

Moody
Signature of Sponsor

AMEND Senate Bill No. 2247*

House Bill No. 2666

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-2201, is amended by deleting subsections (a) through (h) and substituting instead the following:

(a)

(1) There is created a state textbook and educational materials quality commission composed of ten (10) members, nine (9) of whom are appointed as follows:

(A) The speaker of the senate shall appoint a:

(i) Director of schools; and

(ii) Teacher or instructional supervisor in the intermediate grades, grades four through eight (4-8);

(B) The speaker of the house of representatives shall appoint a:

(i) Director of schools; and

(ii) Teacher or instructional supervisor in the lower grades, grades kindergarten through three (K-3);

(C) The governor shall appoint a:

(i) Principal; and

(ii) Teacher or instructional supervisor in the upper grade subjects, grades nine through twelve (9-12);

(D)

(i) The three (3) remaining members must be citizens of this state and 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;

(ii) The citizen members listed in subdivision (a)(1)(D)(i) are appointed as follows:

(a) The governor shall appoint a person who resides in the western grand division;

(b) The speaker of the senate shall appoint a person who resides in the eastern grand division; and

(c) The speaker of the house of representatives shall appoint a person who resides in the middle grand division; and

(E) If a member's initial qualification changes, the member shall be allowed to complete such member's term of appointment.

(2) Members serving on the commission on June 30, 2022, shall continue to serve until the expiration of their terms. If a member's initial qualification changes, the member must be allowed to complete the member's term of appointment.

(3) Beginning July 1, 2022, there is created a state textbook and educational materials quality commission composed of twelve (12) members, eleven (11) of whom are appointed as follows:

(A) The speaker of the senate appoints a:

(i) Director of schools or a person with a valid instructional leader license;

(ii) Teacher or instructional supervisor in the intermediate grades, grades four through eight (4-8); and

(iii) Certified school librarian;

(B) The speaker of the house of representatives appoints a:

(i) Director of schools or a person with a valid instructional leader license;

(ii) Teacher or instructional supervisor in the lower grades, grades kindergarten through three (K-3); and

(iii) Certified school librarian;

(C) The governor appoints a:

(i) Principal; and

(ii) Teacher or instructional supervisor in the upper grade subjects, grades nine through twelve (9-12); and

(D)

(i) The three (3) remaining members must be citizens of this state who are knowledgeable of education issues;

(ii) The citizen members listed in subdivision (a)(1)(D)(i) are appointed as follows:

(a) The governor appoints a person who resides in the western grand division;

(b) The speaker of the senate appoints a person who resides in the eastern grand division; and

(c) The speaker of the house of representatives appoints a person who resides in the middle grand division.

(4) The commissioner of education, or a deputy or assistant commissioner of education serving as the commissioner's designee, shall be an ex officio secretary of the commission, without the right to vote, and shall serve without additional compensation for such service.

(5) In making appointments pursuant to this subsection (a), the appointing authorities shall strive to ensure that a proportionate number of persons are appointed to the commission from each grand division.

(b)

(1) Except as otherwise provided in subdivisions (b)(2) and (3), members appointed pursuant to subdivisions (a)(1) and (a)(3)(C) must be confirmed by joint resolution of the general assembly upon the recommendation of the education committee of the senate and the education administration committee of the house of representatives in the legislative session immediately following appointment.

(2) If the general assembly is not in session at the time a member is appointed to fill a vacancy, the new appointee shall serve for the term appointed unless such appointment is not confirmed within ninety (90) calendar days after the general assembly next convenes in regular session following such appointment.

(3) If the general assembly is not in session when initial appointments are made, all initial appointments shall serve the terms prescribed pursuant to subsection (c), unless such appointments are not confirmed within ninety (90) days after the general assembly next convenes in regular session following such appointments.

(c) The terms of the members of the commission shall be three (3) years. All three-year terms begin July 1 and terminate on June 30, three (3) years thereafter.

(d) In the event of a vacancy, the respective appointing authority shall fill the vacancy for the unexpired term.

(e) At the first regular meeting in each calendar year, the members of the commission shall elect a chair for a one-year term or until a successor is elected.

(f)

(1) Before members of the commission begin to discharge their duties, they must take and subscribe to the following oath:

I do hereby declare that I am not now directly or indirectly financially interested in, or employed by, any textbook or educational materials publisher or agency, and that I will not become directly or indirectly financially interested in any of the proposed contracts, nor in any book or educational materials, nor in any publishing concern handling or offering any books or other publications to the commission, of which I am a member, for listing and adoption, and I do hereby promise that I will act honestly, faithfully, and conscientiously, and in all respects will discharge my duty as a member of this commission to the best of my skill and ability.

