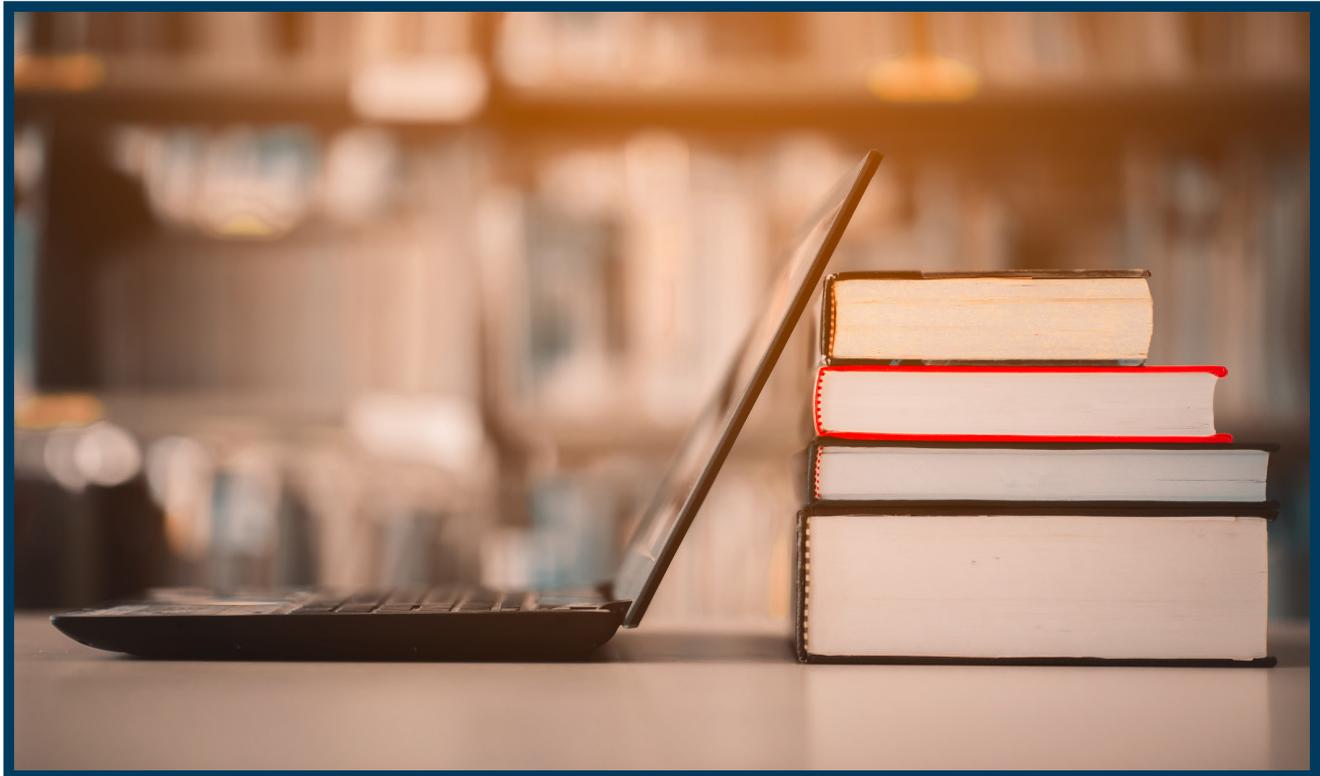




OFFICE OF RESEARCH AND EDUCATION ACCOUNTABILITY

**AN EVALUATION OF THE TENNESSEE TEXTBOOK AND  
INSTRUCTIONAL MATERIALS QUALITY COMMISSION**



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# Introduction

One of the many important decisions a school district makes each year is ensuring that students are using quality instructional materials – such as textbooks – that align to state standards. The Tennessee Textbook and Instructional Materials Quality Commission (hereafter, Textbook Commission or commission) is charged in law with recommending an official list of textbooks and instructional materials for public school students in grades K-12 to the State Board of Education (SBE or the board) for final approval.<sup>1</sup> School districts, in turn, are required by law to adopt, though not to purchase, items from this list to use as curriculum materials in their classrooms.<sup>2</sup>

State law defines the goals of the commission as ensuring that the textbooks and instructional materials placed on the list for adoption by school districts:

- conform to the Tennessee academic standards by subject area or grade level;
- are free of any clear, substantive, factual, or grammatical errors; and
- comply with and reflect the values expressed in state law concerning materials in general studies and specifically in United States history and the republican form of government.<sup>3</sup>

Since 2014, the General Assembly has reconstituted the Textbook Commission twice to address appointment issues, outline the duties of the commission and the administrative support to be provided by Tennessee Department of Education (TDOE or the department) staff to the commission, and incorporate more opportunities for public comment into the process.<sup>4</sup> The Chair of the Senate Education Committee requested that the Comptroller's Office of Research and Education Accountability (OREA) study the Textbook Commission and report on the following:

- the effectiveness of the process used by the Textbook Commission;
- the processes used by other states to select textbooks; and
- how instructional materials used in the classroom have evolved over time, including the use of “open source” materials.

The request also asked OREA to examine what adjustments may be needed in the textbook selection process as technology continues to change the way content is delivered to students in the classroom.

OREA reviewed the work of the Textbook Commission for the 2017, 2018, and 2019 adoption cycles. Toward the end of the 2019 adoption cycle, TDOE increased the number of staff allocated to the adoption process, but this increase occurred too recently to be fully evaluated by OREA for this study. The review conducted by OREA was based on two primary questions:

1. Is the commission functioning efficiently and in compliance with state law, policies, and rules?
2. Is the commission effectively overseeing the process of textbook and instructional material selection for K-12 classrooms to ensure the approval of textbooks and instructional materials that meet the standards set by state law?

Tennessee's state-level textbook and instructional materials adoption process is intended to create a system of checks and balances using both expert level reviews as well as public input to inform the selection of materials for Tennessee classrooms. Based on interviews with current and past members of the commission, TDOE and SBE officials, and school district leaders, this report concludes that a combination of factors – namely, staffing at TDOE, and training and preparation of commission members – impact the commission's efficiency and effectiveness. OREA's analysis found:

- **The Textbook Commission has not had full membership since 2016, and current membership does not reflect the grand divisions of the state.** In 2014, the General Assembly passed legislation to reconstitute the commission and split appointments between the Governor, the Speaker of the Senate, and the Speaker of the House. Each of these authorities appoints three members to the 10-member commission. The Commissioner of Education, or the commissioner’s designee, serves as the tenth member. The commission was again reconstituted by the General Assembly in 2018 to address problems with appointing new members. The 2018 legislative changes specified which members are appointed by which appointing authority and also lowered the commission’s quorum requirement from seven to six members. Both reconstitutions removed all existing commission members, thus requiring new appointments or the reappointment of existing members.

The commission has not had full membership since 2016 because of a lack of appointees and other appointment issues. In spring 2019, the start of the adoption cycle for English Language Arts (ELA) was delayed by approximately three months because the commission did not have the necessary number of members to meet the quorum requirement of six members. As of fall 2019, the commission has two vacancies. In addition, state law directs the appointing authorities to “strive to ensure that a proportionate number of persons are appointed to the commission from each grand division of the state.” As of fall 2019, there are no members from middle Tennessee on the commission, and five of the seven current appointees are from east Tennessee.

- **TDOE has historically allocated limited staff to support the commission’s activities, though it recently increased staff support for the commission and assigned a new Chief of Standards and Materials to oversee the department’s work in this area.** State law requires TDOE to provide administrative support to the commission. In turn, the commission relies heavily on TDOE staff to inform decisions and, often, make recommendations for how the commission should proceed with its duties. OREA found issues with the level of administrative support provided by the department to the commission, specifically regarding meeting preparation, training for new members, and the availability of information about various aspects of the adoption process. Following the appointment of a new Chief of Standards and Materials in August 2019, TDOE assigned three staff members to assist part time and one administrative assistant to assist full time in the state-level adoption process. This staffing increase occurred too recently to be fully evaluated by OREA for this study.
- **More information about each step on the path to approval for all textbooks and instructional materials on the state-approved list would make the adoption process more transparent and understandable for districts and the public.** TDOE does not maintain consolidated information regarding the number of materials submitted for each review, the number of materials that pass on first review and second review, or the number of appeals and substitution requests submitted by publishers for each adoption cycle.
- **The textbook adoption process does not require publishers to fully disclose all the terms of use and licensing restrictions when submitting materials for inclusion on the state-approved list.** Licensing terms can include whether a purchased digital license allows a district access for a certain number of classrooms or for all classrooms in a district, as well as how long certain terms of use remain in effect.
- **Tennessee’s adoption process allows open educational resources (OERs) to be submitted for review if the bidder submitting the materials meets certain requirements.<sup>A</sup>** OERs reside in the public domain and are not under license or copyright, allowing anyone to access them at little to no cost. Several districts in Tennessee have begun using OERs in a variety of ways: to supplement existing textbooks and instructional materials; to create entirely new textbooks for unique course designs; or, in some cases, to replace hardback textbook purchases altogether.

<sup>A</sup> State law requires publishers to submit online and hard copies of materials for review. In addition, each bid must be accompanied by a certified check of between \$1,000 and \$10,000, depending on the number of books bid. State law limits the amount of the certified check to no more than \$10,000 for any one bidder. TCA 49-6-2203(c).

The ELA adoption cycle was the first time that OERs were submitted by publishers and approved for adoption on the state adoption list. In order to be used as primary materials in classroom instruction, OERs must be approved by the state adoption process or through the TDOE waiver request process. OERs can be used as supplementary materials without approval from the state adoption process or waiver process.

- **The Tennessee Digital Resources Library offers school districts an online repository to share OERs used and created by districts.** Tennessee does not currently have a state-run repository as do some other states, but an effort by education stakeholders across the state provides districts with access to OER materials. The Tennessee Digital Resources Library is an online repository of OER materials maintained by the Tennessee Book Company, a private vendor. The Tennessee Book Company works closely with a few districts in Tennessee to establish OERs that can be used by other districts. Materials offered through the online library are not vetted by TDOE for quality and alignment to state standards.

## Background: The Textbook Commission

Created in 1951, the Tennessee Textbook and Instructional Materials Quality Commission is charged in law with recommending a list to SBE for approval of textbooks and other instructional materials that are aligned to Tennessee’s curriculum standards for each grade level in Tennessee’s public schools.<sup>5</sup> Districts, in turn, may adopt and purchase materials from this approved list with the assurance that the materials are suitable for classroom use.

