

Substantial rewording of Rule 6A-6.0952 follows. See Florida Administrative Code for present text.

6A-6.0952 Family Empowerment Scholarship Program.

(1) Purpose. The Family Empowerment Scholarship (FES) Program is implemented by the Department of Education (Department) in collaboration with eligible nonprofit scholarship-funding organizations (SFOs), as required by Section 1002.394, F.S., in an effective and equitable manner that maintains the integrity of the program, which was established to provide children of families in the state with educational options to achieve success in their education, including children of families with limited financial resources, children of military families, and children with disabilities.

(2) Definitions. As used in this rule:

(a) Disability” is defined as stated in Section 1002.394(2)(d), F.S.

(b) “Eligible nonprofit scholarship-funding organization” means an eligible SFO that is approved pursuant to Section 1002.395(2)(f), F.S., may award Family Empowerment Scholarships and establish accounts for eligible students.

(c) “Eligible private school” means an eligible private school that complies with all requirements for private schools participating in state school choice scholarship programs, pursuant to Sections 1002.40 and 1002.421, F.S., and State Board of Education Rule 6A-6.03315, F.A.C.

(d) “Family Empowerment Scholarship for Educational Options” is the scholarship option for eligible students of families with limited financial resources, students in foster care or out-of-home care, and students of military families, as further described in subsection (3) of this rule. Pursuant to Section 1002.394(4)(a), F.S., the scholarship funds may be used toward tuition and fees at an eligible private school or transportation to a Florida public school that is different from the student’s assigned school.

(e) “Family Empowerment Scholarship for Students with Unique Abilities” is the scholarship option for eligible students with the disabilities described in Section 1002.394(2)(d), F.S., and paragraph (2)(a) and subsection (4) of this rule. The scholarship funds may be used for a variety of purposes, such as certain instructional materials, therapy services, and tuition and fees as described in section 1002.394(4)(b), F.S.

(f) “Member of the United States Armed Forces” means a member of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Space Force, including a Reservist.

(g) “Return to a public school” or “enrolls in a public school” means the enrollment of an FES student in a public school or public school program. A public school or public school program is one in which students are reported for funding through the Florida Education Finance Program. The following situations are not a return to public school:

1. Admission to a residential hospital for medical reasons;

2. Entry into a Department of Juvenile Justice detention center for a period of no more than twenty-one (21) consecutive days;

3. Entry into a public school for a period of less than thirty (30) days pursuant to placement by or while in the custody of the Department of Children and Families; or

4. Completion of dual enrollment or adult education courses that are not funded through the Florida Education Finance Program.

(3) Family Empowerment Scholarship for Educational Options.

(a) Initial Eligibility. For initial program eligibility under Section 1002.394(3)(a), F.S., the SFO shall identify qualified students by verifying that the student:

1. Meets the household income requirements described in Sections 1002.394(3)(a)1., and 1002.394(3)(a)3.,

F.S.;

2. Is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care;

3. Shares a birth parent or legal parent with one or more other children participating in a Family Empowerment Scholarship and such siblings reside in the same household; or

4. Is the dependent child of a member of the United States Armed Forces.

(b) Term of Family Empowerment Scholarship. For a student initially eligible under Section 1002.394(3)(a), F.S., the scholarship remains in effect until one of the following occurs:

1. The student returns to a public school.

2. The student graduates from high school. The student may continue in the program until he or she receives a GED, standard diploma, or the private school’s equivalent. Certificates of completion or attendance do not constitute graduation from high school for purposes of this paragraph.

3. The student reaches the age of twenty-one (21). The student may complete the school year in which he or she reaches the age of twenty-one (21).

(c) Continued Participation. In order to ensure that funds are reserved for students who intend to continue participation in the FES program, the SFO may require parents of students initially eligible under Section 1002.394(3)(a), F.S., to annually indicate the intent to continue participation in the program; such indication shall not require the parent to re-establish initial eligibility. The SFO shall notify the Department of students continuing in the program by July 1 for the following school year.

(d) Transportation Scholarship. For a student initially eligible pursuant to Sections 1002.394(3)(a)1., or 1002.394(3)(a)2., F.S., in lieu of accepting the scholarship to attend a private school, a seven-hundred fifty dollar (\$750) scholarship may be awarded to assist with transportation costs to a public school that is different from the school the student is assigned to attend.

(4) Family Empowerment Scholarship for Students with Unique Abilities.

(a) Initial Eligibility. For initial program eligibility under Section 1002.394(3)(b), F.S., the SFO shall identify qualified students by verifying that the student:

1. Is a resident of this state;
2. Is three (3) or four (4) years of age on or before September 1 of the year for which the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a public school in this state;
3. Has a disability as defined in subsection (2) of this rule and Section 1002.394(2), F.S.; and
4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician or psychologist licensed in this state or a physician licensed in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) Term of Specialized Family Empowerment Scholarship for Students with Disabilities. For a student initially eligible under Section 1002.394(3)(b), F.S., the scholarship remains in effect until one of the following occurs:

1. The parent does not renew the scholarship.
2. The SFO determines that the student is not eligible for renewal.
3. The Commissioner of Education suspends or revokes program participation or use of funds.
4. The parent has forfeited participation by failing to comply with the parent and student responsibilities in Section 1002.394(10), F.S.
5. The student enrolls in a public school.

