



Individualized Education Account (IEA) Program Information

2016 Spring Fiscal Workshops

Agenda

1. What is the IEA Program?
2. How is the IEA Program being developed?
3. Who is eligible for the IEA Program?
4. What are the rights and responsibilities of students enrolled in the IEA Program and their parents?
5. How much funding will be awarded to each student's IEA?
6. What can IEA funds be spent on?
7. How do parents enroll their child in the IEA Program?
8. What are school districts' responsibilities for students enrolled in the IEA Program?
9. Where can I go to find information on the IEA Program?
10. Questions? Feedback?

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**What is the IEA
Program?**

Introduction to the IEA Program

- The Individualized Education Account (IEA) Program **was adopted by the state legislature in 2015.**
- The IEA Program creates **accounts** (IEAs) for **eligible students** with disabilities to use **public funds** for educational purposes.
- The program provides **options** for parents to **choose** the educational opportunities that best meet their child's own unique needs.

IEA Program Overview

- The program is **statewide**; a student can reside in any school district in Tennessee.
- There is **no cap** on the number of students who can participate and/or the number of IEA accounts that can be established.
- The IEA program will **go into effect** in the 2016-17 school year.
 - Student **application window** will open by **Aug. 2, 2016**.
 - Applications are due **Oct. 14, 2016**.
 - Students will **enroll** in the program beginning **Jan. 1, 2017**.

IEA Program School Options

- Students in the IEA Program **cannot be enrolled full-time** in a public school as their school of record.
- Students can either be:
 - enrolled as an **independent homeschooled student** registered with the school district, or
 - enrolled in a **private school** (including private virtual schools).

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**How is the IEA Program
being developed?**

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IEA Program Rules

- The State Board of Education (SBE) is authorized to approve **rules** for the program.
 - Rules were approved on final reading by the SBE in **January 2016**.
- There was a SBE **IEA Public Rule Making Hearing** on Nov. 12, 2015.
- The **public comment period** for the proposed rules was open through Nov. 19, 2015.

TDOE's Program Implementation Objectives

- The TDOE is responsible for **administering the program**.
- The TDOE's two **implementation goals** are:
 1. To implement the law **responsibly, effectively, transparently**, and in compliance with its specific language and intent.
 2. To provide students and parents with additional **education options** pursuant to the law, and do so in a **clear** way so that parents can make informed choices for their children.

TDOE Responsibilities

1. Create **administrative procedures**
2. Develop **communications plans** for stakeholders and information resources
3. Create parent/student and private school **application system** and system to receive all forms
4. Create system for **distributing IEA funding** to parents
5. Create process for receiving and reviewing **receipts**
6. Plan **IEA information and training sessions** for parents and school districts
7. Determine **program evaluation system and metrics**
8. Create a **fraud reporting system**

Internal IEA Advisory Group Members

- **Stephen Smith**, Deputy Commissioner, Policy and External Affairs
- **Sara Heyburn**, Executive Director, State Board of Education
- **Nathan James**, Director of Legislative Affairs, State Board of Education
- **Joey Hassell**, Assistant Commissioner, Division of Special Populations and Student Support
- **Theresa Nicholls**, Director of Special Education Eligibility, Special Populations
- **Marcy Tidwell**, Director of School Choice
- **Maryanne Durski**, Executive Director, Office of Local Finance
- **Christy Ballard**, General Counsel
- **Bill Wilson**, Assistant General Counsel for Special Education
- **Amy Owen**, Director of Academic Research, Policy, and Communications, Office of Academic Strategy and Operations
- **Elizabeth Fiveash**, Director of Legislative Affairs
- **Ashley Ball**, Director of Communications
- **Jayme Place**, Chief of Staff
- **Rebecca Wright**, Director, IEA Program
- **Meg Cummins**, Account Specialist, IEA Program
- **Janelle Ferrier**, Administrative Assistant, IEA Program

IEA External Advisory Group Members

Name	Title	Organization
Angela Webster	Public Policy Advisor	Disability Rights Tennessee
Beth Herren	Supervisor, Special Populations Department	Franklin Special School District
Carrie Guiden	Executive Director	The Arc of Tennessee
Chip Fair	Chair	Advisory Council for the Education of Students with Disabilities
Debra Moody	State Representative	Tennessee General Assembly
Dolores Gresham	Chair, Senate Education Committee	Tennessee General Assembly
Dr. Sara Heyburn	Executive Director	State Board of Education

