

**Individualized Education Accounts Rule 0520-01-11**

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**The Background:**

Tennessee State Board of Education (SBE) Individualized Education Accounts Rule 0520-01-11 effectuates the Individualized Education Act as required by T.C.A. §§ 49-10-1401, *et seq.* This first read item presents revisions to modernize and clarify rule language to ensure consistent implementation of the Individualized Education Account (IEA) Program and to provide clarification on statutory requirements.

The rule has been revised to improve readability and includes the following changes and additions:

- Adding a definition of “active IEP” and clarifying when a student must have an “active” Individualized Education Plan in order to qualify for the IEA program.
- Clarifying that the Department receives the request for participation on the date the application window for the IEA program closes.
- Adding a definition of “educational therapies.”
- Moving the definition of “inclusive educational setting” to the definitions section of the rule and clarifying that schools are not required to have an inclusive educational setting to become a participating school.
- Clarifying that the power to make educational and financial decisions transfers from the student’s parent or guardian to the student when the student turns 18 years old, unless a power of attorney or conservatorship has been properly formed under Title 34 and submitted to the Department for review.
- Clarifying the timeline and determinations for appeals.

A rulemaking hearing will be conducted by State Board staff to collect public feedback in between first and final reading.

**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 the department or an LEA.

**The Recommendation:**

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