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

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.

HB 755/SB 630 of 2021 updated the waiver process by providing the State Board authority to establish timelines for when LEAs may make waiver requests. It also established requirements for the alignment of proposed waiver materials to Tennessee Academic Standards, particularly in English language arts, and clarified a pathway for public charter schools to request textbook and instructional materials waivers from the Commissioner of Education. Finally, Public Chapter 205 of 2021 added requirements regarding the prohibition of certain materials related to Common Core State Standards. The proposed revisions in this rule are designed to align it with the statutory changes.

Between first and final reading of this permanent rule, the State Board staff conducted a rulemaking hearing on July 8 to gather additional public input on the proposed revisions. Staff incorporated feedback from the public as well as from the Department of Education to inform changes on final reading.

The Recommendation:

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