

**COMMISSION
RULES AND
POLICIES**

RULES
OF
TENNESSEE DEPARTMENT OF EDUCATION
STATE TEXTBOOK COMMISSION

CHAPTER 0520-5-1
SUPPLEMENT TO CONTRACT-POLICIES OF TENNESSEE
STATE TEXTBOOK COMMISSION

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0520-5-1-.01 DEFINITION.

- (1) Textbook shall be defined as any medium or manual of instruction which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject.

Authority: T.C.A. 49-6-2203. Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992; effective June 29, 1992.

0520-5-1-.02 STAGGERED ADOPTION.

- (1) There shall be a staggered adoption of textbooks in Tennessee with a period of six (6) years required to complete adoptions in all subject areas.

Authority: T.C.A. 49-6-2203. Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992; effective June 29, 1992.

0520-5-1-.03 MINIMUM STANDARDS AND SPECIFICATIONS.

- (1) The official **Manufacturing Standards and Specifications for Textbooks** adopted by the National Association of State Textbook Administrators and available from the Advisory Commission on Textbook Specifications of Stamford, Connecticut, shall be Tennessee's official minimum standards and specifications for textbooks.

Authority: T.C.A. 49-6-2203. Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992; effective June 29, 1992.

0520-5-1-.04 SUBMITTING OF SAMPLE TEXTBOOKS.

- (1) Publishing companies may at any time send sample textbooks to the Commission members as individuals only, but these companies are not to send samples to them as members of the Textbook Commission before the first regular meeting of each calendar year.
- (2) Each member of the Commission shall receive only one set of samples.
- (3) Each publishing company shall submit with each sample textbook a brief not to exceed one typewritten page.

Authority: T.C.A. 49-6-2203. Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992; effective June 29, 1992.

0520-5-1-.05 CONDITION OF SAMPLE TEXTBOOKS.

- (1) Sample textbooks shall be submitted in the form in which they will be distributed to the public schools. No galley proofs or page proofs of textbooks will be considered by the Commission after the deadline for the delivery of Official Samples.

Authority: T.C.A. 49-6-2203. Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992; effective June 29, 1992.

0520-5-1-.06 SUBSTITUTION OF BOOKS.

- (1) At the first regular meeting of each calendar year, the Commission will consider:
 - (a) the substitution of the revised edition of a textbook for the edition previously listed **and**
 - (b) the substitution of a textbook which bears the same copyright date but contains content revisions made since the previous official listing of the book, provided that each book:
 1. meets the Official Minimum Manufacturing Standards and Specifications for Textbooks,
 2. will be sold at the same price as the book originally listed, and

3. can be used with the book originally listed. When these books are offered for substitution, the same sampling and bidding procedures shall be followed as in the case of the original texts which they are to replace, except that no additional bond or contract will be required. Samples of each book shall be submitted by the publishing company representatives to each member of the Commission, together with a brief setting forth in detail the differences between the book originally listed and the newer book. Every textbook to be submitted according to policy No. 06 shall be presented to the members of the Commission at least 30 days prior to the first regular meeting of the calendar year.

Authority: T.C.A. 49-6-2203. Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992; effective June 29, 1992.

0520-5-1-.07 AMOUNT OF PERFORMANCE BOND REQUIRED

- (1) The following scale shall designate the amount of performance bond required of each publishing company. "Book" means any item bid for sale with its own separate price.

No of Books Officially Listed	Amount of Bond
1-10	\$ 50,000
11-20	\$100,000
21-30	\$150,000
31-40	\$200,000
41-50	\$250,000
50 and over	\$250,000 plus \$10,000 per each additional book until \$1,000,000 is reached.

Authority: T.C.A. 49-6-2203

**COMMISSION
OPERATING
POLICIES**



**OPERATING POLICIES
OF
TENNESSEE DEPARTMENT OF EDUCATION
STATE TEXTBOOK COMMISSION**

QUORUM REQUIREMENT. A simple majority of the currently filled positions on the Commission shall constitute a quorum.

TIMETABLE FOR PRESENTATIONS. In order that each publishing company may have an opportunity to present its books to the Commission when initial orientation hearings are held, the following timetable graduated in terms of the number of books bid by each company shall apply:

No. of Books Bid	No. Minutes Allowed
1-4	15
5-8	25
9-12	35
13+	40

TIMETABLE FOR HEARINGS. In the fall hearings when publishers respond to the findings of the review committee, the following timetable shall apply:

No. of Books Bid	No. of Minutes Allowed
1-5	10
6-15	20
16-25	25
26-35	30
36+	35

In these hearings, the publisher shall be given the first half of the allotted time for a prepared response. The remainder of the time shall be reserved for responses to questions from Commission members.

LISTING IN MORE THAN ONE AREA. If a publishing company bids a textbook in a given area and if the Commission lists it in that area, the publishing company shall not subsequently offer it for listing in another area during the period the book is under contract.

PUBLISHER'S REPRESENTATIVE. A publisher's representative shall be defined as "a person who is permanently assigned to a regular territory including, but not limited to, a portion of the State of Tennessee and is properly registered with the State Textbook Office."

