



**Oklahoma State
Textbook
Committee**

Chair
STATE SUPERINTENDENT
RYAN WALTERS
Oklahoma State Department of
Education

Chair- PROXY
KENDRA WESSON
Oklahoma State Department of
Education: Board Member

Vice-Chair
JAY ROTERT
Congressional District 1

MEMBERS
CHRISTINA HANVEY
Congressional District 2

JOSH ALLEN
Congressional District 2

HOLLY HELM
Congressional District 3

SONYA COVALT
Congressional District 3

ASHLEY LEMING
Congressional District 4

TERRY BRANDENBURG
Congressional District 4

ALLISON KIDNEY
Congressional District 5

DIANN MAGNUS
Congressional District 5

TERESA GERBER
At-Large

MICHAEL BELLEW
At-Large

SHARON MORGAN
Secretary

STATE TEXTBOOK COMMITTEE (STC)

Regular Meeting
Oklahoma State Department of Education
Oliver Hodge Building
2500 North Lincoln Boulevard
State Board Room, Suite 1-20
Oklahoma City, Oklahoma 73105

ORIENTATION and ORGANIZATION MEETING

AGENDA

June 7, 2024


10:00 a.m.


1. Call to Order – Kendra Wesson, State Textbook Chair-PROXY
2. Roll call and determination of quorum – Shanda Finnell, Oklahoma State Department of Education
3. Welcome! Oath of office- New Appointees –Kendra Wesson, PROXY
 - a. Ashley Leming
 - b. Christina Hanvey
 - c. Diann Magnus
 - d. Josh Allen
 - e. Michael Bellew
4. ACTION ITEM: Discussion and possible action on minutes of the February 9 and 27, 2024 State Textbook Committee regular meetings. [OAR 720:1-1-4.](#)
5. State Textbook Committee: Overview and Purpose Presentation- Sharon Morgan, Oklahoma State Department of Education
6. Open Meeting Act Overview and Ethics Presentation- Michael Beason, Oklahoma State Department of Education, General Counsel- **25 O.S. § 301-314.**
7. Complete Travel Reimbursement Information- Shanda Finnell, Oklahoma State Department of Education.
8. 2024 Textbook Adoption Cycle- Publisher Bid Submissions
 - a. PK-12 Computer Science
 - b. PK-12 Fine Arts
 - c. PK-12 Technology Education
9. ACTION ITEM: Adjournment- Kendra Wesson, PROXY

Oklahoma Oath of Office:

<https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=85111>

 **Oklahoma**

 **Oklahoma Constitution**

 **Article 15 - Oath of Office**

 **Section Article 15 section 1 - Officers required to take oath or affirmation - Form**

Cite as: O.S. §, ___ ___

§ 1. Officers required to take oath or affirmation - Form.

All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation:

"I, , do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law; I further swear (or affirm) that I will faithfully discharge my duties as to the best of my ability."

The Legislature may prescribe further oaths or affirmations.

Historical Data

Amended by Laws 1969, SJR 17, Section 1, State Question 466, Legislative Referendum 178, adopted at election held September 9, 1969.

Citationizer® Summary of Documents Citing This Document



MINUTES
of the
OKLAHOMA STATE TEXTBOOK COMMITTEE

February 9, 2024

The Oklahoma State Textbook Committee (STC) held a special meeting beginning on February 9, 2024.

Committee Chair designee Kendra Wesson called the meeting to order at 10:00 a.m.

Shanda Finnell then called the roll.

The committee members that were present:

Kathryn Szallar
Jay Rotert
Jessica Thompson
Sonya Covalt
Holly Helm
Terry Brandenburg
Allison Kidney
Melissa Pearce
Committee Chair designee Kendra Wesson

The committee member absent:

Kathryn Yarbrough
Teresa Gerber

Committee Chair designee Kendra Wesson requested confirmation of posted agenda in compliance with Open Meeting Act. Shanda Finnell confirmed.

The next item on the agenda was discussion of, and possible action on, the minutes for the November 17, 2023 regularly scheduled meeting. Kathryn Szallar made a motion to accept the minutes. Sonya Covalt seconded the motion. Vote was called. Yes – 9 –, Kathryn Szallar, Jay Rotert, Jessica Thompson, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Melissa Pearce, and Kendra Wesson. No – 0 – The motion passed.

The next item on the agenda was discussion and possible action of the proposed 2024-25 State Textbook Calendar, a schedule of events for the next fiscal year. Allison Kidney made a motion to accept the calendar. Holly Helm seconded the motion. Vote was called. Yes – 9 –, Katheryn Szallar, Jay Rotert, Jessica Thompson, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Melissa Pearce, and Kendra Wesson. No – 0 – The motion passed.

The next item on the agenda was discussion and possible action on verifying the review process has been conducted in a scrupulous and fair manner for Savvas: Math K, 1, 2. Terry Brandenburg made a motion that the process was done in a Fair and scrupulous manner. Jay Rotert seconded the motion. Vote was called. Yes – 9 –, Katheryn Szallar, Jay Rotert, Jessica Thompson, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Melissa Pearce, and Kendra Wesson. No – 0 – The motion passed.

