

Assessment Materials Review Rule 0520-01-02-.32

The Background:

Chapter 1032 of the Public Acts of 2022 (PC 1032) requires a local education agency (LEA) or the Tennessee Department of Education to provide any statewide testing materials or proposed statewide testing materials to a member of the General Assembly upon the member's request to inspect and review the materials.

PC 1032 authorized the State Board of Education (SBE) to promulgate rules outlining the stipulations for a General Assembly member to request to inspect statewide assessment materials while protecting the integrity and confidentiality of testing materials.

This item presents a new Assessment Materials Review Rule 0520-01-02-.32 in compliance with PC 1032. The rule outlines the process for a General Assembly member to request and access statewide testing materials in the possession of an LEA or the Department, including TCAP and End of Course assessments. The rule ensures that the provision of these statewide testing materials to a member of the Tennessee General Assembly complies with test security requirements, existing state and federal laws governing information releases, including the Data Accessibility, Transparency and Accountability Act, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), and T.C.A. § 10-7-504.

State Board staff will conduct a rulemaking hearing between first and final reading to collect public feedback.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no financial impact on an LEA.

The Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.