

## Student Eligibility for the IEA Program

In order for a student to receive an individualized education account (IEA), a parent/guardian or non-minor student must submit an application to the Tennessee Department of Education (the department) to determine whether the student meets all the eligibility requirements. There is not a cap on the number of students who may receive an IEA, so any student who is eligible to receive an IEA will receive an IEA regardless of how many other students are enrolled in the IEA Program, so long as the applicant completes all the enrollment steps by their respective deadlines. Students must have reached five years of age on or before Aug. 15 in order to enter kindergarten. **Student eligibility requirements are set by state law, and the department cannot make exceptions.** A student is eligible to receive an IEA if he or she meets **all of the following** criteria:

- 1) is a Tennessee resident; **and**
- 2) will be in grades K-12 at the time of enrollment in the IEA Program (August 1); **and**
- 3) has an active Individualized Education Program (IEP)<sup>1</sup> through a Tennessee public school district in effect at the time of request for participation in the program; (If you have questions about your child's IEP status, please contact the public school district in which your student is enrolled.); **and**
- 4) has one of the following disabilities<sup>2</sup> in the active IEP as the primary or secondary disability at the time of request for participation in the program:
  - autism;
  - deaf-blindness;
  - developmental delay;
  - hearing impairments;
  - intellectual disability;
  - orthopedic impairments;
  - traumatic brain injury;
  - visual impairments; or
  - multiple disabilities;<sup>3</sup> **and**
- 5) meets at least **one of the following requirements**:
  - was previously enrolled in and attended a Tennessee public school for the one full school year immediately preceding the school year in which the student receives an IEA;
  - is entering kindergarten **for the first time**;<sup>4</sup>

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<sup>1</sup> In accordance with 34 C.F.R § 300 et seq., § 49-10-102, and regulations of the State Board of Education.

<sup>2</sup> The State Board of Education (SBE) has approved the disability definitions and standards ([rules of the SBE Chapter 0520-01-09](#)).

<sup>3</sup> 'Multiple disabilities' is a specific disability category. The words 'multiple disabilities' must be listed on the IEP as the primary or secondary disability.

<sup>4</sup> If a student has an active IEP prior to enrolling in kindergarten (e.g., in pre-K) and the IEP is active at the time of request for participation in the IEA Program, the student will be eligible to receive an IEA without having to attend a Tennessee public school; however, the student may need to be enrolled in a public school



- has not previously attended a school in Tennessee during the one full school year immediately preceding the school year in which the student receives an IEA, and moved to Tennessee less than one year prior to the date of enrollment in the IEA Program; or
- received an IEA in the previous year.

The '[Is My Child Eligible?](#)' interactive quiz on the IEA web page can help parents/guardians and non-minor students determine if the student may be eligible for the IEA Program. If you have questions about whether your child is eligible for the IEA Program, please email [IEA.Questions@tn.gov](mailto:IEA.Questions@tn.gov).

### **Term of the IEA**

A student who enrolls in the IEA Program will remain eligible until one of the following occurs for the participating student, whichever occurs first:

- enrolls full-time in a public school,
- is no longer a resident of Tennessee,
- graduates from high school (including passing the GED or HiSET), or
- reaches 22 years of age by Aug. 15 for the next school year.

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(e.g., pre-K) to keep the IEP active through the date the IEA application is submitted. Please note: For more information about IEPs, parents should contact their school district.

## Enrolling in the IEA Program

In order to enroll a student in the IEA Program, the applicant must complete the following steps:

### Step 1: Submit the IEA Application

The applicant must read the application instructions posted on the [IEA web page](#), and submit the application. The application and all required supporting documentation must be received by the department by the deadline posted on the IEA web page; incomplete applications or applications submitted after the deadline will not be reviewed.

Before completing this application, parents must read the following documents posted on the department's [IEA web page](#):

- [IEA Program law, T.C.A. § Title 49, Chapter 10, Part 14](#)
- [IEA Program rules of the SBE Chapter 0520-01-11](#)
- [IEA Program Procedures](#)
- [IEA Parent Handbook](#)

The [IEA Parent Handbook](#) outlines the allowable use of IEA funds, account holder responsibilities, and the duties of the department. Applicants must read this handbook in its entirety before applying for the IEA Program. If applicants have questions about the IEA Program, please email [IEA.Questions@tn.gov](mailto:IEA.Questions@tn.gov).

### ***Please note the following:***

1. If a parent/guardian is submitting an application on behalf of a student who will have attained the age of 18 years on or before Aug. 1 of the school year the student is seeking to enroll in the IEA Program, the parent/guardian must submit with the IEA application a Power of Attorney (POA) or order granting Conservatorship; the POA/ conservatorship needs to include, at a minimum, the power to make educational decisions and manage the IEA account on the person's behalf.
2. An IEA application must be submitted for each student. If a parent has more than one student who is applying to enroll in the IEA Program, the parent will need to submit one application per student.
3. **There may ONLY be one applicant for each IEA account who will be the IEA account holder.** Please keep in mind that the applicant will be the IEA account holder and will be required to sign all official documentation pertaining to the IEA. For example, if a student enrolled in the IEA Program has two parents, the parent who submits the application and signs the *IEA Account Holder Contract* will be the IEA account holder and will be responsible for completing all requirements of the IEA Program. The IEA debit card will be issued in the name of the IEA account holder.

The department will review the application within 30 calendar days after it is received. The department will determine whether the student is eligible to receive an IEA and will notify the applicant.

