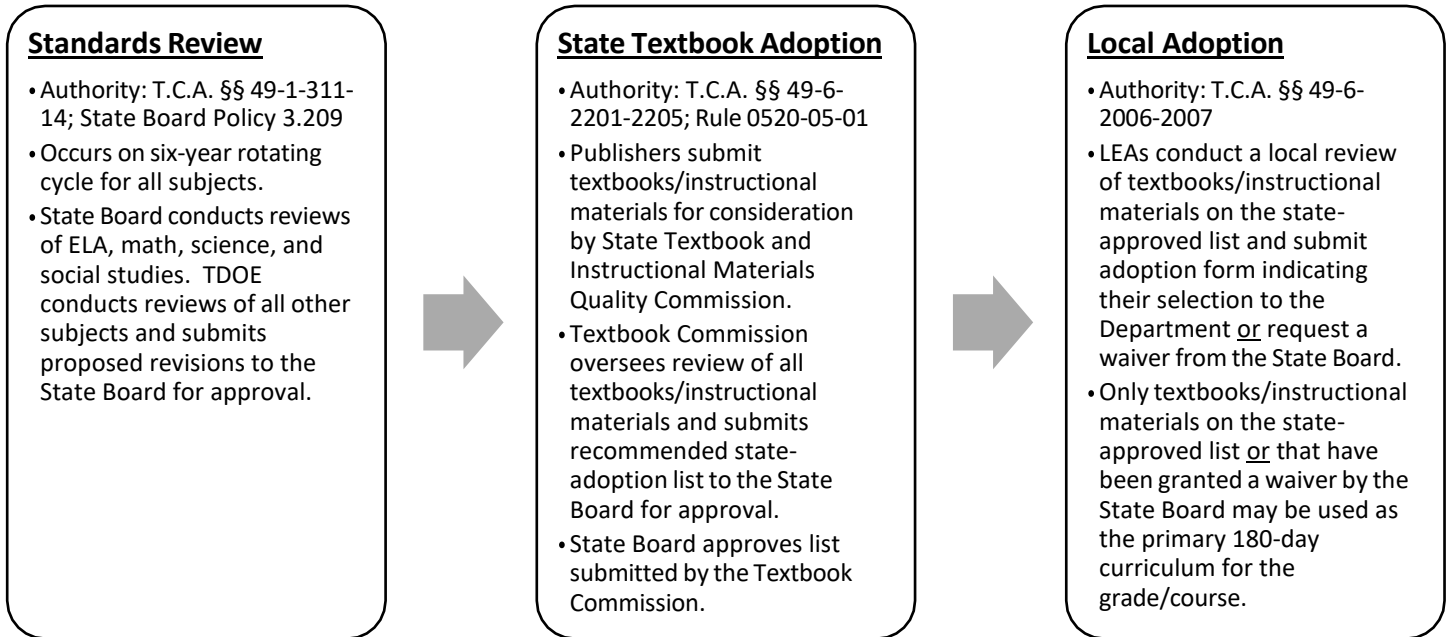


Textbook and Instructional Materials Waivers

Textbook Adoption Process



State Board Textbook/Instructional Material Waiver Process

Background Information

- [Public Chapter 770](#) of 2020 transferred authority for issuing textbook and instructional materials waivers from the Department of Education to the State Board.
- [Public Chapter 471 of 2021](#) further refined this law.
- [State Board Rule 0520-01-18](#) lays out the application and review process.

Process of Obtaining a Textbook and Instructional Materials Waiver from the State Board

1. If the materials are intended to be used as the primary instructional vehicle for the subject, and the subject area is within the local adoption cycle year, the waiver application must be submitted **no later than March 15**. If the materials are intended to be used as the primary instructional vehicle for the subject, and the subject area for which the waiver is being requested is outside of the local adoption cycle year, the LEA can submit an emergency waiver request at any time if one of the emergency circumstances set forth in State Board Rule [0520-01-18-02\(3\)](#) are met:
 - The LEA has submitted a request to the Department to implement its Continuous Learning Plan as defined in State Board Rule 0520-01-17 and the LEA's CLP includes the use of the requested Textbooks and/or Instructional Materials.

- The LEA has submitted an application to the Department to open a new virtual school and is seeking a waiver specifically to use Textbooks and/or Instructional Materials that support virtual learning.
- The LEA intends to offer, for the first time, a course for which no state-approved Textbooks and/or Instructional Materials exist.