The commission is composed of members appointed by the Governor and the Speakers of the Senate and House. It usually meets two or three times a year, and most of its required duties are supported by TDOE staff. By law, the commission may recruit and appoint advisory panels of expert teachers and other experts in each subject area or grade level to advise its members on textbook and instructional material selections. In turn, TDOE must provide mandatory training to the advisory panels on the review process and their assigned tasks. The commission is then responsible for reviewing the evaluations submitted by the advisory panels for all materials bid by publishers for approval to the state list. The commission is also responsible for reviewing public comments relative to the materials reviewed prior to approving or denying materials for the state list.

### Duties of the Textbook Commission

#### The commission is required to:

- develop rules for the bidding and contracting of textbook and instructional materials programs;
- oversee the review of textbooks and instructional materials for which companies have submitted bids to ensure alignment with the education standards approved by the State Board of Education;
- establish contracts that guarantee the availability of adopted programs to all LEAs at the lowest price; and
- approve the process and time frame for state review of textbooks and instructional materials.

#### The commission may also:

- adopt physical standards and specifications that assure suitable durability of the textbooks, instructional materials, and supplemental materials; and
- develop criteria for state advisory panels to use when reviewing textbooks and instructional materials.

#### The chair of the commission may:

- appoint members to state advisory panels to advise the commission on textbook and instructional materials selection; and
- convene panels.

Textbook and Instructional Materials Quality Commission, Policy 1.200, Role and Responsibilities of the Tennessee Textbook and Instructional Materials Quality Commission, approved Oct. 6, 2014.

### The Textbook Commission's role in overseeing the process

As defined by its policy, the Textbook Commission oversees the review of textbooks and instructional materials submitted by publishers for alignment with the education standards approved by SBE.

The actual review of the materials submitted by publishers is conducted by advisory panels, members of which the commission is authorized by law to recruit and appoint. The commission has, however, delegated its role in recruiting and appointing to TDOE, which conducts the recruitment, training, and organization of advisory panels.

State law requires the commission to evaluate all reviews submitted by members of the advisory panel for each textbook or any instructional materials proposed for approval.\* TDOE compiles a completed list of all textbooks and instructional materials that passed the advisory panel reviews and presents the list to the commission at the fall meetings. When the commission meets, it has traditionally voted to automatically approve the list of textbooks and instructional materials approved by the advisory panels without review or discussion.

Not all materials receive approval from the advisory panels, however, and publishers may submit an appeal for these materials to the commission. In such cases, the commission reviews the advisory panel recommendations and the appeal submitted by the publisher before issuing a decision about whether the appealed item will be added to the final adoption list. The commission's decision is final. The appeals process is not addressed in state law. Like the publisher appeal process, publisher substitution requests are heard and approved by the commission, per commission policy, but are not addressed in state law.

\*TCA 49-6-22 (l)(7).

## Membership

The Textbook Commission is composed of 10 members, nine of whom are appointed in equal numbers by the Governor, the Speaker of the Senate, and the Speaker of the House. Membership is to include two directors of schools, three teachers or instructional supervisors (one for each grade span: K-3, 4-8, and 9-12), one principal, and three citizen members who are not employed by the public school system but who are knowledgeable of education issues in the state. The tenth member is the Commissioner of Education, or the commissioner's appointee, who serves as an ex officio member with the right to vote.

### Exhibit 1: Appointments to the Textbook Commission

Governor	Speaker of the Senate	Speaker of the House
Principal	Director of Schools	Director of Schools
Teacher or instructional supervisor for grades 9-12	Teacher or instructional supervisor for grades 4-8	Teacher or instructional supervisor in grades K-3
Citizen member (western grand division)	Citizen member (eastern grand division)	Citizen member (middle grand division)

Source: TCA 49-6-2201(a)(1).

Appointments to the commission must be confirmed by a joint resolution of the General Assembly. Vacancies may be filled when the General Assembly is in recess, but the legislature must confirm the appointment within 90 days of the beginning of its next regular session.

In 2014, the General Assembly passed legislation to reconstitute the commission and split appointments between the Governor, the Speaker of the Senate, and the Speaker of the House.<sup>6</sup> The legislative changes also increased the transparency of the adoption process, outlined the duties of the commission and support from TDOE staff, and provided opportunities for public and parental input into the adoption process. One of the primary changes to the law was to create a venue to allow public review and commentary on the process. Legislators cited concerns from parents and community members about potential issues of bias and inaccurate information contained in some student textbooks as reasons for creating more opportunities for public and parental input into the adoption process.

In 2018, the General Assembly reconstituted the commission once more to address problems with appointing new members.<sup>7</sup> It changed the qualifications for membership and lowered the quorum requirement from seven to six members. The reconstitution removed all existing members, thus requiring new appointments or the reappointment of existing members. For the 2018 reconstitution, all new members' terms began July 1, 2018, and the first round of appointments would serve for assigned terms of three or fewer years to establish a staggered rotation of appointments: the three citizen members serve a one-year term; the two directors of schools and one principal serve a term of two years; and the three teachers or instructional supervisors serve a term of three years. Following the initial round of reappointments on July 1, 2018, all members began serving staggered terms of three years.

## Meeting requirements

The commission requires attendance by six of the 10 members to form a quorum and must have at least two regular meetings each school year.<sup>8</sup> State law does not specify how much notice the commission must give prior to setting a meeting date, only that the meeting date be posted to the department's website within three full business days of the setting of a meeting date.<sup>9</sup> The commission may have as many special meetings as it deems necessary, but members may receive travel expenses for no more than three meetings in one school year.<sup>10</sup> When special meetings are called, the commission secretary must give public notice at least 10 business days prior to the scheduled meeting and the notice must be posted to TDOE's website within one full business day of the call.<sup>11</sup> Commission meetings must be available for viewing by the public via streaming video, and archived videos of past meetings must be available on the department's website.<sup>12</sup>

### Commission member reimbursement

Members of the commission will not be compensated for their services but may be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

Source: TCA 49-6-2201(j).

### Three kinds of commission meetings

**Regular meeting** – The commission is required to meet at least twice a year and typically holds a meeting in the spring and a meeting in the fall.

**Special meetings** – The commission may call a special meeting with at least 10 business days' notice to discuss and vote on issues that require immediate deliberation or issues not originally scheduled for the commission to address.

**Public hearings** – The commission may call for a public hearing if it finds that the evaluations by the advisory panel reviewers or public comments indicate that a further review of the materials is necessary. Public hearing notice is required to be posted on TDOE's homepage at least 30 days prior to the meeting. As of 2019, there is no evidence that the commission has called for a public hearing to be held.

One function of the commission is to review public comments and provide a forum for the public to speak at meetings. TDOE develops the procedure for collecting public comments throughout the state review process. The department also provides an option for the public to speak at the regular fall meeting of the commission, as long as citizens request to speak at least 15 days prior to the meeting. At the discretion of the chairman of the commission, a speaker may be recognized at a commission meeting, whether or not a request was submitted 15 days in advance.

# Tennessee's textbook adoption process

The process for selecting textbooks and instructional materials, including digital textbooks, for K-12 public schools involves four steps of checks to ensure that only quality materials, aligned to state standards, are placed on the approved adoption list.

First, subject-area specialists – who are recruited, vetted, and trained by TDOE staff – conduct an expert-level review of proposed materials. These advisory panelists conduct the bulk of the work related to reading and analyzing the materials submitted by publishers. They assess each textbook or package of instructional materials (e.g., grade 2 English language readers) against a screening instrument that measures alignment to Tennessee standards. Reviewers' scores, feedback, and recommendations to approve or deny the materials are submitted to TDOE staff, who then compile and relay the results from the review process to publishers. Publishers then have an opportunity to make changes to any materials that were denied by the reviewers and submit the revised materials to advisory panel reviewers for a second review.

The second step of checks in the adoption process lies with the commission. The members are responsible for reviewing advisory panel evaluations of publisher materials, voting on publisher appeals and substitutions, and reviewing public comments before recommending a final list of materials for the State Board of Education to approve. In the third step, the State Board of Education votes to approve the list recommended by the commission.

Local school districts are responsible for the fourth and final step of review. Once the state-level review process is complete and SBE approves the commission's list of materials, local boards of education must appoint committees to review textbooks and instructional materials proposed for adoption. Local review committees are made up of teachers and supervisors by grade level and content area, as well as parents of students, and can also include subject and grade level experts. Districts select the textbooks and instructional materials they want to use as the basis for their curriculum with the understanding that the materials have already been vetted thoroughly through the state-level adoption process. OREA's evaluation of the state's adoption process does not include an evaluation of the district reviews.

## What is curriculum?

Curriculum is the program of instruction and related resources (like lessons, activities, textbooks, software applications, etc.) that school districts use to ensure students master the academic standards each year in their coursework. While the standards lay out what students are expected to know in a given subject, curriculum provides an instructional guide for teachers so that their students meet those expectations.

Source: Chiefs for Change, *Hiding in Plain Sight: Leveraging Curriculum to Improve Student Learning*, Aug. 2017, p. 5.

## Supplementary materials

Supplementary materials are used in conjunction with the primary textbooks or course materials used by teachers. These materials are not required to be approved by the state for use in classrooms and are not reviewed or vetted by the state, either through the adoption process or waiver process.

## Aligning curriculum standards review and the textbook adoption cycle

The State Board of Education is charged with setting policies governing all academic standards and courses of study in Tennessee's public schools. Academic standards determine what students should know and be able to do by the end of a grade level or course. The approved standards are the basis for planning instructional programs, or curriculum, in each school district. To ensure standards are rigorous, relevant, and appropriate for each grade level or course, SBE reviews each set of academic standards on a rotating basis at least every six years. The state-level adoption process for textbooks and instructional materials is intended to follow SBE's standards review cycle to align approved materials with the most current academic standards.

In June 2019, the commission requested that SBE begin its review of math standards so that the next cycle of math textbooks to be adopted will be in alignment with the revised standards for a full six-year cycle. To align SBE's standards adoption timeline with the state-level textbook adoption cycle, the commission approved a delay of the state-level adoption process for new math materials until the 2020-21 school year. The delay for the math adoption cycle was a one-time change to the adoption schedule.

