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**Textbook and Instructional Materials Waivers Permanent Rule 0520-01-18**

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**The Background:**

T.C.A. § 49-1-302(a)(9) states that it is the duty of the board, and the board has the power to, “prescribe the use of textbooks and other instructional materials, based on recommendations of the state textbook and instructional materials quality commission, for the various subjects taught or used in conjunction with the public schools.” In addition, Public Chapter 770 of 2020 provided the State Board with the authority to approve or deny waiver requests from local education agencies (LEAs) that wish use textbooks or instructional materials that are not on the state-approved adoption list due to the unique or unusual needs of the LEA. Public Chapter 770 also provided the State Board authority to promulgate emergency rules to effectuate the act. The emergency rule was approved on first and final reading at a special called meeting of the State Board on August 17, 2020.

Between first and final reading of this permanent rule, the State Board staff conducted a rulemaking hearing to gather additional public input on the proposed waiver process on September 28, 2020. No comments were submitted. In development of this rule and the emergency rule, State Board staff collected feedback from the Tennessee School Boards Association, Tennessee Organization of School Superintendents, and state Department of Education. There have been changes since first reading based on stakeholder feedback and to ensure alignment to statute.

**The Recommendation:**

The State Board staff recommends approval of this item on final reading.