The next item on the agenda was discussion and possible action on the careful examination of all books submitted for adoption; select textbooks in each subject area called for in the adoption; adopt a final rating for each textbook prior to including it on the textbook list required. a. Mathematics (pre-k through 12th grade): 1. Savvas Learning Company: K, 1, 2. Kathryn Szallar made a motion to approve the materials and change the final rating to Approaching Quality. Holly Helm seconded the motion. Vote was called. Yes – 9 –, Katheryn Szallar, Jay Rotert, Jessica Thompson, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Melissa Pearce, and Kendra Wesson. No – 0 – The motion passed.

The next item on the agenda was discussion and possible action on the 2024-25 instructional material evaluation rubrics for: a. Fine Arts PK-12; b. Computer Science PK-12; c. Technology Education PK-12. Gateway 4, a new gateway, had a lot of discussion. Allison Kidney made a motion to approve all Fine Arts PK-12, Computer Science PK-12 and Technology Education PK-12 rubrics for 2024-25. Kathryn Szallar seconded the motion. Vote was called. Yes – 9 –, Katheryn Szallar, Jay Rotert, Jessica Thompson, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Melissa Pearce, and Kendra Wesson. No – 0 – The motion passed.

The next item on the agenda was discussion and possible action on the 2024-25 Content Expert Review Team Application. Holly Helm made a motion to approve the 2024-25 Application with the date change of July 16 – 18th. Sonya Covalt seconded the motion. Vote was called. Yes – 9 –, Katheryn Szallar, Jay Rotert, Jessica Thompson, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Melissa Pearce, and Kendra Wesson. No – 0 – The motion passed.

The next item on the agenda was discussion and possible action to nominate and vote on the election of a State Textbook Committee Vice-Chair to serve for one year. Kathryn Szallar nominated Jay Rotert. Terry Brandenburg seconded the nomination. Blind vote was cast. Jay Rotert – 9 – Votes. No – 0 – The motion passed.

The next item was presentation of certificates of appreciation to the Oklahoma State Textbook Committee members scheduled to complete their term. – State Textbook Committee Designated Chairperson. a. Melissa Pearce (Lay person, Congressional District 5) 3/2/2021-3/1/2024. b. Kathryn Szallar (Early Childhood, Congressional District 5) 3/2/2021-3/1/2024. c. Jessica Thompson (Mathematics, Congressional District 2) 4/28/23-3/1/2024.

The next item on the agenda was discussion and possible action for adjournment of the February 9, 2024 Special Meeting. Allison Kidney made a motion to adjourn the meeting at 10:56 a.m. Jessica Thompson seconded the motion. Vote was called. Yes – 9 –, Katheryn Szallar, Jay Rotert, Jessica Thompson, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Melissa Pearce, and Kendra Wesson. No – 0 – The motion passed.



MINUTES
of the
OKLAHOMA STATE TEXTBOOK COMMITTEE

February 27, 2024

The Oklahoma State Textbook Committee (STC) Special meeting beginning on February 27, 2024.

Committee Chair designee Kendra Wesson called the meeting to order at 1:03 p.m.

Shanda Finnell then called the roll.

The committee members that were present:

Kathryn Szallar

Jay Rotert

Sonya Covalt

Holly Helm

Terry Brandenburg

Allison Kidney

Teresa Gerber

Melissa Pearce

Committee Chair designee Kendra Wesson

The committee members that were absent:

Jessica Thompson

Melissa Pearce

Committee Chair designee Kendra Wesson requested confirmation of posted agenda in compliance with Open Meeting Act. Shanda Finnell confirmed.

The next item on the agenda was discussion and possible action on Accepting the changes of Gateway 4, Indicator 4q for the three rubrics. Teresa Gerber made a motion to accept the clarifying changes made to the gateway. Sonya Covalt seconded the motion. Vote was called. Yes – 8 – Kathryn Szallar, Jay Rotert, Sonya

Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Teresa Gerber, and Chair designee Kendra Wesson. No – 0 – The motion passed.

The next item on the agenda was discussion and action on verifying the review process has been conducted in a scrupulous and fair manner for McGraw-Hill: Math K-2 and 3-5. Counsel said items 7 and 8 on the agenda do not have to be done since it was not referred back to the content review teams and are the same as previously presented at the last meeting. You don't need to do action item 8 since it was voted on at a prior meeting. Action skipped.

The next item on the agenda was discussion and possible action on careful examination of all books submitted for adoption; select textbooks in each subject area called for in the adoption; adopt a final rating for each textbook prior to including it on the textbook list required. a. Mathematics (pre-K through 12th grade): 1. McGraw-Hill: K, 1, 2; 2. McGraw-Hill: 3, 4, 5. Teresa Gerber made a motion to accept the rating of the review team as Exemplifies Quality for McGraw-Hill Kindergarten through 5th grade. Kathryn Szallar seconded the motion. Vote was called. Yes – 7 – Kathryn Szallar, Jay Rotert, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Teresa Gerber. No – 1 – Chair designee Kendra Wesson. The motion passed.