IEA External Advisory Group Members

Dr. Tammy Grissom	Executive Director	Tennessee School Boards Association
Dr. Therese S. Williams	Superintendent	Catholic Diocese of Nashville
Dr. Wayne Miller	Executive Director	Tennessee Organization of School Superintendents
John Forgety	Chair, House Education Instruction and Programs Committee	Tennessee General Assembly
Karen Harrison	Executive Director	STEP-TN
Kayren Craighead	Special Education Coordinator	Sumner County Schools
Patricia Toarmina	Director, Department of Exceptional Children	Shelby County Schools
Stephen Smith	Deputy Commissioner, Policy and External Affairs	Tennessee Department of Education

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**Who is eligible for the
IEA Program?**

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Student Eligibility

Students must meet the following **four** eligibility criteria to enroll in the IEA Program:

1. Student must be a **Tennessee resident**.
2. Student must have an **active IEP** through a public school district at the time of their application to the IEA Program.
3. Student must have one of the following disabilities listed in their IEP as either their **primary or secondary disability**:
 - a. autism
 - b. deaf-blindness
 - c. hearing impairments
 - d. intellectual disability
 - e. orthopedic impairments
 - f. traumatic brain injury
 - g. visual impairments

Student Eligibility

4. Student must meet at least **one** of the following requirements:
 - a. was previously enrolled in a Tennessee public school during the two semesters (one full school year) immediately preceding the semester in which the student receives an IEA;
 - b. is entering kindergarten;
 - c. moved to Tennessee within six months prior to the date the student receives an IEA; *or*
 - d. received an IEA in the previous year.

Student Eligibility

- All students **will have to register with the school district** in which they reside in order to enroll in the IEA Program.
- Students entering kindergarten and who recently moved to Tennessee **would not have to attend a public school** in order to be eligible to enroll in the IEA Program.
- Students who recently moved to Tennessee must have an **active IEP** in the state they moved from.

Term of the IEA

- A student who enrolls in the IEA Program will remain eligible until the student:
 1. withdraws from the IEA Program (including return to a public school),
 2. graduates from high school (including passing the GED or HiSET), *or*
 3. reaches 22 years of age by Aug. 15 for the next school year

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What are the rights and responsibilities of students enrolled in the IEA Program and their parents?

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Parent & Student Rights Waived

- To enroll in the IEA Program, parents must **waive** their student's rights to:
 - services through the **Individuals with Disabilities Education Act** (IDEA) at 20 U.S.C. §1414
 - a Free and Appropriate Public Education (FAPE), including all public school services
- The student's **IEP will no longer be in effect** and the public school district will not be required to provide any of the accommodations or services listed in the student's IEP.
- Students enrolled in the IEA program **are not eligible** for a 'services plan' through their local school district.

Parent Responsibilities

- Take **full legal responsibility** for the education of the student including obtaining services necessary to educate the student.
- **Research, review, and approve/contract** with participating schools, therapists, tutors, and other providers.
 - The account holder **is responsible for any contract** signed with a school, individual and/or provider and ensuring that the terms of the contract are fulfilled.
 - The TDOE cannot void a private contract, give legal advice, or arbitrate payment schedules.

Parent Responsibilities

- Submit quarterly expense **reports and receipts to the TDOE.**
- **Notify the school district** in which the student resides that the student is enrolled in the IEA Program and what nonpublic school the student will be attending once enrolled in the IEA Program.

Parent Responsibilities

Notify the TDOE if the student:

- **graduates from high school** (including passing the GED or HiSET) or attains 22 years of age
- **transfers to another participating school** and return any refund of IEA funding from the school to the student's IEA account
- **moves to another address** - parents must ensure that the TDOE has the current school district the student resides in and the contact information for the account holder.
 - Parents must also **unregister the student** from the school district the student has moved from, and **register** the student with the new school district the student has moved to within 15 days of the move.

Student Assessments

- Students in **grades 3-8** must take either **TCAP or a norm-referenced assessment in English language arts and math.**
 - Results must be reported to the parent.
 - TDOE will require parents to submit verification of assessment administration each year.
- **Will the results of the student assessments be publicly released?**
 - No. The TDOE will not compile, track, or publicly release student assessment results; student assessment results submitted to the TDOE will only be reviewed to verify that the student has taken the required assessments.

Where do Students Take the Assessments?

