

**Individualized Education Accounts Rule
Chapter 0520-01-11-.02, -.04, -.05 and -.09**

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.

The United States Department of Education Office of Special Education and Rehabilitative Services revised guidance related to “state-funded school voucher and scholarship programs” in February 2022. Specifically, the guidance clarifies that a child with a disability who received a state’s school choice voucher or scholarship retains the identification upon re-enrollment in a public school without undergoing any additional psychoeducational testing. Revisions to these rules are proposed to align with the guidance provided in OSEP QA 22-01.

To further align with OSEP guidance, revisions were made to clarify when a student has a right to a free appropriate public education (FAPE), waiving of accommodations under an individualized education program (IEP) and development of an individual service plan (ISP) to meet a student’s special education needs.

Additionally, language was added to specify that the IEA program is for grades kindergarten through twelve (K-12). Revisions also remove a reference in the rule to the GED and HiSET in Section -.04 to align language with Chapter 114 of the Public Acts of 2023.

State Board staff will hold a rulemaking hearing between first and final reading to collect public feedback.

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 federal special education guidance and state statute to ensure the effective implementation of education policy.

The Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.