The last item on the agenda was adjournment of the February 27, 2024, Special State Textbook Committee meeting. Allison Kidney made a motion to adjourn the meeting at 1:18 p.m. Jay Rotert seconded the motion. Vote was called. Yes – 9 – Kathryn Szallar, Jay Rotert, Sonya Covalt, Holly Helm, Terry Brandenburg, Allison Kidney, Teresa Gerber and Chair designee Kendra Wesson. No – 0 – The motion passed.

Oklahoma State Textbook Committee Orientation

June 7, 2024



OKLAHOMA
Education



Selecting or Approving Textbooks

- The Committee shall **approve textbooks or a series of textbooks** for each subject bid by publishers during a subject-cycle adoption period.
- The **state will engage in contracts** with publishers for the approved textbooks or series of textbooks allowing school districts to use state textbook funds to purchase.

70 O.S. § 16-102; § 16-106

2024-25 Subject Cycle

- Adoption Year 2024
 - PK-12 Fine Arts
 - PK-12 Computer Science
 - PK-12 Technology Education
- Adoption Year 2023
 - PK-12 Mathematics
 - Early Childhood Education (Comprehensive)

Subject Specific Reviews and Rubrics

2024 Adoption Cycle

PK-12 Fine Arts

PK-12 Computer Science

PK-12 Technology Education

Publisher Due Dates in Oklahoma

- **March 1, 2024:** Call for Publisher Bids
 - **April 5, 2024:** Deadline for Publishers' Intent to Bid
-
- **June 14, 2024:** Deadline for Receipt of Publishers' Bids
 - **July 1, 2024:** Deadline for Receipt of Sample Bid Items
 - **December 6, 2024:** Call for Substitutions
 - **January 3, 2025:** Deadline for Notice of Intent to Substitute/
Receipt of Bids and Books to Substitute

Content Review Teams

- 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.
- Review teams will review all materials according to the rubric adopted by the State Textbook Committee.

70 O.S. § 16-102

Content Review Teams 2023

Technology Education

Fine Arts - Performance

Computer Science

Fine Arts - Visual

Rubrics for Content Review Teams

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.**"

~ 70 O.S. § 16-102

PK-12 Fine Arts – Approved February 2024

Review Summary			
Gateway	Criterion	Score	Rating
1	Alignment to the Standards and Artistic Processes		
	1.1 Alignment to the Standards	/ 12	
	1.2 Artistic Processes	/ 8	
Gateway 1 Sub-Total		/ 20	
2	Teacher Supports and Assessment		
	2.1 Teacher Supports	/ 12	
	2.2 Assessment	/ 12	
Gateway 2 Sub-Total		/ 24	
3	Usability, Access, and Intentional Design		
	3.1 Usability, Access	/ 16	
	3.2 Intentional Design	/ 14	
Gateway 3 Sub-Total		/ 30	
4	Statutory and Regulatory Fidelity		
	4.1 70 O.S. 24-157	/8	
	4.2 OAC 720:10-5-3	/13	
Gateway 4 Sub-Total		/21	
Overall Rating		Total Score	Final Rating
Exemplifies Quality: All Gateways are Exemplifies Quality. Approaching Quality: All Gateways are Approaching Quality or Better. Not Representing Quality: Any Gateway is Not Representing Quality.		/ 95	

PK-12 Computer Science– Approved February 2024

Review Summary				
Gateway		Criterion	Score	Rating
1	Oklahoma Academic Standards- Alignment, Coherence, and Assessment	1.1 Alignment and Accuracy	/8	
		1.2 Coherence	/8	
		1.3 Assessment	/8	
		Gateway 1 Sub-Total	/24	
2	Instructional Support	2.1 Student Learning	/10	
		2.2 Teacher Supports and Supplemental Materials	/8	
		2.3 Instructional Design	/8	
		Gateway 2 Sub-Total	/26	
3	Access and Technology	3.1 Access	/10	
		3.2 Technology	/6	
		Gateway 3 Sub-Total	/16	
4	Statutory and Regulatory Fidelity	4.1 70 O.S. 24-157	/8	
		4.2 OAC 720:10-5-3	/13	
		Gateway 4 Sub-Total	/21	
Overall Rating			Total Score	Final Rating
Exemplifies Quality: All Gateways are Exemplifies Quality. Approaching Quality: All Gateways are Approaching Quality or Better. Not Representing Quality: Any Gateway is Below Approaching Quality.			/87	