Assessment

Private School Students

Homeschool Students

State Tests
(TNReady)

Parents should contact the private school to ask them to order the tests from the state. The private school would administer the test.

Parents should contact the school district with which they are registered in order for their student(s) to take the assessment.

Norm-
Referenced Tests

Parents should contact the private school to ask if the school could order and administer the test. Depending on which test the parent chooses, the test could be ordered directly from the testing company or administered through a local testing center.

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Withdrawal from IEA Program

- If a student **withdraws** from the IEA Program, parents must:
 - **notify the TDOE and the school district** in which the student resides, and
 - report to the TDOE **which school** the student will attend, including return to the public school district.
- If the student **returns to the school district** and if the parent or student requests, in writing, an **evaluation for eligibility** pursuant to the Individuals with Disabilities Education Act, the school district shall treat the request as a request for an **initial evaluation** under 34 C.F.R. § 300.301.

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**How much funding will be
awarded to each student's
IEA?**

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How much funding will students receive?

- The maximum amount of the IEA annual payment is equal to the **per-pupil state and local funds** required through the state's education funding formula (BEP) for the school district in which the student resides and is zoned to attend.
- This amount **does not include** federal funds *or* additional education funds that local governments contribute to the school district beyond the BEP required local match.
- The department will **subtract four percent** from this amount for administrative fees.
- The average amount of the IEA annual payment is approximately **\$6,300**, but will **vary per district**.

**Average Per
Student State and
Local BEP Funding
Amount for the
District the
Student Lives in**

=

**Annual
Amount of
Student's IEA
Award**

Minus

**4% state
admin fee**

Funding Disbursement & Reporting

- Parents will receive funding in **four, equal, quarterly payments** deposited into an IEA account.
 - The TDOE is planning to use a prepaid debit card system to distribute IEA funds to parents/ students.
- Parents will have to submit **receipts and expense reports each quarter**.
 - The TDOE will determine the process for reviewing the receipts.
 - Receipts must be received before next quarterly payment is disbursed.

General Guidelines for Use of IEA Funds

- **Funds roll over** so parents are not required to spend the entire sum each quarter.
- **50 percent** of the annual IEA award must be spent by the close of each contract year.
- After graduating from high school, or reaching 22 years of age, **unused funds in an IEA account** from prior years can be used in subsequent years, **up to four years**, for postsecondary education.

Funding FAQs

- **Must school districts include students enrolled in the IEA Program when determining the amount of federal IDEA funds to share with private schools?**
 - No. In order for a student to enroll in the IEA Program, parents waive all rights of the student to IDEA services, including associated funding.
- **Are students enrolled in the IEA program eligible for funds and accommodations through Section 504?**
 - Possibly. If a participating school or provider is a recipient of federal funds, accommodations may be available pursuant to Section 504 of the Rehabilitation Act of 1973. Students or parents should inquire of the school or provider regarding the applicability of Section 504.

Funding FAQs

- **What happens to the funds if parents choose to re-enroll students in public school?**
 - Any funds remaining in the IEA will be returned to the state treasurer to be placed in the BEP account of the education trust fund.
 - School districts will begin receiving BEP funding for students who withdraw from the IEA Program the day students enroll in the district and the district begins reporting the students using the appropriate attendance code in EIS.

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**What can IEA funds be
spent on?**

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Approved Expenses

- **Tuition, fees, and/or required textbooks** at participating private schools
- **Educational therapy** provided by therapists who meet the qualification set in state law, rule, and procedures – requires pre-approval by TDOE
- **Tutoring** provided by tutors who meet the qualification set in state law, rule, and procedures – requires pre-approval by TDOE

Approved Expenses

- **services provided under contract** with a public school, including individual classes and extracurricular programs.
- **computer hardware or other technological devices** if approved by the TDOE or a licensed physician and are used for student's educational needs.
- **tuition, fees, and/or required textbooks** at eligible postsecondary institutions.

Approved Expenses

- **curriculum** defined as a complete course of study for a particular content area or grade level.
- **transportation** paid to a fee-for-service transportation provider.
- **tuition and fees for online learning programs and courses** provided by a Category III nonpublic school.
- **bank fees for the management** of the IEA by private financial management firms.

Approved Expenses

- **test fees** including nationally standardized, norm-referenced achievement tests, AP examinations, SAT, ACT, or any examinations related to college or university admission
- **contributions to Coverdell education savings account** established under 26 U.S.C. § 530 for the benefit of the participating student.

