

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) through (c) No change.

(d) “Family Empowerment Scholarship for Educational Options” is the scholarship option for eligible students ~~residing in Florida 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 for a variety of purposes, such as tuition and fees at an eligible private school, certain instructional materials, and fees for assessments ~~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) through (g) No change.

(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. Is a resident of this state; ~~Meets the household income requirements described in Sections 1002.394(3)(a)1., and 1002.394(3)(a)3., F.S.;~~

2. Is eligible to enroll in kindergarten through grade 12 in a public school in this state. ~~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 SFO determines that the student is not eligible for renewal.

2. The Commissioner of Education suspends or revokes program participation or use of funds.

3. The parent has forfeited participation by failing to comply with the parent and student responsibilities in Section 1002.394(10), F.S.

4. 1. The student enrolls in ~~returns to~~ a public school.

5. 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.

6. 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) No change.

(d) Transportation Scholarship. For a student initially eligible pursuant to Section 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) No change.

(5) Scholarship Funding Process.

(a) through (b) No change.

(c) 1. Scholarship payments will be made to the SFO for students eligible pursuant to Section 1002.394(3)(a), F.S. on or before ~~August~~ September 1, November 1, February 1, and April 1 of each year. ~~Following receipt of scholarship payment from the Department, the SFO shall have fourteen (14) business days to initiate a scholarship payment to a participating private school.~~

2. Scholarship payments will be made to the SFO for students eligible pursuant to Section 1002.394(3)(b), F.S. on or before September 1, November 1, February 1, and April 1 of each year.

3. 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 ~~February~~ March 1 for the February and April payments.

(6) SFO Requirements. Eligible SFOs shall:

(a) No change.

(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 of tuition and fees to the school.

2. No change.

(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. Initial balance in each student's account as of July 1; ~~Demographic information for each student;~~

~~2. Program award amount for each student;~~

~~2.3. Private school expenditure for each student; and,~~

~~3.4. 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,~~

~~4. 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)(a)2., F.S. or 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) through (d) No change.

(8) No change.

Rulemaking Authority 1002.394(14) FS. Law Implemented 1002.394 FS. History--New 10-27-20, Amended 9-21-21,