PK-12 Technology Education– Approved February 2024

Review Summary				
Gateway		Criterion	Score	Rating
1	Academic Standards-Alignment, Coherence, and Assessment	1.1 Alignment and Accuracy	/ 10	
		1.2 Coherence	/ 08	
		1.3 Assessment	/ 08	
		Gateway 1 Sub-Total	/ 26	
2	Instructional Support	2.1 Student Learning	/ 10	
		2.2 Teacher Supports and Supplemental Materials	/ 08	
		2.3 Instructional Design	/ 08	
		Gateway 2 Sub-Total	/ 26	
3	Access and Technology	3.1 Access	/ 10	
		3.2 Technology	/ 06	
		Gateway 3 Sub-Total	/ 16	
4	Statutory and Regulatory Fidelity	4.1 70 O.S. 24-157	/ 08	
		4.2 OAC 720:10-5-3	/13	
		Gateway 4 Sub-Total	/21	
Overall Rating Exemplifies Quality: All Gateways are Exemplifies Quality. Approaching Quality: All Gateways are Approaching Quality or Better. Not Representing Quality: Any Gateway is Not Representing Quality.			Total Score	Final Rating
			/ 89	

Review Team Timeline



STC's Twelve Criteria for Textbook Review

OAR 720:10-5-3

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.

Committee Criteria for Textbook Review

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.

Committee Criteria for Textbook Review

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

Committee Criteria for Textbook Review

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

Committee Criteria for Textbook Review

7. Present balanced and factual treatments to controversial, political and social movements without biased editorial judgments
8. Do not promote illegal lifestyles or sexual behavior, sadistic or degrading behavior
9. Do not include blatantly offensive language or illustrations

Committee Criteria for Textbook Review

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
12. Do not invade the privacy of the pupils or pupils' parents

November 15, 2024

State Textbook Committee: Board Meeting

Voting to approve books for 24-25 subject cycle approval.

STC: Selection or Adoption of Textbooks

- 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 required textbook list.
- The Committee shall ***consider***, but **not be required to accept, the recommended rating** of the review teams.

Committee Action

- The **books selected for adoption** shall be those which the Committee rates as "**Exemplifies Quality**" or "**Approaching Quality.**" ~ 70 O.S. § 16-104
- For each vendor, the Committee may vote upon rubric results for each program and/or grade-level.

Out-of-Cycle Evaluation

- 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.

70 O.S. §§ 16-102, 16-107; OAR 720:10-5-5

Supplemental Materials

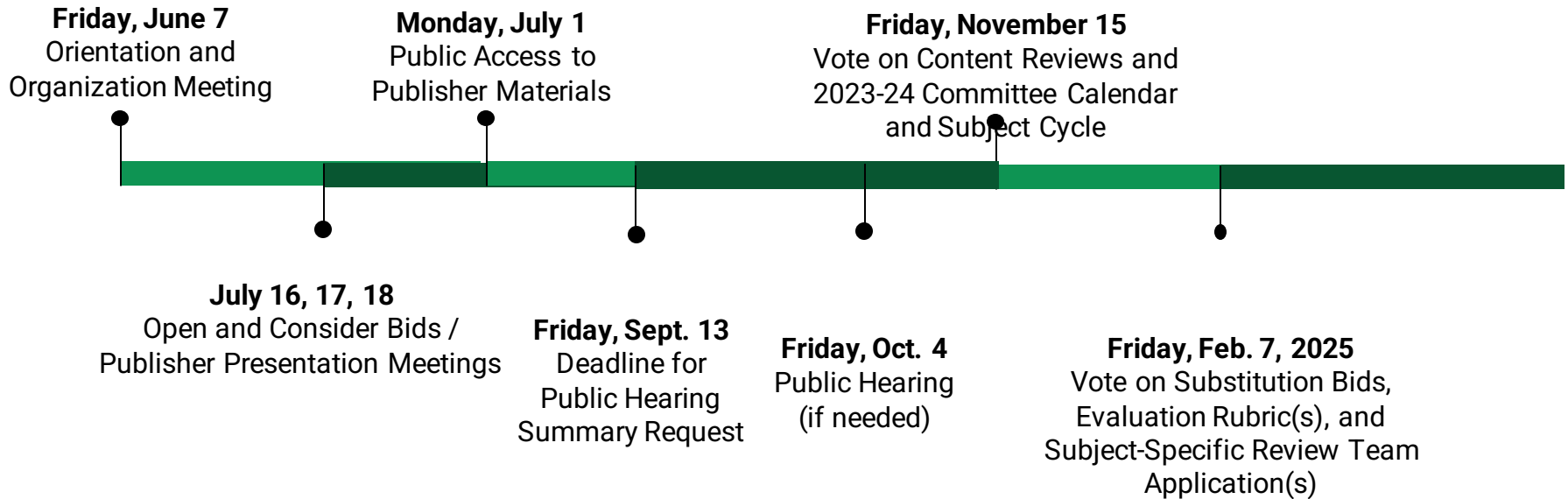
- Per OAR 720:10-3-6, supplementary materials are **not** reviewed or approved by the State Textbook Committee.
- Supplementary materials may undergo a rigorous local review to be purchased with state textbook funds.
- Supplementary programs can be used in conjunction with comprehensive programs but not replace them.

Contracts

- Standard contracts are drafted and circulated by SDE.
- State approved items are those in which the publishing company has contracted with Oklahoma to ensure the lowest price for districts and accessible formats for all Oklahoma learners.

70 O.S. § 16-106

2024-25 Calendar: Committee Meetings



Questions?

