

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03
ACADEMIC AND INSTRUCTIONAL REQUIREMENTS**

0520-01-03-.01	Purpose	0520-01-03-.08	Repealed
0520-01-03-.02	Uniform Grading	0520-01-03-.09	Special Education Programs and Services
0520-01-03-.03	Academic Program Requirements	0520-01-03-.10	Repealed
0520-01-03-.04	Repealed	0520-01-03-.11	
0520-01-03-.05	Virtual Schools	through	
0520-01-03-.06	Graduation Requirements	0520-01-03-.13	Repealed
0520-01-03-.07	Civics	0520-01-03-.14	Summer Learning Program Requirements
		0520-01-03-.15	Universal Student Screeners and State-Adopted Benchmark Assessments

0520-01-03-.15 UNIVERSAL STUDENT SCREENERS AND STATE-ADOPTED BENCHMARK ASSESSMENTS

- (1) Definitions. As used in this rule:
- (a) “Nationally Normed” means screener scores, classifications, and score distribution percentiles are reported and calibrated using a representative National Sample.
 - (b) “National Sample” means a sample of students that represents the population of U.S. students. For universal screeners, a national sample consists of at least one hundred fifty (150) students in each of at least three (3) of nine (9) US Census Bureau divisions sampled before the year 2020. Part of completing the sample may include any needed statistical transformations required to achieve demographic representativeness. Such a sampling must be able to produce valid and reliable scores for classifying and identifying students.
 - (c) "Significant Reading Deficiency" means:
 - 1. For students in kindergarten through grade three (K-3), that a student's score on a Universal Reading Screener is in the 15th percentile or below on a Nationally Normed Universal Reading Screener. Students in Kindergarten through grade three (K-3) who have a significant reading deficiency are considered below proficient in English language arts and shall be regarded as priority students for purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.
 - (d) “At Risk for Significant Reading Deficiency” means:
 - 1. For students in Kindergarten through grade three (K-3), that a student's score on a Universal Reading Screener is between the 16th and 40th percentile on a Nationally Normed Universal Reading Screener. Students in Kindergarten through grade three (K-3) who are at risk for significant reading deficiency are considered below proficient in English language arts and shall be regarded as priority students for purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.

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- (e) "Universal Reading Screener" means a uniform tool that screens and monitors a student's progress in foundational literacy skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.
 - (f) "Innovative Benchmark Assessment Pilot Program" means a program established, funded, and implemented by the Department as part of the Tennessee Learning Loss Remediation and Student Acceleration Act to provide the Tennessee universal math screener, the Tennessee universal reading screener, and state-adopted benchmark assessments to LEAs and public charter schools to more frequently measure student learning and address student learning loss.
 - (g) "Pre-test" means state mandated assessment provided to students upon entry to summer programming required by the Tennessee Learning Loss Remediation and Student Acceleration Act to determine current knowledge on prioritized math and English language arts content. The assessment shall be used to determine adequate growth for purposes of determining eligibility for promotion from third (3rd) to fourth (4th) grade beginning in the 2022-2023 school year.
 - (h) "Post-test" means state mandated assessment provided to students upon exit of summer programming required by the Tennessee Learning Loss Remediation and Student Acceleration Act to determine knowledge gained on prioritized math and English language arts content. The assessment will be used to determine adequate growth for purposes of determining eligibility for promotion from third (3rd) to fourth (4th) grade beginning in the 2022- 2023 school year.
- (2) Pursuant to the Tennessee Literacy Success Act, each LEA and public charter school shall annually administer a Universal Reading Screener to each student in kindergarten through grade three (K-3) during each of the three (3) administration windows established by the Department.
 - (3) Student performance on a Universal Reading Screener shall be used to identify students in Kindergarten through grade three (K-3) with a Significant Reading Deficiency or students who are At Risk for Significant Reading Deficiency. Students in Kindergarten through grade three (K-3) with a Significant Reading Deficiency or students who are At Risk for Significant Reading Deficiency are considered below proficient in English language arts and shall be regarded as priority students for purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.
 - (4) Each LEA and public charter school's foundational literacy skills plan shall include the chosen Universal Reading Screener.
 - (5) All Universal Reading Screeners shall be Nationally Normed. LEAs and public charter schools may choose from the following Universal Reading Screener options:
 - (a) A Nationally Normed Tennessee Universal Reading Screener provided by the Department at no cost to LEAs and public charter schools;
 - (b) A Universal Reading Screener from an approved list of Nationally Normed Universal Reading Screeners identified by the Department and approved by the State Board in State Board Policy 3.302; or

(Rule 0520-01-03-.15, continued)