## ***State Board of Education approves updated academic standards***

The textbook adoption process begins when SBE completes the process of reviewing and approving academic standards for a subject area. The board is required to review all sets of academic standards at least every six years, and, beginning in 2020, the commission's timeline for the adoption of textbooks and instructional materials is scheduled to align with SBE's standards review timeline. Once SBE approves the standards, then TDOE creates a screening instrument, which the expert reviewers use to vet the proposed materials for the content area. Each subject and grade level has its own screening instrument, which consists of a list of indicators designed to measure alignment to academic standards. Individual screening instruments are divided into sections of indicators. For example, some sections require the textbook and instructional materials to pass 100 percent of the indicators to be recommended for state adoption while other sections may require that 80 percent of indicators are passed.

In Tennessee, the textbook adoption process takes about 18 months from beginning to end. For the commission's adoption process to stay aligned with SBE's standards review process, the state-level reviews of textbooks take one full year; the board reviews academic standards on a 12-month cycle. Following the completion of a 12-month cycle at the state level, the process shifts to the local level for the final six months of the adoption process, as school districts review the state's adoption list, complete their own review of the materials, and make their purchases. During the final six months of the adoption process, SBE and the Textbook Commission begin a new 12-month cycle, with the board reviewing academic standards for another subject and the commission starting the adoption process for textbooks and instructional materials in the same subject.

## ***The commission requests bids from publishers***

The commission is required by law to meet at least twice each year,<sup>13</sup> once in the spring to close the bidding process and review publishers' substitution requests, and again in the fall to approve the list of reviewed materials. The commission may establish rules for manufacturing standards and specifications for textbooks and instructional materials, and establishes the conditions for the publisher contracts. State law requires that publishers include online copies accessible to the public of all textbooks and instructional materials that are bid.<sup>14</sup> Each of the contracted materials are offered in Tennessee at the same or lower prices than they are offered in other states.

## ***TDOE coordinates the state-level review of submitted materials***

TDOE's Office of Standards and Materials provides administrative support to the commission, and, in practice, conducts much of the work necessary for the commission to function because the commission has no staff of its own. Department staff collect the materials proposed for state adoption by publishers and recruit expert reviewers to serve on advisory panels. TDOE accepts applications for reviewers in the fall, before the start of the adoption process, which begins in the spring of the following year, and selects the advisory panel members in December. TDOE ensures that materials submitted by publishers are available for review and comment by the public on its website through the duration of the contract period.

Department staff are responsible for training the experts on advisory panels to review materials bid by the publishers using a TDOE-developed screening instrument. Advisory panel reviewers evaluate the textbooks and instructional materials to determine if they align with Tennessee's academic standards, adhere to the values expressed in law, and are free of any clear, substantive, factual, and grammatical errors.<sup>15</sup>

### **Advisory panels and expert reviewers**

The actual review of textbooks and instructional materials is conducted not by the commission, but by advisory panels of expert teachers and other experts in each subject area or grade level. Each advisory panel must include at least one expert licensed teacher with an endorsement to teach in the subject area or grade level for the materials they are reviewing.

Other experts may include college professors and credentialed subject matter specialists.

TDOE aims to have three or more reviewers per advisory panel, but actual numbers depend on how many applicants the department receives for each subject and grade level. Some panels have only two reviewers while others may have five or more.

State law requires the commission to ensure that U.S. history materials approved for adoption comply with and reflect the values expressed in the nation's republican form of government, such as the formation of the governments of the United States and Tennessee, and the historical and present day significance of key documents such as the Declaration of Independence, Constitution, and Bill of Rights.<sup>16</sup> SBE's social studies standards, and, in turn, the screening instrument developed by TDOE for the social studies review, are intended to reflect the values outlined in law related to the history of the United States and Tennessee.

After the screening instrument is developed by TDOE and approved by the commission, TDOE or a vendor contracted by TDOE trains advisory panel reviewers on how to use the screening instrument during the review process. The department typically provides between two and four days of training over the spring months for the reviewers.

The number of reviewers varies by the review cycle – for some subject areas, such as career and technical education, only a few individuals may apply to serve as an advisory panel reviewer, whereas a larger review for subject areas such as social studies or English language arts may have over 100 reviewers. In past adoption cycles, reviewers were paid a stipend per the number of textbooks and materials they reviewed. In future adoption cycles, the department intends to change compensation for reviewers from a stipend to a flat rate for completing the reviews. Depending on the number of materials to evaluate and the number of reviewers available, some advisory panelists may review over a dozen books. For example, the limited number of applicants for a 2018 review of world languages (e.g., Spanish, French) textbooks meant each advisory panel member reviewed 10 to 14 textbooks.

The advisory panelists make recommendations for approval or denial of the materials. The recommendations of individual reviewers are compiled into a review matrix that is given to the publishers and, later, the commission. The review matrix includes the list of indicators used for scoring the materials along with the pass/fail recommendation for each reviewer for the individual indicators listed.

In some of the past adoption cycles, TDOE compiled the advisory panel reviewers' recommendations and shared them with the publishers. Some materials may not be recommended for approval by advisory panel reviewers because of misalignment with the state's academic standards, inconsistencies, or errors. Publishers may be reluctant to modify their materials to more closely align with a single state's academic standards if such modifications make their materials less aligned with the academic standards of other states and markets.

When publishers are given the opportunity to make changes to the submitted materials, materials that were not recommended for approval by the advisory panel reviewers may be resubmitted by publishers for a second round of evaluation. If advisory panel reviewers still do not recommend the materials, publishers may submit an appeal to the commission. The commission hears and votes on appeals at the fall meeting and makes the final decision on whether the appealed textbooks are added to the final adoption list. Commission policy does not require the department to provide additional reviews of submitted materials. In future adoption cycles, TDOE has indicated a second review by the advisory panels will not be provided, though publishers may still appeal to the commission to have materials not approved by an advisory panel included on the state adoption list.

### ***The commission reviews the process and recommends the final list of approved materials***

The department compiles materials for the commission members prior to the fall commission meeting. Materials include the official bid list of materials approved by advisory panel reviewers, sample screening instruments and other training guides used by the reviewers, any public comments, and any materials submitted by publishers that chose to appeal after their materials were not approved by the reviewers. At the fall meeting, the commission meets to:

- recommend approval of the list of materials that passed the advisory panel reviews;
- hear public comments and publisher presentations; and
- hear and vote on publisher appeals that did not pass the advisory panel reviews.

Prior to a final vote by the commission on the submitted materials, TDOE shares any public comments received about the materials with the commission and posts the public comments on the department's website.

During OREA's review of the adoption cycles from 2017 to 2019, the commission approved all materials that passed the first and second round of evaluations by advisory panel reviewers. For publisher appeals, the commission takes into consideration the judgments of the advisory panels and any additional information submitted by publishers. The final approval or denial of an appeal rests with the commission.

### ***SBE approves the final list of textbooks and instructional materials recommended by the commission***

The State Board of Education is tasked in state law with the role of approving the final state textbook and instructional materials list after the commission has made its recommendations.<sup>17</sup> The board is also required by law to review and approve corrective action plans that publishers submit to the department when an error is found in one of the adopted textbooks or instructional materials.<sup>18</sup> State law specifies that the commission will accomplish its work with the assistance of both SBE and TDOE, but, in practice, the board's only involvement with the textbook adoption process is to vote to confirm the list of materials recommended for approval by the commission.

State law and rules do not address what should happen next in the event SBE does not approve the list or any materials on the list. SBE staff confirm that the board does not have the staff capacity to conduct an independent review of the commission's process, the advisory panelists' reviews, or the materials.<sup>19</sup>

### ***Local boards of education adopt and purchase materials from the state-approved list***

School districts are responsible for appointing review committees to review the textbooks and instructional materials approved by the state for use in their classrooms. Review committees are set up by grade and subject area and composed of teachers, supervisors, and parents of children currently enrolled in the district. Public comments may also be submitted for district consideration.

After a local committee make its recommendations to the local board of education, the director of schools records the list of all materials adopted by the local board and reports the adoption choices to TDOE for every adoption cycle. A district's adoption of specific materials does not bind the district to purchasing those materials. Additionally, districts may submit waiver requests to the Commissioner of Education for permission to use materials not on the state's official list. Districts must provide the commissioner with specific and unique reasons for their waiver request.

### ***State-approved materials are maintained in a depository for purchase by local school districts***

The Tennessee Book Company, a private entity affiliated with Ingram Content Group, is the state's official depository for the state-approved materials. The Book Company serves as an intermediary between publishers and districts, brokering the sale of publishers' materials to districts. The Book Company ensures publishers adhere to contract prices and coordinates purchasing for school districts. Districts can purchase materials from multiple publishers through the Book Company on one purchase order, which helps reduce overall shipping costs.

### **Tennessee Book Company**

The Tennessee Book Company is Tennessee’s state textbook depository and serves as a “one-stop shop” for districts to purchase textbooks and materials on the approved state adoption list. The state created the depository during a time when textbooks were more difficult for districts to acquire. The depository is required to keep a certain number of copies of textbooks permanently in stock to ensure all schools can obtain the textbooks they have purchased.

When districts purchase new textbooks and instructional materials, they have the option of going directly to the publishing company or using the Book Company’s services. The Book Company serves as a broker for coordinating district purchases from publishers, including negotiating digital licenses between districts and publishers as well as print-on-demand services. The Book Company also maintains a state repository for open educational resources (OERs).

In the last five years, 139 districts purchased textbooks and materials through the Tennessee Book Company, with most districts making at least one purchase annually.

The Tennessee Book Company is a private organization that does not receive state funding.

## **The Textbook Commission has not had full membership since 2016, and current membership does not reflect the grand divisions of the state.**

In 2014 and 2018, the Tennessee General Assembly reconstituted the commission, removing all existing members and either appointing new members or reappointing some existing members. In addition to reconstituting the commission in 2014, the legislature made a number of other changes that year to increase the transparency of the process. The revisions outlined the duties of the commission and support from TDOE staff and incorporated more opportunities for public and parental input into the adoption process. Prior to these revisions, state law did not specifically outline a process for the commission to follow to oversee the review and adoption of textbooks and instructional materials, did not provide opportunities for public comment, and did not outline how the review process would be conducted by subject-matter experts or specify TDOE’s role in assisting the commission in fulfilling its mission.

Additionally, prior to 2014, the Governor appointed all 10 commission members. The 2014 changes split the appointments among the Governor (appoints three members), the Speaker of the Senate (appoints three members), and the Speaker of the House (appoints three members), with the Commissioner of Education serving as the ex officio tenth member. The 2014 changes also brought more transparency to the process by requiring bids for materials to be made available online for review by the public, an addition to the existing requirement that materials be made available at one distribution location in each of the three grand divisions of the state.