Understanding Oklahoma's Open Meeting Act and Ethics Rules

June 7, 2024



OKLAHOMA
Education



Transparency

The Open Meeting Act Title 25 O.S. §§ 301-314

Overview

1. When is the Act triggered?
2. What actions must be taken before meetings?
3. What procedures must be followed during meetings?
4. What consequences may ensue from violations?

1. When is OMA Triggered?

When does the Open Meeting Act come into play?

1. When is the OMA triggered?

- Every regular, special, emergency, or reconvened **meeting** of a **public body** shall be open, except as provided by the Act.
- The Act applies when there is a:
 - Majority of a public body together,
 - And that public body is conducting the business of the public body
- **“Public body”** and **“meeting”** are both defined by statute.

“Public Body” Defined

- Governing bodies of all municipalities
- Boards of county commissioners
- Boards of public and higher education
- All Boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts
- All committees or subcommittees of any public body
- Supported in whole or in part by public funds, entrusted with the expending of public funds, or administering public property

Public Body Does Not Include

- Judiciary
- Legislature and legislators
- Administrative staff of public bodies (including faculty meetings and athletic staff meetings of institutions of higher ed when not meeting with public body)
- Other specific exceptions per statute, i.e., racing stewards, Council on Judicial Complaints, etc.
- Committees that are purely fact finding, information, recommendatory, or advisory with no decision-making authority.
 - *Andrews V. Ind. School District No. 29 of Cleveland Co.*, 1987 OK 40, 737 P.2d 929
- Private organizations which contract to provide goods or services to the public on behalf of a governmental agency and receive payment from public funds merely as reimbursement for goods or services provided.
 - 2002 OK AG 37

“Meeting” Defined

- When conducting business of a public body.
- By a majority of its members.
- Being personally together, OR, by teleconference, as authorized by §307.1.
 - **Note:** a “meeting” does not include informal gatherings of a majority of members when no business of the public body is being discussed. 25 O.S. § 304(2)

Electronic and Telephonic Communications

- Prohibits deciding or taking action (voting) on any matter by phone or email.
- Also prohibits deciding or taking action on any matter at an “informal gathering”.
- **Caution-** Discussion in a group email/social media group can create a virtual meeting subject to the OMA.

Hypothetical: Post-Board Meeting

- Does the OMA apply?
- Best Practice: majority of body's members should not attend lunch together
 - **Note:** If members insist on a group lunch, announce it at the end of the meeting, and invite everyone to join the public body.

2. What actions must be taken before meetings

Required Pre-Meeting Actions

- Provide Notice
- Post Agenda

Four Types of Meetings



Provide Notice: Regular Meeting

- **When?**

- Annually by December 15 for the next calendar year.
- Include *date, time, and place* of meetings.
- Regular meetings can be changed with 10 days notice to the appropriate office, and limited new business is permitted.

- **To Whom?**

- **State public bodies:** Secretary of State
- **County public bodies:** County Clerk of the county where the body is principally located
- **Municipal public bodies:** municipal clerk

Provide Notice: Special Meetings

- **When?**

- 48 hours notice of date, time and place
- Excludes Saturdays, Sundays, and Oklahoma State holidays.

- **Form:**

- Includes notice
 - Notice needs to be in writing, in person, or by telephonic means to the proper record keeping official (i.e. SOS, county clerk) AND to those who have filed written requests to receive notice of a meeting.

Provide Notice: Emergency Meetings

Emergency:

“[A] situation involving injury to persons or injury and damages to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damages or immediate financial loss”.

- **When?**

- Give advance notice that is reasonable and possible under the circumstances.

- **Form:**

- Give Notice as soon as possible, whether in person, by phone, or electronic means.

Provide Notice: Continued or Reconvened Meetings

- **When?**

- Announce date, time, and place of continued/reconvened meeting at original meeting.

Post the Meeting's Agenda

- **When?**

- **Regular Meeting:** Display agenda 24 hours prior to meeting, excluding Saturday, Sunday, and Oklahoma State holidays.
 - *EX: If the meeting is at 10:00 am on Monday, the agenda must be posted no later than 10:00 am the Friday before.*
- **Special Meeting:** Notice posted 48 hours in advance and agenda posted 24 hours prior to meeting.

Post the Meeting's Agenda

- **Where?**

- Post notice and agenda at principal office (or location of meeting if no office exists).
 - *Must be visible to the public the entire 24 hours before the meeting begins*

OR

- Post on public body's website
 - Must also maintain an email distribution system and send notice to this group no less than 24 hours in advance.
 - AND, post notice and agenda at the principal office (or location of meeting) during normal business hours at least 24 hours in advance.

“Agendas-

[Must] be worded in plain language, directly stating the purpose... The language used should be simple, direct and comprehensible to a person of ordinary education and intelligence.”