If none of the emergency circumstances are met, and the subject area is outside of the local adoption cycle year, the LEA will have to obtain a waiver from the Commissioner of Education of State Board Rule 0520-01-18-.02(3) (a)-(c) to allow the LEA to submit an emergency waiver request for a reason not listed as an emergency circumstance. The request form and more information can be found [here](#). If the waiver request is granted by the Commissioner of Education, then the LEA can submit the textbook waiver application to the State Board as noted in step 2 below.

2. The LEA requests a waiver application from the State Board staff (Breanna.Sommers@tn.gov). State Board staff will walk the LEA through the application process and provide exemplars.
3. The LEA will submit the application through an online form provided by State Board staff.
4. State Board staff review the application to ensure it is complete. Staff may request additional information.
5. Subject matter experts from the Department review the application and complete a rubric provided by the State Board staff. **By rule, this review may take up to 90 calendar days** after the State Board staff has deemed the application complete and provided all materials to the Department.
6. State Board staff develop a recommendation based on the Department’s subject-matter expert’s feedback and additional factors laid out in Rule [0520-01-18](#). State Board staff will inform the LEA of the recommendation that will be presented to the State Board and the date of the Board meeting that the recommendation will be presented at.
7. The recommendation is presented to the State Board members for a vote.
8. State Board staff inform the LEA of the results of the vote.
 - *The LEA should not purchase or begin using the textbooks and instructional materials until the State Board has voted to approve the waiver.*

Restrictions on Potential Waiver Materials

There are several statutory restrictions on the types of textbooks and instructional materials for which the State Board is permitted to grant waivers.

1. **Common Core State Standards:** T.C.A. § 49-6-2206 states that “A teacher or principal in any of the public schools of this state shall not use or permit to be used in the person’s school, whether as a supplement to the LEA’s or school’s adopted textbooks and instructional materials or otherwise, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed as Common Core textbooks or materials.”

- *This law applies to both textbooks and instructional materials and supplemental materials and resources. LEAs must certify on the waiver application form that the proposed textbooks and instructional materials meet the requirements of this statute.*
2. **Teaching on Specific Topics:** [T.C.A. § 49-6-1019](#) lists a number of specific topics that are prohibited from being taught in public schools or public charter schools.
- *LEAs must certify on the waiver application form that the proposed textbooks and instructional materials meet the requirements of this statute; or, if the proposed textbooks and instructional materials violate this law, how the LEA will ensure the portion(s) of the materials in violation of the law are not taught in the LEA and provide evidence of any supplemental materials used in place of the materials in violation.*

State laws and State Board rules prohibit the use of unapproved textbooks and instructional materials as the primary instructional vehicle for a subject absent a waiver. LEAs cannot begin using requested waiver materials until the State Board has voted to approve the waiver request. LEAs should refer to the timeline for State Board waiver reviews above and plan their waiver requests and instructional programming accordingly.

Virtual Schools and Virtual Education Program Considerations

- Courses taught through virtual schools and/or virtual education programs must comply with all laws and rules regarding textbooks and instructional materials.
- LEAs must request waivers from the State Board to use textbooks or instructional materials, including online course modules, that are not on the state-approved list. T.C.A. § 49-6-2202 (e) specifically defines textbook as including “‘electronic textbook’ or ‘electronic textbooks,’ which means computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, local and remote computer assisted instruction, online service, electronic medium or other means of conveying information to the student or otherwise contributing to the learning process through electronic means.”
 - LEAs should be prepared to provide access to any online modules for the Department’s subject-matter experts to review.

Charter School Considerations

- Charter schools may request textbook and instructional materials waivers from either their authorizer or the Commissioner of Education pursuant to T.C.A. § 49-13-111. Waivers for charter schools are not handled by the State Board.

Charter schools must be aware of and comply with all relevant statutes regarding textbooks and instructional materials unless a waiver is granted under T.C.A. § 49-13-111.

Resources

- Information on academic standards review: <https://www.tn.gov/sbe/committees-and-initiatives/standards-review.html>
- Information on the State Textbook Commission: <https://www.tn.gov/education/textbook-services/textbook-commission.html>
- State Board Rules: <https://publications.tnsosfiles.com/rules/0520/0520.htm>

Application for a Textbook/Instructional Materials Waiver: <https://www.tn.gov/sbe/rules--policies-and-guidance/guidance.html>