

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02**

**DISTRICT AND SCHOOL OPERATIONS**

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**0520-01-02-.32 ASSESSMENT MATERIALS REVIEW**

- (1) Definitions. As used in this Rule:
  - (a) “Department” means the Tennessee Department of Education.
  - (b) “LEA” means local education agency and has the same meaning given in T.C.A. § 49-1-103(2).
  - (c) “Materials” means Testing Materials or Proposed Testing Materials as defined in this Rule.
  - (d) “Member” means an active sworn-in representative or senator of the Tennessee General Assembly.
  - (e) “Testing Materials” or “Proposed Testing Materials” means any copies of questions, writing prompts, or scoring rubrics and tables that have been used, or have been proposed or planned for future use as part of statewide Tennessee Comprehensive Assessment Program (TCAP) and end-of-course assessments.
- (2) A Member may request from the LEA or Department to inspect and review any Materials that are in the LEA or Department’s possession.
- (3) When submitting a request to inspect and review Materials directly to an LEA, the request shall be made in writing to the LEA and the request shall include the name of the Material(s) requested (if known), the grade level and subject area, and the purpose for the request. An LEA who receives a request from a Member for Materials shall forward the request to the Commissioner of Education (“Commissioner”) or the Commissioner’s designee within five (5) business days of the LEA’s receipt of the request. The Commissioner or Commissioner’s designee shall respond to the Member’s request and provide any Materials that are in the Department’s possession pursuant to paragraphs (4) and (5) of this Rule.

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- (4) The Department shall provide any Materials that are in the Department's possession to a Member upon the Member's request to inspect and review the Materials.
- (a) A request to inspect and review Materials shall be made in writing to the Commissioner or the Commissioner's designee and the request shall include the name of the Material(s) requested (if known), the grade level and subject area, the purpose for the request, and any additional information required by the Department.
  - (b) Within five (5) business days of receipt of the request from the Member pursuant to paragraph (4)(a) or LEA pursuant to paragraph (3), the Department shall respond to the Member acknowledging receipt of the Member's request. The Department shall provide the requested Materials to the Member within fifteen (15) business days of receipt of the request, unless another date is agreed upon by the Member and Department. However, Materials shall not be provided to the Member until the Member has completed any necessary test security training as set forth below.
  - (c) The Department shall provide an in-person opportunity for the Member to review the Materials.
  - (d) The Department shall provide necessary test security training to the Member prior to providing access to the Materials. All test security protocols outlined in the *Tennessee Test Security Manual* published by the Department shall be followed by the Member prior to, during, and after review of the Materials.
    - 1. Members granted access to Materials must complete a test security and non-disclosure agreement provided by the Department prior to accessing Materials.
  - (e) In order to protect the validity or reliability of Materials, Members granted access to Materials by the Department shall not share Materials with any other individuals.
  - (f) The Department and the Member must comply with the Data Accessibility, Transparency and Accountability Act, compiled in Title 49, Chapter 1, Part 7, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), and T.C.A. § 10-7-504 at all times during and after the review of Materials.
- (5) The release of Materials to a Member by the Department pursuant to this Rule shall not include:
- (a) Items required by the Department to validate future administrations of the Tennessee Comprehensive Assessment Program (TCAP) and end-of-course assessments;
  - (b) Items that are being field tested for future administrations of the Tennessee Comprehensive Assessment Program (TCAP) and end-of-course assessments;
  - (c) Passages, content, or related items if the release would be in violation of copyright infringement laws; or
  - (d) Items that would impact the validity, reliability, or cost of administering the Tennessee Comprehensive Assessment Program (TCAP) and end-of-course assessments. This includes, but is not limited to the release of information that would place the Department in

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violation of intellectual property or privacy clauses outlined in contracts held between the Department and a testing vendor.

**Authority:** T.C.A. § 49-6-6016. **Administrative History:**