

TITLE 720. STATE TEXTBOOK COMMITTEE

CHAPTER 1. ADMINISTRATIVE OPERATIONS

[Authority: OKLA. CONST., art XIII, § 6; 70 O.S., § 16-118]
[Source: Codified 6-27-94]

720:1-1-1. Purpose

The rules of this Chapter have been set forth to describe the duties of the State Textbook Committee as well as the procedures for handling complaints against publishers participating in the textbook adoption process in Oklahoma.

[Source: Added at 11 Ok Reg 927, eff 12-23-93 (emergency); Added at 11 Ok Reg 3551, eff 6-27-94]

720:1-1-2. Duties of Committee

The duties of the Committee shall be to:

- (1) select a vice-chairperson;
- (2) establish rules and regulations;
- (3) establish a calendar for the following fiscal year;
- (4) examine carefully, 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;
- (9) 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;
- (10) adopt a rubric, in consultation with the State Department of Education, containing a three-tiered rating system for each subject called for in the adoption that are labeled "Exemplifies Quality", "Approaching Quality", and "Not Representing Quality" which are respectively the first, second, and third tier;
- (11) verify the review process has been conducted in a scrupulous and fair manner; and
- (12) adopt a final rating for each textbook prior to including it on the textbook list required.

[Source: Added at 11 Ok Reg 927, eff 12-23-93 (emergency); Added at 11 Ok Reg 3551, eff 6-27-94; Amended at 39 Ok Reg 2312, eff 9-11-22]

720:1-1-3. Selection of 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 vice-chairperson from its membership to serve for the year. A majority of the State Textbook Committee seven (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; Amended at 39 Ok Reg 2312, eff 9-11-22]

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) committee meeting for textbook representatives' presentation of bid items to the assembled State Textbook Committee;
- (5) deadline for submitting written request to appear at public hearing;
- (6) committee hearing of public input;
- (7) committee meeting for adoption selection;
- (8) date for issuance of call for substitutions;
- (9) deadline for acceptance of letters of intent to substitute;
- (10) deadline for receipt of bids and books to substitute;
- (11) 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; Amended at 39 Ok Reg 2312, eff 9-11-22]

720:1-1-6. Procedures for handling complaints against publishers

(a) When violations of the Textbook Law or Rules and Regulations of the State Textbook Committee by publishers or publishing company representatives are brought to the attention of the State Textbook Committee, the Committee may conduct an investigation in its own behalf or request investigation by appropriate individuals or agencies. The choice of an investigative mode shall be made at the discretion of the Committee.

(b) At the point at which any complaint and/or investigation is resolved, the Committee shall inform the complainant of the disposition of the matter as well as the supporting rationale.

(c) The procedures for investigation of complaints against a publisher or publishing company representative are:

- (1) The investigation of a complaint about a publisher or publishing representative, whether the complaint be made by the State Textbook Committee or by other complainants, may be initiated only when the complaint is in writing, signed, and filed with the Committee. The complaint must contain a brief statement setting forth the allegations of fact and naming the publisher or publishing company representative against whom the complaint is filed. This written complaint provides the basis for appointment by the Committee of an investigator for the case.
- (2) In all matters of complaints or inquiries, the State Textbook Committee shall require the complaint or inquiry to be signed and in writing. However, alleged violations of the Textbook Law or Rules and Regulations of the State Textbook Committee which can be independently verified by the Committee may not require written complaint

