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

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**The Background:**

Pursuant to Chapters 1 and 3 of the Public Acts of 2021 (1<sup>st</sup> Extraordinary Session), the State Board of Education is authorized to promulgate emergency 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. This permanent rule describes various requirements related to universal screeners, including how universal screeners are used to identify students who have a significant reading deficiency, and the process for LEAs and public charter schools to request permission from the State Board to use locally chosen universal screeners.

The Tennessee Learning Loss Remediation and Student Acceleration Act of 2021 requires the Department to implement an innovative benchmark assessment pilot program 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. This permanent rule clarifies that the Tennessee universal reading and Tennessee universal math screeners shall serve as the state-adopted benchmark assessment for students in grades K-3, and that LEAs may request from the Commissioner authority to use locally adopted benchmark assessments as the state adopted benchmark assessment for all other applicable grades.

Between first and final reading, definitions of “at risk for a significant reading deficiency,” “pre-test,” and “post-test” were added to the rule. K-3 students are determined to be at-risk for a significant reading deficiency if they score between 15<sup>th</sup> and 40<sup>th</sup> percentile on a nationally normed universal reading screener. Revisions also clarify that these students shall be regarded as priority students for the purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.

A rulemaking hearing was held to conduct public feedback on this rule on July 8, 2021. There were no comments during the meeting or during the comment period on this rule.

There have been changes to this item since first reading.

**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 approval of this item on final reading. The SBE staff concurs with this recommendation.