

**RULES
OF
TENNESSEE DEPARTMENT OF EDUCATION
STATE TEXTBOOK COMMISSION**

**CHAPTER 0520-05-01
SUPPLEMENT TO CONTRACT-POLICIES OF TENNESSEE STATE TEXTBOOK COMMISSION**

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0520-05-01-.01 DEFINITION. Textbook and instructional materials 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. §§ 49-3-310(2) and 49-6-2203(a). **Administrative History:** Original rule filed June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992. Repeal and new rule filed March 13, 2014; effective August 29, 2014. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.02 STAGGERED ADOPTION. The Textbook Commission shall determine the adoption cycle of textbooks in Tennessee. The Textbook Commission shall approve the state textbook review and approval process and timeline for each textbook adoption cycle.

Authority: T.C.A. § 49-6-2203(a). **Administrative History:** Original rule filed June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.03 MANUFACTURING STANDARDS FOR NON-CONSUMABLE BOOKS. The Commission may adopt physical standards and specifications that assure suitable durability of the textbooks, instructional materials and supplemental materials. Any non-consumable student book submitted as a textbook or as part of a textbook must meet the specific criteria identified in the Minimum Manufacturing Standards and Specifications for Textbooks ("Standards") as developed by the State Instructional Materials Review Association ("SIMRA"), in consultation with the Association of American Publishers and the Book Manufacturers' Institute. The SIMRA Standards shall be Tennessee's official minimum standards and specifications for non-consumable student books. The Commission may consider for recommendation textbooks that do not meet the SIMRA Standards if there are limited Learning Resources of quality submitted for a specific state-funded course.

Authority: T.C.A. § 49-6-2203(a). **Administrative History:** Original rule filed June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.04 SUBMITTING OF SAMPLE TEXTBOOKS AND INSTRUCTIONAL MATERIALS.

- (1) At least one (1) set of all textbooks and instructional materials bid, including all supplementary materials, shall be filed with the secretary of the Textbook Commission on or before a date specified by the Commission in the state adoption schedule for each cycle, but no later than the date of the start of the review by the advisory panels.

(Rule 0520-05-01-.04, continued)

- (2) If requested by Commission members, publishing companies may 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 start of the textbook review of the state advisory panels on the date set by the Commission.
- (3) If requested by the Commission members, publishers shall send Commission members one set of samples.

Authority: T.C.A. § 49-6-2203(a). **Administrative History:** Original rule filed June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.05 CONDITION OF SAMPLE TEXTBOOKS AND INSTRUCTIONAL MATERIALS.

- (1) A publisher shall not submit draft copies of textbooks, instructional materials or other supplemental materials. All textbooks, instructional materials and accompanying manuals, workbooks and other supplemental materials shall be submitted in finished form at the date set by the Commission, but no later than the start of the review period. If a complete copy of any textbooks, instructional materials or any of their supplemental materials is not filed prior to the date specified by the Commission, then the textbook or instructional materials shall not be considered for adoption. The textbooks and instructional materials shall be accompanied by a list stating the edition, title and author of each textbook or any instructional materials offered.
- (2) 'Finished form' is defined as the final form of the book or instructional material that would be distributed to public schools, if purchased. Textbooks and instructional materials must meet the minimum manufacturing standards and specifications for textbooks and instructional materials set by the Commission in order to be considered in 'finished form.' Textbooks and instructional materials in beta version, and/or with missing pictures, charts, graphs, or other content will not be considered to be in 'finished form.' No gallery proofs or page proofs may be submitted for review.

Authority: T.C.A. § 49-6-2203(a). **Administrative History:** Original rule filed June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.06 ONLINE ACCESS TO SAMPLE TEXTBOOKS AND INSTRUCTIONAL MATERIALS.

- (1) In addition to the finished textbooks and instructional materials required to be filed with the Tennessee Department of Education, publishers shall make all textbooks and instructional materials proposed for adoption available for inspection online by LEAs and the public. The online inspection shall allow inspection of both the textbook or instructional materials and all accompanying manuals, workbooks and other supplemental materials.
- (2) The content, including pictures and graphs, of the textbooks, instructional materials, and supplementary materials that are made available for online inspection shall be in finished form and shall be the same as what would be distributed to public schools; however, the platform and format does not have to be in finished form. If the online textbooks and instructional materials are the same as the samples submitted to the Commission as required by Rule 0520-05-01-.04, then the online textbooks and instructional materials shall be in finished form.
- (3) Publishers shall agree in the bid documents to provide access to complete online copies of the textbooks or instructional materials, including all supplementary materials, bid during the review process by the advisory panels, at the time specified by the Commission in the

(Rule 0520-05-01-.06, continued)

textbook adoption schedule, but in no case shall the textbooks or instructional materials be available for less than ninety (90) days.

- (4) Publishers that submit textbooks and instructional materials for adoption shall provide the Tennessee Department of Education with instructions for how the public and state advisory panel members can access the textbooks and materials. The department shall post the instructions submitted by publishers on the department's website along with instructions for how the public can submit comments on the textbooks and instructional materials.

