

Governor's Budget Recommendation Conforming Bill
The Family Empowerment Scholarship Program

1 A bill to be entitled
2 An act related to relating to School Choice;
3 amending s. 1002.394, The Family Empowerment
4 Scholarship Program; providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. Section 1002.394, Florida Statutes, is amended
9 to read:

10 1002.394 - The Family Empowerment Scholarship Program. -

11 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
12 for a Family Empowerment Scholarship under this section if the
13 student meets the following criteria:

14 (a)1. The student is on the direct certification list
15 pursuant to s. 1002.395(2)(c) or the student's household income
16 level does not exceed 300 percent of the federal poverty level;
17 ~~or~~

18 2. The student is currently placed, or during the previous
19 state fiscal year was placed, in foster care or in out-of-home
20 care as defined in s. 39.01~~7~~i;

21 3. The student is currently eligible for renewal in this
22 program or the program in s. 1002.395; or

23 4. A dependent child of a member of the United States Armed
24 Forces who transfers to a school in this state from out of state
25 or from a foreign country due to a parent's permanent change of
26 station orders.

27
28 Priority shall be given to students whose household income
29 levels do not exceed 185 percent of the federal poverty level,

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30 who are on the direct certification list, ~~or~~ who are a dependent
31 child of a member of the United States Armed Forces, or who are
32 in foster care or out-of-home care. A student who initially
33 receives a scholarship based on eligibility under subparagraph
34 2. remains eligible to participate until the student graduates
35 from high school or attains the age of 21 years, whichever
36 occurs first, regardless of the student's household income
37 level. A sibling of a student who is participating in the
38 scholarship program under this subsection is eligible for a
39 scholarship if the student resides in the same household as the
40 sibling.

41 (b)1. For the 2020-2021 school year, the ~~The~~ student is
42 eligible to enroll in kindergarten through second grade, ~~or~~ has
43 spent the prior school year in attendance at a Florida public
44 school, or received a scholarship from an eligible nonprofit
45 scholarship-funding organization or from the state during the
46 previous school year.

47 2. For the 2021-2022 school year, the student is eligible
48 to enroll in kindergarten through fifth grade, has spent the
49 prior school year in attendance at a Florida public school, or
50 received a scholarship from an eligible nonprofit scholarship-
51 funding organization or from the state during the previous
52 school year.

53
54 For purposes of this paragraph, prior school year in attendance
55 means that the student was enrolled and reported by a school
56 district for funding during the preceding October and February
57 Florida Education Finance Program surveys in kindergarten
58 through grade 12, which includes time spent in a Department of

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59 Juvenile Justice commitment program if funded under the Florida
60 Education Finance Program. However, a dependent child of a
61 member of the United States Armed Forces who transfers to a
62 school in this state from out of state or from a foreign country
63 due to a parent's permanent change of station orders or a foster
64 child is exempt from the prior public school attendance
65 requirement under this paragraph, but must meet the other
66 eligibility requirements specified under this section to
67 participate in the program.

68 (c) The parent has obtained acceptance for admission of
69 the student to a private school that is eligible for the program
70 under subsection (8), and the parent has requested a scholarship
71 from the Department of Education at least 60 days before the
72 date of the first scholarship payment. The request must be
73 communicated directly to the scholarship funding organization
74 ~~department~~ in a manner that creates a written or electronic
75 record of the request and the date of receipt of the request.
76 ~~The department must notify the school district of the parent's~~
77 ~~intent upon receipt of the parent's request.~~ The State Board of
78 Education must review the application and enrollment data for
79 this program and s. 1002.395 each fall to determine whether the
80 programs have collectively met 90 percent or more of the maximum
81 enrollment. If the State Board of Education determines that 90
82 percent or more of the maximum enrollment has been met, the
83 State Board of Education may increase the maximum household
84 income level by 25 percentage points for the next school year.

85 (5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
86 a Family Empowerment Scholarship while he or she is:

87 (a) Enrolled in a public school, including, but not limited

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88 to, the Florida School for the Deaf and the Blind, the College-
89 Preparatory Boarding Academy, a developmental research school
90 authorized under s. 1002.32, or a charter school authorized
91 under this chapter;

92 (b) Enrolled in a school operating for the purpose of
93 providing educational services to youth in a Department of
94 Juvenile Justice commitment program;

95 (c) Receiving any other educational scholarship pursuant to
96 this chapter;

97 (d) Participating in a home education program as defined in
98 s. 1002.01(1);

99 (e) Participating in a private tutoring program pursuant to
100 s. 1002.43; or

101 (f) Participating in a virtual school, correspondence
102 school, or distance learning program that receives state funding
103 pursuant to the student's participation.

