

Department of State
Division of Publications
312 Rosa L. Parks Ave., 8th Floor
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tnsos.gov

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Sequence Number: 06-19-25
Rule ID(s): 10327
File Date: 6/18/2025
Effective Date: 9/16/2025

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	State Board of Education
Division:	N/A
Contact Person:	Rachel Suppe
Address:	500 James Robertson Parkway, Nashville, Tennessee
Zip:	37243
Phone:	615-253-5707
Email:	rachel.suppe@tn.gov

Revision Type (check all that apply):

☒ Amendment ☐ Content based on previous emergency rule filed on _____
☐ New ☐ Content is identical to the emergency rule
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-18	Textbook and Instructional Materials Waivers
Rule Number	Rule Title
0520-01-18-.01	Definitions
0520-01-18-.02	Waiver Application Process
0520-01-18-.03	Factors Affecting Waiver Decision

AMENDMENT

AMEND the Rules of the State Board of Education Chapter 0520-01-18 by amending rules -.01, -.02, and -.03, so that as amended, the revised rules shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-18 TEXTBOOK AND INSTRUCTIONAL MATERIALS WAIVERS

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0520-01-18-.01 DEFINITIONS.

- (1) As used in this chapter:
 - (a) "Textbook" has the same meaning as in T.C.A. § 49-6-2202(e) and State Textbook Commission Rule 0520-05-01-.01.
 - (b) "Instructional Materials" has the same meaning as in State Textbook Commission Rule 0520-05-01-.01.
 - (c) "Supplemental Materials" means resources used to complement or enhance the State Board-approved Textbook and Instructional Materials for specific lessons, units, or topics, but which do not comprise the majority of standards for the subject-specific grade or course.
 - (d) "State Board" means the Tennessee State Board of Education.
 - (e) "The Department" means the Tennessee Department of Education.
 - (f) "Textbook Commission" means the Tennessee State Textbook and Instructional Materials Quality Commission established pursuant to T.C.A. § 49-6-2201.
 - (g) "LEA" means a Tennessee local education agency and has the same meaning given in T.C.A. § 49-1-103(2).
 - (h) "Local Board" means a Tennessee local board of education.

Authority: T.C.A. §§ 49-6-2202 and 49-6-2206. **Administrative History:** Emergency rules filed August 26, 2020; effective through February 22, 2021. Emergency rules expired effective February 23, 2021, and the rules reverted to their previous statuses. Original rules filed December 17, 2020; effective March 17, 2021.

0520-01-18-.02 WAIVER APPLICATION PROCESS.

- (1) LEAs shall apply for a Textbook and Instructional Materials waiver to use Textbooks and Instructional Materials not approved by the State Board if the proposed materials were:
 - (a) Reviewed by the Textbook Commission and were not recommended to the State Board for approval; or
 - (b) Were not reviewed by the Textbook Commission.
- (2) An LEA shall not apply for a waiver to use:

- (a) Textbooks and Instructional Materials currently adopted by the Textbook Commission and approved by the State Board; or
 - (b) Textbooks and Instructional Materials for a subject-specific course or grade level in which currently approved Textbooks or Instructional Materials do not exist.
- (3) If an LEA is not required to submit a waiver in accordance with subparagraph (2)(b), LEAs may adopt Textbooks and Instructional Materials, provided the LEA has:
- (a) Reviewed the proposed materials for alignment with current and applicable Tennessee Academic Standards;
 - (b) Determined the proposed materials are compliant with state and federal law; and
 - (c) Adopted the materials in accordance with local adoption policies and procedures.
- (4) Each waiver application shall be approved by the Local Board and may be submitted on their behalf by the Director of Schools or the Director's designee to the State Board on the waiver application developed by the State Board staff and posted on the State Board's website. The application shall include, but not be limited to, the following information:
- (a) The publisher(s) and title(s) of the requested Textbook(s) and/or Instructional Materials, if applicable;
 - (b) Grade level(s) and/or course(s) for the waiver application;
 - (c) A clear explanation of the unique or unusual needs of the LEA necessitating the waiver application;
 - (d) Evidence of student outcomes based on the requested Textbook(s) and/or Instructional Materials, if applicable;
 - (e) Evidence of research or evaluation of the Textbook(s) and/or Instructional Materials' quality, if applicable;
 - (f) Evidence of improved student outcomes in the LEA before and since utilizing Textbook(s) and/or Instructional Materials from waivers the LEA has been granted in the past, if applicable;
 - (g) A statement of assurance by the LEA that the requested Textbook(s) and/or Instructional Materials and any Supplemental Materials the LEA plans to use as part of the waiver application were not created to align exclusively with the Common Core State Standards or are not marketed or otherwise identified as Common Core Textbooks or Instructional Materials pursuant to T.C.A. § 49-6-2206;
 - (h) A statement of assurance by the LEA that the requested Textbook(s) and/or Instructional Materials and any Supplemental Materials the LEA plans to use as part of the waiver application comply with T.C.A. § 49-6-1019 related to prohibited concepts; and
 - (i) A statement of assurance by the LEA that the requested Textbook(s) and/or Instructional Materials and any Supplemental Materials the LEA plans to use as part of the waiver comply with all other state and federal laws.
 - (j) For Textbooks or Instructional Materials that were reviewed by the Textbook Commission but were not recommended to the State Board for approval, the LEA shall submit:
 - 1. For LEA-wide adoptions, a completed rubric from the local adoption committee created pursuant to T.C.A. § 49-6-2207 that explains how the LEA will address the deficiencies identified by the Textbook Commission. If the Textbook Commission did not recommend the Textbook(s) or Instructional Materials for approval based on lack of alignment to Tennessee Academic Standards, the rubric shall also include but not be limited to a table indicating the alignment of the proposed Textbook(s) and/or

Instructional Materials with each Tennessee Academic Standard in the relevant subject-specific grade or course. The rubric shall also include any planned use of Supplemental Materials to address misalignment with the Tennessee Academic Standards to ensure comprehensive coverage; or

2. For limited-use adoptions, which include credit recovery programs, alternative schools, virtual schools, and virtual education programs, a completed rubric that explains how the LEA will address the deficiencies identified by the Textbook Commission. If the Textbook Commission did not recommend the Textbook(s) or Instructional Materials for approval based on lack of alignment to Tennessee Academic Standards, the rubric shall also include but not be limited to a table indicating the alignment of the proposed Textbook(s) and/or Instructional Materials with each Tennessee Academic Standard in the relevant subject-specific grade or course. The rubric shall also include any planned use of Supplemental Materials to address misalignment with the Tennessee Academic Standards to ensure comprehensive coverage.
- (k) For Textbooks or Instructional Materials that were not reviewed by the Textbook Commission, LEAs shall submit:
1. For LEA-wide adoptions, a completed rubric from the local adoption committee created pursuant to T.C.A. § 49-6-2207 that indicates the extent to which the Textbook(s) and/or Instructional Materials are aligned to the Tennessee Academic Standards. The rubric shall include, but not be limited to, a table indicating the alignment of the proposed Textbook(s) and/or Instructional Materials with each Tennessee Academic Standard in the relevant subject-specific grade or course. The rubric shall also include any planned use of Supplemental Materials to address areas of misalignment, if any, with the Tennessee Academic Standards to ensure comprehensive coverage; or
 2. For limited-use adoptions which include credit recovery programs, alternative schools, virtual schools, and virtual education programs, a completed rubric that indicates the extent to which the Textbook(s) and/or Instructional Materials are aligned to the Tennessee Academic Standards. The rubric shall include, but not be limited to, a table indicating the alignment of the proposed Textbook(s) and/or Instructional Materials with each Tennessee Academic Standard in the relevant subject-specific grade or course. The rubric shall also include any planned use of Supplemental Materials to address areas of misalignment, if any, with the Tennessee Academic Standards to ensure comprehensive coverage.
- (l) Any additional evidence of the requested Textbook(s) and/or Instructional Materials' quality.
- (5) Waiver applications shall be submitted no later than March 15th of the local adoption year during the adoption cycle established by the Textbook Commission for the applicable subject area; provided, however, an LEA may submit an emergency waiver application outside of this established deadline for the applicable subject if emergency circumstances exist justifying the emergency waiver application. Emergency circumstances include:
- (a) The LEA has submitted an application to the Department to implement its Continuous Learning Plan (CLP) as defined in State Board Rule 0520-01-17.
 - (b) The LEA has submitted an application to the Department to open a new virtual school.
- (6) The Department shall assist the State Board staff in administering the Textbook and Instructional Materials waiver review process by providing staff to serve as subject-matter experts for each content area. The Department subject-matter experts shall provide feedback on the rubric developed by State Board staff for each completed and properly submitted waiver application no more than ninety (90) calendar days after receipt of the following from State Board staff:
- (a) The completed and properly submitted LEA application; and