6. The student graduates from high school. The student may continue in the program until he or she receives a GED, standard diploma, or the private school's equivalent. Certificates of completion or attendance do not constitute graduation from high school for purposes of this paragraph.

7. The student reaches the age of twenty-two (22). The student may complete the school year in which he or she reaches the age of twenty-two (22).

(c) Renewal. Parents of scholarship students eligible pursuant to Section 1002.394(3)(b), F.S., must annually renew participation in the program by notifying the SFO. The SFO shall notify the Department of renewal students by July 1 for the following school year.

(5) Scholarship Funding Process.

(a) After determining student eligibility, the SFO shall notify the Department of the parent's request for a scholarship. In a manner to be specified by the Department, the SFO must:

1. Confirm that the student has met the eligibility criteria;

2. Submit information on each student, which must include the following:

a. Student name, date of birth, social security number, gender, race, grade level, and address including county of residence;

b. For students eligible under Section 1002.394(3)(a), F.S.: percent of federal poverty level of the household income;

c. For students eligible under Section 1002.394(3)(b), F.S.: eligible disability and qualifying documentation type;

d. Date and time the parent submitted a request to the SFO; and

e. Date and time the SFO confirmed eligibility.

(b) The Department shall assign scholarships on a first-come first-served basis, based upon the date and time the scholarship-funding organization confirmed eligibility pursuant to Sections 1002.394(3), and 1002.394(11)(a) and (b), F.S.

(c) Scholarship payments will be made to the SFO on or before September 1, November 1, February 1, and April 1 of each year. For purposes of statutory deadlines associated with payment dates, the above listed dates shall be considered the official payment dates. Following receipt of scholarship payment from the Department, the SFO shall have seven (7) business days to initiate a scholarship payment to a participating private school.

(d) Requests for scholarship funding must be submitted by the SFO to the Department no later than November 1 for the September and November payments and no later than March 1 for the February and April payments.

(6) SFO Requirements. Eligible SFOs shall:

(a) Verify student eligibility for a Family Empowerment Scholarship.

(b) Verify the eligibility of all scholarship expenditures.

1. For students eligible under Section 1002.394(3)(a), F.S., verification must be made of continued enrollment and attendance at an eligible private school prior to payment.

2. For students eligible under Section 1002.394(3)(b), F.S., verification must be made before the distribution of funds for any expenditures related to instructional materials and curriculum as defined in Section 1002.394(4)(b)1. and 2., F.S. Review and verification of expenditures for other eligible services may be conducted after purchase has been made. SFOs shall process reimbursements, direct payments, and preauthorization requests for eligible program expenditures as soon as practicable but in no case later than sixty (60) days from receipt of the required documentation.

(c) Four (4) times a year, no later than October 30, January 30, April 30, and July 30 of each year, the SFO shall submit, in a manner to be specified by the Department, electronic lists of all scholarship students, providers of services, and participating private schools. The lists shall include the following information:

1. Demographic information for each student;

2. Program award amount for each student;

3. Private school expenditure for each student; and,

4. For students eligible under Section 1002.394(3)(b), F.S., expenditures by purpose type as specified in Section 1002.394(4), F.S.; and the balance remaining in each student's account.

(7) Return of Funds.

(a) SFOs are responsible for the return of all scholarship funds to the Department that were received in error or associated with a scholarship account that has been closed pursuant to Section 1002.394(5)(b)3., F.S. or identified as ineligible pursuant to Section 1002.394(8)(a)2., F.S. If the Department identifies scholarship funds that must be returned, it shall send a letter via both regular and certified mail requesting the return of the funds. The letter shall state the reason the funds are being requested, the student or students involved, instructions on returning the funds, and the procedure to be followed if the SFO believes that return of the funds is being requested in error or wishes to

provide additional information related to the requested funds. The Department's letter may also require the SFO to provide an explanation for how the funds were erroneously obtained.

(b) SFOs shall respond to such letter within thirty (30) days by either returning the funds or detailing in writing why its retention of the funds is proper.

(c) If the Department receives a letter detailing why the funds were properly retained, it shall determine whether the explanation is sufficient and thereafter alert the SFO of any funds still due and a timeframe for the return of those funds.

(d) Failure to return the funds due to the Department shall result in the initiation of noncompliance procedures pursuant to the Commissioner's authority described in Section 1002.394(8), F.S., and this rule.

(8) Nothing in this rule shall limit the Department's authority to request any other information related to the scholarship program.

Rulemaking Authority 1002.394(14) FS. Law Implemented 1002.394 FS. History--New 10-27-20, Amended