Each publishing company representative and/or consultant shall be registered by his company with the Secretary of the State Textbook Commission on or before the day designated for the reception of bids. New representatives employed after reception of bids shall be registered prior to operating in the state.

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FREE MATERIALS POLICY. The Commission shall specify uniform conditions under which ancillary items may be bid to be provided with adopted books at no additional cost. These conditions shall be updated annually and circulated with the **INVITATION TO BID**.

EMERGENCY SUBSTITUTION. With the approval of a majority of the filled positions on the Commission, the Director of Textbook Services is authorized to approve the emergency substitution of a revised or updated edition for a listed textbook. All conditions of Rule 0520-5-1-.06 except for the time restrictions will apply.

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1500 copies. This public document was promulgated at a cost of \$ 0.05 per copy.

Tennessee Textbook Commission

Policies and Procedures for Free Materials

The following policies and procedures have been approved by the Tennessee Textbook Commission (Commission), pursuant to Tennessee Code Annotated § 49-6-2203, for the uniform conditions under which materials may be bid and/or sampled to be provided with the adopted books at no additional cost.

Definitions:

DATE OF PURCHASE shall be defined as the date the purchase order is received by the Distribution Company.

INSTRUCTIONAL MATERIALS AND SUPPLIES shall include, but not be limited to, books, periodicals, charts, black line masters, teaching aids, games, kits, student workbooks, student test forms, record keeping forms, prepared instructional and/or technology based media, including audio and video tapes, slides, transparencies, CD-ROM, optical discs, diskettes, or similar materials designed for use by teachers and students.

Uniform Teacher Resource Package

The components of the teacher resource package shall include: Teacher edition; Student edition, if not incorporated in the Teacher edition; Instructional CD/DVD package; online textbook and resource access for teacher and student per textbook purchased; and any print resources not provided in the CD/DVD package. Materials contained in the teacher resource package shall also represent the list of approved items that a publisher/manufacturer can provide as samples during the entire adoption process. The teacher resource package must have its own unique International Standard Book Number (ISBN). Each publisher/manufacturer shall include a list detailing the ISBN and title, with components for each item included in the teacher resource package.

All teacher resource packages shall be stocked and distributed through Tennessee Book Company according to the following minimum ratios¹ and accompany student text distribution by district:

Kindergarten	1:18	Grades 3-8		1:25
Grades 1-2	1:22	Grades 9-12 ²	Core	1:50
			Non-Core/Elective	1:35
			CTE/AP/IB	1:25

¹ For the minimum ratios, the teacher resource package cannot be greater than the amount listed. (Example: the publisher cannot issue textbooks for Kindergarten at a ratio of 1:25.)

² CTE shall reference Career and Technical Education courses; AP shall reference Advance Placement courses; and IB shall reference International Baccalaureate courses.

Exceptions to the uniform teacher resource package will be formulated by the Commission, Publisher, and subject area Consultants prior to the opening of the adoption process for the particular subject area. In addition, exceptions will be allowed for accommodations of the Leveled Reader package that the publisher/manufacture will provide with Reading and Social Studies adoptions and for student manipulative kits relative to subject area. Leveled Reader packages will be distributed in conjunction with the aforementioned teacher resource package.

The following are strictly prohibited in teacher resource packages for future adoptions, unless an exception is granted by the Commission, Publisher, and subject area Consultants: multiple copies of consumable workbooks, class sets of student texts, and/or other instructional components, not essentially related to the program; and technology hardware. The materials included in the teacher resource package represent the extent of the resources that can be offered as free materials to accompany a textbook purchase.

Publishers/manufacturers will be allowed to bid workbook(s) for sale through the bidding process. Any bid workbook must follow the same availability guidelines that are placed on student texts. Stock levels must be maintained at all times with the distributor designated by the Commission.

Publishers/manufacturers shall offer workbooks at a reduced price to districts that have purchased their materials.

Failure to deliver, or deliver within sixty (60) days of purchase, any materials in the teacher resource package may result in the placement of the publisher/manufacture on the Noncompliant List published on the Department's website. Districts should notify the Office of Textbook Services within thirty (30) days of failure to receive materials in a teacher resource package.

Any materials and supplies provided by a publisher to a local school system free of charge must be provided to all local school systems at the same ratio and for the entire period of the contract. While taking into account the provisions of this policy, publishers should ensure that similar materials and supplies are provided to Tennessee school systems, as provided elsewhere in the nation on the effective date of the contract.

8/30/2011

Tennessee Textbook Commission

Piloting Textbooks Before Adoption Policy

The following policies and procedures have been approved by the Tennessee Textbook Commission (Commission), pursuant to Tennessee Code Annotated §§ 49-6-2202 through 2206, for the piloting of textbooks not on contract.

No local school board or publisher may participate in a pilot program of materials being considered for adoption during the 18-month period before the official adoption of the materials by the State Textbook Commission. Publishers are prohibited from offering school-wide copies or classroom sets of any item or material on a trial or pilot basis. Any pilot program must follow the same procedures as unapproved books, pursuant to Tenn. Code Ann. § 49-6-2206.

As used in this policy, the term *Pilots/Piloting* refers to product testing and research in any public school or public school system in the State of Tennessee by any company and/or its parent affiliate.