



LEGISLATIVE BRIEF

Understanding Public Chapter 770: Changes to the Tennessee Textbook and Instructional Materials Quality Commission

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Public Chapter 770 (2020) makes changes to processes involved in the selection of textbooks and instructional materials for K-12 classrooms. In February 2020, OREA released a comprehensive review of the Tennessee Textbook and Instructional Materials Quality Commission. This legislative recap answers questions about changes made to the commission, duties of the Tennessee Department of Education (TDOE), and the textbook selection process.

What is the role of the Tennessee Textbook and Instructional Materials Quality Commission?

Created in 1951, the commission is charged in law with recommending an official list to the Tennessee State Board of Education (SBE) for approval of textbooks and other instructional materials that are aligned to the curriculum standards for each grade level in Tennessee’s public schools. Districts, in turn, may adopt and purchase materials from the 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 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 the publishers of textbooks and materials 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. The new law does not directly change or add to the commission’s role and responsibilities. The new changes, however, may affect certain processes previously completed by TDOE, which could result in the commission having a more active role in the adoption process.

Which members of the commission will be allowed to vote?

The 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. Previously, the commissioner or his/her appointee served as an ex officio member with the right to vote. Public Chapter 770 maintains the commissioner’s ex officio role on the commission but removes 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: Tennessee Code Annotated 49-6-2201(a)(1).

What role will TDOE have in the textbook adoption process?

Public Chapter 770 adds new language concerning the relationship between the Textbook Commission and TDOE. It states that “the commission shall maintain independence from the department of education. The department’s role in the textbook adoption process is strictly limited. The department shall not perform any duties as part of the textbook adoption process other than the duties specifically assigned to the department in §§ 49-6-2201– 49-6-2203.”

State law still requires TDOE to provide administrative support to the commission, which OREA’s 2020 report found is handled by the department’s Office of Standards and Materials. In practice, this office conducted much of the work necessary for the commission to function because the commission has no staff of its own. In turn, the commission relied heavily on TDOE staff to inform decisions and, often, make recommendations for how the commission should proceed with its duties.

The new law does not add commission-related duties for TDOE but may inhibit the department from completing certain tasks it had been doing. The duties specifically assigned to TDOE in Tennessee law are:

- in consultation with the commission, determine if a member has violated the oath taken to be a member on the commission;
- provide mandatory training to new commission members;
- provide mandatory training to members of advisory panels on the review process and the completion of their assigned tasks;
- publish on the department website regular commission meeting dates, notice of public hearings, videos of commission meetings, advisory panel reviewers and contact information, public comments, and a list of proposed textbooks and instructional materials;
- in the event that factual and editing errors are found in textbooks or instructional materials, notify the publisher of the errors to be addressed;
- with SBE, may assist the commission in setting the timeline for each adoption process;
- establish procedures for public comments and distribute public comments to advisory panel reviewers.

OREA’s 2020 report found that, in practice, TDOE staff previously performed a number of duties that may be prohibited under the new public chapter. Prior to the upcoming 2021 adoption of new mathematics materials, TDOE and SBE will have to review the changes made in Public Chapter 770 to determine how the following processes may be affected:

- creating commission agendas and organizing meeting materials for the members;
- completing minutes and sharing for review and approval for commission meetings;
- coordinating and completing the bid process, including fiscal management;
- recruiting, applications, travel arrangements, and stipends for training the advisory panel members;
- coordinating reviewers of the instructional materials;
- compiling advisory panelists’ review results;
- coordinating publisher appeals with publishers;
- reviewing and submitting publisher appeals to the commission;
- reviewing and submitting publishers’ requests for substitutions to the commission; and
- reviewing and approving districts’ requests for waivers.

What changes were made to the process for reviewing textbooks and instructional materials proposed for adoption?

The process for selecting textbooks and instructional materials for K-12 public schools involves a series of checks to ensure that only quality materials, aligned to state standards, are placed on the approved adoption list. Subject-area specialists – who have been recruited, vetted, and trained by TDOE staff to serve on advisory panels – conduct an expert-level review of proposed materials. State law formerly required the commission, through its chair, to recruit and appoint an advisory panel of expert teachers and other subject area experts to advise the commission on textbook and instructional material selections. In practice, TDOE staff, in consultation with the commission chair, collected the materials proposed for state adoption by publishers and recruited expert reviewers to serve on advisory panels.

Public Chapter 770 removes the phrase “through its chair” concerning the process for recruiting reviewers of proposed materials. State law already allowed the commission to recruit and appoint an advisory panel of reviewers. This change removes the function from being the sole responsibility of the chair. In the past, TDOE had recruited and coordinated the work done by the advisory panels because the commission does not have staff of its own.

Advisory panel reviewers

Subject-area specialists conduct an expert-level review of materials proposed for adoption.

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’s academic 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.

What changes were made to the waiver process for school districts that choose to use materials not on the state approved list?

State law generally prohibits principals and teachers in Tennessee public schools from using any textbooks and instructional materials that are not on the state approved list. For districts to use materials not on the adoption list, they must submit a waiver. 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. Under the new law, waivers are submitted to SBE for approval. Previously, districts could submit a waiver request to TDOE for approval by the commissioner. Public Chapter 770 transfers the waiver approval process from the Commissioner of Education to the State Board of Education. However, SBE may receive assistance from TDOE.

Where will textbooks and instructional materials be available for inspection by school districts and the public online?

State law requires that the textbooks and instructional materials adopted by the state must be available for inspection online for school districts and the public. Originally, materials were available online and linked to TDOE’s website. Now, access may also be included via the state textbook depository website.



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