
Individualized Education Accounts (IEA) Rules 0520-01-11-.02, -.04, -.06, and -.08.

The Background:

The Individualized Education Account (IEA) Program is a school choice program for eligible students with disabilities. The IEA Program was created by the Individualized Education Act (T.C.A. §§ 49-10-1401 through 1406). The State Board has promulgated rules at Chapter 0520-01-11 to effectuate the Individualized Education Act and to guide administration of the IEA Program. This item proposes four (4) changes to the rules in Chapter 0520-01-11.

First, Rule 0520-01-11-.02 is amended to add “Specific Learning Disability” as a qualifying disability to align with Chapter 1019 of the 112th General Assembly.

Second, Rule 0520-01-11-.02 amended by substituting “July 1” in place of “August 1”. This rule requires participating students to inform the LEA in which they reside of their intent to enroll in the IEA Program before entering into a contract with the IEA Program. At the time the rule was promulgated, the IEA contract ran from August 1 to the following July 31. To better align with the Department’s fiscal year, the IEA contract now runs from July 1 to the following June 30. Thus, to ensure that participating students inform the LEA of their intent to enroll in the IEA Program prior to entering into a contract with the IEA Program, the notification deadline must also be moved back by one (1) month.

Third, Rule 0520-01-11-.02 is amended to permit educational therapies to be provided by licensed therapists or by licensed therapy assistants under the direct supervision of a licensed therapist. Educational therapies are often provided by licensed therapy assistants who are required to work under the supervision of a licensed therapist pursuant to Title 63. This item adds licensed therapy assistant to the rule to increase flexibility for IEA account holders.

Finally, revisions were made throughout Chapter 0520-01-11 to remove specific references to the Basic Education Program (BEP) to reflect passage of the Tennessee Investment in Student Achievement (TISA) which will take effect in the 2023-24 school year.

The State Board held a rulemaking hearing on September 15, 2022 to collect public feedback. No comments were submitted.

Revisions between first and final reading include substituting “during the” for “for the duration of” in the definition of “Eligible Student.” This change is to clarify the IEA program eligibility requirement for students moving into Tennessee. The current rule implies that the student moving in cannot attend a Tennessee school at all during the school year immediately preceding starting the IEA program in order to be eligible, whereas the intention was that this requirement apply to students who have moved to Tennessee less than one (1) year prior and therefore have not met the one (1) full school year requirement.

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 LEAs beyond the authorizing legislation.

The Recommendation:

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