### **Legislative revisions involving the Textbook Commission**

In 2014, the General Assembly reconstituted the commission to provide for more transparency of the process and to include more opportunities for public and parental input into the textbook review process. (Public Chapter 981)

In 2018, the General Assembly reconstituted the commission once more, this time to address membership issues. The revisions changed the qualifications for membership and lowered the quorum requirement from seven to six members needed to conduct business. (Public Chapter 711)

The 2014 revisions to the commission changed the qualifications for membership as well, which prompted, in part, some of the changes brought about by Public Chapter 981 in 2018. The 2014 changes unintentionally made it difficult to recruit and appoint qualified and willing applicants to meet the membership requirements. The sponsor of the 2018 law addressing the membership issues noted that it became too confusing and difficult to meet all the unique qualifications for membership established by the 2014 law. The 2018 changes specified which members were appointed by which authority (e.g., the Governor, the Speaker of the House, and the Speaker of the Senate) and lowered the quorum requirement from seven to six members needed to

conduct business. The reconstitution removed all existing members, thus requiring new appointments or the reappointment of existing members.

**Exhibit 2: Membership and appointing changes, 2014 and 2018**

2014	2018
<p>One member of the commission shall be appointed from each of the following groups:</p> <ul style="list-style-type: none"> <li>A. County directors of schools;</li> <li>B. Directors of city school systems or special school districts;</li> <li>C. School principals;</li> <li>D. Teachers and instructional supervisors in the lower grades, grades kindergarten through three (K-3);</li> <li>E. Teachers and instructional supervisors in the intermediate grades, grades four through eight (4-8); and</li> <li>F. Teachers and instructional supervisors in the upper grade subjects, grades nine through twelve (9-12).</li> </ul> <p>The three remaining members shall be citizens of this state who are not employed in the public kindergarten through grade twelve (K-12) educational system but who are knowledgeable of education issues in this state. These three (3) members shall reside in different grand divisions.</p> <p>There shall be three appointed members from each grand division on the commission.</p> <p>Source: Public Chapter 981 (2014).</p>	<p>The speaker of the senate shall appoint a:</p> <ul style="list-style-type: none"> <li>i. Director of schools; and</li> <li>ii. Teacher or instructional supervisor in the intermediate grades, grades four through eight (4-8);</li> </ul> <p>The speaker of the house of representative shall appoint a:</p> <ul style="list-style-type: none"> <li>i. Director of schools; and</li> <li>ii. Teacher or instructional supervisor in the lower grades, grades kindergarten through three (K-3);</li> </ul> <p>The Governor shall appoint a:</p> <ul style="list-style-type: none"> <li>i. Principal; and</li> <li>ii. Teacher or instructional supervisor in the upper grade subjects, grades nine through twelve (9-12);</li> </ul> <p>The three remaining members shall be citizens of this state who are not employed in the public kindergarten through grade twelve (K-12) educational system but who are knowledgeable of education issues in this state;</p> <p>The Governor shall appoint a person who resides in the western grand division of the state;</p> <p>The Speaker of the Senate shall appoint a person who resides in the eastern grand division of the state; and</p> <p>The Speaker of the House of Representatives shall appoint a person who resides in the middle grand division of the state.</p> <p>Source: Public Chapter 711 (2018).</p>

OREA compiled the number of members appointed, present, and absent for each commission meeting for 2017 through 2019.

**Exhibit 3: Number of Commission commission members and meeting attendance, 2017 through 2019**

Meeting date	Total number of seats on the commission	Members appointed as of meeting date	Present	Absent
10/22/2019	10	8	7	1
09/20/2019	10	8	7	1
06/11/2019	10	7	7	0
10/10/2018	10	8	7	1
09/14/2018	10	8	6	2
03/19/2018	10	8	7	1
10/02/2017	10	8	8	0
09/18/2017	10	7	7	0
03/27/2017	10	7	7	0

Source: Compiled from attendance records found in commission meeting minutes between March 2017 and Oct. 2019.

Over the course of the 2017 to 2019 adoption cycles, 12 new members were appointed to the 10-member commission. Since March 2017, six of the eight commission meetings had new members, and five meetings had a minimum of two new members.<sup>B</sup>

**Exhibit 4: Commissioner members and attendance, 2017 through 2019**

Meeting date	03/27/17	09/18/17	10/02/17	03/19/18	09/14/18	10/10/18	06/11/19	09/20/19
<b>Returning members</b>	Susan Bunch	Bill Campbell	Frank Cagle	Frank Cagle	Frank Cagle	Michelle Bowman	Michele Bowman	Michele Bowman
	Bill Campbell	Craig Hammond	Bill Campbell	Neel Durbin	Neel Durbin	Frank Cagle	Frank Cagle	Frank Cagle
	Craig Hammond	Kyle Mallory	Craig Hammond	Randle Fenimore	Kay Kelsey	Neel Durbin	Neel Durbin	Greg Clark
	Kyle Mallory	Kelsey Reece	Kyle Mallory	Kyle Mallory	Karen King	Kay Kelsey		Karen Clark
	Lauren Nash		Kelsey Reece	Kelsey Reece		Karen King		Neel Durbin
	Kelsey Reese					Kelsey Reece	Jack Parton	Dean Mills
<b>New members</b>		Frank Cagle	Neel Durbin	Kay Kelsey	Michele Bowman		Karen Clark	Marcie Rudd
		Jason Vance	Randle Fenimore	Karen King	Jack Parton		Greg Clark	
<b>Ex officio</b>	Vicki Kirk	Vicki Kirk	Vicki Kirk	Vicki Kirk	Vicki Kirk	Vicki Kirk	Elizabeth Alves	Penny Schwinn

Source: Compiled from attendance records found in commission meeting minutes between March 2017 and Oct. 2019.

State law requires 10 members – nine appointees and the Commissioner of Education – but a lack of appointees or issues in confirming appointees has resulted in the commission not being at full membership since 2016. As of fall 2019, the commission has two vacancies, with eight members currently appointed.

**Exhibit 5: Appointments to the State Textbook and Instructional Materials Quality Commission**

Governor	Speaker of the Senate	Speaker of the House
Principal	Director of Schools	Director of Schools
Teacher or instructional supervisor for grades 9-12	Teacher or instructional supervisor for grades 4-8	Teacher or instructional supervisor in grades K-3
Citizen member (western grand division)	Citizen member (eastern grand division)	Citizen member (middle grand division)

Note: Red indicates vacant member position as of Dec. 2019.  
Source: TCA 49-6-2201(a)(1).

Additionally, state law directs the appointing authorities to “strive to ensure that a proportionate number of persons are appointed to the commission from each grand division of the state.”<sup>20</sup> As of fall 2019, two Speaker of the House positions were unfilled, one of which is designated for a middle Tennessee member. All three of the teacher positions (one per grade span, each filled accordingly by the Governor, Speaker of the Senate, and Speaker of the House) are from east Tennessee school districts. The remaining members – the director of schools and a citizen member from west Tennessee – are the only two members not from east Tennessee. As of fall 2019, no member from middle Tennessee is represented in the current membership, and five of the seven current appointees are from east Tennessee.

<sup>B</sup> Following the 2018 reconstitution, members were assigned to initial terms ranging from one to three years so that staggered three-year terms might eventually be established for all commission members. One of the 10 Commission members, the Commissioner of Education, is an ex officio member.

**Exhibit 6: Tennessee grand divisions represented on the State Textbook and Instructional Materials Quality Commission**

<b>Tennessee grand divisions as represented</b>		
<b>Dr. Penny Schwinn – Commissioner of Education, Ex Officio Secretary</b>		
<b>Governor</b>	<b>Speaker of the Senate</b>	<b>Speaker of the House</b>
Greg Clark, Principal <b>Grand division: east</b> <b>Assigned term:</b> July 1, 2018 – June 30, 2020 <b>Appointed term:</b> June 3, 2019 – June 30, 2020	Neel Durbin, Director of Schools <b>Grand division: west</b> <b>Assigned term:</b> July 1, 2018 – June 30, 2020 <b>Appointed term:</b> August 31, 2018 – June 30, 2020	Vacant, Director of Schools <b>Assigned term:</b> July 1, 2018 – June 30, 2020 <b>Appointed term:</b> N/A
Dean Mills, Teacher (9-12) <b>Grand division: east</b> <b>Assigned term:</b> July 1, 2019 – June 30, 2021 <b>Appointed term:</b> June 3, 2019 – June 30, 2021	Karen Clark, Teacher (4-8) <b>Grand division: east</b> <b>Assigned term:</b> July 1, 2018 – June 30, 2021 <b>Appointed term:</b> Dec. 18, 2018 – June 30, 2021	Michele Bowman, Teacher (K-3) <b>Grand division: east</b> <b>Assigned term:</b> July 1, 2018 – June 30, 2021 <b>Appointed term:</b> Aug. 31, 2018 – June 30, 2021
Marcie Rudd, Citizen <b>Grand division: west</b> <b>Assigned term:</b> July 1, 2019 – June 30, 2022 <b>Appointed term:</b> Sept. 30 – June 30, 2022	Frank Cagle, Citizen <b>Grand division: east</b> <b>Assigned term:</b> July 7, 2019 – June 30, 2022 <b>Appointed term:</b> May 24, 2019 – June 30, 2022	Vacant, Citizen <b>Grand division: middle</b> <b>Assigned Term:</b> July 1, 2019 – June 30, 2022 <b>Appointed term:</b> N/A

Note: The assigned term is established in state law and the appointed term reflects when the member was appointed within the time frame of the assigned term.  
 Source: Compiled from Tennessee Department of Education sources.

**Commission vacancies delayed 2019 meeting**

In spring 2019, the start of the adoption cycle for English language arts (ELA) was delayed by approximately three months because the commission did not have the necessary number of members to constitute a quorum. The commission had five members – including the Commissioner of Education – and needed six members to constitute a quorum. Since the commission meeting, originally set for March 2019, did not have the required quorum, the emergency substitution policy authorized TDOE’s Director of Textbook Services to approve the emergency substitution requests with the approval of a majority of the filled positions on the commission. The substitutions were approved using this process in May 2019. This was necessary so that districts could purchase certain materials for the 2019-20 school year. Further delaying the substitution vote until a quorum could be established would have resulted in districts not being able to purchase the most up-to-date titles for their classrooms in time for the 2019-20 school year.

Other decisions set to be presented at the March 2019 meeting – including the change in the math adoption cycle proposal – were delayed until appointments were made and a quorum was achieved. The first regular commission meeting for 2019 was held June 11, 2019, following the appointment of three new members, almost three months after the original meeting date. Two of the newest members to the commission, having been appointed one week ahead of the June meeting, had little time to undergo training and become acquainted with their new position and duties, such as casting votes on changes to the textbook adoption cycle, adjustments to the scoring protocol used by TDOE, and other matters voted on during the June meeting.

