

**SPECIAL CALL WORKSHOP AND MEETING MINUTES  
STATE TEXTBOOK AND INSTRUCTIONAL MATERIALS QUALITY COMMISSION**

December 7, 2022

10:00 A.M. CST

**Location**

Virtual Livestream:

<https://tinyurl.com/2uxhnpc5>

**Textbook Commission Workshop Minutes**

Statement of Necessity for Virtual Meeting was read by Dr. Linda Cash, Textbook Commission Chair.

1. Introductions of Commission Members & Opening Remarks

Dr. Linda Cash, Commission Chair

Dr. Linda Cash	Present
Mr. Mike Bell	Present
Mr. William "Billy" Bryan	Present
Ms. Deborah "Deb" Chancellor	Present
Dr. John Combs	Present
Ms. Laurie Cardoza-Moore	Present
Mr. Daniel French	Present
Dr. Kathy Hickie	Absent
Ms. Lee Houston	Present
Ms. Christy Wall (Non-voting Commissioner Designee)	Present

Quorum Confirmed

2. December 7, 2022 Commission Meeting Workshop Agenda Items

Dr. Linda Cash, Commission Chair

- Sole item for discussion: Guidance for Library Materials Appeal draft document

3. Library Guidance Draft

Dr. Linda Cash, Commission Chair

- Committee members discussed timeline revisions to the Guidance for Library Materials Appeal draft document
  - Dr. Combs, Lee Houston and Laurie Cardoza-Moore discussed recommendations of give five (5) to thirty (30) days to submit an appeal to the Textbook Commission

- website. Lee Houston made a final recommendation to consider resulted in suggesting twenty (20) days.
- Dr. Combs suggested considering the lifecycle of the Commission member's terms when considering the longevity of an appeal determination. Dr. Combs made a suggestion noting that the guidance is to serve as a draft, and a recommendation was provided to request legal review by the Attorney General's Office. Senator Bell discouraged Attorney General review, considering it was a guidance. Dr. Cash asked for assistance in coordinating inquiries with Attorney General's office or Department of Education attorney(s).
  - Dr. Cash and Lee Houston sought Committee clarification on timelines for appeal filings. Lee Houston recommended no more than two appeals each year; Senator Bell recommended no more than one appeal each year; Laurie Cardoza-Moore recommended unlimited number of appeals each year.
  - Dr. Cash and Lee Houston was discussed for the quantity of appeal submissions to the Textbook Commission. Dr. Cash read the current language, and Lee Houston provided clarification that only one submission throughout the appeals process should be considered at a time.
  - Billy Bryan recommended distinguishing the twenty (20) days, previously discussed during the timeline portion of the workshop, needed articulation of school days.
- Committee members discussed language revisions to the Guidance for Library Materials Appeal draft document.
    - Senator Bell discussed removing language. Dr. Combs reiterated his recommendation for legal review and advisement on the guidance draft. After Commission discussion, the Committee confirmed leaving "requests" as it was listed in the guidance draft, to imply not all requests would meet the criteria of going through the Textbook Commission's appeals process.
    - Lee Houston noted the Commission needed to discuss the guidance requirement of the Textbook Commission to have read the book or materials being appealed, in its entirety, before making any determinations. The Commission discussed the capacity of the Commission to carry out this requirement.
    - Lee Houston inquired on the articulation of having grade level removal noted in the draft guidance, rather than library. Dr. Cash confirmed the language could be modified to reflect grade level removal, rather than library collection removal.
    - Deborah Chancellor discussed as to whether the Commission should develop "the" checklist LEA (Local Education Association)'s use, or if LEAs develop individual checklists that follow the appeal steps and processes at the local level, and provide that to the Commission, as needed. Discussion by the Committee resulted where LEA checklists could be used for this process, and a recommended change in the draft guidance content was adjusted to "a checklist" rather than "the checklist."