- (3) The State Textbook Committee shall select a member or other qualified individual to receive, review, and investigate all complaints against a publisher or publishing company representative. This selection shall be by majority vote of the Committee or by appointment of the chairperson.
- (4) The State Textbook Committee member receiving the complaint and/or conducting the investigation shall not vote on matters relating to the case.
- (5) The Committee member or other individual authorized to receive and investigate complaints shall gather all necessary information to present to the Committee in open meeting to adequately advise the Committee of the complaint. The investigation may include interviews with the complaining witness, the representative of the publishing company complained against, and others as appropriate.
- (6) The investigator's report will be presented at an open meeting of the State Textbook Committee. The complainant and the representative of the publishing company will be given prior notification by mail of the date, time, and place of that meeting. During the investigator's report, no questions will be posed by or to the publisher representative or the complaining witness. If requested by the Committee, the investigator may make a recommendation regarding disposition of the case.
- (7) If the basis of the complaint, or the circumstances of the alleged violation, or the findings of the investigator, or a combination of these, leads the Committee to decide not to pursue further the allegations, the Committee may dismiss the complaint by an approving vote of a majority of the members present in open meeting.

[Source: Added at 11 Ok Reg 927, eff 12-23-93 (emergency); Added at 11 Ok Reg 3551, eff 6-27-94]

720:1-1-7. Hearings

- (a) If the complaint and the investigative report appear to the Committee to warrant and support such action, and upon the affirming vote of a majority of the members present in open meeting, the Committee shall draw up its own complaint (the Committee vs. the publisher or publishing company representative) and shall set the date, time, and place for a formal hearing in open meeting.
- (b) The formal hearing will be an administrative proceeding held to determine what action should be taken against a publisher or publishing company representative due to alleged misconduct, violations of the statutes or the rules and regulations, or procedural irregularities.
- (c) The secretary of the State Textbook Committee shall notify the publisher or publishing company representative named in the Committee's complaint of the scheduled formal hearing by certified or registered mail. This notification shall include a copy of the Committee's complaint, and the date, time, and location of the Committee meeting at which the Committee will hold its formal hearing regarding the complaint. The notice shall also include other information as required in the Administrative Procedures Act. The publisher or publishing company representative may be represented at the hearing in writing or in person. If the publisher or publishing company representative does not so appear, the Committee may, within its discretion, summarily remove the publisher from the textbook adoption process by disregarding a publisher's bid or declaring a contract forfeited. The Committee shall record its findings and order in writing.
- (d) Upon discovery of apparent discrepancies regarding failure to meet established deadlines, violations of statutes or rules and regulations, or procedural irregularities, the State Textbook Committee may take such action as it deems

appropriate and is authorized by law including removing publishers from the process by disregarding the publisher's bid or declaring a contract forfeited.

[Source: Added at 11 Ok Reg 927, eff 12-23-93 (emergency); Added at 11 Ok Reg 3551, eff 6-27-94]

CHAPTER 10. TEXTBOOK SELECTION

[Authority: OKLA. CONST. art XIII, § 6; 70 O.S., § 16-118]

[Source: Codified 6-27-94]

SUBCHAPTER 1. GENERAL PROVISIONS

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

The following words and terms, when used in this (Chapter, Subchapter, Part), shall have the following meaning, unless the context clearly indicates otherwise:

"Adopted materials" Adopted materials refers to materials approved by the State Textbook Committee and purchased with state funds.

"Ancillary material" Materials intended and designed to be used with a comprehensive program submitted with the corresponding comprehensive program or comprehensive materials with the publisher bid. Examples of this type of material may include, but are not limited to, workbooks, quizzes, and test banks.

"Comprehensive material or comprehensive program" Instructional materials or textbooks designed to guide instruction for, and learning of, grade-level courses or subject areas. Materials should align to and encompass the breadth of Oklahoma Academic Standards or learning objectives associated with the grade level(s) course being bid.

"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 materials" This term refers 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, assessment materials or textbooks or instructional materials 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; Amended at 39 Ok Reg 2313, eff 9-11-22]

SUBCHAPTER 3. BIDDING PROCEDURES

720:10-3-1. Letters of intent to bid.

Letters of intent to bid from publishers must state the book or series of books the publishing company intends to bid in the appropriate subject area and grade level. Additions to the letter of intent will be accepted only until the deadline for the receipt of publishers' bids and only if submitted in writing.

[Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94; Added at 12 Ok Reg 3301, eff 6-27-95; Amended at 21 Ok Reg 1834, eff 6-11-04]

720:10-3-2. Registration of publishers

(a) Any person, firm, corporation or organization may register with the Secretary of the State Textbook Committee. No more than two (2) names and addresses may be designated to receive mail-outs, although up to four (4) authorized agents or representatives may be listed at any one time for any one person, firm, corporation or organization. The Secretary of the State Textbook Committee shall be notified immediately, in writing, of changes in agents or representatives, addresses or phone numbers.

(b) Registration must be in written form to the office of the Secretary of the State Textbook Committee. Included in registration requests will be:

- (1) name of person, firm, corporation or organization;
- (2) addresses of main office, regional/area offices and local offices or representatives;
- (3) names of contact person(s) at each location;
- (4) names of up to four (4) in-state agents or representatives;
- (5) phone numbers for each person and place;
- (6) two (2) addresses where mail-outs should be addressed.

[Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94]

720:10-3-3. Information necessary to complete bid

(a) The Secretary of the Committee shall instruct all publishers to indicate whether each item bid is submitted to be adopted and listed in the Official List and Textbook Requisition as a comprehensive program, ancillary item, or supplementary item.

(b) The Secretary of the Committee shall instruct all publishers to include in their bids, for the purpose of securing a selection or adoption, the price delivered to the ordering district.

(c) The publisher shall stipulate in the contract that the price for which the textbook is to be furnished will be the lowest at which the same textbook will be sold or offered for sale for the purpose of securing a state or local selection or adoption elsewhere in the United States during the six (6) months prior to the date of execution of the contract; that the publisher will reduce the contract price of the textbook if the price of the same textbook is reduced below such contract price elsewhere in the United States, and will file with the Secretary of the Committee a sworn statement of such reduction made elsewhere.

(d) Publisher will establish and maintain, or operate jointly with other contractors, a suitable and convenient depository in the State of Oklahoma where a stock of the state adopted instructional materials to supply all immediate demands will be kept. Publisher will maintain at its depository a sufficient supply of such textbooks or

other physical products for individuals or boards of education desiring to purchase the same, and will sell any such book to any individual or board of education at the same price at which such instructional material is sold to the State of Oklahoma, plus cost of transportation to the individual or board of education purchasing the instructional materials. If the Publisher fails to carry a sufficient stock of such books at its depository to take care of all immediate demands of the State of Oklahoma and others requesting the same, or to furnish such books as required by law or by the contract entered into by the Publisher and the State Textbook Committee, the State Board of Education may recover on the bond of the publisher for the full value of the books not furnished as required, by the contract. **[70 O.S., §16-115]** The contract between the publishers and the State Textbook Committee may also require the payment of an additional sum of \$100.00 for each day such books are not furnished. In addition, the State Board of Education may terminate the Contract.

(e) All contracts shall include the important principles of the rules and regulations or agreements which bidders sign before or at the time of filing their bid.

(f) In addition to subsections (a) through (e) of this Section, the publisher is bound by all provisions of the State Textbook Law.

[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; Amended at 21 Ok Reg 1834, eff 6-11-04; Amended at 29 Ok Reg 1485, eff 7-1-12]

720:10-3-4. [RESERVED]

[Source: Reserved at 11 Ok Reg 707, eff 11-22-93 (emergency); Reserved at 11 Ok Reg 3553, eff 6-27-94]

720:10-3-5. Materials to be considered for adoption

(a) One copy of each textbook and one sample of each learning package, kit, or other comprehensive review materials shall be filed with the office of the Secretary of the state Textbook Committee on or before the date specified in the schedule for the textbook adoption process. Textbooks must be in final form.

(b) One copy of each textbook and one sample of each learning package, kit, or other comprehensive review material and materials not listed as free shall be provided to each member of the State Textbook Committee, review teams, and to each Congressional District Review Center. Failure to deliver samples by the date established by the State Textbook Committee calendar will result in a bid rejection.