Haworth Bd. Of Ed. V. Havens 637 P.2d 902, 904 (Okla. Civ. App. 1981)

- Must contain sufficient information for the public to identify the items of business and the purpose.
- Cannot take action if the action is not on the agenda.
- Cannot be vague.
 - Ex- “Executive Director’s Report” would need more detail on what the report will cover.
- List proposed executive sessions.
- **New Business** only permitted at regularly scheduled meetings.

New Business

New Business:

“Any matter not known about or which could not have been reasonably foreseen prior to the time of posting [the agenda].”

- New Business is NOT what someone forgot to place on the agenda
- To consider new business at a regular meeting, timely post an agenda containing an item called “new business”.
- New Business is **only** allowed at a regular meeting.
 - **Caution-** Use sparingly, only when not reasonably foreseeable prior to posting the agenda.

Failed Agenda Example

Example:

Agenda said purpose of the meeting was to:

1. Appoint new board member.
2. Interview a new administrator.
3. Hire principals.

- The school board hired a superintendent. Why was this a violation of the Open Meetings Act?
 - Haworth Bd. Of Ed. V. Havens, 637 P.2d 902 (Okla. Civ. App. 1981).
- **Best Practice:** Be specific and clear. Do not vaguely refer to the action planned to be taken or discussed.

3. What actions must be taken during Meetings

When and where to hold meetings, recording votes, minutes, public comments etc.

When and Where to Hold Meetings

- Meetings “shall be held at specified time and places which are convenient to the public”.
- Use good judgement.
 - Do not host a meeting at a locked courthouse on a public holiday.
Rogers v. Excise Bd., 1984 OK 95, 701 P.2d 754

Recording Votes

- The vote of each member must be both publicly cast & recorded.
- Section 306's prohibition on informal gatherings ensures actions are taken publicly and recorded.
 - **Caution-** Failure to not have BOTH publicly cast & recorded votes will result in the action being invalid. *Oldham v. Drummond Bd. Of Ed., 1975 OK 147, 542 P.2d 1309*
- Must record the vote of each individual member at a meeting.
- If vote is unanimous, it is sufficient to record “5-0” in favor of...”
Graybill v. Oklahoma State Bd. Of Ed., 1978 OK 124, 585
 - However, best practice is to record how each individual voted, including yes and no votes and whether there were any abstentions.

Minutes

Minutes must be written and include:

- Official *summary* of the proceeding
- Identification of:
 - All members present and absent (2012 OK AG 24)
 - All matters considered
 - All actions taken
- Should reflect manner and time notice was given
- Any person may record the meeting, provided it does not interfere with the meeting
 - **Note:** Minutes of public meetings are open records

Minutes (continued)

- Minutes must be taken in Executive Session

Berry v. Bd. Of Gov. of Registered Dentists, 1980 OK 45, 611 P.2d 628

- However, minutes taken in Executive Session may be kept confidential under the Open Records Act. 51 O.S. § 24A.5(1)(b).

- Minutes for Emergency Meetings: § 312(B)

- Must state nature of emergency
- Must include reasons for declaring emergency meeting

Public Comment

- A public body is not required to provide opportunity for citizens to speak (2002 OK AG 26; 1998 OK AG 45)
 - If public body chooses to allow public comment, it is advisable to set policy
 - Could limit comments to agenda items only and/or set a time limit
 - Public body should be careful not to discuss topics on the agenda during public comment portion of meeting

Executive Sessions

- **General Rule:** No executive sessions unless specifically authorized in § 307 or another statute.
- **Limited Permissible Purposes:**
 - Personnel matter (25 O.S. § 307(b)(1))- construed narrowly
 - Not job openings (2006 OK AG 17)
 - Not hiring independent contractors (2005 OK AG 29)
 - Must Identify Individual or unique position (1997 OK AG 61)
 - Purchase or appraisal of real property (25 O.S. § 307 (B)(3))
 - Confidential communications with attorney concerning pending investigation, claim or action (25 O.S. § 307 (B)(4))
 - Other Specific statutes
- **Violation:** Criminal liability and minutes and records of the executive session shall be made public.

Executive Sessions (continued)

- **Special Procedures-Convening Executive Session:**
 - Proposed executive session must be noted on the agenda (25 O.S. § 311(B) and 82 OK AG 114).
 - Include specific citation to which provision of § 307 authorizes the executive session. (25 O.S. § 311(B)(2)(C)).
 - Must take vote at the meeting to go into executive session and have majority of quorum to convene executive session. (25 O.S. § 307 (E)(2)).
 - No executive session by videoconference (25 O.S. § 307 (B)).

Executive Sessions (continued)

- **Special Procedures-Deliberation Only:**
 - Votes cannot be taken in executive session.
 - Can discuss, but actions arising out of executive session must be taken in an open meeting.
 - Must take and keep minutes (i.e. what happened, who was there). *Berry v. Bd. Of Gov. of Registered Dentists, 1980 OK 45, 611 P.2d 628.*
 - Must vote to come out of executive session and record those votes publicly.

