

Tennessee State Textbook and Instructional Materials Quality Commission

April 20, 2015

Textbook Publisher Assurances

The Background:

T.C.A. § 49-6-2203 states that the State Textbook and Instructional Materials Quality Commission may promulgate rules establishing minimum manufacturing standards and specifications for textbooks and instructional materials and establishing the conditions under which it contracts with publishers. Moreover, it is the Commission's duty to prepare a list of standard editions of textbooks and instructional materials for approval by the state board of education for use in the public schools of the state. In carrying out this duty, the Commission may not approve any textbook or any instructional materials for adoption by local education agencies unless the textbook or instructional material are free of any clear, substantive, factual or grammatical error [T.C.A. § 49-6-2201(j)(9)].

In accordance with Pub. Ch. 981 passed by the 2014 Session of the 108th Tennessee General Assembly, publishers submitting textbooks or instructional materials for possible approval must execute an agreement:

1. Ensuring the books' or the materials' accuracy;
2. Certifying that the textbook or the instructional materials have been thoroughly examined and reviewed by qualified content experts for factual accuracy. The publisher shall also list the professional credentials for at least three (3) content review experts who have thoroughly examined the textbook or instructional materials for content accuracy;
3. Certifying that the textbook or instructional materials have been thoroughly examined and reviewed by qualified editors for typographical errors and errors in grammar, written expression, spelling, formatting and other substantive elements that may affect student learning; and
4. Agreeing to correct all factual and editing errors found in a textbook or instructional materials, at the publisher's expense.

In addition, in the event of an error in the textbook or instructional materials, the publisher shall submit a corrective action plan to the department, for review and approval by the State Board of Education, within thirty (30) days of the department's notification of the existence of errors [T.C.A. § 49-6-2201(c)].

Because publishers must execute this agreement during the approval process, it was not appropriate to include this agreement in the textbook contract. Thus, the Department of Education, created a separate Statement of Assurances, with the guidance and approval of the Office of the Attorney General, to be included in the bid submission process.

**STATEMENT OF PUBLISHER ASSURANCES FOR
SUFFICIENCY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS**

WHEREAS the State Textbook and Instructional Materials Quality Commission (“Commission”) has provided notice of the Commission’s upcoming textbook adoption; and, in response to said notice, Publisher has timely notified the Commission of its intent to submit a bid and seek approval by the Commission of textbooks and/or instructional materials; Publisher contemporaneously submits herewith a bid in response to the notice and does hereby affirm, declare, confirm, and assure in accordance with Tennessee Code Annotated Section 49-6-2202 (c) the following:

1. Publisher currently is and shall be authorized and approved to do business in the State of Tennessee throughout the term of the contract between Publisher and the Commission.

2. Publisher ensures the accuracy of all textbooks and instructional materials (“Publisher’s Textbooks”) on its Official Bid List, which Publisher is submitting for approval.

3. a. Publisher certifies that at least three (3) qualified content experts have thoroughly examined and reviewed Publisher’s Textbooks for factual and content accuracy;

b. The names and professional credentials for the content experts who examined Publisher’s Textbooks, including but not limited to his or her current position and employer, are set forth below. Publisher must identify at least three (3) such content review experts.

4. Publisher certifies that Publisher’s Textbooks have been thoroughly examined and reviewed by qualified editors for typographical errors and errors in grammar, written expression, spelling, formatting and other substantive elements that may affect student learning.

5. Publisher shall correct, at Publisher’s expense, all factual and editing errors found in Publisher’s Textbooks during the review process and during the contract period.

6. Publisher shall submit a corrective action plan to the Tennessee Department of Education, for review and approval by the State Board of Education, within thirty (30) days of the Department’s notification of the existence of errors in the textbook or instructional materials during the review process and contract period.

7. These assurances are continuing though the term of any Contract between Publisher and the Commission.

By signing this Statement of Publisher Assurances below, the signatory certifies legal authority to bind the submitting entity to the provisions of this Statement of Publisher Assurances and any contract awarded

pursuant to it. If said individual is not the Company's chief executive, this document shall attach evidence showing the individual's authority to bind the Company.

I, the undersigned, certify that the above assurances shall be adhered to.

[NAME OF PUBLISHER]
PUBLISHER

BY

Signature, Publisher's Authorized Representative

Printed Name, Publisher's Authorized Representative

Employment Title, Publisher's Authorized Representative

Date