## **TDOE has historically allocated limited staff to support the commission’s activities, though the department recently increased staff support for the commission and assigned a new Chief of Standards and Materials to oversee the department’s work in this area.**

State law requires TDOE to provide administrative support to the commission. In turn, the commission relies heavily on TDOE staff to inform decisions, and, often, make recommendations for how the commission should proceed with its duties.<sup>21</sup> Department staff are responsible for:

- organizing commission meetings and the corresponding materials for the members;
- providing mandatory training for commission members;
- setting the schedule for the adoption process;
- recruiting, organizing training, travel arrangements, and stipends for training the advisory panel reviewers who review the instructional materials;
- compiling advisory panelists’ reviews;
- coordinating with publishers;
- reviewing and submitting publisher appeals to the commission;
- reviewing and submitting publishers’ requests for substitutions to the commission;
- reviewing and approving districts’ requests for waivers; and
- organizing the collection of public comments.

TDOE is responsible for ensuring most of the processes necessary for completion of each adoption cycle are scheduled and completed on time, while the commission oversees the process and makes key decisions about the materials that ultimately appear on the state adoption list. In order for the commission to make informed decisions in a timely manner about the results of the advisory panel reviews and any appeals and substitutions submitted by publishers, it is imperative that the department provide the commission with adequate administrative support.

During the review, OREA found issues with the level of administrative support provided by TDOE to the commission, specifically regarding meeting preparation, training for new members, and the availability of information about the adoption process for members.<sup>c</sup> For each commission meeting, TDOE assembles a large binder for each member that includes items such as the list of textbooks and materials that passed the advisory panel reviews, public comments on the materials, and information pertaining to any publisher appeals. OREA found that for the 2019 ELA adoption cycle, members received meeting materials from TDOE one or two days before a meeting was held. Some commission members indicated to OREA that, given the volume and complexity of the materials, having one or two days to review the materials prior to voting was an insufficient amount of time. For the most recent commission meeting, held in October 2019 after TDOE allocated additional staff in August 2019 to support the commission, members received the materials the evening before the meeting. Some members who traveled to Nashville the night before the meeting noted they had little time to review the materials ahead of the next day’s meeting. Due to the changes in the ELA adoption time frame, there was limited time between the completion of the second round of advisory panel reviews and the next commission meeting. These changes resulted in a limited time frame for

<sup>c</sup> OREA’s review began in June 2019. TDOE made administrative changes to the staff and support for the commission in August and September of 2019. These changes occurred too recently to be fully evaluated by OREA for this study.

TDOE to compile the reviews and submit the materials to commission members. TDOE has indicated that it intends to provide commission members with more preparation time in future adoption cycles.

In the past, TDOE has provided new members with a one-day training the day before their first commission meeting. Several members who received this training indicated that a substantial amount of information was provided and that they did not have sufficient time to thoroughly understand the content of the training – or to review the materials for the next day’s meeting – before voting on agenda items the following day.

In summer 2019, the department discovered discrepancies in the reviews conducted by the advisory panel reviewers, and commission members voted in September to conduct another review of all rejected materials over a two-week period to provide a new list to the commission at the October 2019 meeting. TDOE did not provide members with the scores or comments from the advisory panel reviews for approved materials and provided only the scores for the items appealed by the publishers. Given the impact of the problems with the ELA advisory panels on the adoption schedule, the commission had little time to thoroughly review the new panel recommendations and possibly request further information from TDOE prior to voting.<sup>D</sup>

Traditionally, the bulk of the work related to the commission was handled by a full-time Instructional Materials Program Manager and a part-time assistant, both employed by TDOE. During OREA’s review, both positions were redesigned for managers with more expertise in managing large scale projects. Following the appointment of a new Chief of Standards and Materials in August 2019, TDOE assigned three staff members to assist part time and one administrative assistant to assist full time in the state-level adoption process. TDOE indicates the increased volume of submissions from publishers contributed to these staffing changes. This staffing increase occurred too recently to be evaluated by OREA for this study.

### **Waiver requests**

Districts that wish to adopt a textbook or instructional material that has not been included on the state-approved list may submit a waiver request to the department. (The textbook or instructional material for which a waiver has been submitted may or may not have been proposed for inclusion on the state-approved list.) The waiver process is designed to ensure the primary instructional materials being used in districts are aligned to Tennessee’s academic standards and also meet the unique situations in Tennessee school districts. The Commissioner of Education reviews the waiver forms submitted by districts, but does not employ advisory panel reviewers for items that are submitted for waivers. Waivers are not required for supplementary materials used by districts.

A waiver may be requested by a district for either of the following reasons:

1. The district has demonstrated success with a title and publisher and wants to continue to use these materials.
2. The district chooses to use open educational resources (OERs) or has developed its own set of materials for teachers to use. See page 22 for more information on open educational resources (OERs).

In the past, TDOE has not tracked the number of waiver requests that were submitted, approved or denied, due to a lack of formal policy and procedure for processing waivers. TDOE indicated that it is currently formalizing a process for future waiver requests, including a system to track and categorize waiver requests. State law requires that all waivers approved and signed by the commissioner are published on TDOE’s website.

<sup>D</sup> The commission maintains a completion deadline for its part of the adoption process so the recommended adoption list can be heard at the SBE meetings held in November of each year. If the commission were to miss the deadline for SBE to approve the adoption list, the delay could impact local budget and spending decisions, as well as affect timelines for training teachers on new instructional materials.

## **TDOE requested a third-party review of the advisory panel review process for English language arts after finding discrepancies in the reviewers' recommendations.**

Commission members are responsible for preparing the recommended list of textbooks and instructional materials, but the proposed materials are actually evaluated by members of advisory panels. Panel members are recruited and trained by the department. Each advisory panel is required to have multiple members review all textbooks or instructional materials assigned to it. All members must have a specific knowledge and expertise in the subject matter of the textbooks and materials that they review. The advisory panels are composed of at least one licensed teacher per panel and can also include experts in the subject under review, such as college professors and credentialed subject matter specialists.

TDOE coordinates all the activities of the advisory panels: recruiting and vetting applications; organizing reviewers into panels to evaluate the materials submitted; training reviewers; and compiling recommendations for the commission chair. In 2019, the ELA adoption had 154 total advisory panel reviewers – five of whom were not assigned any reviews – who conducted a total of 633 reviews on 138 titles. Each panelist reviewed between four and five items and had two months to conduct the reviews on the items assigned. Training for the advisory panel reviews cost approximately \$213,000. The department noted that it is often difficult to recruit and train enough reviewers to evaluate the materials for each review cycle, especially in subject areas with fewer teachers, such as career technical education or foreign languages. In the past, as few as two individuals have reviewed a set of materials, and in some of these cases the two reviewers were not in agreement on whether to recommend the materials.

TDOE trains reviewers to assess whether the materials submitted for adoption:

- conform to the standards for their subject or grade level;
- are free of any clear, substantive, factual, or grammatical errors; and
- comply with and reflect the values expressed in state law concerning materials in general studies and specifically in United States history and the republican form of government.

Before the advisory panelists issue a recommendation on the materials they review, each panelist is required to consider any public comments submitted.

In OREA's interviews, both state and district officials indicated a general appreciation of and trust in the work conducted at the state level by the advisory review panelists. School districts expressed confidence that the list of materials adopted at the state level is vetted for quality and alignment with state standards. In 2019, however, issues with the review process results for English language arts prompted TDOE to seek the opinion of a third-party consultant on the work conducted by the advisory panel reviewers.

At the beginning of August 2019, a new Chief of Standards and Materials was assigned to oversee the department's work for the textbook commission. The Chief of Standards and Materials conducted an initial review of TDOE's support for the commission's operations, identifying a number of problems and issues and bringing these to the attention of department leadership. The commissioner, as a member of the textbook commission, subsequently requested an external review of the 2019 ELA adoption process. This review took place during the last two weeks of August 2019 and was conducted by the Johns Hopkins Institute for Education Policy.

Following completion of the Johns Hopkins review, TDOE reassigned staff within the department to provide additional support for the remainder of the 2019 ELA adoption process. Responsibility for TDOE's coordination of the adoption process was elevated from a manager position to a director-level position, three existing staff members were assigned to assist with the workload for the textbook and instructional materials selection process, and an administrative assistant was moved into a full-time support role.

At its September 2019 meeting, the textbook commission voted to conduct another review of all ELA materials rejected during the initial review process. The additional reviews were conducted over a two-week period between the September and October commission meetings. The timeline for completion was expedited because the State Board of Education was scheduled to vote on the final adoption list at its November 2019 meeting. The final adoption list for ELA was recommended by the commission at the October meeting and approved by SBE at its November meeting. After completion of the ELA adoption cycle in December 2019, TDOE has plans to meet with multiple stakeholders – including a commission member, internal division staff, and legal staff – to inform efforts to redesign the department's support for the commission.

The department addressed the problems with the ELA reviews by redoing the reviews for any materials that were rejected. In September 2019, the Textbook Commission met to discuss the Johns Hopkins review as well as the steps that TDOE would take to rectify the identified issues. The commission voted to conduct new reviews of all materials that did not pass the initial review process. Any materials that were already approved remained on the proposed recommendation list. The Johns Hopkins Institute report found that 14 percent of total curriculum reviews were conducted by reviewers who did not pass the assessment used to determine their ability to use the screening instrument. Reviewing only materials that were rejected during the first review could result in materials being approved for state use that did not meet the standards.

Advisory panel reviewers reconvened over two weekends between the September and October commission meetings. Reviewers were vetted by TDOE based on six qualifications in addition to the expertise needed for the subject and grade level being evaluated. Two of the five publishers with rejected materials chose to bring an appeal to the commission. At the October 2019 meeting, the commission heard and rejected two appeals from publishers; all other materials approved by the initial review, as well as from the second review, were approved by the commission.

### **State vs. local adoption process**

As of 2019, 20 states adopted textbooks at the state level while the other 30 adopted at the local level. In a local adoption process, districts select materials specific to their needs and the classes they offer solely through a district review process. In a state-level adoption process, the primary review process is performed at the state level and results in a list of materials meeting state standards that local districts can choose from.

In Tennessee, once the state list is approved, district review panels are used to select materials from the list. Districts are not required to conduct a thorough review of materials and alignment with state standards since this step has already been completed at the state level. Districts may submit waivers should they choose to use locally developed materials or materials that are not on the state list.

