
**Universal Student Screeners and State Adopted Benchmark Assessments
Rule 0520-01-03-.15**

The Background:

Pursuant to Chapters 1 and 3 of the Public Acts of 2021 (1st Extraordinary Session), the State Board of Education is authorized to promulgate rules to implement the Tennessee Literacy Success Act and the Tennessee Learning Loss Remediation and Student Acceleration Act.

The Literacy Success Act of 2021 requires LEAs and public charter schools to 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. In July 2021, the State Board approved Policy 3.302 containing the list of state-approved universal screeners based on recommendations from the Department. In order to be recommended for approval, these screeners had to be included in an LEA's or public charter school's foundational literacy skills plan and were required to meet specific requirements set forth in this rule.

This item proposes additions to this rule to specify the process to remove a universal reading screener from the list of state approved screeners contained in Policy 3.302. If a universal reading screener does not comply with the requirements set forth in this rule and as a result, places LEAs or public charter schools that utilize the screener out of compliance with the Literacy Success Act or this rule, the screener may be removed from the approved list contained in Policy 3.302.

Changes since first reading include the addition of definitions of relevant legislation, changes to require the recommendation for removal from the approved list to come from the Department of Education rather than the Board's Executive Director, additional detail regarding the information that must be provided by the Department to the State Board regarding the non-compliance of the universal reading screener in support of the recommendation for removal, and additional clarifying edits.

A rulemaking hearing was held to collect public feedback on March 21, 2022. Public comments were received at the hearing and in writing during the public comment period. Changes were made to these rules in response to public comments including requiring the Department to provide in its notice of non-compliance a deadline by which an LEA or public charter school must work with its vendor to come into compliance, and the addition of a requirement that the Department publish a data guide to assist LEAs, public charter schools, and vendors to maintain accurate and timely submissions of data to the Department.

The Recommendation:

State Board staff recommends approval of this item on final reading.