- Laurie Cardoza-Moore recommended the guidance draft reference TCA 39-17-901 and adding verbiage that "materials are not violating state statute." Dr. Cash stated the purpose of the guidance draft was to provide guidance and not provide law. Dr. Cash requested Laurie Cardoza-Moore address this content request to the draft guidance during the regular, voting meeting.
- Daniel French sought clarity around what documents would provide and what documents that would be shared, if/when an appeal is sent to the Textbook Commission. Committee discussion followed in naming the referenced documentation being provided by LEAs to the Textbook Commission, along with supporting LEA determination documentation and information with the appeal process conducted at the local level.
- Dr. Combs researched TCA 39-17-901 and shared with the Committee that the statute is not located in Chapter 49, which is specific to education, and questioned the potential citing of TCA criminal offenses on the Textbook Commission Appeals guidance draft. Laurie Cardoza-Moore contributed that the Commission has responsibility to the health and welfare of children in implementing this new statutory responsibility.
- Committee members suggested review of the Guidance for Library Materials Appeal draft document by the Attorney General legal team
  - Dr. Cash recommended the Commission seek legal guidance for review of the draft guidance, upon its completion.
  - Dr. Combs, Daniel French, and other Commission members supported the suggested request for guidance review and legal support.
  - The Commission members discussed who might be best suited for providing legal guidance, but the members did not come to consensus during discussion.

Workshop session closed at 11:23 a.m. CT

**Textbook and Instructional Materials Quality Commission Meeting Minutes  
December 7, 2022**

**1. Welcome & Introductions**

a. Call to Order at 11:24 a.m.

Dr. Linda Cash, Commission Chair

b. Roll Call

Ms. Tabatha Siddiqi, Recording Secretary, Tennessee Department of Education

Dr. Linda Cash	Present
Mr. Mike Bell	Present
Mr. William "Billy" Bryan	Present
Ms. Deborah "Deb" Chancellor	Present
Dr. John Combs	Present
Ms. Laurie Cardoza-Moore	Present
Mr. Daniel French	Present
Dr. Kathy Hickie	Absent
Ms. Lee Houston	Present
Ms. Christy Wall (Non-voting Commissioner Designee)	Present

c. Introductions of Commission Members

Dr. Linda Cash, Commission Chair

**2. Consent Items (Roll Call Vote)**

a. Adoption of Agenda

Dr. Linda Cash, Commission Chair

Motion to adopt agenda made by Dr. John Combs.

Motion seconded by Ms. Lee Houston.

Dr. Linda Cash	Aye
Mr. Mike Bell	Aye
Mr. William "Billy" Bryan	Aye
Ms. Deborah "Deb" Chancellor	Aye
Dr. John Combs	Aye
Ms. Laurie Cardoza-Moore	Aye
Mr. Daniel French	Aye
Dr. Kathy Hickie	Absent

Ms. Lee Houston	Aye
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Adoption of agenda passed unanimously.

### 3. Action Items (Roll Call/Voice Vote)

a. Library Guidance

Dr. Linda Cash, Commission Chair

- i. The Commission voted to add a definition of supporting documentation, i.e., what would be included as supporting documents when appeals reach the Textbook Commission level of review as discussed in the workshop. (LEA & school board meeting minutes, all reports, recommendations, the book(s) under review, and any documents generated during the appeal process)

Dr. Linda Cash, Commission Chair, requested a voice vote.  
Motion passed unanimously.

- ii. The Commission voted to include in the library guidance document that all appeals must be submitted within the established timeframes and the days counted should coincide with the regularly scheduled school LEA calendar, as discussed in the workshop. Holidays, weekends, and teacher in-service days will not count as part of the submission deadlines. The Commission also discussed that an attorney should look at this definition.

Dr. Linda Cash, Commission Chair, requested a voice vote.  
Motion passed unanimously.

- iii. Laura Cardoza-Moore requested that language be included across the document that all materials must not be in violation of state statute. Ms. Cardoza-Moore specifically referenced the inclusion of TCA 39-17-901, which is under the 2010 Criminal Offenses and Offenses against public health safety and welfare 2010.39 Criminal Offenses Chapter 17 Offences against public health, safety, and welfare. Dr. John Combs clarified that this portion of state law was not under Chapter 49, which contains the educational law that the Commission functions underneath and is writing guidance to support. The Commission voted on whether to include the previous statement and to include citations from both Chapters 39 and 49 of state law.