(2) A violation of the oath taken pursuant to subdivision (f)(1) as determined by the department of education, in consultation with the commission, is grounds for the removal of a member by the respective appointing authority. A violation of the oath taken pursuant to subdivision (f)(1) may subject the commission member to criminal prosecution pursuant to applicable criminal statutes.

(g) The department of education shall assist the commission by providing mandatory training to newly appointed members on the textbook and educational materials review process and the completion of their assigned tasks, including, but not limited to, the following:

(1) The delivery of quality textbook and educational materials programs to the LEAs of this state, as fulfilled through the development of rules for the bidding and contracting of textbook and educational materials programs;

(2) The adoption of physical standards and specifications that assure suitable durability of the textbooks, educational materials, and supplemental materials;

(3) The review of programs bid against the academic standards approved by the state board of education;

(4) The establishment of contracts that guarantee the availability of adopted programs to all LEAs at the lowest price;

(5) The authority, responsibility, and duties of the commission, which include a review of the statutes and rules that govern the commission and the textbook and educational materials review process;

(6) The time frame for the textbook and educational materials review process;

(7) The process of appointing members to the advisory panels and expectations of the members of the panels;

(8) The First Amendment to the United States Constitution as it applies to the textbook and instructional materials adoption process; and

(9)

(A) The goals of the textbook and instructional materials book review process for textbooks and instructional materials. The commission shall not approve a textbook or instructional materials for adoption by LEAs unless the textbook or instructional materials:

(i) Conform to the standards for its subject area or grade level;

(ii) Are free of any clear, substantive, factual, or grammatical error; and

(iii) Comply with and reflect the values expressed in § 49-6-1028(b), if the textbook or instructional materials are being considered for adoption as a textbook or instructional materials for education of students in general studies and specifically in United States history and this nation's republican form of government; and

(B) The goals of the educational materials book review process for books to be placed in public school libraries across this state. The commission shall not approve books that may be selected by a library to be included as part of the library's collection unless the book is appropriate for the age and maturity levels of the students who may access the book, and is suitable for, and consistent with, the educational mission of the school.

(h) Notwithstanding any law to the contrary, in addition to other duties of the commission, the commission shall:

(1) Issue a list of approved educational materials, including books, that may be purchased by libraries operated by a public school or a public charter school. No books may be located within a library operated by a public school or public charter school unless the book is on the list issued pursuant to this subdivision (h)(1). The list must indicate the suitable age and maturity level of students who may access the educational materials;

(2) Establish guidelines for libraries operated by an LEA or a public charter school to use to identify and remove all materials not contained on the list issued pursuant to subdivision (h)(1) within six (6) months from the date the list is issued;

(3) Establish guidelines for libraries operated by an LEA or a public charter school to follow that will segregate materials contained in the library that may be suitable for a particular age and maturity level, as identified on the list issued pursuant to subdivision (h)(1); and

(4) Establish an appeals process for any parent to use to challenge the placement of a book or other educational material on or off of the list issued pursuant to subdivision (h)(1).

SECTION 2. Tennessee Code Annotated, Section 49-6-2201(i) and (l), are amended by deleting the language "instructional" and substituting instead the language "educational" wherever it may appear.

SECTION 3. Tennessee Code Annotated, Section 49-6-2201(k)(1), is amended by adding the following language to the end of the subdivision:

On or after July 1, 2022, seven (7) members of the commission constitute a quorum for the purpose of meeting and conducting business.

SECTION 4. Tennessee Code Annotated, Section 49-6-2201(a)(4), is amended by redesignating the existing language as subdivision (a)(4)(A) and adding the following new subdivision:

(B) The Tennessee state library coordinator shall serve as an ex officio non-voting member of the commission. It shall be the responsibility of the state library coordinator to create the list of approved library books to be issued pursuant to subsection (h). The list created by the state library coordinator must be approved by the commission prior to the time the list is issued and otherwise made available to libraries operated by an LEA or a public charter school.

SECTION 5. Tennessee Code Annotated, Section 49-6-2201(a)(3), is amended by deleting the language "twelve (12)" and substituting the language "thirteen (13)".

SECTION 6. Sections 4 and 5 of this act take effect July 1, 2022, if Senate Bill 1784/House Bill 1667 becomes law, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.