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**Textbook/Instructional Materials Waiver Request:  
Metropolitan Nashville Public Schools (MNPS)**

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**The Background:**

T.C.A. § 49-1-302(a)(9) states that it is the duty of the board, and the board has the power to, “prescribe the use of textbooks and other instructional materials, based on recommendations of the state textbook and instructional materials quality commission, for the various subjects taught or used in conjunction with the public schools.” In addition, Public Chapter 770 of 2020 provided the State Board with the authority to approve or deny waiver requests from local education agencies (LEAs) that wish to use textbooks or instructional materials that are not on the state-approved adoption list due to the unique or unusual needs of the LEA. Public Chapter 770 also provided the State Board authority to promulgate emergency rules to effectuate the act. The emergency rule was approved on first and final reading at a special called meeting of the State Board on August 17, 2020 and expires on February 22, 2021.

In accordance with the requirements of this emergency rule, MNPS submitted a waiver application for multiple courses and grade levels for the use of un-approved textbooks or instructional materials for in-person instruction during the 2020-21 school year only.

Pursuant to State Board Rule 0520-01-03-.11, the State Board approved a waiver for MNPS to use these same materials for remote instruction during the 2020-21 school year based on MNPS having a Continuous Learning Plan (CLP) that was reviewed and approved by the Department. The CLP addressed how MNPS planned to use the textbooks and/or instructional materials, including a plan to address any areas of misalignment to ensure comprehensive coverage of the Tennessee academic standards.

**Review Process:**

Beginning in October 2020, State Board staff worked with MNPS staff to determine what instructional material waivers were necessary. The MNPS board of education approved the submission of waiver requests on October 27, 2020, and final revised waiver requests were submitted on December 6-7, 2020 for State Board review. To assess alignment to Tennessee standards, State Board staff developed a rubric and reviewer training, which were utilized for the MNPS review. In early January 2021, after an initial review of selected standards in each subject, State Board staff sent requests for additional information to MNPS staff. When this information was provided, staff conducted a re-review of the materials to determine a final recommendation.

### Factors Affecting the Waiver Decision:

Based on the emergency rule, the State Board may consider the following factors in making its decision on waiver applications:

- (a) The recommendation of the Commissioner and reasons supporting the recommendation to approve or deny the application.
  - a. The Department of Education reviewed the MNPS Continuous Learning Plan for 2020-21, which included the proposed waiver materials and description for use in remote instruction, but not the MNPS waiver application specifically for in-person instruction.
- (b) The explanation of the unique or unusual needs of the school system necessitating the use of the requested Textbooks and/or Instructional Materials in the waiver application.
  - a. According to its waiver application, MNPS is requesting this waiver due to the unique and unusual needs of the 2020-21 school year. The application stated:

*“MNPS is committed to making sure students have a consistent, high-quality education regardless of the delivery model, as well as ensuring that a year's worth of learning takes place regardless of learning modality. In order to provide adaptive and flexible curricular supports to teachers and students, it was decided to utilize a virtual curriculum for the 2020-21 school year. There are many advantages to having a virtual curriculum as it allows for online, virtual, hybrid learning, and the ability to shift between them as necessary. Utilizing a common curriculum designed for the virtual learning environment across all schools with common pacing allows more seamless transitions between in-person and virtual settings and supports grade-level instruction at all levels.”*
- (c) The extent of the Textbook and/or Instructional Materials’ alignment to Tennessee academic standards and, if necessary, the extent to which the LEA’s plan would remediate any areas of misalignment with Tennessee academic standards.
  - a. Upon initial review, State Board staff identified multiple waiver applications for which the requested materials fully addressed the state standards selected for review. Staff requested additional information on alignment to state standards for the remaining courses, which MNPS provided over the subsequent week. Based on the review of the additional materials, which included student-facing content, guidance to classroom teachers on effective uses of materials, and technical support in use of the Schoology platform, State Board staff were able to recommend all requested waivers for approval for the 2020-21 school year. Detailed information on the initial and final recommendation for all courses is provided in a table included with this item.
  - b. State Board staff provided constructive feedback to MNPS at the conclusion of the review in two specific areas.

- i. In elementary ELA and secondary math, there were extensive supplemental materials in addition to the FLVS modules. The supplemental materials included both MNPS-adopted, state-approved textbooks and instructional materials, as well as additional supplemental materials, such as state-provided optional resources. While the materials were useful in ensuring full coverage of state standards and achieving the district’s instructional aims, it was also confusing at times for reviewers – and therefore potentially for students and teachers – to navigate between multiple styles of materials and platforms.
  - ii. In middle school and some high school science courses and in the World Language courses, there appeared to be less straightforward guidance for educators on which materials to use to align with state standards than there was in other content areas. There were many supplemental materials in these subjects, which was in part because FLVS was less well-aligned to these content areas’ Tennessee state standards. Educators would likely benefit from further clarity on which materials are necessary to fully cover state standards, and which could be considered optional or additional supporting work. This could help educators focus their planning time during the challenging 2020-21 school year.
- (d) Prior experience of the LEA seeking the waiver with the proposed Textbooks and/or Instructional Materials, if applicable.
  - a. As noted in (e) below, MNPS has been using the proposed instructional and supplemental materials for remote instruction during the 2021-21 school year. Most of MNPS students have received remote instruction for the majority of the fall 2020 semester and continue to learn remotely as of January 2021.
- (e) Whether the State Board has previously approved waivers for the same Textbooks and/or Instructional Materials for other LEAs.
  - a. The Department of Education reviewed and approved the use of these materials for remote instruction in the 2020-21 school year in MNPS’ approved Continuous Learning Plan. A waiver for the use of these materials for remote instruction was also approved by the State Board at the November 2020 board meeting pursuant to State Board Rule 0520-01-03-.11. Other LEAs also included the use of FLVS for some remote learners in their approved CLPs. However, these instructional materials have not been approved for in-person instruction for any other LEA.
- (f) The availability of state-approved Textbooks and/or Instructional Materials for the requested course and/or subject.
  - a. There are state-approved textbooks and/or instructional materials available for all requested courses and subjects. However, due to the unique and unusual needs cited in (b) above, MNPS believes that the proposed instructional and supplemental materials

represent their best option for both remote and in-person instruction during the 2020-21 school year.

**The Recommendation:**

Based on the review conducted by State Board staff and explanation of the unique or unusual circumstances articulated by MNPS in its waiver application, the State Board staff recommends **approval** of the textbook/instructional materials waivers for the following courses and grades for in-person instruction during the 2020-21 school year only for MNPS:

- **ELA:** Grades K – 8; English I – IV
- **Math:** Grades K – 8; Integrated Math 1 – 3
- **Science:** Grades K – 8; High School Physics, Human Anatomy, Chemistry, Biology, and Physical Science
- **Social Studies:** Grades 6 – 8; High School Economics, World History, U.S. History, and Government/Civics
- **World Language:** Grades K – 4; Grades 5 – 8; Grades 9 – 12
- **Physical Education:** Grades K – 5; Grades 6 – 8; High School Physical Education and Wellness
- **Visual Arts:** Grades K – 8