

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3466

By: West (Tammy) of the House

5 and

6 **Stanislawski** of the Senate

7
8
9 AS INTRODUCED

10
11 An Act relating to schools; amending 70 O.S. 2011,
12 Section 16-101, which relates to the State Textbook
13 Committee; modifying membership; adding dates;
14 providing for administrative services; requiring
15 compliance with the Open Records and Open Meeting
16 Acts; amending 70 O.S. 2011, Section 16-102, as
17 amended by Section 1, Chapter 75, O.S.L. 2016 (70
18 O.S. Supp. 2019, Section 16-102), which relates to
19 meetings and processes of the State Textbook
20 Committee; clarifying language; defining terms;
21 directing the State Department of Education to
22 approve a process for selection of review teams;
23 providing for travel reimbursement; requiring the
24 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

1 Department of Education; amending 70 O.S. 2011,
2 Section 16-111, as last amended by Section 3, Chapter
3 488, O.S.L. 2019 (70 O.S. Supp. 2019, Section 16-
4 111), which relates to local textbook committees;
5 requiring local textbook committees to adopt
6 textbooks only from the list approved by the State
7 Textbook Committee; providing for a local review
8 process to be prescribed by the State Department of
9 Education; clarifying language; amending 70 O.S.
10 2011, Section 16-111.1, which relates to
11 supplementary textbooks and materials; requiring
12 local textbook committee to justify purchase of
13 certain supplementary textbooks and other
14 instructional materials; defining term; repealing 70
15 O.S. 2011, Section 16-101.1, which relates to the lay
16 citizen appointee; and providing an effective date.

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

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

20 Section 16-101. There is hereby created the State Textbook
21 Committee, which shall be composed of thirteen (13) members
22 appointed by the Governor with the advice and consent of the Senate:
23 two members who hold current Oklahoma teaching certificates from
24 each congressional district, two members who hold current Oklahoma
teaching certificates 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

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

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

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

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

22 Section 16-102. A. The State Textbook Committee shall meet at
23 the call of the ~~chairperson~~ chair as often as necessary, with two
24 (2) weeks' public notice, to discharge its responsibilities. If

1 necessary, not later than the first day of December of each year the
2 State Textbook Committee shall meet ~~at the call of the chairperson~~
3 ~~at the State Capitol and~~ to select textbooks for subjects taught in
4 the public schools of the state ~~up to and including the twelfth~~
5 ~~grade~~ for grades prekindergarten through twelve, which selections
6 shall be for not more than six (6) years for every textbook.

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

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

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

23 E. The State Department of Education, in coordination with the
24 State Textbook Committee, shall approve an application process to

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

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

1 also include, but not be limited to, criteria for alignment to
2 subject matter standards such that all standards are present and
3 treated with the appropriate depth to support students in learning
4 the skills and information contained in the subject matter
5 standards, as well as usability for teacher planning, learning,
6 assessment and differentiated instruction. The Committee, in
7 consultation with the review teams, may include additional criteria
8 specific to the subject area being reviewed. The rubric shall
9 require each criterion to be scored individually with justification,
10 and shall provide an overall recommendation for the rating.

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

19 H. The Committee, having verified that the review process has
20 been conducted in a scrupulous and fair manner, shall adopt a final
21 rating for each textbook prior to including it on the textbook list
22 required by Section 16-110 of this title. The completed rubric for
23 each evaluated textbook, including the review team's
24

1 recommendations, shall be made publicly available on the State
2 Textbook Committee website.

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

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

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

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

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

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

1 shall be contingent upon the publisher providing a modified or
2 revised textbook which is acceptable ~~by~~ to the State Textbook
3 Committee.

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

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

18 SECTION 5. AMENDATORY 70 O.S. 2011, Section 16-111, as
19 last amended by Section 3, Chapter 488, O.S.L. 2019 (70 O.S. Supp.
20 2019, Section 16-111), is amended to read as follows:

21 Section 16-111. A. Except as otherwise provided for in
22 subsection E of this section, the superintendent of schools of each
23 school district in the state shall appoint a local textbook
24 committee consisting of not fewer than three nor more than nine

1 members. Each committee shall have one lay member, with the
2 remainder of the members being teachers employed in the public
3 schools of the district, a majority of whom shall be classroom
4 teachers. The superintendent of schools or a designee who shall be
5 a principal or a curriculum specialist shall serve as chairperson of
6 the local textbook committee.

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

16 C. 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, each local textbook committee shall adopt textbooks only
19 from the ~~multiple~~ list of textbooks selected by the State Textbook
20 Committee in a manner as shall be prescribed by the State Board of
21 Education. In order for the local textbook committee to adopt a
22 textbook that was not reviewed by the State Textbook Committee, the
23 local textbook committee shall conduct a review process in a manner
24 prescribed by the State Board of Education. Each local textbook

1 committee shall serve without compensation and shall cease to exist
2 when local adoptions have been completed and shall be replaced by
3 another local textbook committee appointed in the same manner as
4 provided for in this section.

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

22 E. 1. If a school district makes the election as provided for
23 in subsection B of Section 16-114a of this title, the district shall
24 not be required to appoint a local textbook committee, adopt

1 textbooks, submit a textbook plan, or expend money on the purchase
2 of textbooks during any fiscal year as provided for in this
3 subsection.

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

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

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

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

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

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

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10 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/25/2020
11 - DO PASS, As Coauthored.

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