Executive Session (continued)

Agenda Example 1

Proposed executive session: Possible discussion and vote to enter Executive Session *pursuant to 307 (B)(4)*¹ for confidential communications between Board and its attorney concerning *the pending tort claim filed by John Doe*² against the Board, where the Board's attorney has determined disclosure *will seriously impair* the ability of the Board to process the claim in the public interest.³

1. *State applicable 307 (B) provision (§ 311 (B)(2)(C)).*
2. *Identify the claim, investigation, or proceeding.*
3. *Board's attorney must make determination if 307 (B)(4) used.*

Executive Session (continued)

Agenda Example 2

Proposed executive session: Possible discussion and vote to enter Executive Session *pursuant to 25 O.S. § 307 (B)(1)*¹ to discuss annual review of Executive Director and *possible merit raise increase*² for Executive Director.³

1. *Citation to specific 307 (B) provision (§ 311 (B)(2)(C)).*
2. *Salary and evaluations can be discussed in Executive Session (1996 OK AG 40).*
3. *Name or unique position identified (1997 OK AG 61).*

4. What consequences may ensure from violations of the OMA?

Penalties, Remedies and Willful Violations

Penalties and Remedies Under the OMA

Civil Implications

- Actions taken in willful violation are invalid 25 O.S. § 313.
- Minutes of an executive session will be made public where the OMA is willfully violated 25 O.S. § 307(F)(2).
- Any person can bring a civil action 25 O.S. § 314(B).
- Successful party is entitled to reasonable attorney fees

Criminal Penalties

- Any willful violation of the provisions of the Act are punishable.
- Misdemeanor offense.
- Fine up to \$500 and/or up to one (1) year in the county jail. 25 O.S. § 314.

Willful Violation

“The Act provides that any action taken in willful violation shall be invalid. Willfulness does not require a showing of bad faith, malice, or wantonness, but rather, encompasses **conscious, purposeful violations of law or blatant or deliberate disregard of the law by those who know, or should know...** Notice of meetings of public bodies which are deceptively vague or likely to mislead constitute a willful violation.”

Rogers v. Excise Bd. Of Greer County, 1984 OK 95, 701 P.2d 754

How to Correct an OMA Mistake

- If not in compliance with OMA when an action is taken, the act will be invalid
- The public body should redo its action in conformity with the OMA.
- How? Depends on the type of mistake.
 - Give proper public notice and put item on the next meeting's agenda.
 - Re-vote and record the decision in the public meeting.

Ethics

Ethics defined

- Conforming to professional standards of conduct

Permissible Actions

- Accept promotional material related to the job.
- Give gifts to family members and personal friends.
- Accept food served at a meeting where you are a guest.
- Accept gratuities offered at conferences made available to all attendees.

Oklahoma Ethics Commission

- Website: ethics.ok.gov
- Purpose: To prevent the misuse of public office.
- Established by an amendment to the Oklahoma Constitution.
- If you have concerns regarding ethics, you can ask either SDE Legal Services or the Oklahoma Ethics Commission.

Misuse of Office and Misuse of Authority

- You cannot use the authority of your office to coerce or induce another to provide any benefit to:
 - You.
 - Your family.
 - Any person associated within a non-governmental capacity.
- Conflicts of interest occur if you or your family has a material financial interest in a committee decision.
- The Oklahoma Ethics Commission has determined endorsements to be a misuse of office unless the endorsement is customary for the position and/or authorized by contract.

Duty of Impartiality

- State officers cannot participate in matters where impartiality may reasonably be questioned.
- Participation: Voting, discussing or non-verbal cues.

Meals and Gifts from Vendors

- Never during the purchasing process.
- After a contract has been awarded, limit is \$20 or \$50 annually.
- No alcohol EVER.
- Occasional (non-routine) modest items (e.g., donuts).

Conferences

- Speakers may accept food, travel and lodging if offered to all speakers.
- Spouses of speakers may accept food and lodging, but not travel.
- Current EOs limiting out-of-state travel.
- Conference attendees may accept hospitality given to all participants.

Scholarships and Grants

- State officers and employees may accept a scholarship, similar grant or subsidy to participate in certain educational or training events.
 - Transportation costs, lodging, meals, refreshments, entertainment, instruction and materials made available to all other participants can be included in the scholarship.
- A scholarship report must be filed with the Oklahoma Ethics Commission in certain situations.
- Reporting is not required for scholarships provided by a foreign government, the United States government or the government of another State or by an entity to which the State of Oklahoma pays membership dues.
- Reporting is required for scholarships provided by bona fide governmental, professional or business organization other than an organization described above.

Political Activities

- State officers may not:
 - Use public resources for political purposes
 - Use public personnel, funds, property, or time for political purposes
 - Post campaign materials at work

Uncertain Questions

- If you are uncertain on what to do:
 - Ask what the reasonable person would think
 - Acting ethically is more than not violating ethics laws and policies
 - Consider the appearance of your actions
 - Seek legal counsel
 - bryan.cleveland@sde.ok.gov
 - Ask the Ethics Commission for binding advice

Questions?