- (b) Access to the relevant Textbook(s) and/or Instructional Materials for which the waiver is being requested.
- (7) State Board staff shall develop a process for review of completed and properly submitted waiver applications in consultation with the Department's subject-matter experts.
- (8) State Board staff may request additional information, clarifications, and/or revisions to waiver applications from the LEA prior to preparing a recommendation for the State Board.
- (9) In consultation with Department subject-matter experts, State Board staff shall prepare and present a recommendation to the State Board on each completed and properly submitted waiver application, utilizing the rubric ratings provided by Department subject-matter experts, additional input from Department subject-matter experts, and information provided to State Board staff by the LEA. The recommendation shall address all factors outlined in Rule 0520-01-18-.03. Textbook and Instructional Materials waiver applications that do not comply with the requirements of T.C.A. § 49-6-2202, T.C.A. § 49-6-2206, and all other relevant state laws shall not be recommended for approval or approved by the State Board.
- (10) Waivers approved by the State Board shall remain in effect until the next adoption cycle for the course for which the waiver was granted, unless a shorter period of time is specified by the State Board or by the LEA. A waiver request application that has been denied by the State Board shall not be re-submitted by the LEA to the State Board for consideration during the term of the adoption cycle for the specific content area.
- (11) A public charter school may apply for a waiver for the use of Textbooks and Instructional Materials in accordance with T.C.A. § 49-13-111.

Authority: T.C.A. § 49-6-2206. **Administrative History:** Emergency rules filed August 26, 2020; effective through February 22, 2021. Emergency rules expired effective February 23, 2021, and the rules reverted to their previous statuses. Original rules filed December 17, 2020; effective March 17, 2021. Amendments filed August 5, 2021; effective November 3, 2021.

0520-01-18-.03 FACTORS AFFECTING WAIVER DECISION.

- (1) In determining whether, in the State Board's judgment, to approve a waiver application, the State Board may consider a number of factors, including, but not limited to:
 - (a) The explanation of the unique or unusual needs of the LEA necessitating the use of the requested Textbook(s) and/or Instructional Materials in the waiver application.
 - (b) Department subject-matter expert feedback, including the requested Textbook(s) and/or Instructional Materials' alignment to Tennessee Academic Standards and, if necessary, the extent to which the LEA's plan would remediate any areas of misalignment.
 - (c) How the LEA will address deficiencies identified by the Textbook Commission, if applicable.
 - (d) Evidence of student outcomes based on the requested Textbook(s) and/or Instructional Materials, if applicable.
 - (e) Evidence of research or evaluation on the requested Textbook(s) and/or Instructional Materials' quality, if applicable.
 - (f) Evidence of improved student outcomes in the LEA before and since utilizing Textbook(s) and/or Instructional Materials from waivers the LEA has been granted in the past, if applicable.

Authority: T.C.A. § 49-6-2206. **Administrative History:** Emergency rules filed August 26, 2020; effective through February 22, 2021. Emergency rules expired effective February 23, 2021, and the rules reverted to their previous statuses. Original rules filed December 17, 2020; effective March 17, 2021.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Krissi McInturff	X				
Jordan Mollenhour	X				
Bob Eby	X				
Warren Wells	X				
Ryan Holt	X				
Ina Maxwell	X				
Marsha Johnson	X				
Larry Jensen				X	
Darrell Cobbins	X				
Bonza Auberson	X				
Victoria Harpool, designee for Steven Gentile, Executive Director, Tennessee Higher Education Commission Non-Voting Ex- Officio					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Education on 05/30/2025 and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 03/11/2025

Rulemaking Hearing(s) Conducted on: 05/2/2025

Date: 6/2/2025

Signature: Rachel Suppé


Name of Officer: Rachel Suppé

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-01-18

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Jonathan Skrmetti
Attorney General and Reporter
June 9, 2025
Date

