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**Textbook and Instructional Materials Waiver Emergency Rule:  
0520-01-03-.11 Requirements for the 2019-20 and 2020-21 School Year as a Result of the COVID-19  
Public Health Emergency**

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**The Background:**

Pursuant to Public Chapter 652 of 2020, the State Board of Education was authorized to approve emergency rules to address special circumstances created by school closures due to the infectious disease COVID-19. Additionally, pursuant to Public Chapter 770 of 2020, the General Assembly amended the law regarding textbook and instructional materials waivers, assigning the duty to review and grant such waivers to the State Board of Education. This public chapter gave the State Board authority to promulgate emergency rules to effectuate the law, which went into effect on August 1, 2020.

At the Board's June 22, 2020 special called meeting, the Board passed an emergency rule establishing the expectation for local education agencies (LEAs) and public charter schools to develop Continuous Learning Plans (CLPs) for the 2020-21 school year.

This rule sets forth the process and requirements for LEAs to receive a waiver for the use of textbooks and instructional materials in the 2020-21 school year that are not on the state approved list if those textbooks and instructional materials are utilized for remote instruction pursuant to the LEA's CLP. The rule states that these waivers will be granted as long as the LEA meets certain conditions:

- The LEA plans to use such textbooks and/or instructional materials during remote instruction;
- The LEA has addressed in its CLP how the LEA plans to use the textbooks and/or instructional materials and how the LEA plans to address any areas of misalignment to ensure comprehensive coverage of the Tennessee academic standards; and
- The LEA is implementing the use of such textbooks and/or instructional materials pursuant to a CLP that has been approved by the Department.

Any waiver granted pursuant to this rule will only be good for the 2020-21 school year and will only apply to textbooks/instructional materials used for remote instruction pursuant to an approved CLP. A separate emergency rule governing the general process for LEAs to request textbook and instructional materials waivers is up for Board approval at this meeting as a separate item.

This rule was developed by State Board staff in close consultation with the Tennessee Department of Education. Feedback was solicited from the Attorney General's office, the Tennessee Organization of School Superintendents, and the Tennessee School Boards Association prior to presenting language to the Board for approval.

**The Recommendation:**

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