104 (6) SCHOOL DISTRICT OBLIGATIONS. -

105 (a) By July 15, 2019, and by February ~~April~~ 1 of each year
106 thereafter, a school district shall inform all households within
107 the district receiving free or reduced-priced meals under the
108 National School Lunch Act of their eligibility to apply to the
109 scholarship funding organization ~~department~~ for a Family
110 Empowerment Scholarship. The form of such notice shall be
111 provided by the scholarship funding organization department, and
112 the school district shall include the provided form in any
113 normal correspondence with eligible households. Such notice is
114 limited to once a year.

115 (7) DEPARTMENT OF EDUCATION OBLIGATIONS. -The department
116 shall:

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117 (a) Publish and update, as necessary, information on the
118 department website about the Family Empowerment Scholarship
119 Program, including, but not limited to, student eligibility
120 criteria, parental responsibilities, and relevant data.

121 (b) Cross-check the list of participating scholarship
122 students with the public school enrollment lists before each
123 scholarship payment to avoid duplication.

124 (c) Maintain a list of nationally norm-referenced tests
125 identified for purposes of satisfying the testing requirement in
126 subparagraph (8)(c)1. The tests must meet industry standards of
127 quality in accordance with State Board of Education rule.

128 (d) Notify eligible scholarship funding organizations of
129 the deadline for submitting students determined to be eligible
130 for a scholarship.

131 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. -To be
132 eligible to participate in the Family Empowerment Scholarship
133 Program, a private school may be sectarian or nonsectarian and
134 must:

135 (a) Comply with all requirements for private schools
136 participating in state school choice scholarship programs
137 pursuant to s. 1002.421.

138 (b) Provide to the department all documentation required
139 for a student's participation, including the
140 private school's and student's fee schedules, at least 30 days
141 before any quarterly scholarship payment is made for the student
142 pursuant to paragraph (11)(f). A student is not eligible to
143 receive a quarterly scholarship payment if the private school
144 fails to meet this deadline

145 (c)1. Annually administer or make provision for students

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146 participating in the program in grades 3 through 10 to take one
147 of the nationally norm-referenced tests identified by the
148 department or to take the statewide assessments pursuant to
149 s. 1008.22. Students with disabilities for whom standardized
150 testing is not appropriate are exempt from this requirement. A
151 participating private school shall report a student's scores to
152 his or her parent. A participating private school must annually
153 report by August 15 the scores of all participating students to
154 a state university described in s. 1002.395(9)(f).

155 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
156 PARTICIPATION. -A parent who applies for a Family Empowerment
157 Scholarship is exercising his or her parental option to place
158 his or her child in a private school.

159 (a) The parent must select the private school and apply for
160 the admission of his or her student.

161 (b) The parent must request the scholarship at least 60
162 days before the date of the first scholarship payment.

163 (10) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS. An
164 eligible nonprofit scholarship-funding organization:

165 (a) Shall verify the household income level of students
166 pursuant to subparagraph (3)(a)1. and submit to the
167 department the verified list of students and related
168 documentation to the department to enable the department to
169 determine student eligibility in accordance with subsection (3).
170 The department must notify the school district of the parent's
171 intent to participate upon receipt of the verified list.

172 (11) SCHOLARSHIP FUNDING AND PAYMENT. -

173 (a) The scholarship is established for up to 18,000
174 students annually on a first-come, first-served basis beginning

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175 with the 2019-2020 school year. Beginning in the 2020-2021
176 school year, the maximum number of students participating in the
177 scholarship program under this section may annually increase by
178 0.50 ~~0.25~~ percent of the state's total public school student
179 enrollment.

180 (b) The scholarship amount provided to a student for any
181 single school year shall be for tuition and fees for an eligible
182 private school, not to exceed annual limits, which shall be
183 determined in accordance with this paragraph. The calculated
184 amount for a student to attend an eligible private school shall
185 be based upon the grade level and school district in which the
186 student was assigned as 95 percent of the funds per unweighted
187 full-time equivalent in the Florida Education Finance Program
188 for a student in the basic program established pursuant to
189 s. 1011.62(1)(c)1., plus a per-full-time equivalent share of
190 funds for all categorical programs, except for the Exceptional
191 Student Education Guaranteed Allocation.

192 Section 2. This act shall take effect July 1, 2020.