Department of State Use Only

Filed with the Department of State on: 6/18/2025

Effective on: 9/16/2025



Tre Hargett
Secretary of State

RECEIVED

Jun 18 2025, 10:13 am

Secretary of State
Division of Publications

Public Hearing Comments

The Tennessee State Board of Education held a public rulemaking hearing on Chapter 0520-01-18 on May 2, 2025, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does affect small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule has no fiscal impact on local governments beyond the authorizing legislation.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

T.C.A. § 49-6-2206 authorizes the State Board to approve or deny waiver requests from local education agencies (LEAs) that wish to use textbooks and instructional materials that are not approved if the LEA demonstrates unique or unusual needs. The State Board's Textbook and Instructional Materials Waivers Rule 0520-01-18 governs the procedures for LEAs requesting textbook and instructional materials waivers from the State Board. These rule changes:

- Clarify the process for LEAs if there are no approved textbooks and instructional materials for a given course or grade level based on LEA and TDOE feedback.
- Provide the option for LEAs to submit research or evaluation on the proposed textbook(s) and instructional materials to support high-quality adoption.
- Include clarifying and technical edits to support public transparency and effective implementation.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 49-1-302(a)(9) charges the State Board to "prescribe the use of textbooks and other instructional materials, based on recommendations of the state textbook and instructional materials quality commission" by approving statewide, subject-based textbook adoption lists from which districts may choose.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee Department of Education and State Board of Education are directly affected by this rule and urge adoption.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Rachel Suppé (State Board of Education)
Rachel.Suppe@tn.gov

Nathan James (State Board of Education)
Nathan.James@tn.gov

Jack Powers (Department of Education)
Jack.Powers@tn.gov

Robin Yeh (Department of Education)
Robin.Yeh@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Rachel Suppé (State Board of Education)
Rachel.Suppe@tn.gov

Nathan James (State Board of Education)
Nathan.James@tn.gov

Jack Powers (Department of Education)
Jack.Powers@tn.gov

Robin Yeh (Department of Education)
Robin.Yeh@tn.gov

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Rachel Suppé
State Board of Education
500 James Robertson Parkway, 8th Floor
Nashville, TN 37243
(615) 741-2966
Rachel.Suppe@tn.gov

Nathan James
State Board of Education
500 James Robertson Parkway, 8th Floor
Nashville, TN 37243
(615) 532-3528
Nathan.James@tn.gov

Jack Powers
Department of Education
710 James Robertson Parkway, 9th Floor
Nashville, TN 37243
(629) 259-1979
Jack.Powers@tn.gov

Robin Yeh
Department of Education
710 James Robertson Parkway, 9th Floor
Nashville, TN 37243
(615) 445-9543
Robin.Yeh@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

(Rule 0520-01-18-.03, continued)

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-18
TEXTBOOK AND INSTRUCTIONAL MATERIALS WAIVERS**

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0520-01-18-.01	Definitions	0520-01-18-.03	Factors Affecting Waiver Decision
0520-01-18-.02	Waiver Application Process		

0520-01-18-.01 DEFINITIONS.

(1) As used in this chapter:

- (a) "Textbook" has the same meaning as in T.C.A. § 49-6-2202(e) and ~~the Rules of the State Textbook Commission~~ Rule 0520-05-01-.01.
- (b) "Instructional Materials" has the same meaning as in ~~the Rules of the State Textbook Commission~~ Rule 0520-05-01-.01.
- ~~(c) "Open Education Resources (OER)" means freely accessible, open-licensed curriculum that includes text, media, and other digital assets that constitutes a full curriculum that conforms to the relevant Tennessee Academic Standards.~~
- ~~(d)(c)~~ "Supplemental Materials" means resources used to complement or enhance the State Board-approved ~~adopted~~ Textbook and Instructional Materials for specific lessons, units, or topics, but which do not comprise the majority of standards for the gradesubject-specific ~~grade subject or course~~.
- ~~(e)(d)~~ "State Board" means the Tennessee State Board of Education.
- ~~(f)(e)~~ "The Department" means the Tennessee Department of Education.
- ~~(g)(f)~~ "Textbook Commission" means the Tennessee State Textbook and Instructional Materials Quality Commission established pursuant to T.C.A. § 49-6-2201.
- ~~(h)(g)~~ "LEA" means a Tennessee local education agency and has the same meaning given in T.C.A. § 49-1-103(2).
- ~~(i)(h)~~ "Local Board" means a Tennessee local board of education.