Dr. Linda Cash, Commission Chair, requested a roll call vote.

Dr. Linda Cash	Nay
Mr. Mike Bell	Aye

Mr. William "Billy" Bryan	Aye
Ms. Deborah "Deb" Chancellor	Aye
Dr. John Combs	Nay
Ms. Laurie Cardoza-Moore	Aye
Mr. Daniel French	Aye
Dr. Kathy Hickie	Absent
Ms. Lee Houston	Nay

Five (5) Aye's and three (3) Nay's. Motion passed.

- iv. The Commission voted to edit the list of recommended steps following the receipt of a challenge. This revision changed "the" to "an".

Dr. Linda Cash, Commission Chair, requested a voice vote.  
Motion passed unanimously.

- v. The Commission voted to include a new statement within the guidance. This statement provided specific guidance around the actions required once a material is challenged. Per conversations in the workshop, the Commission voted to add a statement clarifying that LEAs must follow state statute when completing a challenged material's review.

Dr. Linda Cash, Commission Chair, requested a voice vote.  
Motion passed unanimously.

- vi. The Commission voted to clarify guidance provided to LEAs. The Commission clarified next steps if a material is deemed "not appropriate". Per conversations held in the workshop, the Commission voted to include the removal of the material from grade band collections, as opposed to the removal from the entire collection. Dr. Linda Cash quoted TCA 49-6-220(m)(1)(C)(ii) to validate this addition being in line with state statute.

Dr. Linda Cash, Commission Chair, requested a voice vote.  
Seven (7) Aye's & one (1) Nay. Motion passed.

- vii. The Commission voted on the amount of time an entity would have to submit an appeal to the Commission following an LEA decision. This timeline included the length of time an LEA had to turn documentation over to the Commission. Per conversations held in the workshop, the Commission voted that an appeal must be submitted within five (5) school days from the LEA decision, and the LEA having twenty (20) school days to provide documentation to the Commission.

Dr. Linda Cash, Commission Chair, requested a voice vote.

Motion passed unanimously.

- viii. Laurie Cardoza-Moore made a motion following the workshop discussion to remove some language within the guidance focused on LEA guidance. She requested that the LEA guidance include a statement that the LEA process should include a statement around following state statute. She specifically requested that TCA 39-17-901 be footnoted within the document.

Dr. John Combs clarified that TCA 39-17-901 is not under the Textbook Commission or education code but is under the 2010 Criminal Offenses and Offenses against public health safety and welfare 2010.39 Criminal Offenses Chapter 17 Offences against public health, safety, and welfare.

Motion: Laurie Cardoza-Moore

Seconded: Deb Chancellor

Dr. Linda Cash, Commission Chair, requested a roll call vote.

Dr. Linda Cash	Nay
Mr. Mike Bell	Nay
Mr. William "Billy" Bryan	Nay
Ms. Deborah "Deb" Chancellor	Nay
Dr. John Combs	Nay
Ms. Laurie Cardoza-Moore	Aye
Mr. Daniel French	Nay
Dr. Kathy Hickie	Absent
Ms. Lee Houston	Nay

One (1) Aye and seven (7) Nay's. Motion fails.

- ix. Laurie Cardoza made a motion for the Commission to read requests in their entirety.  
No second motion. Motion failed.
- x. The Commission voted on the length of time between a material being resubmitted to the Commission for review. Per discussion in the workshop, the Commission voted on a timespan of three (3) years before a material can be resubmitted to the Commission for review. In addition, the Commission discussed how many materials can be filed by a single entity. The Commission voted on a single entity filing no more than two (2) appeals with the Commission within one (1) year, per their workshop conversation.

Motion: Ms. Lee Houston

Seconded: Dr. John Combs

Dr. Linda Cash, Commission Chair, requested a roll call vote.

Dr. Linda Cash	Aye
Mr. Mike Bell	Aye
Mr. William "Billy" Bryan	Aye
Ms. Deborah "Deb" Chancellor	Nay
Dr. John Combs	Aye
Ms. Laurie Cardoza-Moore	Nay
Mr. Daniel French	Aye
Dr. Kathy Hickie	Absent
Ms. Lee Houston	Aye

Six (6) Aye's and two (2) Nay's. Motion passed.

