

## Family Empowerment Scholarship—Unique Abilities (FES UA) FAQs

1. What is the Family Empowerment Scholarship for Students with Unique Abilities (FES UA)?

The Family Empowerment Scholarship Program for Students with Unique Abilities was established in 2021 by the Florida legislature ([Section 1002.394, Florida Statutes](#)), offering families of students with disabilities, as young as 3 years of age, a choice of either enrolling their student in another public school, or taking the opportunity to receive access to funds in an education savings account (ESA) for their student.

2. What are the eligibility requirements for FES UA?

An eligible student must be

- a resident of this state or the dependent child of an active-duty member of the US Armed Forces who has received permanent change of station orders to this state or, at the time of renewal, whose home of record or state of legal residence is Florida;
- 3 or 4 years of age during the year in which the student applies for program participation, or eligible to enroll in kindergarten through grade 12 in a public school in Florida;
- the subject of an IEP or one who has received a diagnosis of a disability from a physician or a psychologist licensed in Florida, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

“Disability” means, for a student age 3 through grade 12: autism spectrum disorder; cerebral palsy; Down syndrome; an intellectual disability; a speech impairment; a language impairment; an orthopedic impairment; any other health impairment; an emotional or a behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; Phelan-McDermid syndrome; Prader-Willi syndrome; spina bifida; muscular dystrophy; Williams syndrome; a rare disease; anaphylaxis; hearing impaired, including deafness; a visual impairment, including blindness; traumatic brain injury; identification as dual sensory impaired; hospital or homebound for more than 6 months; or for a student in kindergarten, being a high-risk child.

3. What is the definition of a high-risk child?

For the purposes of FES UA scholarship eligibility, a high-risk child is from 3 to 5 years of age who has one or more of the following characteristics:

- A developmental delay in cognition, language, or physical development.
- A child surviving a catastrophic infectious or traumatic illness known to be associated with developmental delay.
- A child with a parent or guardian with developmental disabilities who requires assistance in meeting the child’s developmental needs.
- A child who has a physical or genetic anomaly associated with developmental disability.

4. Is a student with a 504 plan eligible for FES UA?

A 504 plan alone is not sufficient to establish eligibility. A student with a 504 plan could be eligible for FES UA if the parent submits a diagnosis of a disability from a licensed physician or psychologist when applying for the program.

5. How do parents apply for FES UA?

Parents must apply to an eligible non-profit scholarship funding organization that is administering the program. For a list of non-profit scholarship funding organizations please visit the Department's [SFO website](#).

6. Who determines students’ eligibility for FES UA (ESA option)?

Once families apply to one of the two approved scholarship funding organizations (SFOs), those organizations are responsible for collecting and evaluating documentation in support of the applications. SFOs submit eligible students to the Department for funding.

7. What is an education savings account (ESA)?

With an ESA, parents receive a deposit of public funds into government-authorized savings accounts with restricted, but multiple uses. An ESA can be used to fund not only items such as private school tuition and fees, but also online learning programs, private tutoring, community college costs, higher education expenses and other approved customized learning services and materials.

8. What specifically may the ESA funds be used for?

Scholarship program law establishes categories for eligible uses of scholarship funds. Requests for purchases and reimbursements from ESA funds are reviewed by SFOs to verify eligibility under program rules.

- Instructional materials and curriculum
- Digital devices, digital periphery devices, and assistive technology devices
- Specialized services, including
  - Applied behavior analysis services
  - Services provided by speech-language pathologists
  - Occupational therapy
  - Services provided by physical therapists
  - Services provided by listening and spoken language specialists
  - Services provided at a center certified for Therapeutic Horsemanship
  - Services provided by a certified Art or Music therapist
  - Transition services provided by job coaches
  - Contracted services provided by a public school or school district, including classes
- Contributions to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program
- Tuition or fees for the following
  - a home education program
  - an eligible private school
  - an eligible postsecondary educational institution
  - an approved pre-apprenticeship program
  - a private tutoring program authorized under s. [1002.43](#), or part-time tutoring by a certified educator
  - services provided by a Choice Navigator
  - a virtual program offered by a Department-approved private online provider, an approved online course, or the Florida Virtual School as a private paying student
  - specialized after-school and summer education programs
  - programs offered by VPK and School Readiness providers
  - norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments
  - annual evaluation of educational progress by a certified teacher

9. What is the award amount for an FES UA student?

The amount of a student's scholarship is dependent on a number of different factors, including grade level, county of residence, and a student's individual level of need. The average scholarship is approximately \$10,000.

