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**District and School Operations - Assessment Materials Review Rule 0520-01-02-.32**

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**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 held a rulemaking hearing on January 6, 2023, to collect public feedback. No comments were submitted.

Minor revisions were made between first and final reading including revisions to clarify the process by which a Member may request testing materials from the Department or an LEA, and clarifying that testing materials that are able to be requested do not include student answer sheets or other materials completed by students.

**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.

**Connection to the [Master Plan](#):**

This item supports the State Board's strategic focus on Engagement and Accountability outlined in the Master Plan by ensuring the Rule aligns with changes in law to ensure the effective implementation of education policy.

**The Recommendation:**

The Department of Education recommends approval of this item on final reading. The SBE staff concurs with this recommendation.