
Emergency Individualized Education Accounts (IEA) Rules 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. The program will go into effect in the 2016-17 school year. The student application window will open by August 2, 2016, and students will be able to enroll in the program beginning January 1, 2017.

The proposed rules were developed by State Board staff and the Tennessee Department of Education in consultation with the Tennessee Department of Health and were informed by feedback from stakeholders from across Tennessee. The rules were approved by the State Board on final read on January 19, 2016. After final approval of the rules, the Attorney General's office provided several suggested revisions. The Board approved these revisions on May 27, 2016. However, the new revisions proposed delayed the promulgation process, and the rules were assigned an effective date of December 1, 2016.

The State Board must approve the rules for the IEA Program before the Department of Education can approve student and private school applications. Moreover, the Department of Education must be able to approve applications before the parents can sign the IEA contract with the state. If the rules do not become effective until December 1, the timeline for implementation will be delayed, and it is unlikely that neither the state nor school districts will be able to process the student information in time to have students enroll in the IEA Program on the start date of Jan. 1. Therefore, this item presents the rules as emergency rules that will become effective immediately upon filing with the secretary of state and will remain in effect for 180 days.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department of Education 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.