2024 Intent to Bid List

Computer Science, Fine Arts, Technology Education

12-PUBLISHERS	COMPUTER SCIENCE
Goodheart-Willcox Publisher	Computer Science
CodeHS, Inc.	Computer Science
HW Tech Studio, Inc. dba Hello World	Computer Science
Cengage Learning, Inc	Computer Science
CompuScholar, Inc.	Computer Science
eDynamic Holdings LP	Computer Science
Kira Learning	Computer Science
MyEducator	Computer Science
Nucleus Robotics, LLC	Computer Science
Pitsco Education	Computer Science
Skill Struck, Inc.	Computer Science
Coder Kids, Inc. dba Ellipsis Education	Computer Science

12-PUBLISHERS	FINE ARTS
Alfred Publishing, LLC	Fine Arts
Davis Publications, Inc.	Fine Arts
Digital Theatre (US) LLC	Fine Arts
GIA Publications, Inc	Fine Arts
Goodheart-Willcox Publisher	Fine Arts
MakeMusic, Inc.	Fine Arts
McGraw Hill LLC	Fine Arts
Playbook Music Inc.	Fine Arts
QuaverEd, Inc. (K-5)	Fine Arts
QuaverEd, Inc. (PK-8)	Fine Arts
The Art of Education University	Fine Arts
Themes and Variations Inc.	Fine Arts

11-PUBLISHERS	TECHNOLOGY EDUCATIION
B.E. Publishing	Technology Education
Cengage Learning, Inc	Technology Education
CEV Multimedia, LLC	Technology Education
CompuScholar	Technology Education
eDynamic Holdings LP	Technology Education
Kira Learning	Technology Education
McGraw Hill LLC	Technology Education
MyEducator	Technology Education
Nucleus Robotics, LLC	Technology Education
Pitsco Education	Technology Education
Skill Struck, Inc.	Technology Education

2-PUBLISHERS	OUT-OF-CYCLE
EPS Learning (EPS Operations, LLC)	Out-of-Cycle
LaTonya Williams	Out-of-Cycle

OKLAHOMA STATE TEXTBOOK COMMITTEE (STC)

2024-2025 Calendar

- Issue “Call for Publisher Bids,” – PK-12 Fine Arts, PK-12 Computer Science and Technology Education [70 O.S. §16-103](#); OAC 720:10-9-1 Friday, March 1, 2024
- Deadline for “Notice of Intent to Bid” (by email or letter) Friday, April 5, 2024
- ORIENTATION AND ORGANIZATION MEETING** **Friday, June 7, 2024**
1. Deadline for “Receipt of Publishers’ Bids” Friday, June 14, 2024
2. Deadline for “Receipt of Sample Bid Items” [70 O.S. §16-119](#) Monday, July 1, 2024
3. **OPEN AND CONSIDER BIDS/PUBLISHER PRESENTATION MEETINGS** [70 O.S. §16-104](#) **Tuesday - Thursday**
July 16–18, 2024
4. Deadline for public hearing summary request. Friday, September 13, 2024
Refer to [70 O.S. §16-102](#) and OAC 720:10-5-2.
5. **[TENTATIVE] MEETING FOR PUBLIC HEARING** **Friday, October 4, 2024**
If summaries are received, this meeting must take place by the end of the second week of October. [70 O.S. §16-102](#); OAC 720:10-5-2
6. **MEETING TO VOTE ON CONTENT REVIEWS OF BID ITEMS FOR LIST; 2024-2025 SUBJECT CYCLE APPROVAL; 2025 REGULAR MEETING ADOPTION.** [70 O.S. §16-104](#); [25 O.S. § 311](#) **Friday, November 15, 2024**
7. Issue “Call for Substitutions” [70 O.S. §16-107](#) Friday, December 6, 2024
8. Deadline for “Notice of Intent to Substitute” and “Receipt of Bids and Books to Substitute” from publishers. Friday, January 3, 2025
[70 O.S. §16-107](#) OAC 720: 10-5-6
9. **MEETING TO VOTE ON SUBSTITUTION BID ITEMS; VICE-CHAIR ELECTION, CONTENT REVIEW TEAM RUBRICS; & BLANK APPLICATION OF TEAM MEMBERS** **Friday, February 7, 2025**
[70 O.S. §§16-102\(E\), \(F\)](#); [70 O.S. §16-107](#);
OAC 720:10-1-2(1); OAC 720: 10-5-6
10. Issue “Call for Publisher Bids,” – Personal Finance Literacy and Social Studies [70 O.S. §16-103](#); OAC 720:10-9-1 Friday, March 7, 2025
11. Publisher’s Deadline for “Notice of Intent to Bid” (by email or letter) Friday, April 4, 2025
12. **ORIENTATION AND ORGANIZATION MEETING; 2025–2026 COMMITTEE CALENDAR.** OAC 720:1-1-5 **Friday, June 6, 2025**
13. Deadline for “Receipt of Publishers’ Bids” Friday, June 13, 2025

All meetings begin at 10 a.m. at the Oliver Hodge Education Building, Board Room, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, unless posted otherwise. **Bold, underlined items** indicate meetings.

NOTE – All deadline items are due by 11:59 a.m. central time on the listed date.