10. Is there a cap on the amount of funds that may be accumulated in a student's ESA?

Yes. Scholarship law prohibits additional funding for an FES UA student whose ESA balance is in excess of \$50,000.

11. How many students may participate in FES UA?

Scholarship program law establishes a cap on participation in FES UA. For the 2024-2025 school year, the cap is approximately 70,000 students. The cap will annually increase by 3% of the state's total exceptional student education full-time equivalent student enrollment. Those applicants able to participate *outside* the cap are:

- Dependent children of members of the US Armed Forces
- Dependent children of law enforcement officers
- Children in foster care
- Adopted children
- Children reported for funding during either the preceding October or February FEFP Survey
- Children receiving VPK specialized instructional services during the previous school year

12. Is the phrase "dependent child of a member of the United States Armed Forces" intended to include only active-duty members of the Armed Forces (i.e. not Reserve, National Guard, veterans, retirees, etc.)?

Yes.

13. Are the sibling(s) of FES UA students eligible for a scholarship?

Not automatically. Participation in FES UA requires meeting the program's eligibility requirements. A family may apply for and receive the Family Empowerment Scholarship Educational Options for other K-12 siblings in their household.

14. Does FES UA provide a public school choice option?

Yes. Within 10 days after an IEP meeting is held, the public school district must notify the parent of the student's eligibility for FES UA, and offer the student's parent two public school options:

- The parent may choose another public school in the school district, with transportation provided by the district to the public school selected by the parent.
- The parent may choose to enroll the student in and transport the student to a public school in an adjacent school district that has available space and has a program with the services agreed to in the student's IEP already in place.

15. How long may an FES UA student participate in the program?

A student participating in FES UA may continue in the program until the student returns to a public school, graduates from high school, or reaches the age of 22. At age 6 a student qualifying as a high-risk child must establish eligibility under another category to continue in the program.

16. What are my responsibilities as a parent?

The parent of a student participating in FES UA is responsible for determining the appropriate placement and services that best meet the needs of the student and for procuring the services necessary to educate the student. Additionally, parents of FES UA students are responsible for:

- Enrolling the student full-time in a private school or registering a home education program with the school district and remaining in good standing with the program or school in order to meet Florida's regular school attendance requirements.
- If the student is to attend a private school, discussing with the school their academic programs and policies, specialized services, code of conduct, and attendance policies before enrollment to determine which programs and services may meet the student's needs.
- Requiring the student to take the assessment administered by the private school as well as any pre- or post-assessments selected by the provider. (A student with disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that such an assessment is not appropriate is exempt from this requirement.)

- Using program funds only for authorized purposes that serve the student’s educational needs. The parent of a scholarship student who receives a payment, refund, or rebate of FES UA funds in any manner is in violation of scholarship program law and is subject to denial or revocation of program eligibility.
- Fulfilling financial obligations for all eligible expenses in excess of the amount of the scholarship as applicable.
- Renewing participation in the program each year and providing any necessary documentation in support of the application or renewal.
- Signing an agreement with the SFO annually, to include a sworn compliance statement, and meeting deadlines and other requirements established in statute or by the SFO.

17. Can a child receive ESA funds under the FES UA program and also attend a public school?

No. Attendance at a public school while receiving ESA funds forfeits the student’s eligibility for the program unless the course or services are contracted and covered by scholarship funds.

18. Can a child receive an FES UA scholarship and receive their education through a home education program?

Yes. FES UA students can meet school attendance requirements by either attending full time at a private school or through a home education program registered with their school district. Home education program students must meet the requirements established in Section 1002.41, Florida Statutes. See the Department’s [Home Education website](#) for more information.

19. Can FES UA students opting for private school enrollment use scholarship funds to attend a school that does not meet the requirements for scholarship participation?

No. In order to use ESA funds for private school attendance, the school must be approved by the Department to participate in FES UA.