

26 1002.4111 Education recovery scholarship accounts.—
 27 (1) EDUCATION RECOVERY SCHOLARSHIP ACCOUNTS.—Education
 28 recovery scholarship accounts are established to mitigate
 29 learning loss by providing options for students who attend a
 30 public school that has been closed because of an emergency.
 31 (2) ELIGIBILITY.—Contingent upon available funds
 32 appropriated to reading scholarship accounts under s. 1002.411,
 33 and on a first-come, first-served basis, a student is eligible
 34 for an education recovery scholarship account if that student
 35 attends a public school that has been closed for in-person
 36 learning for no less than 10 consecutive school days during the
 37 school year because of an emergency as defined in s. 252.34(4)
 38 and meets one of the following requirements:
 39 (a) The student is in grades 3 through 5 and scored below
 40 a Level 3 on the grade 3 or grade 5 statewide, standardized
 41 English Language Arts or mathematics assessment in the current
 42 or prior school year; or
 43 (b) The student is in grades 3 through 5 and has been
 44 identified as needing additional support based on the school's
 45 early warning system pursuant to s. 1001.42(18)(b).
 46 (3) PARENT AND STUDENT REQUIREMENTS FOR PARTICIPATION.—
 47 (a) For an eligible student to receive an education
 48 recovery scholarship, the student's parent must:
 49 1. Submit an application to an eligible nonprofit
 50 scholarship-funding organization by the deadline established by

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51 such organization; and

52 2. Submit eligible expenses to the eligible nonprofit

53 scholarship-funding organization for reimbursement of qualifying

54 expenditures, which may include only:

55 a. Instructional materials.

56 b. Curriculum. As used in this sub-subparagraph, the term

57 "curriculum" means a complete course of study for a particular

58 content area or grade level, including any required supplemental

59 materials and associated online instruction.

60 c. Tuition and fees for part-time tutoring services

61 provided by a person who holds a valid Florida educator's

62 certificate pursuant to s. 1012.56, a person who holds a

63 baccalaureate or graduate degree in the subject area, a person

64 who holds an adjunct teaching certificate pursuant to s.

65 1012.57, or a person who has demonstrated a mastery of subject

66 area knowledge pursuant to s. 1012.56(5).

67 d. Fees for summer education programs designed to improve

68 mathematics, reading, or literacy skills.

69 e. Fees for after-school education programs designed to

70 improve mathematics, reading, or literacy skills.

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72 A provider of any services receiving payments pursuant to this

73 paragraph may not share any moneys from the education recovery

74 scholarship with, or provide a refund or rebate of any moneys

75 from such scholarship to, the parent or participating student in

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76 any manner. A parent, student, or provider of any services may
77 not bill an insurance company, Medicaid, or any other agency for
78 the same services that are paid for using education recovery
79 scholarship funds.

80 (b) The parent is responsible for the payment of all
81 eligible expenses in excess of the amount in the account in
82 accordance with the terms agreed to between the parent and any
83 providers and may not receive any refund or rebate of any
84 expenditures made in accordance with paragraph (a).

85 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
86 funding organization participating in the reading scholarship
87 account program under s. 1002.411 may establish education
88 recovery scholarship accounts for eligible students in
89 accordance with the requirements of eligible nonprofit
90 scholarship-funding organizations under this chapter.

91 (5) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
92 Education shall:

93 (a) Verify, before the distribution of funds, the
94 eligibility of a student whose family has applied for a
95 scholarship under this section.

96 (b) Require each organization to verify eligible
97 expenditures before the distribution of funds for any
98 expenditures made pursuant to sub-subparagraphs (3) (a)2.a. and
99 b. Review of expenditures made for services specified in sub-
100 subparagraphs (3) (a)2.c., d., and e. may be completed after the

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101 purchase is made.

102 (c) Require an annual report by each organization which
103 must include, at a minimum, the number of students participating
104 in the program; the demographics of program participants; the
105 total expenditures for the purposes specified in paragraph
106 (3)(a); and any other information deemed necessary by the
107 department.

108 (6) SCHOOL DISTRICT OBLIGATIONS.—

109 (a) A school district shall notify the parent of each
110 eligible student within 10 school days after the first day of a
111 qualifying school closure of the process to request and receive
112 an education recovery scholarship, subject to available funds.

113 (b) No later than 20 school days after the first day of a
114 qualifying school closure, a school district shall notify the
115 department of any student at a qualifying public school who is
116 eligible for a scholarship under this section.

117 (7) ACCOUNT FUNDING AND PAYMENT.—

118 (a) The scholarship award shall be as provided in the
119 General Appropriations Act.

120 (b)1. An eligible nonprofit scholarship-funding
121 organization may not distribute more than 25 percent of the
122 available remaining funds from the reading scholarships under s.
123 1002.411 before May 1 of each school year.

124 2. On May 1 and thereafter of each school year, an
125 organization may distribute any available remaining funds from

126 the reading scholarship as education recovery scholarships to
127 students eligible under this section.

128 (c) If funds are available from the reading scholarship
129 pursuant to paragraph (b), upon notification from the eligible
130 nonprofit scholarship-funding organization that a student has
131 been determined eligible for an education recovery scholarship,
132 the department must release the student's scholarship funds to
133 such organization to be deposited into the student's account.

134 (d) The eligible nonprofit scholarship-funding
135 organization may develop a system for payment of scholarship
136 funds by funds transfer, including, but not limited to, debit
137 cards, electronic payment cards, or any other means of payment
138 that the department deems to be commercially viable or cost-
139 effective. A student's scholarship award may not be reduced for
140 debit card or electronic payment fees. Commodities or services
141 related to the development of such a system must be procured by
142 competitive solicitation unless such commodities or services are
143 purchased from a state term contract pursuant to s. 287.056.

144 (e) Payment of the scholarship must be made by the
145 eligible nonprofit scholarship-funding organization no less
146 frequently than on a quarterly basis.

147 (f) Moneys received pursuant to this section do not
148 constitute taxable income to the qualified student or his or her
149 parent.

150 (g) A student's scholarship account must be closed and any

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151 remaining funds must revert to the state after:

152 1. Denial or revocation of scholarship eligibility by the
153 commissioner for fraud or abuse, including, but not limited to,
154 the student or student's parent accepting any payment, refund,
155 or rebate, in any manner, from a provider of any services
156 received pursuant to subsection (3); or

157 2. One fiscal year in which an account has been inactive.

158 (h) Receipt of an education recovery scholarship does not
159 make a student ineligible for a reading scholarship under s.
160 1002.411.

161 (8) LIABILITY.—No liability shall arise on the part of the
162 state based on the award or use of an education recovery
163 scholarship account.

164 (9) RULES.—The State Board of Education may adopt rules to
165 implement this section.

166 Section 2. This act shall take effect July 1, 2022.