
Individualized Education Accounts Rule 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 (Tenn. Code Ann. §§ 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. There are four proposed 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 Public Act of 2022.

Second, Rule 0520-01-11-.02 is 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 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.

State Board staff will conduct 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 LEAs beyond the authorizing legislation.

The Recommendation:

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