THE CIVICS ALLIANCE

NATIONAL ASSOCIATION OF SCHOLARS

MODEL CIVICS LEGISLATION

LEGISLATIVE REVIEW ACT

Introduction

State education department bureaucrats frequently abuse the power delegated to them to authorize subject matter standards that the state's legislators would never themselves approve. Our model Legislative Review bill requires all existing academic standards, and all forthcoming revisions, to be submitted to the state legislature and the governor for review and possible veto. State policymakers ought to be able to review and veto state academic standards—and state education department bureaucrats will act in a more responsible fashion when they know that state policymakers have the possibility to veto their work.

Model Legislative Text

SECTION A:

All subject matter standards and revisions to the standards adopted by the State Board of Education shall be subject to legislative review as set forth in this section. The standards shall not be implemented by the State Board of Education until the legislative review process is completed as provided for in this section.

SECTION B:

Upon adoption of any subject matter standards, the State Board of Education shall submit the adopted standards to the Speaker of the House of Representatives or a designee and the President Pro Tempore of the Senate or a designee prior to the last thirty (30) days of the legislative session.

SECTION C:

By adoption of a joint resolution, the Legislature shall approve the standards, disapprove the standards in whole or in part, amend the standards in whole or in part or disapprove the standards in whole or in part with instructions to the State Board of Education, provided that such joint resolution becomes law. If the joint resolution is vetoed by the Governor and the veto has not been overridden, the standards shall be deemed approved. If the Legislature fails to adopt a joint

resolution within thirty (30) legislative days following submission of the standards, the standards shall be deemed approved.

SECTION D:

If the subject matter standards are disapproved in whole or are disapproved in whole with instructions as provided for in this section, the State Board of Education may adopt new standards and submit the new standards for legislative review pursuant to this section. The State Board of Education shall continue to implement current standards in place until the new standards have been reviewed by the Legislature and approved as provided for in this section. If the subject matter standards are amended, approved in part or are disapproved in part with instructions, the State Board of Education may revise the standards in accordance with the legislative changes and implement the standards.

SECTION E:

Upon final approval of the standards, the standards shall be considered final agency rules. All standards approved and published as provided for in this subsection shall have the same force and effect of law as agency rules.

SECTION F:

Unless otherwise provided by specific vote of the Legislature, joint resolutions introduced for purposes of approving, disapproving, amending or disapproving with instructions any subject matter standards shall not be subject to regular legislative cutoff dates, shall be limited to such provisions as may be necessary for approving, disapproving, amending or disapproving with instructions any subject matter standards and any such other direction or mandate regarding the standards deemed necessary by the Legislature. The joint resolution shall contain no other provisions.

SECTION G:

All existing subject matter standards must be submitted to the Legislature for review within one year of the passage into law of this bill.

SECTION H:

If any provision of this chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected thereby.

Existing State Statutes

Oklahoma: Okla. Stat. tit. 70, § 11-103.6a-1 [*Legislative review of standards – Final approval*]