
Individualized Education Accounts, Rule 0520-01-11

The Background:

On May 18, 2015, Governor Haslam signed into law the Individualized Education Act (Public Chapter 431) which creates individualized education accounts (IEAs) for eligible students with disabilities to use for educational purposes. The program provides options for parents of certain students with disabilities to choose the educational opportunities that best meet the individual needs of their child by giving them direct access to state and local public education funds. Students enrolled in the program beginning January 1, 2017.

T.C.A. § 49-10-1405 provides that the state board of education shall promulgate rules and regulations for the administration of the program. The IEA rules were developed by State Board staff and the Department of Education in consultation with the Tennessee Department of Health and were approved on final read on May 27, 2016.

The Board and the Department committed to an ongoing review of the proposed rules based on feedback from stakeholders and members of the public. As part of that ongoing review, the Department and Board identified the proposed clean-up edits to the rules to make the rules consistent with state law in regards to student eligibility, and to clarify the appeals review process and timeline.

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. (Chapter 431 of the Public Acts of 2015 impacts LEAs to the extent it transfers Basic Education Program (BEP) funds associated with program participants to IEA accounts. The proposed rules do not result in any additional impact.)

The Recommendation:

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