- xi. The Commission voted on the number of items that could be appealed per submission to the Commission. Per conversation from the workshop, the motion was made that the Commission would allow only one (1) appeal item with each submission.

Dr. Linda Cash, Commission Chair, requested a voice vote.

Seven (7) Aye's and one (1) Nay. Motion passed.

- xii. Dr. John Combs made a motion to request the Attorney General provide formal legal opinions on the library guidance. If the Attorney General chooses not to review, the Commission would request the House and Senate Education Committees of the General Assembly supply an attorney for this review. Then, if the Committees could not provide support, the Commission would request support of the education department.

Motion: Ms. Laurie Cardoza-Moore

Seconded: Mr. Billy Bryan

Dr. Linda Cash, Commission Chair, requested a roll call vote.

Dr. Linda Cash	Aye
Mr. Mike Bell	Nay
Mr. William "Billy" Bryan	Aye
Ms. Deborah "Deb" Chancellor	Aye
Dr. John Combs	Aye
Ms. Laurie Cardoza-Moore	Aye
Mr. Daniel French	Aye
Dr. Kathy Hickie	Absent
Ms. Lee Houston	Aye

Seven (7) Aye's and one (1) Nay. Motion passed.



- xiii. Dr. John Combs made a motion to amend his previous motion. Dr. John Combs made a motion to request the Attorney General provide formal legal opinions on the library guidance. If the Attorney General chooses not to review, the Commission would request ask the House and Senate Education Committees of the General Assembly supply an attorney for this review.

No second motion. Motion failed.

- xiv. In further discussion, Mr. Mike Bell made a motion that if the Attorney General's office chooses not to review the guidance, then the Commission would request TDOE staff to provide legal review.

Motion: Ms. Laurie Cardoza-Moore

Seconded: Mr. Billy Bryan

Dr. Linda Cash, Commission Chair, requested a roll call vote.

Dr. Linda Cash	Aye
Mr. Mike Bell	Aye
Mr. William "Billy" Bryan	Aye
Ms. Deborah "Deb" Chancellor	Aye
Dr. John Combs	Aye
Ms. Laurie Cardoza-Moore	Nay
Mr. Daniel French	Nay
Dr. Kathy Hickie	Absent
Ms. Lee Houston	Aye

Six (6) Aye's and two (2) Nay's. Motion passed.

b. Science Materials Adoption Schedule Development

Dr. Linda Cash, Commission Chair

The Commission made a motion to request TDOE provide a proposed schedule for the upcoming science adoption of instructional materials to the Commission's next meeting for review.

Motion to approve: Dr. John Combs

Motion seconded: Mr. Billy Bryan

Dr. Linda Cash, Commission Chair, requested a roll call vote.

Dr. Linda Cash	Aye
Mr. Mike Bell	Aye
Mr. William "Billy" Bryan	Aye
Ms. Deborah "Deb" Chancellor	Aye

Dr. John Combs	Aye
Ms. Laurie Cardoza-Moore	Aye
Mr. Daniel French	Aye
Dr. Kathy Hickie	Absent
Ms. Lee Houston	Aye

Approval of Science Materials Adoption Schedule Development passed unanimously.

#### 4. 2023 Meeting Dates

Special Call Meeting: January 19, 2023

Dr. Linda Cash, Commission Chair, requested a voice vote to cancel this Special Call meeting. All Aye's. Motion passed.

Next Regularly Scheduled meeting was proposed to occur on Friday, March 3, 2023 – pending availability of department staff and meeting space

Proposed tentative back-up date of March 10, 2023

#### 5. Other Business from the Commission

Dr. Linda Cash, Commission Chair

- Dr. Cash read a statement requesting additional personnel support for the Textbook Commission from the State Legislature as a consideration as they begin session in 2023.
- Formal request will be submitted to a TDOE liaison to detail all needs.

#### 6. Meeting adjourned by Commission Chair Dr. Linda Cash at: 12:21 p.m. CT