## **The Johns Hopkins review identified problems with various aspects of the 2019 English language arts review process.**

In August 2019, TDOE requested that the Johns Hopkins Institute for Education Policy evaluate the state's advisory panel review process for selecting textbooks and instructional materials recommended for Tennessee's adoption list.<sup>22</sup> The evaluation found the following:

**The selection process for advisory panel reviewers does not appear to be rigorous.** In selecting advisory panel members, the department requires all interested individuals who apply to complete a two-question initial gateway assessment. The Johns Hopkins review found no clear evidence that TDOE used any kind of rubric to determine which applicants had passed or failed the gateway assessment.

**Reviewers who did not pass the gateway assessment still reviewed multiple curricula and were on review teams whose curricula frequently passed for adoption.** After being selected by the department to serve on the advisory panels, reviewers attended a two-day training offered by TDOE. Panelists were trained by department staff on how to use a screening instrument to evaluate the materials for the ELA adoption. At the end of the training, reviewers took a second assessment to evaluate how well they understood how to implement the screening instrument. Approximately 14 percent of the total curriculum reviews were conducted by reviewers who did not pass the second assessment after their training. In several cases, reviewers who scored less than the minimum passing score on their assessments still reviewed multiple curricula and were on review teams that frequently approved curricula for inclusion on the state's list.

**The recommendations of the advisory panelists were not consistent with reviews conducted by independent, third-party national organizations.** The Johns Hopkins review compared the comments and results from Tennessee's advisory panel reviewers to reviews conducted by national organizations that also review curricula. When comparing the list of Tennessee approved materials against the national ratings for the same materials, Tennessee's process rejected many of the highly rated curricula and approved many lower-rated curricula. In general, the upper grade level reviews, which had more reviewers who passed the training assessments than reviewers for the lower grades, demonstrated more alignment with the national ratings. In six sample grades that were evaluated, of the 25 "passing" curricula, only 11 were given the highest possible rating from the national rating systems. The Tennessee review team rejected 20 curricula that received high marks from that same system.

**Four publishers with high market shares in Tennessee districts had a higher probability of being approved by reviewers than publishers with lower market shares.** Tennessee's adoption process allows for large and small publishers to submit textbooks and instructional materials for review, but four commercial publishers accounted for 98 percent of the market share of textbooks purchased in the reviewers' districts in the last year. The proposed curricula of the two publishers with the largest market share were far more likely to be approved, particularly in the lower grades. The Johns Hopkins report also found that the majority of reviewers came from districts that had recently purchased curricula from one of the four major publishers. Two of the publishers represent approximately 60 percent of the market share in those districts. In grades K-5, the reviewers approved 10 out of 12 submissions from the top two publishers' curricula versus three out of 60 submissions from all other publishers.

## **More information about each step on the path to approval for all textbooks and instructional materials included on the state-approved list would make the adoption process more transparent and understandable.**

In 1985, a Comptroller's Office audit found that the Textbook Commission did not have the capacity to evaluate its own work because neither the commission nor the department retained consistent data on its processes or decisions. In 2019, the commission is similarly positioned.

Although TDOE makes all reviews and public comments available on its website, the materials are not compiled in a way that makes it possible for the commission and the public to easily track the path to approval for each item. Neither the public records currently available online nor the state-approved list and related information indicate the path to approval followed for each textbook and instructional material, such as whether a particular item passed on initial review, was reviewed a second time, or was successfully appealed by a publisher.

### **Substitution requests**

Substitution requests allow publishers to update their approved materials on the state's list to reflect a new edition before the next review cycle. Publishers may submit requests for substitutions to the department to review before the commission meets each spring to vote on the substitutions. TDOE compares the current edition to the proposed substitution edition to ensure the book has had no substantive changes and is still in line with the state's academic standards.

For example, three publishers each submitted an economics textbook in 2018 for inclusion on the state-approved list. None of the textbooks passed the first round of evaluation, and two of the publishers chose not to continue with the approval process. The other publisher revised its textbook and submitted the modified version to the advisory panel reviewers for a second round of evaluation. The revised textbook also failed the second round of reviews, with a majority of reviewers recommending that the textbook not be added to the state-approved list. The publisher then appealed to the commission. The commission voted to include the textbook on the state's official list of adopted materials because economics is a core academic subject in Tennessee, and this was the only economics textbook presented to the commission for the adoption cycle. Like all approved materials, the economics textbook appeared on the state's official list without information about its path to approval: that the advisory panels found the textbook did not align with state standards on the first and second review, that the publisher appealed to the commission to approve the textbook, and that the commission voted to include it on the state's official list. In this case, the economics textbook that was approved by the commission appeared on the state adoption list in the same manner as all other materials without an indication that the advisory panels determined the textbook did not meet state standards.

The department does not track the number of publisher substitution and appeals requests submitted, reviews of the materials by TDOE staff, and how often the requests are approved or denied. It is not clear what process is in place to ensure items submitted for substitution are vetted to the same standards as materials submitted during the full adoption review. Publisher appeals, as well as the commission's rate of approval, are not publicly available on TDOE's website for the commission or the public. Local school districts would benefit with as much information as possible about materials approved on the state adoption list.

More information on the path to approval for ELA materials included on the state-approved list for 2019 might also be provided by the commission and TDOE. Some advisory panel reviewers did not pass an assessment of their ability to implement the screening instrument used to evaluate proposed textbooks and instructional materials but still reviewed multiple curricula and were on review teams that frequently approved curricula for inclusion on the state-approved list. Like all approved materials, the ELA materials appear on the

state’s official list without consolidated information about the path to approval. In this case, some materials on the list were approved by reviewers who did not meet minimum requirements to qualify as reviewers.

More information on public comments could also be provided by the department. TDOE collects all public comments received during the adoption process and sorts the comments by (1) the specific textbook or instructional material for which the public comment was made, and (2) the claim made about the specific textbook or instructional material (e.g., factual error, omission of fact, half-truth, slant, bias, incorrect terminology). The number of individuals represented in the public comments is not indicated, however. It is unclear whether, for example, 100 different individuals or 10 different individuals submitted the public comments received by the department. Such information would provide commission members, school district officials, and other parties with more context when reviewing and evaluating public comments.

## **The textbook adoption process does not require publishers to fully disclose all the terms of use and licensing restrictions when submitting materials for inclusion on the state-approved list.**

Traditionally, K-12 education has relied on printed texts and learning materials, but in recent years teachers are increasingly using digital materials in classrooms. The percentage of Tennessee teachers who reported using digital materials as often as paper materials rose from 23 to 31 percent between 2017 and 2018.<sup>E</sup>

**Exhibit 7: Percent of teachers using paper and digital content, 2017 and 2018**

	Predominantly paper content	Somewhat based on paper over digital	Slightly based on paper over digital content	Evenly based on paper and digital content	Slightly based on digital over paper content	Somewhat based on digital over paper content	Predominantly digital content
<b>2017</b>	9%	17%	23%	23%	17%	8%	3%
<b>2018</b>	6%	13%	17%	31%	17%	12%	4%

Source: Tennessee Department of Education, Tennessee Educator Survey, 2018.

Digital materials may or may not be copyrighted. Materials that are copyrighted require specific approval or licensure for use and cannot be modified or copied without specific authorization. Licensing restrictions associated with copyrighted materials often govern access to the materials by schools and students. For example, licenses with low restrictions may allow a school to purchase one set of licenses that can be used for the entire district and all classrooms, while a license with greater restrictions may require a license for access to be purchased for each individual student.

Districts negotiate with publishers to establish the terms of use, either one-on-one with publishers or through the Tennessee Book Company. One Tennessee district noted to OREA, however, that the current state-level textbook and instructional materials review and adoption process does not consider specific provisions about the terms of use for digital materials included in licensing agreements – for example, whether a digital license includes access for a certain number of classrooms or all classrooms in a district, or how long certain terms of use remain in effect.

<sup>E</sup> Results from a 2017-18 survey of Tennessee teachers do not evaluate if the digital content teachers are using refers to online materials from the state-approved textbook list (i.e., digital versions of the textbook or course materials) or if the online sources are OERs.

## Tennessee’s adoption process allows OERs to be submitted for review if the bidder submitting the materials can meet certain requirements.

Some digital textbooks and instructional materials, however, are in the public domain, meaning they do not have a license or copyright, allowing anyone to access, modify, or use them, often at little to no cost.

Open educational resources (OERs) are in the public domain and are released under an open license that permits no-cost access, use, adaptation, and redistribution by others with limited or no restrictions.

### Open educational resources (OERs)

are teaching, learning, and research materials in any medium – digital or otherwise – that reside in the public domain or have been released under an open license that permits no-cost access, use, adaptation, and redistribution by others with no or limited restrictions.

Source: UNESCO, Open Educational Resources, <https://en.unesco.org/themes/building-knowledge-societies/oer> (accessed Jan 14, 2020).

OER materials bid by publishers for inclusion on the state adoption list follow the same approval process as copyrighted textbooks and instructional materials. Publishers must submit online and hard copies of materials for review.<sup>23</sup> State law also requires each bid to be accompanied by a certified check of between \$1,000 and \$10,000, depending on the number of books bid. State law limits the amount of the certified check to no more than \$10,000 for any one bidder.<sup>24</sup> The ELA adoption cycle was the first time OERs were submitted for review and approved on the state adoption list. Districts that wish to use OERs as primary materials that are not bid by publishers must submit a waiver to the commissioner for approval, as they must for use of any materials to the exclusion of those on the approved list.

Several districts in Tennessee have begun using OERs in a variety of ways – to supplement existing textbooks and instructional materials; to create entirely new textbooks for unique course designs; or, in some cases, to replace hardback textbook purchases altogether.

Bristol City Schools found that many of its existing textbooks and instructional materials for math did not align with the latest updates to the state’s academic standards and, thus, began to use OERs as supplemental materials at the high school level to better align the instructional materials used in the district with the updated state standards. The district had created a unique sequence of three math courses but found few existing materials were available to serve as the instructional materials for the new course sequence. The district decided to pay some of its teachers to create an interactive digital textbook – known as a “flexbook” – for the courses. The district received state approval to use the flexbook through the waiver process. Bristol City Schools indicates the district realized some financial savings in its textbook budget through creating the flexbook. The savings were reallocated toward the purchase of laptops for students as part of the district’s initiative to provide every student with a digital device.

