

## **Response to Public Comments Received on Proposed Rules of the State Board of Education for the Individualized Education Account (IEA) Program**

The Board held a public rulemaking hearing on November 12, 2015, and five members of the public presented oral feedback on the proposed rules. There was an open public comment period for the proposed rules and 18 individuals submitted comments to the Board on the proposed rules. All comments were reviewed by the Board staff and the Department. The public comment period closed on November 19, 2015.

The rules approved by the Board on final read were revised based on the feedback from the public comments and the IEA External Advisory Group. The revisions made include:

- Refer to students as 'students enrolled in the IEA Program' or 'students receiving IEAs' instead of 'IEA students.'
- Revised the definition of 'educational therapies.'
- Changed the percentage of IEA funds that must be spent each year from 90 percent to 50 percent.

Public comments received on the rules are summarized as follows:

1. **Comments related to state law (including the IEA Program law) and federal law.** The Board does not have the authority to make changes to state and federal laws.
2. **Comments related to additional information about the IEA Program and/or clarification of the language in the rules.** Some of these comments were addressed through revisions to the rules (see examples listed above) and others were addressed in the IEA Procedures approved by the Department and/or the additional documentation developed by the Department (e.g., IEA Parent Handbook, forms, etc.).
3. **Comments to decrease the percentage of IEA funds that account holders must spend each year.** These comments were addressed in the revisions to the rules approved by the Board on final read.
4. **Comments creating additional responsibilities for local education agencies (LEAs)** that were beyond the authority of the Board or Department to require and thus could not be added to the rules.

5. **Comments related to additional support of parents/students enrolled in the IEA Program outside of the Department's statutory responsibility to administer the program.** The rules cannot be changed to increase the Department's responsibilities to administer the IEA Program because this could have a fiscal impact on the Department by increasing costs to administer the program that were not considered in the fiscal note on the legislation which created the IEA Program and not included in funds allocated to the Department in the state budget.
6. **Recommendations for the Department's administration of the IEA Program** – these comments were reviewed by the Department to help inform the development and administration of the IEA Program, but were not applicable to revisions to the rules.
7. **General comments** that did not provide specific feedback on how the rules should be revised.
8. **Questions about the IEA Program.** The public comment period was to receive comments on the proposed rules. Questions about the IEA Program should have been submitted to the Department separately from the comments on the proposed rules. The Department addressed the questions received through the procedures, resources, and additional information posted on the department's IEA webpage. Members of the public can also contact the Department directly through phone or email to receive answers to questions not addressed in the resources.

The Board and the Department are committed to an ongoing review of the proposed rules based on feedback from stakeholders and members of the public.