- (c) LEAs and public charter schools may request from the State Board approval to use a locally identified Universal Reading Screener. LEAs and public charter schools requesting approval from the State Board to use a locally identified Universal Reading Screener shall submit a revised foundational literacy skills plan to the Department by June 1 prior to the school year in which the LEA or public charter school wishes to use the locally identified screener. The request shall identify the Universal Reading Screener and provide written documentation outlining the evidence that the Universal Reading Screener meets the requirements identified in parts (1) through (6) below. The Department shall review each request and make recommendations to the State Board for approval by July 31 of each year. Each request shall provide proof, including technical reports and assessment specifications, that the Universal Reading Screener meets the following criteria:
1. Is Nationally Normed;
 2. Complies with dyslexia screening requirements established in T.C.A. § 49-1-229;
 3. Complies with the universal screening norms and identification requirements established in Tennessee's RTI² framework manual;
 4. Produces scores that meets the Department's criteria to reliably and validly identify students with a Significant Reading Deficiency or students who are At Risk for Significant Reading Deficiency, identifies priority students for purposes of implementation of the Tennessee Learning Loss Remediation and Student Acceleration Act, and can measure student growth from one administration window to another;
 5. Produces results that allow for the reliable generation of individual growth scores for teachers teaching pre-Kindergarten through grade two (pre-K-2) to use as an alternative growth model in accordance with the Tennessee Literacy Success Act and the Tennessee Learning Loss Remediation and Student Acceleration Act; and
 6. Provides a full dataset of student and educator data that can be submitted electronically to the Department three (3) times a year in a manner that complies with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), T.C.A. § 10-7-504, the Data Accessibility, Transparency and Accountability Act (Title 49, Chapter 1, Part 7), and all other applicable state and federal privacy laws in a format that meets the Department's data standard.
- (6) Approved Universal Reading Screeners may be used by LEAs and public charter schools to comply with dyslexia screening requirements established in T.C.A. § 49-1-229 and with the universal screening requirements established in Tennessee's RTI² framework manual.
- (7) LEAs and public charter schools may need to find an alternate tool to measure reading proficiency if a student has a documented disability in an Individualized Education Program (IEP) or section 504 plan that indicates the student has a language or physical barrier to using one (1) of the approved Universal Reading Screeners outlined in paragraph (5) of this rule.
- (8) Each LEA and public charter school shall submit electronically to the Department the full dataset for each Universal Reading Screener administered to students three times a year. All student information must be maintained in accordance with the Family Educational Rights and Privacy Act

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(FERPA) (20 U.S.C. § 1232g), T.C.A. § 10-7-504, the Data Accessibility, Transparency and Accountability Act (Title 49, Chapter 1, Part 7) and all other applicable state and federal privacy laws in a format that meets the Department's data standard.

- (9) LEAs and public charter schools may choose to administer a Universal Reading Screener to pre-Kindergarten students.
- (10) The Department shall implement an Innovative Benchmark Assessment Pilot Program pursuant to the Tennessee Learning Loss Remediation and Student Acceleration Act to provide the Tennessee Universal Reading Screener, the Tennessee universal math screener, and state-adopted benchmark assessments to LEAs and public charter schools to more frequently measure student learning and address student learning loss.
- (11) Pursuant to Tennessee Learning Loss Remediation and Student Acceleration Act, LEAs and public charter schools may use the state-adopted benchmark assessments, the Tennessee universal math screener, the Tennessee Universal Reading Screener, or a Universal Reading Screener approved by the State Board to identify priority students for after-school learning mini-camps, learning loss bridge camps, and summer learning camps.
- (a) For grades Kindergarten through three (K-3), the Tennessee Universal Reading Screener provided by the Department, the Tennessee universal math screener provided by the Department, or a Universal Reading Screener approved by the State Board shall serve as the state-adopted benchmark assessments required to be used by LEAs and public charter schools in implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.
- (b) For grades four (4) through eight (8), a locally adopted benchmark assessment approved by the Department for use by the LEA or public charter school shall serve as the state-adopted benchmark assessments used by LEAs and public charter schools in implementing the Tennessee Learning Loss Remediation and Student Acceleration Act. Each LEA or public charter school shall request from the Commissioner of Education approval to use locally adopted benchmark assessments as the state adopted benchmark assessment. Each request shall include:
1. The name of each locally adopted benchmark assessment requested for use; and
 2. The performance category for each locally adopted benchmark assessment that the LEA or public charter school will use to identify priority students, to implement the Tennessee Learning Loss Remediation and Student Acceleration Act.
- (c) Any student in Kindergarten through grade three (K-3) scoring in the 40th percentile or below on a Nationally Normed universal math screener shall be considered below proficient in math and regarded as a priority student purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.
- (12) Pursuant to the Tennessee Learning Loss Remediation and Student Acceleration Act, LEAs and public charter schools shall use the state-provided pre- and post-test to monitor student growth in summer programming during the summer of 2021 and every summer thereafter.

(Rule 0520-01-03-.15, continued)

Authority: *T.C.A. §§ 49-6-1501 et seq. and 49-1-901 et seq..* **Administrative History:** *Emergency rule filed May 27, 2021; effective through November 23, 2021.*