

# Oklahoma State Textbook Committee



## **Law and Legislation**

Instructional Materials Laws & Legislation 720:1-1-2. Duties of Committee The duties of the Committee shall be to: (1) select a chairperson and vice-chairperson; (2) establish rules and regulations; (3) establish a calendar for the following fiscal year; (4) examine carefully, using advisors, all books submitted for adoption; (5) select textbooks in each subject area called for in the adoption; (6) prepare and publish a list of textbooks selected for each subject; (7) process substitutions; (8) consider unusual or extraordinary circumstances. [Source: Added at 11 Ok Reg 927, eff 12-23-93 (emergency); Added at 11 Ok Reg 3551, eff 6-27-94] 720:1-1-3. Selection of chairperson and vice-chairperson; quorum Before the first day of July of each year, the State Textbook Committee will meet at the call of the State Superintendent of Public Instruction and elect by secret ballot a chairperson and vice-chairperson from its membership to serve for the year. A majority of the State Textbook Committee (7) must be present to form a quorum. [Source: Added at 11 Ok Reg 927, eff 12-23-93 (emergency); Added at 11 Ok Reg 3551, eff 6-27-94] 720:1-1-4. Voting Any business approved by the Oklahoma State Textbook Committee must have seven (7) favorable votes. [Source: Added at 11 Ok Reg 927, eff 12-23-93 (emergency); Added at 11 Ok Reg 3551, eff 6-27-94] 720:1-1-5. Calendar (a) The State Textbook Committee shall, at their organizational meeting before the first day of July of each year, adopt a schedule of events for the next fiscal year. The schedule will include dates, times and locations, as appropriate, for the following events: (1) deadline for acceptance of letters of intent to bid; (2) deadline for receipt of bids and books; (3) committee meeting for the opening and consideration of bids; (4) local textbook presentations for committee members and their advisors; (5) committee meeting for textbook representatives' presentation of bid items to the assembled State Textbook Committee; (6) deadline for submitting written request to appear at public hearing; (7) committee hearing of public input; (8) committee meeting for adoption selection; (9) date for issuance of call for substitutions; (10) deadline for acceptance of letters of intent to substitute; (11) deadline for receipt of bids and books to substitute; (12) committee meeting for substitution for approval. (b) In order to comply with the deadlines described in paragraphs (1), (2), (6), (10), and (11) of subsection (a) of this section, materials must either be delivered to the Textbook office on or before the established date. [Source: Added at 11 Ok Reg 927, eff 12-23-93 (emergency); Added at 11 Ok Reg 3551, eff 6-27-94] 720:10-1-1. Purpose The purpose of this Chapter is to identify procedures for publishers to follow in the bidding and contracting process and the responsibilities of the State Textbook Committee and the State Department of Education in the textbook adoption process. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94] 720:10-1-2. Definitions "Adopted materials" Adopted materials refers to materials approved by the State Textbook Committee and purchased with state funds. "Ancillary material" Ancillary items considered for adoption shall be compatible with the textbook bid. This term refers to materials intended and designed to be used with a comprehensive program submitted by the same publisher. Examples of this type of material may include but are not limited to workbooks, quizzes, puzzles, test banks, transparencies, black line masters, etc. "Comprehensive material or comprehensive program" This term refers to teacher instructional material not intended to be used by students and shall include Priority Academic Student Skills (PASS) correlations. Additionally, this also includes one edition of the initial student instructional material such as a student text (electronic or print). "Core subject cycle" This term refers to the period of time for which contracts are entered into for subjects identified by the State Textbook Committee. The cycle begins when contracts go into effect for the items bid in a subject area, and the cycle ends when the contracts expire and new contracts are established for materials in the same subject area. The State Textbook Committee operates under a six-year adoption cycle for all subjects except Instructional Technology, which operates under a three-year adoption cycle. "Free materials" Materials in any medium which a publisher intends to make available without cost upon the purchase of textbooks bid and adopted. "Supplementary item or supplementary material" These terms refer to items intended and designated to guide the instruction of one or a few of the curriculum standards for the subject area for which the item has been submitted. Supplementary materials are designed to be used independently or cooperatively with bid items submitted in the same subject area by the same or different publisher. Examples of supplementary items may include but are not limited to maps, atlases, flash cards, classroom libraries, stories about significant people in the subject area,