Authority: T.C.A. §§ 49-6-2203(a) and (d)(3). **Administrative History:** Original rule filed June 10, 1974. Repeal and new rule filed April 8, 1986; effective July 14, 1986. Repeal and new rule filed April 27, 1992. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.07 SUBSTITUTIONS. At the first regular meeting of each calendar year, the Commission will consider:

- (1) The substitution of the revised edition of a textbook for the edition previously listed; and
- (2) The substitution of a textbook that contains content revisions made since the previous official listing of the book, provided that each book:
 - (a) Will be sold at the same price as the book originally listed; and
 - (b) 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, if requested by the Commission members, together with a brief setting forth in detail the differences between the book originally listed and the newer book. Every textbook to be submitted accordingly 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.
- (3) Substitution requests shall not be submitted for textbooks and instructional materials within one (1) year of the expiration of the approved contract date for the official listing of the book.

Authority: T.C.A. §§ 49-1-302, 49-6-2203(a) and (j). **Administrative History:** (For history prior to June 1992, see 0520 official history.) Repeal filed April 27, 1992; effective June 29, 1992. Repeal and new rule filed November 20, 1998; effective March 30, 1999. Repeal and new rule filed March 13, 2014; effective August 29, 2014. The repeal of this rule was withdrawn by the State Board of Education on July 30, 2014. Repeal filed June 3, 2015; effective September 1, 2015. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.08 AMOUNT OF PERFORMANCE BOND REQUIRED. Publishers shall file with the textbook contract a good and sufficient bond with a surety company authorized to do business in this state in the sum of \$10,000 and conditioned upon the faithful performance of all conditions of the contract and TCA Title 49, Chapter 6, Part 22.

Authority: T.C.A. §§ 49-6-2203(a) and (j). **Administrative History:** (For history prior to June 1992, see 0520 official history.) Repeal filed April 27, 1992; effective June 29, 1992. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.09 AMOUNT OF PERFORMANCE BOND REQUIRED. Publishers submitting textbooks or instructional materials for possible state approval shall execute an agreement to correct all factual and editing errors found in a textbook or instructional materials, at the publisher's expense.

(Rule 0520-05-01-.09, continued)

The publisher shall submit a corrective action plan to the department, for review and approval by the state board, within thirty (30) days of the department's notification of the existence of errors in the textbook or instructional materials.

Factual errors only apply to information that is inaccurate at the time of state approval of the textbook or instructional material.

The department shall submit corrective action plans to the board for approval at least once per year.

Authority: T.C.A. §§ 49-6-2202(c) and 49-6-2203(a). **Administrative History:** (For history prior to June 1992, see 0520 official history.) Repeal filed April 27, 1992; effective June 29, 1992. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.10 STATE ADVISORY PANELS.

(1) Appointment of State Advisory Panels

The Chair of the Commission may recruit and appoint members to an advisory panel of expert teachers and other experts. The Chair shall present the list of members of the advisory panel to the Commission at the next regular meeting.

The department shall post the names of the reviewers, their positions, employers and the panels on which they serve on the department's web site.

(2) Appointment of State Advisory Panels

At least one (1) teacher shall be appointed to each advisory panel. Teachers appointed to the advisory panels shall possess a license to teach with an endorsement in the subject area or grade level for which they shall review textbooks or instructional materials.

Experts, who are not public school teachers, may include college professors and credentialed subject matter specialists.

All members of advisory panels shall have a specific knowledge of and expertise in the content of the subject matter contained in the textbooks or instructional materials they review.

(3) Training for Advisory Panel Members

The Department of Education shall assist the Commission by providing mandatory training to members of advisory panels on the review process and the completion of their assigned tasks. The mandatory training shall include, at a minimum, the components outlined in T.C.A. § 49-6-2201(n)(2).

(4) Review Rubric for Advisory Panel Members

The Tennessee Department of Education may develop a review instrument/ rubric to be used by state advisory panels to review textbook and instructional materials submitted for adoption. The review instrument shall include an examination as to whether the textbooks or instructional materials:

- (a) Conform to the standards for their subject areas or grade levels;
- (b) Are free of any clear, substantive, factual or grammatical errors;

(Rule 0520-05-01-.10, continued)

- (c) Comply with and reflect the values expressed in § 49-6-1028(b), if the textbook or instructional materials are being considered for adoption as a textbook or instructional materials for education of students in general studies and specifically in United States history and this nation's republican form of government; and
- (d) Nothing in this part shall prohibit the use of or apply to supplemental instructional materials.

The Textbook Commission shall approve any review instrument / rubric used by state advisory panels.

(5) Panel Review Process

The department shall develop a process for state advisory panels to review textbooks and instructional materials. The process shall align with the review timeline outlined in the textbook adoption schedule approved by the Commission.

Each textbook or any instructional materials proposed for approval shall be reviewed by multiple members of the panel.

(6) Panel Recommendations to the Commission

The advisory panelists shall individually make their recommendations to the Commission. The reviews of the members of an advisory panel shall be posted on the department's web site without any information that would identify the reviewers.

Before issuing a recommendation on a textbook or on instructional materials, each advisory panelist shall review the public comments on the textbook or instructional materials posted on department's web site, pursuant to § 49-6-2203(d)(4), that are received by the date set by the Commission. Each advisory panelist shall consider the public comments in making the panelist's recommendation.

Authority: T.C.A. §§ 49-6-2201(n) and 49-6-2203. **Administrative History:** (For history prior to June 1992, see 0520 official history.) Repeal filed April 27, 1992; effective June 29, 1992. Amendments and new rules filed February 12, 2016; effective May 12, 2016.

0520-05-01-.11 through 0520-05-01-.36 REPEALED.

Authority: T.C.A. § 49-6-2203. **Administrative History:** (For history prior to June 1992, see 0520 official history.) Repeal filed April 27, 1992; effective June 29, 1992.