(c) Samples of textbooks provided to the State Textbook Committee members and review teams may be returned to the publishers, donated to a school district or donated to a college or university. Under no circumstances shall the samples become the personal property of the committee member or the review team members. Under no circumstances shall the samples be sold or donated for resale purposes.

(d) In order for a library or university to be designated by the State Textbook Committee as a Congressional District Review Center the library or university must agree to the following conditions:

(1) conveniently display materials immediately upon the receipt of materials and maintain the display until such date adopted by the State Textbook Committee;

(2) obtain approval of the State Textbook Committee before disposing or distributing the materials to any other person or entity; and remove materials from public access once they are adopted. Materials may remain accessible for on-site use to a limited audience (education professionals and pre-service teachers); and

- (3) sample materials may be returned to the publisher or may be disposed of with the approval of the State Textbook Committee.
- (e) Highly-visible, permanent labels stating, "sample not to be sold" must be attached to each item furnished as a sample to the State Textbook Committee, review teams, Congressional Review Centers and the office of the Secretary of the State Textbook Committee.
- (f) Consumable materials must be clearly marked as consumable.
- (g) Each publisher must warrant that all books adopted shall comply with the standards in the Manufacturing standards and Specifications for Textbooks approved by the National Advisory Commission on Textbook Standards.
- (h) The State Textbook Committee favors regular editions, but special editions may be considered provided the differences between the two (2) editions are set forth with the bid.
- (i) Digital content and related materials will be considered for adoption.
- (j) Teacher materials will be adopted as separate items only at the kindergarten level and ESL.
- (k) Instructional Materials shall be adopted in no more than one (1) core subject cycle.
- (l) A book which has been bid and rejected by the State Textbook Committee cannot be bid again for the subject contract cycle.
- (m) Technology components of instructional materials, including, but not limited to applications using computer assisted instruction, Web 2.0 Tools, Saas (Software as a Service) and other Cloud-based technologies, shall include comprehensive teacher materials listing special requirements for the respective subject or course along with
- (1) instructions on how to use the technology components;
 - (2) an inventory of the components of the program;
 - (3) specifications for the hardware necessary to operate the system; and
 - (4) on-demand technical support.
- (n) Specifications for the hardware necessary to operate the instructional computer software system must be identified. If the hardware and equipment essential for review of the materials bid in any category is not available, it shall be supplied to the State Textbook Committee, Congressional District Review Centers, review teams, and the State Department of Education for the duration of the review process.
- (o) Publishers may not pilot programs to be bid for adoption without explicit written permission from the district superintendent and site administrator. Pilots must be completed no later than the date of the call for bids one adoption cycle year prior to the opening and consideration of bids in that subject area. Violation of this rule will result in immediate removal from the state textbook list.

[Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 1013, eff 1-7-94 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94; Amended at 12 Ok Reg 3301, eff 6-27-95; Amended at 21 Ok Reg 1834, eff 6-11-04; Amended at 22 Ok Reg 2651, eff 7-11-05; Amended at 29 Ok Reg 1485, eff 7-1-12; Amended at 39 Ok Reg 2313, eff 9-11-22]

720:10-3-6. Ancillary materials and supplementary materials

- (a) Any ancillary materials listed with textbooks in the annual requisition must be approved by the State Textbook Committee with the corresponding comprehensive materials or programs being bid unless designated as free. If ancillary materials are not available at the time of the initial adoption, but subsequently become available, publishers may submit the ancillary materials out of cycle. When the Call for Bids is mailed each year, publishers can submit letters of intent to present ancillary

materials. Samples must be sent to all members of the State Textbook Committee and review team members, to the regional review centers and to the office of the Secretary of the State Textbook Committee. The ancillary materials will be considered for adoption at the regular adoption meeting. The adopted ancillary materials will be listed in the next annual requisition.