Authority: T.C.A. §§ 49-6-2202 and 49-6-2206. **Administrative History:** Emergency rules filed August 26, 2020; effective through February 22, 2021. Emergency rules expired effective February 23, 2021, and the rules reverted to their previous statuses. Original rules filed December 17, 2020; effective March 17, 2021.

0520-01-18-.02 WAIVER APPLICATION PROCESS.

- (1) LEAs shall apply for a Textbook and Instructional Materials waiver to use Textbooks and Instructional Materials not approved by the State Board if the proposed materials were; A Local Board may apply for a waiver to use Textbooks and Instructional Materials that are not on the list approved by the Textbook Commission and State Board when, in the State Board's judgment, the unique or unusual needs of the LEA require it; provided, however, waivers are not required for Textbooks and Instructional Materials previously included on the list approved by the Textbook Commission and State Board and purchased with public funds. A waiver request may be submitted for the following categories of Textbooks and Instructional Materials:

(Rule 0520-01-18-.03, continued)

- (a) ~~Textbooks or Instructional Materials that were Reviewed by the Textbook Commission and, but were not recommended to the State Board for approval that did not pass the review, and were not included on the list approved by the Textbook Commission and the State Board; or~~
 - (b) ~~Were not~~ Textbooks or Instructional Materials that were not reviewed by the Textbook Commission, including:
 - (c) ~~—~~
Publisher-Created Materials;
Open Education Resources; and
 - (d)(b) District-Created Materials.
- (2) ~~An LEA Local Board shall not apply for a waiver to use:~~
- (a) ~~Textbooks and Instructional Materials currently adopted by the Textbook Commission and approved by the State Board; or~~
 - (e)(b) Textbooks and Instructional Materials for a subject-specific course or grade level in which currently approved Textbooks or Instructional Materials do not exist.
- (3) ~~If an LEA is not required to submit a waiver in accordance with subparagraph (2)-(b), LEAs may adopt Textbooks and Instructional Materials, provided the LEA has:~~
- (a) ~~Reviewed the proposed materials for alignment with current and applicable Tennessee Academic Standards;~~
 - (b) ~~Determined the proposed materials are compliant with state and federal law; and~~
 - (c) ~~Adopted the materials in accordance with local adoption policies and procedures.~~
- (2)(4) Each waiver ~~application request~~ shall be approved by the Local Board and ~~may be~~ submitted ~~on their behalf~~ by the Director of Schools or the Director's designee to the State Board on the waiver application developed by the State Board staff and posted on the State Board's website. The application shall include, but not be limited to, the following information:
- (a) The publisher(s) and title(s) of the requested Textbook(s) and/or Instructional Materials, if applicable;
 - (b) Grade level(s) and/or course(s) for the requested waiver ~~application~~;
 - (c) A clear explanation of the unique or unusual needs of the ~~school-system~~ LEA necessitating the waiver ~~application request~~;
 - (d) ~~Evidence of student outcomes based on with~~ the requested Textbook(s) and/or Instructional Materials, if applicable;
 - (4)(e) ~~Evidence of research or evaluation of the Textbook(s) and/or Instructional Materials' quality, if applicable;~~
 - (e)(f) Evidence of improved student outcomes ~~in the LEA before and when since~~ utilizing Textbook(s) and/or Instructional Materials ~~from~~ waivers the ~~LEA~~ district has been granted in the past, if applicable;

(Rule 0520-01-18-.03, continued)

- (g) A statement of assurance by the LEA that the requested Textbook(s) and/or Instructional Materials and any Supplemental Materials the LEA plans to use as part of the waiver application request were not created to align exclusively with the Common Core State Standards or are not marketed or otherwise identified as Common Core Textbooks or Instructional Materials pursuant to T.C.A. § 49-6-2206;
- (h) A statement of assurance by the LEA that the requested Textbook(s) and/or Instructional Materials and any Supplemental Materials the LEA plans to use as part of the waiver application comply with T.C.A. § 49-6-1019 related to prohibited concepts; and
- (f)(i) A statement of assurance by the LEA that the requested Textbook(s) and/or Instructional Materials and any Supplemental Materials the LEA plans to use as part of the waiver comply with all other state and federal laws.
- (g)(i) For Textbooks and/or Instructional Materials that were reviewed by the Textbook Commission but were not recommended to the State Board for approval did not pass and were not included on the list approved by the Textbook Commission and the State Board, the LEA Local Board shall submit:

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1. For LEA district-wide adoptions, a completed rubric from the local adoption committee created pursuant to T.C.A. § 49-6-2207 that explains how the LEA will address the deficiencies identified by the Textbook Commission. If the Textbook Commission failed did not recommend the Textbook(s) and/or Instructional Materials for approval based on lack of alignment to Tennessee Academic Standards, the rubric submitted by the Local Board shall also include but not be limited to a table indicating the alignment of the proposed Textbook(s) and/or Instructional Materials with each Tennessee Academic Standard in the relevant subject-specific grade and subject or course. The rubric shall also include any planned use of Supplemental Materials to address misalignment with the Tennessee Academic Standards to ensure comprehensive coverage; or
 2. For limited-use adoptions, which include credit recovery programs, alternative schools, virtual schools, and virtual education programs, the Local Board shall submit a completed rubric that explains how the LEA will address the deficiencies identified by the Textbook Commission. If the Textbook Commission failed did not recommend the Textbook(s) and/or Instructional Materials for approval based on lack of alignment to Tennessee Academic Standards, the rubric submitted by the Local Board shall also include but not be limited to a table indicating the alignment of the proposed Textbook(s) and/or Instructional Materials with each Tennessee Academic Standard in the relevant subject-specific grade and subject or course. The rubric shall also include any planned use of Supplemental Materials to address misalignment with the Tennessee Academic Standards to ensure comprehensive coverage.
- (h)(k) For Textbooks and/or Instructional Materials that were not reviewed by the Textbook Commission, LEAs the Local Board shall submit:
1. For LEA-wide adoptions, a completed rubric from the local adoption committee created pursuant to T.C.A. § 49-6-2207 that indicates the extent to which the Textbook(s) and/or Instructional Materials are aligned to the Tennessee Academic Standards. The rubric shall include, but not be limited to, a table indicating the alignment of the proposed Textbook(s) and/or Instructional Materials with each Tennessee Academic Standard in the relevant subject-specific grade and subject or course. The rubric shall also include any planned use of Supplemental Materials to address areas of misalignment, if any, with the Tennessee Academic Standards to ensure comprehensive coverage; or
 2. For limited-use adoptions which include credit recovery programs, alternative

(Rule 0520-01-18-.03, continued)

schools, virtual schools, and virtual education programs, ~~the Local Board shall submit a~~ completed rubric that indicates the extent to which the Textbook(s) and/or Instructional Materials are aligned to the Tennessee Academic Standards. The rubric shall include, but not be limited to, a table indicating the alignment of the proposed Textbook(s) and/or Instructional Materials with each Tennessee Academic Standard in the relevant ~~subject-specific~~ grade ~~and subject or course~~. The rubric shall also include any planned use of Supplemental Materials to address areas of misalignment, if any, with the Tennessee Academic Standards to ensure comprehensive coverage.

~~(4)(f)~~ Any additional evidence of the requested Textbook(s) and/or Instructional Materials' quality.

~~(3)(5)~~ Waiver ~~applications requests~~ shall be submitted no later than March 15th of the local adoption year during the adoption cycle established by the Textbook Commission for the applicable subject area; provided, however, ~~an LEA Local Board~~ may submit an emergency waiver ~~application request~~ outside of this established deadline for the applicable subject if emergency circumstances exist justifying the emergency waiver ~~application request~~. Emergency circumstances include:

(a) The LEA has submitted ~~an application request~~ to the Department to implement its Continuous Learning Plan (CLP) as defined in State Board Rule 0520-01-17, ~~and the LEA's CLP includes the use of the requested Textbook(s) and/or Instructional Materials.~~

(b) 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.~~

~~(c) The LEA intends to offer, for the first time, a course for which no state-approved Textbooks and/or Instructional Materials exist.~~

~~(4)(6)~~ The Department shall assist the State Board staff in administering the Textbook and Instructional Materials waiver review process by providing staff to serve as subject-matter experts for each content area. The Department ~~subject-matter~~ experts shall provide feedback on the rubric developed by State Board staff for each completed and properly submitted waiver application no more than ninety (90) calendar days after receipt of the following from State Board staff:

(a) The completed and properly submitted LEA application; and

(b) Access to the relevant Textbook(s) and/or Instructional Materials for which the waiver is being requested.

