned course

1 work. The State Board of Education shall maintain a replacement  
2 program so that all textbooks for student use are in satisfactory  
3 condition. Nothing herein shall prevent the purchase, from local  
4 school district funds, of any adopted textbook or any additional and  
5 supplementary textbooks if the board of education of any school  
6 district deems it necessary to make such purchases in order to  
7 establish and maintain the highest standards of excellence of its  
8 schools.

9 B. 1. Each school child who has been issued a set of textbooks  
10 pursuant to this section, and the parents or legal guardian of such  
11 child shall be responsible to the school district for the return of  
12 or payment for such textbook issued to the child which is not  
13 returned to the school.

14 2. The State Board of Education is authorized to promulgate  
15 rules requiring the return of or payment for any textbook used by a  
16 school child which is not returned to the school. Such rules shall  
17 provide for certain exceptions to such policies. Local boards shall  
18 include considerations for the inability to pay for the textbook<sub>7</sub>  
19 and reasons for the nonreturn of the textbook. A local school board  
20 is authorized to withhold transcripts<sub>7</sub> or other records of the  
21 school relating to any school child who fails to return a textbook  
22 or make payment for the textbook if not returned. For the purpose  
23 of this subsection, the term "transcript" shall include any record  
24 of a grade or grades given to a student by a teacher.

1        3. The provisions of this subsection shall not authorize the  
2 State Board of Education to prevent any school child from actually  
3 receiving a grade he or she is otherwise entitled to for completion  
4 of a course of study, from graduating upon completion of the  
5 requirements, or from obtaining any records or information supplied  
6 to the school or otherwise owned by the child.

7        SECTION 15.        AMENDATORY        70 O.S. 2011, Section 16-122, is  
8 amended to read as follows:

9        Section 16-122. Any person who directly or indirectly promises  
10 or offers to give, or causes to be promised, offered or given, any  
11 money, books, bribe, present or reward or any valuable thing  
12 whatsoever to any member of the State Board of Education, ~~the State~~  
13 ~~Textbook Committee,~~ or a local textbook committee, or any member of  
14 a board of education, teacher or other person with the intent to  
15 influence a decision on any question, matter, cause or proceeding in  
16 the selection or adoption of any textbooks or other instructional  
17 materials, or series of textbooks, upon conviction, shall be guilty  
18 of a felony. Any teacher in the public schools of Oklahoma, any  
19 superintendent of a school district or any employee of a school  
20 district who shall in any way be interested in the profits, proceeds  
21 or sale of any school textbook or instructional materials used in  
22 the public schools under such person's charge, or with which such  
23 person is connected in any official capacity, upon conviction, shall  
24 be guilty of a misdemeanor, and shall be punished by a fine of not

1 less than Fifty Dollars (\$50.00) and not more than Two Hundred  
2 Dollars (\$200.00), and shall in addition thereto forfeit the office  
3 or position.

4 SECTION 16. AMENDATORY 70 O.S. 2011, Section 16-123, is  
5 amended to read as follows:

6 Section 16-123. Any member of the State Board of Education ~~and~~  
7 ~~any member of the State Textbook Committee~~ who directly or  
8 indirectly solicits, receives or agrees to receive any money, goods,  
9 bribe, present, reward or any valuable thing whatsoever with the  
10 intent, and which will have the effect, to influence a decision on  
11 any question, matter, cause or proceeding in the selection or  
12 adoption of any textbook, instructional materials or series of  
13 textbooks provided for in this ~~article~~ section, upon conviction,  
14 shall be guilty of a felony.

15 Any superintendent of schools, any member of a board of  
16 education, and any member of a local textbook committee who directly  
17 or indirectly solicits, receives or agrees to receive any money,  
18 goods, bribe, present, reward or any valuable thing whatsoever with  
19 the intent and which will have the effect to influence a decision on  
20 any question, matter, cause or proceeding in the selection or  
21 adoption of any textbook, instructional materials or series of  
22 textbooks, upon conviction, shall be guilty of a misdemeanor, and  
23 shall be punished by a fine of not to exceed Five Hundred Dollars  
24



1 (\$500.00), or by imprisonment in the county jail for a term of not  
2 to exceed six (6) months, or both such fine and imprisonment.

3 SECTION 17. AMENDATORY 70 O.S. 2011, Section 16-124, is  
4 amended to read as follows:

5 Section 16-124. Any person, firm or corporation that violates  
6 any of the provisions of ~~this article~~ Section 16-102 et seq. of this  
7 title, or any of the rules of the State Board of Education ~~or the~~  
8 ~~State Textbook Committee~~ adopted pursuant to the provisions of ~~this~~  
9 ~~article~~ Section 16-102 et seq. of this title, the penalty for  
10 violation thereof not otherwise being provided herein, upon  
11 conviction, shall be guilty of a misdemeanor and shall be punished  
12 by a fine of not less than One Hundred Dollars (\$100.00) and not  
13 more than Five Hundred Dollars (\$500.00), or by imprisonment in the  
14 county jail for not less than ninety (90) days and not more than one  
15 (1) year, or by both such fine and imprisonment. Any public  
16 official or public employee violating any of the provisions of ~~this~~  
17 ~~article~~ Section 16-102 et seq. of this title or any of such rules  
18 shall be subject to the foregoing penalties and in addition thereto  
19 shall forfeit the position or office. Any officer or employee of  
20 the State Board of Education or ~~of the State Textbook Committee~~ the  
21 State Department of Education who knowingly or willingly apports  
22 or disburses any money appropriated to carry out the provisions  
23 hereof, contrary to the provisions hereof, shall be subject to the  
24

1 foregoing penalties and in addition thereto shall forfeit the office  
2 or position.

3 SECTION 18. REPEALER 70 O.S. 2011, Sections 16-101, 16-  
4 101.1, 16-102.1, 16-104, 16-109, 16-110, 16-111.1, 16-117 and 16-120  
5 are hereby repealed.

6 SECTION 19. This act shall become effective upon certification  
7 of election returns favoring passage of the Constitutional Amendment  
8 proposed in Senate Joint Resolution No. 24 of the 2nd Session of the  
9 57th Oklahoma Legislature.

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