In Wilson County Schools, teachers use OERs to supplement the materials that are adopted from the state-approved list. Many publishers produce a standard product for use across the United States, which may result in the textbook or instructional materials not fully aligning with state standards. The district recognized that its teachers were already pulling supplemental materials from various sources, but it could not guarantee that the materials were consistent, accurate, or high quality. Over the past three years, Wilson County Schools has used some of the school district’s master-level teachers to vet the supplemental materials used for social studies and science, and has created a repository of these materials. The district plans to use ELA-related OERs to

### #GoOpen

Two Tennessee districts – Bristol City Schools and Tullahoma City Schools – have signed on as Ambassador Districts to the U.S. Department of Education’s #GoOpen campaign, which encourages public schools to increase their adoption of open educational resources.

*Ambassador Districts* have already taken steps toward implementing OERs and serve as resources for *Launch Districts*, those districts that commit to replacing at least one hardback textbook with an OER in the next year.

supplement the items it adopts from the state-approved list after completing the local-level review of materials for the ELA adoption cycle.

For more information on Wilson County Schools and its use of OER materials, see page 24.

### **Spotlight: Wilson County Schools**

Three years ago, Wilson County's director of schools asked teachers to identify a need and a strength for every student. The challenge required teachers and district officials to rethink the resources they used in the classroom and how students accessed them. Following the state's adoption of new textbooks and instructional materials, the district used three master's level teachers to create and organize OER materials that align to state standards for each adoption cycle it is reviewing. Each adoption cycle, the district tasked the master's teachers to gather OERs from teachers that were already using them, vet them for alignment to standards, tag each resource to the standards it aligned to in the OER platform, and create a master course for the district. Once Wilson County completes the OERs for an adoption cycle, the materials are uploaded to the repository, making them available to all districts in Tennessee.

The master courses are available to all subject area teachers in the district and include all materials (e.g., class exercises, presentations, videos, etc.) that supplement the state-approved textbook and materials that the district adopted. The addition of OERs offers teachers the opportunity to tailor materials specific to each student's individual needs. All resources created for the master class are tagged to the state standards and are also made available to all Tennessee school districts through the Tennessee Digital Resources Library maintained by the Tennessee Book Company.

Wilson County estimates that half of the resources its teachers use in the classroom are created specifically for the district while the other half originate from other sources.

## **The Tennessee Digital Resources Library offers school districts an online repository to share OERs used and created by districts.**

Two of the biggest challenges with OERs are, first, ensuring the quality of the materials and their alignment with state standards and, second, creating a platform for teachers to access the materials.<sup>F</sup>

Some states, such as Georgia and Indiana, have created their own state-run online repositories from which districts can access OER materials vetted for quality and alignment with state standards. Tennessee does not currently have a state-run repository, but an effort by education stakeholders across the state provides districts with access to OER materials.

Created in 2015 through a partnership between Apple and several Tennessee education groups, the Tennessee Digital Resources Library is an online repository of OER materials maintained by the Tennessee Book Company. The Tennessee Book Company is a private vendor that assists districts with purchases of textbooks and instructional materials from the state adoption list and maintains the Digital Resources Library. Anyone can access materials in the repository and submit materials for review and possible addition to the library.

<sup>F</sup> When districts or teachers consider using OERs or licensed digital materials such as electronic textbooks, one of the primary concerns is how students will access the resources. Some districts in Tennessee offer a 1:1 ratio of devices to students, which means every student has a digital device, such as a Chromebook, Kindle, or iPad. OERs are not limited to being used through online resources or electronic devices. They are also available in different formats, including in hard copy form. Since OERs are not copyrighted, the materials can be used freely in different formats. Many of the materials offered through the Tennessee Book Company repository can be printed as PDFs, for example. The Tennessee Book Company also has an on-demand printing service that allows districts to print OER textbooks and materials.

### **Tennessee Digital Resources Library**

TNDigital.org is an online repository of vetted, standards-aligned, and inexpensive course materials for teachers and school leaders. Materials available through the library are vetted by the districts that create the materials and/or by the Tennessee Book Company. TDOE does not vet any materials submitted to the library for quality and alignment with state standards.

The library was created through a partnership between Apple and the Tennessee School Boards Association, the Tennessee Educational Technology Association, Tennessee Organization of School Superintendents, Tennessee Association of Supervision and Curriculum Development, Tennessee Book Company, and over 50 Tennessee teachers.

The Tennessee School Boards Association won the 2019 Education Commission of the States Corporate Award, as well as the National School Boards Association Leading Edge Award in 2018, for its work on the library.

Teachers from across the state with an interest in technology helped develop the initial round of materials for the library. Funding constraints made it difficult to scale up using only volunteer teachers, so the Tennessee School Boards Association (TSBA) partnered with the Tennessee Book Company, which already works with textbook publishers and sells learning management software to districts, to host the site and vet the materials.

The Tennessee Book Company works closely with a few districts in Tennessee to establish OERs to add to the digital library. In Wilson County Schools, teachers are allowed to take time away from teaching to create and organize the OERs they use and add them to the Tennessee Digital Resources Library. For example, Wilson County Schools has three master's level teachers who helped create instructional guides for social studies. Wilson County created a crosswalk that ties national standards to Tennessee standards so that other educators across the state can more easily add materials and tag them to their corresponding Tennessee academic standards. All of the resources that Wilson County uses for its course materials are tagged to state standards and are available for use by teachers from other districts. (For more on Wilson County Schools, see box on page 23.) Districts and the Tennessee Book Company conduct their own reviews of materials in the digital library. TDOE does not vet the materials for quality and alignment with state standards.

As of fall 2019, approximately 3,000 teachers had accessed the Tennessee Digital Resources Library to some extent. In addition, the Tennessee Book Company offers Thrivist – a paid resource – to districts, a digital learning management platform that provides districts with a single location to house purchased digital content alongside their OERs.

## **Policy Considerations**

### **Commission membership and appointments**

**Appointing authorities for the commission should strive to fill all appointments in a timely manner to ensure the commission can meet quorum requirements and, by extension, the duties delegated to the commission.**

**The General Assembly may wish to pass legislation allowing current members to maintain their position on the commission until a new appointment has been made.**

### **Data accessibility and the path to approval**

**TDOE should make the following data more easily accessible and understandable on its website so that the commission and the public can more easily track the path to approval for each item:**

- consolidated information on advisory panel review comments and scores, publisher changes, and publisher appeals made for materials reviewed;
- publisher substitution requests, scores by reviewers, and status as approved or denied;
- consolidated information on district waiver requests, the rate of approvals and denials, and whether the materials are licensed or are open educational resources;
- the number of materials submitted by publisher and pass rate; and
- the linkage among public comments, advisory panel review results, and any publisher edits, so that the impact of public comments might be better assessed.

The list above is not all inclusive. Other data and information might also be included on the TDOE website in an easily accessible and understandable format.

**TDOE should ensure commission members are properly trained to understand their duties and are provided the meeting materials in advance of meeting dates with sufficient time for preparation.**

**TDOE should improve the training provided to advisory panel reviewers in light of the problems found during the latest ELA adoption process.**

**TDOE may wish to conduct a future evaluation on the effectiveness of recent changes made to the staffing provided to the commission.** The evaluation should include, but not necessarily be limited to, determining if the new staffing allocated is sufficient for meeting the needs of the commission, effectively training advisory panel reviewers, and ensuring the adoption process is being conducted in an efficient and quality manner. As part of this review, TDOE should evaluate the changes made to advisory panel recruiting, vetting, and training in light of the problems found during the latest ELA adoption process.

**TDOE should consider reconvening advisory panel members or a portion of the advisory panel when recommendations do not clearly present an approved or denied recommendation to the commission.** By law, the commission may request that advisory panel reviewers reconvene if there is not a clear consensus on one or more materials bid for recommendation to the state adoption list. By reconvening panels that do not offer a clear consensus, this would allow panels of reviewers the opportunity to come to a consensus on the final recommendations for each textbook and set of instructional materials they reviewed before presenting their final recommendations to the commission. A reconvening could be held in person, though this would increase costs (e.g., travel expenses for the reviewers called to reconvene, etc.) Alternatively, electronic means could be used to come to a clear consensus among advisory panel reviewers.

## **Publisher appeals**

**The General Assembly may wish to revise state law to address publisher appeals.** Appeals are not addressed in state law, though the commission votes on appeals when determining which materials will be included on the state-approved list of textbooks and instructional materials.

Current commission policy regarding appeals is vague. The policy states that the commission may give publishers an opportunity to respond to the findings of the state advisory panels for an allotted time not to exceed 15 minutes for each publisher, but the steps that currently occur prior to the commission's vote on appeals is not addressed. The General Assembly could outline in law the steps that should be followed for the appeals process, including the time frame for each stage of the appeals process, the administrative role to be played by TDOE, and the role and responsibilities of the commission.

None of the five states with textbook commissions or committees similar to Tennessee examined by OREA had a publisher appeals process.

## **Publisher substitutions**

**The commission and TDOE may wish to provide more information about which textbooks and instructional materials have been updated on the state-approved list through the substitution process.** Publisher substitutions are addressed in SBE rule, allowing publishers to update materials that are currently under contract so that districts may purchase a more current edition of a particular textbook or instructional material.

Additional information could include which materials were updated, and a summary of the changes found between editions (e.g., changes to the organization of chapters, different examples used in lessons).

