An Act

ENROLLED HOUSE
BILL NO. 3466

By: West (Tammy) of the House

and

Stanislawski of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 16-101, which relates to the State Textbook Committee; modifying membership beginning on certain date; modifying majority requirement; providing for administrative services; requiring compliance with the Open Records and 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 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 textbooks only from the list approved by the State

Textbook Committee; providing for a local review process to be prescribed by the State Department of Education; clarifying language; amending 70 O.S. 2011, Section 16-111.1, which relates to supplementary textbooks and materials; requiring local textbook committee to justify purchase of certain supplementary textbooks and other instructional materials; defining term; repealing 70 O.S. 2011, Section 16-101.1, which relates to the lay citizen appointee; and providing an effective date.

SUBJECT: Textbooks

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 be composed of thirteen (13) members. Twelve members shall be appointed by the Governor with the advice and consent of the Senate: two members from each congressional district and two members from the state at large who shall be lay citizens not having a teaching certificate and having at least one child in the public schools of Oklahoma. The State Superintendent of Public Instruction, or a designee, shall serve as the thirteenth member and shall serve as chair of the Committee. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by two board members until such time as each of the modified congressional districts is represented by two board members. A majority of the ~~twelve educator~~ members shall be classroom teachers. The regular terms of all members shall be for

three (3) years. Members shall not be eligible to succeed themselves. At no time shall more than one member of the State Textbook Committee be an employee of the same school district. Each educator member shall have had not less than five (5) years' teaching or supervisory experience in the public schools of Oklahoma at the time of appointment, and shall be actively employed in the public schools of Oklahoma during the term of service on said Committee. ~~The~~ Until March 31, 2021, the State Superintendent of Public Instruction or a designated member of the staff shall serve as Secretary of the Committee and vote only when there is a tie vote in the membership of the Committee. The State Department of Education shall provide administrative services, including a secretary, to the Committee. Each member shall receive necessary traveling expenses while in the performance of duties pursuant to the State Travel Reimbursement Act. The State Textbook Committee shall be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

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

SECTION 2. AMENDATORY 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), is amended to read as follows:

Section 16-102. A. The State Textbook Committee shall meet at the call of the ~~chairperson~~ chair as often as necessary, with two (2) weeks' public notice, to discharge its responsibilities. If necessary, not later than the first day of December of each year the State Textbook Committee shall meet ~~at the call of the chairperson at the State Capitol and~~ to select textbooks for subjects taught in the public schools of the state ~~up to and including the twelfth grade~~ for grades prekindergarten through twelve, which selections shall be for not more than six (6) years for every textbook.

B. The Committee may suspend any currently pending selection process of textbooks and may extend by at least two (2) years the six-year adoption period of those textbooks currently on the state

adopted list, for the purpose of delaying for two (2) years the six-year adoption cycle of subjects.

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

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

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

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

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

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

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

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

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

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

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

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

Section 16-104. All bids shall be sealed and delivered to the secretary of the State Textbook Committee, to be delivered by the secretary to the Committee for the purpose of considering the bids. The Committee shall meet prior to August 15 of each year at the time and place mentioned in the advertisement required by Section 16-103 of this title, to open and examine the sealed bids received, and make a full and complete investigation of all books and the bids accompanying the same. ~~The Committee may use regular classroom teachers as consultants.~~ The books shall be selected after careful consideration of all the books presented, and the books selected for adoption shall be those which~~, in the opinion of~~ the Committee~~, are best suited for the public schools in this state~~ rates as "Exemplifies Quality" or "Approaching Quality" on the rubric pursuant to Section 16-102 of this title. The Committee shall give consideration to any legislative resolution concerning textbook content and the testimony received at public hearings when making the selections. The Committee shall proceed without delay to select, for use of the public schools of this state, textbooks as specified in this article and shall notify publishers to whom contracts are awarded. If the State Textbook Committee determines that significant inaccuracies exist in the contents of a textbook which has been bid or that information contained in the textbook is not current, the Committee may adopt the book on a provisional basis. Final adoption of the textbook and use of textbook money shall be contingent upon the publisher providing a modified or revised textbook which is acceptable ~~by~~ to the State Textbook Committee.

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

Section 16-110. As soon as any contract is entered into for the furnishing of textbooks for use in the public schools of the state, the secretary of the State Textbook Committee shall send a list of the textbooks selected by the State Textbook Committee to every superintendent of schools ~~and local textbook committee~~ in the state, ~~which~~ who shall supply it to the local textbook committee. The list

shall show the respective prices of such textbooks ~~and contain such other information as the secretary shall deem advisable~~, the completed rubric, and the rating for each selected textbook as required by Section 16-102 of this title. The ~~secretary~~ State Department of Education shall annually publish and distribute a list of all textbooks that have been selected ~~and that are then in force~~.

SECTION 5. AMENDATORY 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), is amended to read as follows:

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

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

C. Except as otherwise provided for in subsection E of this section, on or before a date to be fixed by the State Board of Education, each local textbook committee shall adopt textbooks only from the ~~multiple~~ list of textbooks selected by the State Textbook Committee in a manner as shall be prescribed by the State Board of Education. In order for the local textbook committee to adopt a textbook that was not reviewed by the State Textbook Committee, the local textbook committee shall conduct a review process in a manner prescribed by the State Board of Education. Each local textbook committee shall serve without compensation and shall cease to exist when local adoptions have been completed and shall be replaced by another local textbook committee appointed in the same manner as provided for in this section.

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

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

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

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

Section 16-111.1 The funds allocated for textbooks in Section 16-114a of this title may be used by a school district for supplementary textbooks and other instructional materials other than

those selected and ~~listed~~ placed on the list of textbooks by the State Textbook Committee. The local textbook committee shall submit a statement to the local board of education justifying any such selections. For purposes of this section, "supplementary textbooks and other instructional materials" shall mean materials pertaining to subjects that are not reviewed by the State Textbook Committee or materials that support instruction in the subject matter standards as adopted by the State Board of Education in Section 11-103.6 of this title that were not reviewed by the State Textbook Committee.

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

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

Passed the House of Representatives the 5th day of March, 2020.

Presiding Officer of the House
of Representatives

Passed the Senate the 13th day of May, 2020.

Brent Howard
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 13th
day of May, 20 20, at 7:12 o'clock p. M.
By: Summer Curry

Approved by the Governor of the State of Oklahoma this 19th
day of May, 20 20, at 9:52 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 19th
day of May, 20 20, at 11:07 o'clock A. M.
By: Michael Rigg