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**How do parents enroll
their child in the IEA
Program?**

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Enrolling in the IEA Program

- Student **application window** will open **Summer 2016**.
 - Announced through IEA Update and posted on **IEA webpage**.
 - Applications are due by **Oct. 14, 2016**.
- Students will **enroll** in the program beginning **Jan. 1, 2017**.
- Parents must **renew** the IEA every year.
 - Renewal application for 2017-18 due **June 1, 2017**.
- Students can apply to participate in the IEA program **once per year**.
 - 2017-18 IEA Application due **April 3, 2017**.



Three Step Enrollment Process

Step 1: Parents submit IEA Application to the TDOE; the TDOE determines student eligibility and notifies the parent.



Step 2: Parents sign IEA Contract with the TDOE.



Step 3: Parents notify the school district they reside in that student is receiving an IEA.

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**What are school districts'
responsibilities for
students enrolled in the
IEA Program?**

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#1 Appoint an IEA Liaison for the LEA

- Parents of students participating in IEA Program **must notify the IEA liaison** in the school district in which the student resides that the student is enrolling in the IEA Program.
- Each district selects their IEA liaison.
- The list of IEA liaisons is posted on the IEA webpage.
- Districts can update/change the IEA liaison information by emailing IEA.Questions@tn.gov

#2 Change the student's eligibility status in Easy IEP

- Special education personnel should generate **an eligibility report- not eligible in Easy IEP**, reflecting the following option:

“The student is eligible for special education because he/she meets the State of Tennessee eligibility standards for [disability]; however, the student's parent/guardian is declining services. The student will not receive special education or related services.”

Change the student's eligibility status in Easy IEP

- There is **no need to hold an IEP meeting** to obtain signatures; however special education personnel must indicate in the student's "Notes" section of Easy IEP that the student has been enrolled in the IEA Program.
- School districts must provide **prior written notice** before ceasing the provision of special education and related services subsequent to a parent's written revocation of consent for special education and related services.

#3 Reporting Students Enrolled in the IEA Program

- Students will be **counted in the school districts' enrollment** for purposes of generating **funding**, but **will not be included** in the districts' **accountability**.
 - Code students enrolled in the IEA program in **EIS** using the **IEA Classification Code #8**.
 - Report students in full-time attendance using **the IEA course code 9696**
 - Students should be reported in attendance at the **public school the student is zoned to attend**, in the same manner as students admitted to residential mental health facilities.
- The **TDOE will pull the IEA funding** from districts' BEP allotment; districts' do not have to distribute IEA funding.
- The TDOE will send districts **monthly IEA enrollment reports** including dates of student withdrawal from the IEA Program.

#4 Re-enroll Students Who Withdraw from the IEA Program

- Students can withdraw from the IEA Program at any time.
 - If a student withdraws, they are still considered either a home school or private school student unless/until the parent chooses to enroll the student in a public school.
- If the student returns to the school district and if the parent or student requests, in writing, an evaluation for eligibility pursuant to IDEA, the school district shall treat the request **as a request for an initial evaluation under 34 C.F.R. § 300.301.**
- School districts will begin receiving **BEP funding** for students who withdraw from the IEA Program the day students enroll in the district and the district begins reporting the students using the appropriate attendance code in EIS.

Calculation of LEA Funds Spent on Child

- When considering whether or not to apply for the IEA Program, parents of students enrolled in public schools may submit a request to their public school districts to find out **the amount of funding the school district spends on their child.**
- This should be treated as a records request under **FERPA.**
- The district must provide the information to the parent within **45 calendar days.**

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**Where can I go to find
information about the
IEA Program?**

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IEA Webpage, Update, & Email Address

- IEA Webpage: <http://www.tn.gov/education/section/iea>
- Monthly IEA Email Newsletter – IEA Update
 - Subscribe by going to the IEA webpage
 - Archived updates from prior months are posted on the webpage
- Contact the IEA Team:
 - IEA.Questions@tn.gov
 - (615) 253-3781

Parent Information Sessions & Resources

- The TDOE is creating parent resources including **how-to guides** and **PowerPoint tutorials** that will be posted on the IEA webpage.
- The TDOE mailed the **IEA Program Brochure** in April to parents of all eligible students who have an active IEPs in Tennessee.
- The TDOE is planning to conduct regional **IEA parent information sessions** and **training for district teams** across the state in June 2016.

Thank you!

Questions?

Feedback?

IEA.Questions@tn.gov