selected readings, literature guides, or small books teaching about one component of a subject area. [Source: Added at 12 Ok Reg 3301, eff 6-27-95; Amended at 21 Ok Reg 1834, eff 6-11-04] 720:10-5-1. Advisors (a) Each textbook committee member shall select a maximum of five (5) advisors for each subject in which textbooks have been called for adoption to assist in the textbook review process. One (1) of the advisors may be a lay member who has a child in public school in this state and who does not have a teaching certificate. All remaining advisors will be certified educators with experience in the adoption area. (b) Official advisors must abide by all laws and rules and regulations of the State Textbook Committee and the state. (c) Nothing in this section is intended to limit the right of textbook committee members to seek advice from as many sources as they wish; however, textbook samples may be provided only to official advisors.

[Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94] 720:10-5-2. Public hearing on textbooks being considered (a) Any resident of Oklahoma may submit comments for, against, about, or upon a book or books, learning system, or ancillary materials submitted for adoption. During the first two weeks in October the State Textbook Committee will hold a public hearing. The purpose of this hearing will be to provide a public forum for the discussion of the textbooks offered for adoption in Oklahoma. Persons who wish to testify must notify the office of the Secretary of the State Textbook Committee in writing on or before the date specified in the schedule for the textbook adoption process. The written notice must identify the subject area and the particular books about which testimony will be presented. The State Textbook Committee may limit the time of each person testifying and limit the number of persons who may speak on behalf of any organization. (b) Persons submitting written requests to appear in public hearings must include a detailed, typewritten statement of comments which will be presented in summary to the State Textbook Committee during public hearings. Publishers will receive copies of the statements prior to the hearing dates and are requested to have a detailed typewritten response available to present to the committee at the hearing. Equal time will be provided for each publisher to present their response immediately following comments about their program or textbook. Testimony at the hearing will be accepted only from residents of Oklahoma and from non-residents who are official representatives of a publishing company. All persons presenting testimony at the public hearings will be subject to questioning by the State Textbook Committee members. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94] 720:10-5-3. Criteria for State Textbook Committee selections The State Textbook Committee shall consider the following when adopting materials. (1) Align with recognized curriculum standards for the subject area the materials have been submitted for adoption. (2) Are objective in content and impartial in interpretations, and which do not encourage or condone civil disorder, social strife or disregard for the law; (3) Do not degrade, and where appropriate, teach high moral standards including: (A) honesty (B) respect for parents, teachers, and those properly in authority; (C) the importance of the work ethic in achieving personal goals; (D) the existence of absolute values of right and wrong. (4) Emphasize the importance of the family as the core of American society and do not degrade traditional roles of men and women, boys and girls; (5) Include the principles of the free enterprise system and the effectiveness of the system; (6) Are designed to foster the intellectual development of the child by providing instruction in reading, writing and arithmetic, through centuries of academic endeavor, including an awareness of the religious and classical culture of the western world and its significance to the preservation of the liberties of the American people; (7) Present balanced and factual treatments to controversial, political and social movements without biased editorial judgements; (8) Do not promote illegal lifestyles or sexual behavior, sadistic or degrading behavior; (9) Do not include blatantly offensive language or illustrations; (10) Do not include violence for reasons of excitement, sensationalism or as an excuse for relevance. Violence, if it appears in textbook content, shall be treated in context of cause and consequence; (11) Treat the subject of historical origins of humankind in an objective and unbiased manner; and (12) Do not invade the privacy of the pupils or pupils' parents. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94; Amended at 12 Ok Reg 3301, eff 6-27-95] 720:10-5-4. Voting procedure for adoption selection All votes for adoption and substitution shall be by verbal roll call. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94; Amended at 12 Ok Reg 3301, eff 6-27-95] 720:10-5-5. Consideration of new materials due to unusual or extraordinary circumstances (a) Under the provisions of Title 70, Article XVI, Section 16-102, any resident of the State of Oklahoma, or publisher of textbooks, who feels that unusual or extraordinary circumstances exist in a particular subject area during the period of adoption may, by written request to the State Textbook Committee, present evidence that significant new techniques of teaching, significant new findings or discoveries, or other new information or knowledge exists in a particular subject area that would warrant consideration by the State Textbook Committee of new materials in that particular subject area. (b) Written requests will be addressed to the Secretary of the State Textbook Committee. The written request will include the name, address, and phone number of the person making the request. Also to be included are the subject area name and grade classification. The person making the request will then describe in detail any new technique, procedure, finding, discovery, and any other information that will aid the Committee in making a decision. Furthermore, the person making the request will address the impact the technique, procedure, finding or discovery will have on students or education and the impact the absence of this information will have upon students or education until the next adoption period. (c) Upon 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. (1) The chairperson of the Committee will direct the Secretary of the Committee to issue a Call for Bids in the subject area indicated. Said