~~(5)(7)~~ State Board staff shall develop a process for review of completed and properly submitted waiver applications in consultation with the Department's subject-matter experts.

~~(6)(8)~~ State Board staff may request additional information, clarifications, and/or revisions to waiver applications from the ~~Local Board~~ LEA prior to preparing a recommendation for the State Board.

~~(7)(9)~~ In consultation with Department subject-matter experts, State Board staff shall prepare and present a recommendation to the State Board on each completed and properly submitted waiver application, utilizing the rubric ratings provided by Department subject-matter experts, additional input from Department subject-matter experts, and information provided to State Board staff by the ~~LEA~~ Local Board. The recommendation shall address all factors outlined in Rule 0520-01-18-.03. Textbooks and Instructional Materials waiver ~~requests applications~~ that do not comply with the requirements of T.C.A. §§ 49-6-2202, T.C.A. § 49-6-2206, and all other relevant state laws shall not be recommended for approval or approved by the State Board.

(Rule 0520-01-18-.03, continued)

~~(8)~~(10) Waivers approved by the State Board shall remain in effect until the next adoption cycle for the course for which the waiver was granted, unless a shorter period of time is specified by the State Board or by the ~~Local Board~~LEA. A waiver request application that has been denied by the State Board shall not be re-submitted by the LEA~~Local Board~~ to the State Board for consideration during the term of the adoption cycle for the specific content area.

~~(9)~~(11) A public charter school may apply for request a waiver for the use of Textbooks and Instructional Materials in accordance with T.C.A. § 49-13-111.

~~LEAs shall not use textbooks or instructional materials that are not either on the state approved adoption list or approved for use in the LEA via the waiver process set out in this rule, pursuant to T.C.A. § 49-6-2206.~~

Authority: T.C.A. § 49-6-2206. **Administrative History:** Emergency rules filed August 26, 2020; effective through February 22, 2021. Emergency rules expired effective February 23, 2021, and the rules reverted to their previous statuses. Original rules filed December 17, 2020; effective March 17, 2021. Amendments filed August 5, 2021; effective November 3, 2021.

0520-01-18-.03 FACTORS AFFECTING WAIVER DECISION.

(1) — In determining whether ~~or not~~, in the State Board's judgment to the unique or unusual needs of the LEA merit the approval of a waiver application, the State Board may consider a number of factors, including, but not limited to:

~~(2)~~(1)

(a) — ~~The feedback of the Department subject-matter experts for the relevant content area on the rubric developed by State Board staff.~~

(b)(a) The explanation of the unique or unusual needs of the LEA necessitating the use of the requested Textbook(s) and/or Instructional Materials in the waiver application.

(c)(b) ~~Department subject-matter expert feedback, including the requested extent of the~~ Textbook(s) and/or Instructional Materials' alignment to Tennessee Academic Standards and, if necessary, the extent to which the LEA's plan would remediate any areas of misalignment.

(d)(c) How the LEA will address deficiencies identified by the Textbook Commission, if applicable.

(e)(d) Evidence of student outcomes based on the requested Textbook(s) and/or Instructional Materials, if applicable.

(f)(e) Evidence of research or evaluation on the requested Textbook(s) and/or Instructional Materials' quality, if applicable.

(g)(f) Evidence of improved student outcomes in the LEA ~~before and since~~ when utilizing Textbook(s) and/or Instructional Materials ~~from~~ waivers the LEA has been granted in the past, if applicable.

~~The availability of state approved Textbooks and/or Instructional Materials for the requested course and/or subject.~~ **Authority:** T.C.A. § 49-6-2206. **Administrative History:** Emergency rules filed August 26, 2020; effective through February 22, 2021. Emergency rules expired effective February 23, 2021, and the rules reverted to their previous statuses. Original rules filed December 17, 2020; effective March 17, 2021.

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