

PROHIBITION OF COMMON CORE INSTRUCTIONAL MATERIALS

Chapters [205](#) and [471](#) of the Public Acts of 2021 (PC 205 and PC 471), prohibit the use of textbooks and instructional materials that were, “created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or material.”

The Department of Education (TDOE), the State Board of Education (SBE), the State Textbook and Instructional Materials Quality Commission (Commission), local school districts, and public charter schools are required to comply with the new laws.

Textbook Adoption Cycle:

As provided by law, the textbook and instructional materials adoption process, generally referred to as the “adoption cycle,” includes the following:

- The Commission prepares a list of standard editions of textbooks and instructional materials that cover a complete program of study for approval by the SBE for use in Tennessee public schools. The list must include at least four (4) books or sets of instructional materials in each subject and grade for which textbooks or instructional materials are to be adopted, if four (4) or more textbooks or sets of instructional materials in that subject or grade are available and of sufficient merit to warrant being listed.
- During the textbook adoption cycle for a particular subject, the Commission accepts bids from publishers, reviews the textbooks and instructional materials included in each bid, and prepares a list of textbooks recommended by the Commission for approval to the SBE. After SBE approval of the Commission-recommended list for a particular subject, the Commission enters into contracts with textbook publishers whose textbooks and instructional materials were approved by the Commission and the SBE. The contracts may be for a period of no more than seventy-three (73) months. The law allows the Commission to extend any existing contracts for up to two (2) additional years. The authority to extend the contracts is intended to ensure there is always a state contract in place for school districts until the next textbook and instructional materials adoption cycle for a particular subject.
- Local boards of education are required to adopt textbooks and instructional materials to be used in their school districts from the list of textbooks and instructional materials adopted by the Commission and approved by the SBE. The adoption by local boards of education is required to be for a period of no less than three (3) years, but not exceeding the period agreed to in the state contract approved by the Commission. Local boards of education are required to utilize local adoption committees to review textbooks proposed for district-wide adoption by the school district. Once adopted, local boards of education enter into local contracts with textbook publishers utilizing the state contract entered into by the Commission.
- The law encourages local boards of education to adopt and make available for use by every student at least one (1) textbook or instructional material in each subject at grade reading level in every grade.

- The current lists of approved textbooks and instructional materials, and state contracts for materials based on that list, were created and executed prior to the passage of PC 205 and PC 471.

Implementation of PC 205 and PC 471:

When interpreting and implementing PC 205 and PC 471, the TDOE, SBE, local school districts, and public charter schools must read these laws in tandem with other laws that impact the selection and use of textbooks and instructional materials. For example, PC 205 and PC 471 prohibit the use of textbooks and instructional materials that were, “created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.” However, Tenn. Code Ann. § 49-6-2209, states, “nothing in this part shall be construed as cancelling or in any manner modifying any existing contract with a publisher, or changing the period covered by such contract.” Additionally, PC 471 contains language, codified at Tenn. Code Ann. § 49-6-2206(a), permitting the use of “textbooks and instructional materials previously listed and purchased with public funds.” Finally, Article I, Section 20, of the Tennessee Constitution states, “no retrospective law, or law impairing the obligations of contracts, shall be made.”

The following reviews will be conducted to ensure textbooks and instructional materials comply with all state laws, including PCs 205 and 471:

- The Commission will facilitate reviews of textbooks and instructional materials for each subject during the next adoption cycle to ensure compliance with the new law and will certify to the SBE that all textbooks recommended for approval comply with the law.
- The SBE will conduct reviews of textbooks and instructional materials to ensure compliance with the new law when evaluating textbook and instructional materials waiver requests from school districts in accordance with the requirements set forth in Tenn. Code Ann. § 49-6-2206 and State Board rules chapter 0520-01-18.
- The TDOE will facilitate any necessary reviews of textbooks and instructional materials when a complaint is filed alleging a violation of PCs 205 and 471 not related to the textbook approval or waiver process.
- When evaluating charter school applications for approval, local boards of education and other charter school authorizers will ensure that textbooks and instructional materials proposed by a charter school applicant comply with the law.

The following should be considered when interpreting and implementing state law on the selection and use of textbooks and instructional materials:

- Pursuant to Article I, Section 20, of the Tennessee Constitution, PC 471, and Tenn. Code Ann. § 49-6-2209, school districts may continue to use the textbooks and instructional materials purchased from current state and local contracts that were based on the existing list of textbooks and instructional materials approved by the SBE. When a new list of textbook and instructional materials is adopted by the Commission and approved by the SBE and a new state contract is executed, school districts may not continue to use materials from a previous list that violate PCs 205 and 471. This means that existing textbooks used by school districts that violate PCs 205 or 471 would need to be replaced once a new list of textbook and instructional materials is adopted by the Commission and approved by the SBE and a new state contract is executed.

- Pursuant to Article I, Section 20, of the Tennessee Constitution and Tenn. Code Ann. § 49-6-2209, school districts may continue to use supplemental textbooks and instructional materials from local contracts that were executed prior to the passage of PCs 205 and 471 but may not renew such contracts if they violate PCs 205 and 471.
- Pursuant to Article I, Section 20, of the Tennessee Constitution and Tenn. Code Ann. § 49-6-2209, school districts may continue to use textbooks and instructional materials if a waiver was granted and an existing contract is in place or has already been executed for those materials prior to the passage of PCs 205 and 471 but may not renew the waiver or contract if the materials violate PCs 205 and 471.
- Textbooks and instructional materials that are fully aligned with Tennessee’s academic standards may still be used and approved despite a publisher, serving states other than Tennessee, including statements on the publisher’s website acknowledging that materials may also be aligned with Common Core or other academic standards.
- Textbooks and instructional materials that are fully aligned with Tennessee’s academic standards are not prohibited from use or approval simply because the teacher’s edition of materials includes coding or an acknowledgment indicating that some portions of materials are also aligned to Common Core or other academic standards. However, textbooks and instructional materials that students use in classrooms (both virtual and in-person classrooms) or take home may not be approved in the future if they include references to Common Core State Standards either as coding or acknowledgements.