### **Appealing the Denial of Student Eligibility for the IEA Program**

If the department determines that the student is not eligible for the IEA Program and the applicant receives a denial of the IEA Program Application, the applicant may appeal the department's decision per the appeals process in the rules of the State Board of Education: <https://www.tn.gov/education/iea/tdoe2iea-iea-laws-rules-and-procedures.html>. An applicant may appeal the denial of the student's eligibility for the IEA Program pursuant to the following two-step appeal process:

- **Step 1:** The appeal should be submitted to the department on the step 1 appeal form posted on the [IEA web page](#). The completed form should be emailed to [IEA.Questions@tn.gov](mailto:IEA.Questions@tn.gov). The appeal must be submitted within 10 business days of receipt of the notice of denial, suspension, termination, and/or removal. Notice of denial, suspension, termination, and/or removal will be provided electronically and via first-class USPS mail and be deemed received three business days after the date of postmark. The appeal will be reviewed by the commissioner of education, or the commissioner's designee, and a decision will be issued within 45 calendar days.
- **Step 2:** An appeal of the commissioner's decision in step one must be filed with the commissioner and should conform to the contested case provisions of the Uniform Administrative Procedures Act (UAPA) (T.C.A. Title 4, Chapter 5, Part 3). The UAPA appeal must be filed with the commissioner by the applicant/account holder within 30 days of the receipt of the notice of denial of the appeal. Such notice will be deemed received three business days after the date of postmark. To file a UAPA appeal, please complete the UAPA appeal form posted on the [IEA web page](#) and email the completed form to [IEA.Questions@tn.gov](mailto:IEA.Questions@tn.gov). After the UAPA appeal form has been submitted to the department, the applicant will be notified by an administrative law judge who will set the date and time of the hearing.

### **Step 2: Read the *IEA Parent Handbook***

The IEA team publishes a new *IEA Parent Handbook* each school year. The handbook will be posted on the [IEA web page](#) by mid-June. Applicants must read the entire handbook before signing the *IEA Account Holder Contract*.

### **Step 3: Submit the IEA Account Holder Contract**

In order to officially enroll a student in the IEA Program, the applicant must complete and submit the *IEA Account Holder Contract*, along with all required supporting documentation as listed in the contract, following the instructions provided in the IEA application approval email. The complete contract **must be received by the department** by the deadline posted on the [IEA web page](#).

By accepting the IEA funding and signing the *IEA Account Holder Contract*, account holders acknowledge the following:

- (a) Participation in the IEA Program will have the same effect as a parental refusal to consent to the receipt of specially designed instruction and related services pursuant to the Individuals with Disabilities Education Act at 20 U.S.C. § 1414. Students in the IEA Program will not receive any services or accommodations through the public school system.
- (b) After entering the IEA Program, students will no longer have active IEP and will not be eligible for the services listed in the IEP through the public school system, including test accommodations.
- (c) Students will not receive a new IEP or a services plan through the public school system unless they withdraw from the IEA Program.
- (d) Private schools are not required to provide services to students with disabilities in the IEA Program. **Please note:** If a school or provider is a recipient of federal funds, accommodations may be available pursuant to Section 504 of the Rehabilitation Act of 1973. Account holders should inquire of the school or provider regarding the applicability of Section 504.

2. Participating schools are not required to provide special education services for the student.

Parents/students are encouraged to have an attorney review the *IEA Account Holder Contract* before enrolling in the program.

**Please note the following:**

1. If the complete contract is not received by the department by the deadline along with all the required documentation, the student will not be enrolled in the IEA Program.
2. An *IEA Account Holder Contract* must be submitted for each student. If a parent/guardian has more than one student who is enrolling in the IEA Program, the parent/guardian must submit one contract per student.
3. The parent/guardian who signs the *IEA Account Holder Contract* will be the IEA account holder. There can ONLY be one account holder for each IEA account. Please keep in mind that the individual (e.g., parent or student who has reached 18 years of age) submitting the application to enroll the student in the IEA Program will be required to sign all official documentation pertaining to the IEA.
4. If an applicant wishes to withdraw their IEA application and/or contract before the *IEA Account Holder Contract* start date (Aug. 1), he or she must:
  - o Email [IEA.Questions@tn.gov](mailto:IEA.Questions@tn.gov), and
  - o Inform his or her school district's IEA liaison that the student will not be enrolling in the IEA Program (if the applicant has already informed the liaison that the student is enrolling in the IEA Program).

**Secure Information: FERPA Waiver**

The department has the obligation, under Family Educational Rights and Privacy Act (FERPA), to ensure that certain student information is kept confidential and secure. To participate in the IEA Program, applicants must sign a FERPA waiver as part of the *IEA Account Holder Contract*. The FERPA waiver allows the department to disclose personally identifiable information related to the student's educational records to participating schools/providers that the account holder has contracted with (e.g., a private school that the student is enrolled in). The department will never release financial information or personal details regarding parents or students to any third parties outside of participating schools without parental consent.

**Step 4: Notify the IEA School District Liaison**

After the student's application is approved and **before Aug. 1** (the *IEA Account Holder Contract* start date), notify the IEA liaison of the public school district that the student resides in (and the district that the student is currently enrolled in, if different) *in writing* that the student is enrolling in the IEA Program. *This must be done before Aug. 1 in order for the student to be enrolled in the IEA Program.* Applicants should retain a written copy of the notification, and provide it to the department if requested. The list and contact information for IEA liaisons is posted on the [IEA web page](#).

**Please note:** If a student is entering kindergarten for the first time, the parent must still inform the public school district that the student is enrolling in the IEA Program.