Call for Bids will include: (A) subject area; (B) grade; (C) description of new technique, Finding, discovery or procedures that must be included in any item bid; (D) deadline date for letters of intent; (E) deadline dates for receipt of bids and books; (F) public hearing dates; and (G) date of the adoption meeting. (2) All normal adoption procedures will be followed to include sampling of Committee, State Department of Education, Congressional District Review Centers and any advisors that the committee members may identify. Adoption will be by a majority vote. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94] 720:10-5-6. Substitution (a) Letters of intent to substitute from publishers must state the book or series of books the publishing company intends to substitute, the book or series of books the substitution will replace, and the number of the State contract the substitution will modify. Additions to the letter of intent will be accepted only until the deadline for receipt of letters of intent and only if submitted in writing. (b) Substitution of textbooks and ancillary materials shall be allowed if the quality of the book is equal to or better than the book on the list. The substitution of textbooks will be allowed if the new edition is not so drastically changed as to make it difficult to use the new edition simultaneously with the old edition already in use in the classroom. Also, substitution of textbooks will be allowed if the old edition has not been sold in classroom quantities in the state. (c) Substitution(s) or adoptions out of cycle will not be accepted for bid the last year of the contract period. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94; Amended at 12 Ok Reg 3301, eff 6-27-95] 720:10-7-1. Bond Each successful bidder shall be required to post a bond of \$2,000.00 for each series with a maximum of \$5,000.00 by any one company. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94] 720:10-7-2. Contract (a) The execution date of the contracts shall be December 31 of each year. (b) Assumption, acquisition, assignment or transfer of contracts currently in effect between the State Textbook Committee and persons, firms or corporations will be allowed during the period of the contract upon receipt by the Secretary of the State Textbook Committee of a replacement bond provided by the receiving company. (c) It is required that a publisher notify the office of the Secretary of the State Textbook Committee of any and all price reductions, either temporary or permanent, of materials under contract with this state. Those price reductions then become permanent and replace the existing costs on the approved contracts. All price reductions are permanent until the contract expires or a substitution with a price increase is approved by the State Textbook Committee. Temporary sale prices are not permitted. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94] 720:10-9-1. Call for bids A call for bids will be issued by the Secretary of the State Textbook Committee to all publishers registered with the State Department of Education and a notice shall be placed in a conspicuous place in the Office of the Secretary for a thirty (30) day period. This call for bids will be issued as soon as possible after approval by the State Textbook Committee. Included in the call for bids will be deadline dates for receipt of letters of intent, bids, appropriate information forms, and textbooks and ancillary materials to be considered for adoption. The call for bids will include instructions, as prescribed by law, to the publishers in submitting their bids. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94] 720:10-9-2. Compiled list of textbooks bid A compiled list of all accepted bids will be issued by the office of the Secretary of the State Textbook Committee (State Department of Education) to each committee member and their advisors and copies will be made available to all interested persons at the office of the Secretary of the State Textbook Committee and at each Congressional District Review Center. [Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94]