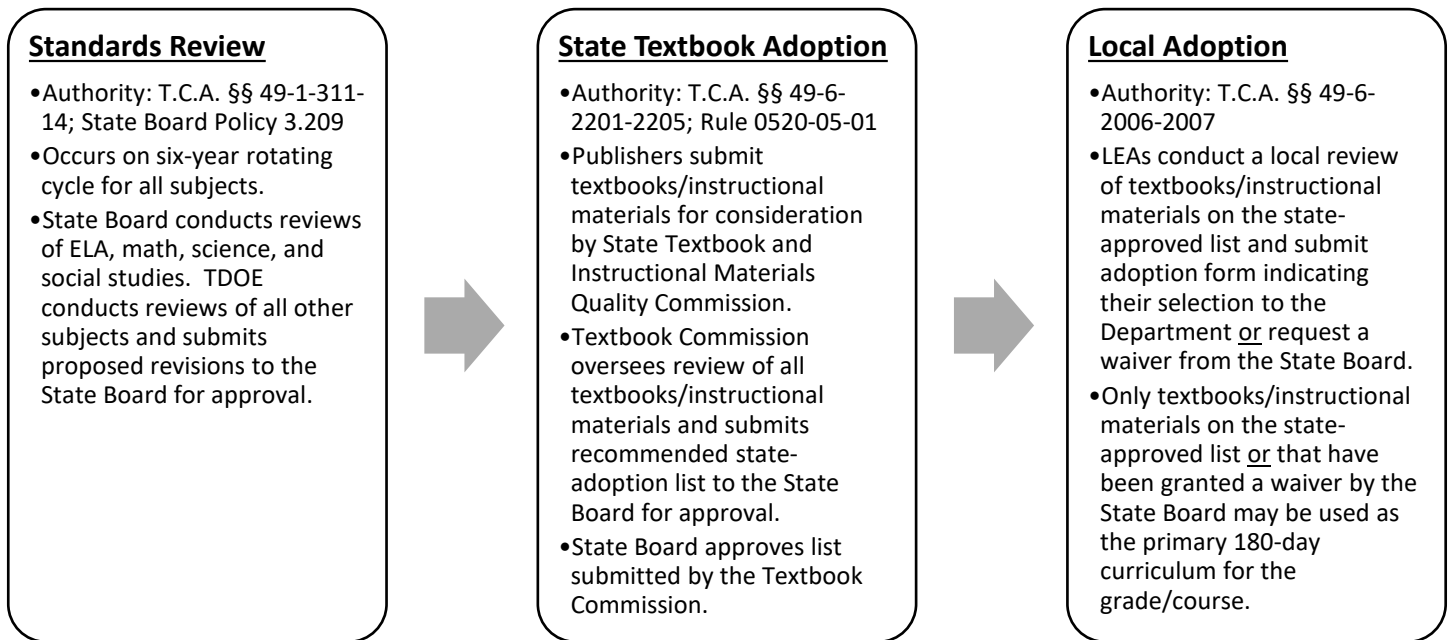


Textbook and Instructional Materials Waiver Processes

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. The LEA requests a waiver application from State Board staff (email Amy.Owen@tn.gov). State Board staff will walk the LEA through the application process and provide exemplars.
2. LEA staff complete the waiver application and submit online.
3. State Board staff review the application to ensure it is complete. Staff may ask the LEA to provide additional information.
4. State Board staff request the assistance of the Department's subject-matter expert in the relevant content area. The subject-matter expert completes a review rubric provided by the State Board staff. **By rule, this review may take up to 90 calendar days.**
5. State Board staff develop a recommendation based on the Department's subject-matter expert's rubric as well as additional factors laid out in Rule 0520-01-18.
6. The recommendation is presented to the State Board members for a vote at the next State Board meeting. State Board staff will 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. **Literacy:** PC 471 of 2021 states that: “all English language arts textbooks and instructional materials must be aligned to Tennessee’s academic standards no later than January 1, 2023.”
 - *Due to this requirement, the State Board cannot approve waiver requests for ELA materials if the materials are not aligned to Tennessee’s academic standards, if those materials will be in use after January 1, 2023.*
2. **Common Core State Standards:** PC 471 of 2021 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 or otherwise identified 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.*
3. **Teaching on Specific Topics:** [PC 493 of 2021 lists](#), in section 51, 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 absent a waiver. LEAs may not 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>