(b) Supplementary materials are not reviewed or approved by the State Textbook Committee. Supplementary materials purchased with State Textbook funds should undergo a rigorous local review process with the local district textbook committee prior to selection. Supplementary materials should supplement adopted comprehensive materials or programs but not replace them. Supplemental materials must be listed on the Supplemental Materials Form of the Bid and additionally labeled, "Supplemental Materials not reviewed or approved by the State Textbook Committee".

[Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94; Amended at 21 Ok Reg 1834, eff 6-11-04; Amended at 39 Ok Reg 2313, eff 9-11-22]

720:10-3-7. Free Materials

(a) Free materials must be listed on the Free Materials Form of the Bid and additionally labeled, "Free Material not reviewed or approved by the State Textbook Committee".

(b) Free Material will not be submitted to the State Textbook Committee for consideration for adoption purposes. Samples of any items listed on the Free Materials Form shall be listed at the same time and in the same manner as the textbooks which they accompany. Materials listed as give free items must not be from another bid area. Materials listed as free items must be for the duration of the contract period.

(c) All items that are not listed on the bid form as given free cannot be provided free. Doing so may jeopardize the textbook contract.

(d) Comprehensive teacher materials will be furnished free to school districts based upon a minimum ratio of one (1) teacher set to 20 textbooks purchased by the district and will be submitted with bids for review.

(e) Items that are integral to the educational material may be offered free as part of the bid. These include software that supplements, complements, or is a digital version of the textbook; consumables or kits that are essential to the use of the educational material, teacher manuals, test banks, study guides, and supplementary material.

(f) Nonessential items that shall not be offered free include: lab equipment such as microscopes, carts, and other hardware; standard electronic equipment such as DVD players, overhead projectors, phone/music/data transmitting and listening devices, cameras, televisions, computers, media carts, calculators; educational materials that are not related to the subject areas of the items that are offered in the bid.

[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; Amended at 21 Ok Reg 1834, eff 6-11-04; Amended at 24 Ok Reg 1696, eff 7-2-07]

720:10-3-8. Acceptance or rejection of bids

Before August 15, the State Textbook Committee will meet at a place designated by the Secretary of the State Textbook Committee to open and examine sealed bids. At that time the Secretary of the State Textbook Committee will report on the receipt of textbooks and ancillary materials. The State Textbook Committee will then vote to accept or reject bids. On rejection of a bid the chairperson of the

State Textbook Committee will direct the Secretary to return to the bidder any materials submitted for consideration.

[Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94]

720:10-3-9. Local district sampling

In accordance with Title 70, Section 16-111.B, upon written request by the district textbook coordinator, publishers of a textbook selected for adoption by the State Textbook Committee must furnish at least one examination copy of the instructional materials including the teacher edition, if one is published, and a copy of software or online access for purposes of complete demonstration and review, if available, to each requesting district. All examination copies not adopted at the local level must be returned. Publishers are prohibited from providing examination copies of textbooks instructional materials unless requested in writing by the district textbook coordinator. Failure to do so may jeopardize the textbook contract.

[Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94; Amended at 29 Ok Reg 1485, eff 7-1-12]

SUBCHAPTER 5. PROCEDURES FOR EVALUATING AND VOTING TO SELECT TEXTBOOKS

720:10-5-1. Advisors [REVOKED]

[Source: Added at 11 Ok Reg 707, eff 11-22-93 (emergency); Added at 11 Ok Reg 3553, eff 6-27-94; Revoked at 39 Ok Reg 2313, eff 9-11-22]

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 review team members. 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; Amended at 39 Ok Reg 2313, eff 9-11-22]

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]

SUBCHAPTER 7. CONTRACTS AND BONDS

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) 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.

(b) 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; Amended at 39 Ok Reg 2313, eff 9-11-22]

SUBCHAPTER 9. RESPONSIBILITIES OF STATE DEPARTMENT OF EDUCATION

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]