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**Individualized Education Accounts Emergency Rule 0520-01-11-.13**

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**The Background:**

Currently, Chapter 0520-01-11 states that Individualized Education Account program account holders must spend 50% of their funds by the deadline for submission of the last expense report of the contract year, or the difference from the payments will be subtracted from their account in the next contract year. For the 2019-20 contract year, that date is May 8, 2020.

Because of the COVID-19 crisis, many students in the IEA program are not able to meet with their educational therapist (such as an occupational or speech therapist) in person. For a variety of reasons, some of these educational therapies cannot be provided to students virtually. Therefore, many account holders are not able to spend IEA funds on educational therapies, making it challenging for them to spend down their funds by May 8, 2020. The proposed change waives the 50% spending requirement for 2019-20 school year so that account holders will not be penalized for not meeting the spend down requirement. This change will allow account holders who renew the IEA for the 2020-21 contract year to maintain these funds to be able to access and pay for educational therapies missed during the COVID-19 crisis.

**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.