## **Digital licensing**

**The commission may wish to require more transparency from publishers regarding terms of use and licensing restrictions as part of the submission requirements for the adoption review process.**

## Appendix: Comparison of selected states' processes, including Tennessee

	Alabama	Mississippi	North Carolina	Oklahoma	Tennessee	Utah
<b>Commission or committee</b>	Committee	Committee	Commission	Committee	Commission	Commission
<b>Number of members</b>	23 members	7 members	23 members	13 members	10 members	12 members
<b>Number of staff hired to assist process</b>			1 (full-time staff member)	1.5 (one full-time staff and one assistant for during meetings)	1.5 (one full-time staff and one part-time secretary)	2 (one coordinator and on assistant)
<b>Number of required meetings</b>		Conduct reviews over a 4-6 week period	Meet 4 times a year for meetings and 1 week for reviewing materials	4 required meetings a year	Meet at least 2 times a year	Meet twice a year
<b>Quorum requirements</b>		<ul style="list-style-type: none"> <li>Each committee for the review ideally has 7 members</li> <li>Usually have 4-8 committees a year</li> </ul>	12	7	6	6
<b>Length of adoption process</b>		2-3 months	About 9 months	About 8 months	18 months	2 separate reviews a year. Each review takes about a day.
<b>Commission or committee members</b>	<ul style="list-style-type: none"> <li>4 members: secondary school teachers</li> <li>4 members: elementary school teachers</li> <li>4 members: from the state at large</li> <li>2 members: employees of state institutions of higher learning</li> <li>9 members: appointed by governor</li> </ul>	<ul style="list-style-type: none"> <li>4 teachers in subject area appointed by state superintendent</li> <li>3 members appointed by governor</li> </ul>	<ul style="list-style-type: none"> <li>Members recommended by the state superintendent and appointed by the governor</li> <li>Members are teachers, principals, parents, and local school superintendents</li> </ul>	All members appointed by governor	<ul style="list-style-type: none"> <li>1 principal,</li> <li>2 directors of schools, 3 teachers,</li> <li>3 citizens</li> </ul>	<ul style="list-style-type: none"> <li>The state superintendent of public instruction,</li> <li>dean of the college of education from one state-owned school (rotating basis),</li> <li>1 school district superintendent,</li> <li>1 secondary school principal,</li> <li>1 secondary school teacher,</li> <li>1 elementary school principal,</li> <li>1 elementary school teacher,</li> <li>5 people not employed in public education</li> </ul>

	Alabama	Mississippi	North Carolina	Oklahoma	Tennessee	Utah
<b>Term limit</b>	1 one-year term	None	Four-year term	Limit of 1 three-year term	Three-year term	1 four-year term
<b>Are members “experts” in the field that is being reviewed?</b>	A new committee is appointed for consideration of the same subject area(s) or grade(s) or any combination thereof	Members are volunteers for the subject area	They try to select members that are experts for the new appointees, but it's more dependent on filling the required positions than the background of the individual	Four members' terms expire every year and new members appointed must be certified in one of the curriculum areas under review	Not considered when selection is made	Since every subject is open for review every year, educators on the commission are “experts” in some subject area
<b>Who reviews materials?</b>	Committee	Committee	Regional advisors appointed by commission	Committee with up to five advisors per member	Advisory panels	Instructional Materials Advisory Committees
<b>Does commission or committee try to replicate recommended list from review panels?</b>	N/A	N/A	<ul style="list-style-type: none"> <li>The commission doesn't replicate the review, but has to do an individual report on the materials it recommends</li> <li>The members are part of the 1-week review process</li> </ul>	Advisors assist commission members in determining what meets standards.	No - members only review recommendations from the advisory panels as time permits before voting on approval or rejection of the recommendations	Commission monitors reviews, but does not try to replicate them.
<b>Subject adoption cycles</b>			Every 5 years	Usually 6 years	Every 6 years	Review materials for any subject every year (review whatever is submitted from publishers with no subject area assigned to each review process)
<b>Commission or committee member training</b>		Members are brought in to go over the procedures before they begin their reviews	<ul style="list-style-type: none"> <li>There are a few training opportunities from legal team and consultants</li> <li>Members can do their own preparation in advance and the state provides training members request</li> </ul>	<ul style="list-style-type: none"> <li>Required to attend half- or one-day orientation every year</li> <li>Offer webinars for how to do evaluations</li> </ul>	1 day of training when first appointed	There is no formal training before the evaluations

	Alabama	Mississippi	North Carolina	Oklahoma	Tennessee	Utah
Role of commission or committee	<p>Committee</p> <ul style="list-style-type: none"> <li>• makes textbook recommendations to the SBE in writing, and both recommendations for approval or rejection, or both, and any dissents are filed with SBE and available for public inspection upon filing</li> <li>• may recommend any new material which has been properly bid pursuant to this article, which supports the Alabama course of study for the specific subject, and which is defined as a textbook as prescribed in the rules and regulations of SBE</li> </ul>	<p>Committees are assigned based on three grade brackets in a the subject area under review</p> <ul style="list-style-type: none"> <li>• each grade bracket has its own panel of 7 reviewers who then review all materials for that grade/subject area</li> </ul>	<p>Commission</p> <ul style="list-style-type: none"> <li>• appoints regional advisors to review and evaluate materials that are submitted</li> <li>• convenes to discuss its own and advisors' findings and to draft a list of recommendations to present to the SBE</li> </ul>	<p>Committee</p> <ul style="list-style-type: none"> <li>• calls for bids for subject area under review</li> <li>• reviews the submitted approval and votes to approve them for the state-adopted list</li> </ul>	<p>Commission reviews advisory panel recommendations, hears public comment, votes on publisher appeals and recommends the final list of adopted materials that is then sent to SBE to approve</p>	<p>Monitors the reviewers and gives final approval on materials</p>
Role of DOE		<p>DOE facilitates the review and the funding from the state to the LEAs</p>	<p>The North Carolina Department of Public Instruction develops the criteria used to evaluate textbooks, and also handles logistics behind the meetings and review week</p>	<p>No role in process</p>	<p>TDOE assists the commission with administrative tasks and does the majority of the process coordination between advisory panels, publishers, the public, and commission members</p>	<p>N/A</p>
Role of SBE	<p>SBE sets the rules and regulations</p>	<p>SBE approves the adopted list</p>	<p>NC SBE must approve and adopt the criteria before it is sent to the publishers on the NC Publishers Registry at SBE meeting, the board formally adopts the list of materials, considering the recommendations of the commission, conformity with the state standards, price and the needs of public schools</p>	<p>No role in process</p>	<p>Gives final stamp of approval on the list that the commission approves</p>	<p>SBE</p> <ul style="list-style-type: none"> <li>• recommends materials for public school after receiving recommendations from commission</li> <li>• awards contracts for instructional materials to publishers</li> <li>• sets policies for adoption procedures</li> <li>• appoints members of the commission and sets terms of office for each</li> </ul>
Are districts required to use materials from state list?		<p>The state review process is done to assist districts and districts have no mandate to adopt from list</p>	<p>Materials adopted will go on contract and will be introduced into the schools in the following year</p>	<p>Districts must use at least 80% of state funds on materials from the state list of adopted materials</p>	<p>Districts are required to adopt the list, but not required to purchase</p>	<p>No</p>

	Alabama	Mississippi	North Carolina	Oklahoma	Tennessee	Utah
Requirement to adopt and/or purchase?		There is no requirement to adopt or purchase, but districts can avoid procurement limits by purchasing from the state list instead of purchasing from materials not on the list	Some districts use materials from list; others don't	Districts must use 80% of state funds allocated for textbooks on books from the state list. Can use the other 20% on any other sources they want	Required to adopt, not purchase	No, districts can use materials they choose without having to adopt from the state list
Evaluate OERs?		OERs are evaluated by committees, but committees do not evaluate every OER that districts would potentially use, only the ones that are submitted for adoption consideration  <ul style="list-style-type: none"> <li>• districts decide whether to use OERs or not</li> </ul>	They have a consultant that manages the OER evaluation  <ul style="list-style-type: none"> <li>• educators have access to a platform to share OERs</li> <li>• the state is just beginning the process but is looking to expand the usage of OERs</li> </ul>	Do not evaluate/adopt OERs	The process could allow for OERs to be submitted, but the publisher appeal process is where OERs typically fail to get approved, since there is not a publisher for OERs	Adopt OERs but limited capacity
Common/ main challenges		<ul style="list-style-type: none"> <li>• Committees are all volunteer based and it is sometimes difficult to get enough volunteers for a 7-member committee. Have had an issue in the past where an entire committee refused to conduct a review because they did not agree with the rubric and the state had to pay external reviewers to complete the review</li> </ul>	<ul style="list-style-type: none"> <li>• In recent years, difficult to maintain a quorum</li> <li>• Some members don't realize the extent of the workload when they agree to be on the commission</li> <li>• Turnover rate isn't usually a problem, but they have had some challenges in the past with people leaving the commission due to the unexpected workload</li> </ul>	Getting enough members to form a quorum	<ul style="list-style-type: none"> <li>• Difficulties filling all commission positions since 2018 reconstitution</li> <li>• Staff support for commission historically limited</li> <li>• Lack of consolidated data contributes to lack of transparency in adoption process</li> </ul>	<ul style="list-style-type: none"> <li>• Reviewing OERs and organizing ways to expand the OERs available</li> <li>• Looking for better ways to make districts aware of the resources the state makes available through the review process</li> </ul>

# Endnotes

<sup>1</sup> *Tennessee Code Annotated* 49-6-2202(b)(1).

<sup>2</sup> *Tennessee Code Annotated* 49-6-2207(a)(1).

<sup>3</sup> *Tennessee Code Annotated* 49-6-2201(l)(2)(A); *Tennessee Code Annotated* 49-6-2201(h)(9)(A).

<sup>4</sup> Public Chapter 711, 2018; Public Chapter 981, 2014.

<sup>5</sup> Textbook and Instructional Materials Quality Commission, Policy 1.200, Role and Responsibilities of the Tennessee Textbook and Instructional Materials Quality Commission.

<sup>6</sup> Public Chapter 981, 2014.

<sup>7</sup> Public Chapter 711, 2018.

<sup>8</sup> *Tennessee Code Annotated* 49-6-2201(k)(1) and (3).

<sup>9</sup> *Tennessee Code Annotated* 49-6-2201(k)(3).

<sup>10</sup> *Tennessee Code Annotated* 49-6-2201(k)(4).

<sup>11</sup> *Tennessee Code Annotated* 49-6-2201(k)(5); *Tennessee Code Annotated* 49-6-220 (d)(4).

<sup>12</sup> *Tennessee Code Annotated* 49-6-2201(k)(7).

<sup>13</sup> *Tennessee Code Annotated* 49-6-2201(k)(3).

<sup>14</sup> *Tennessee Code Annotated* 49-6-2203 (d)(3).

<sup>15</sup> *Tennessee Code Annotated* 49-6-2201 (l)(2)(A).

<sup>16</sup> *Tennessee Code Annotated* 49-6-1028(b).

<sup>17</sup> *Tennessee Code Annotated* 49-6-2202(a) and (b)(1).

<sup>18</sup> *Tennessee Code Annotated* 49-6-2202(c)(4).

<sup>19</sup> State Board of Education, interview, July 17, 2019.

<sup>20</sup> *Tennessee Code Annotated* 49-6-2201(a)(3).

<sup>21</sup> *Tennessee Code Annotated* 49-6-2201(h).

<sup>22</sup> Johns Hopkins School of Education, *Tennessee Curriculum Review Report: Summary of Findings*, Aug. 2019.

<sup>23</sup> *Tennessee Code Annotated* 49-6-2203(d)(3).

<sup>24</sup> *Tennessee Code Annotated* 49-6-2203(c).



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