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November 6, 2020

The Law Offices of Frank & Rice, P.A.
325 W. Park Avenue
Tallahassee, FL 32301

Re: AAA Scholarship Foundation

Dear Mr. Frank:

I am writing to respond to your letter dated November 4, 2020. The Department does not accept the articulation of the facts in your letter. Further, none of the facts or arguments contained in your letter provide a legal excuse for failing to comply with the obligations imposed on a Scholarship-Funding Organization (SFO) by law.

Florida law provides that students who initially qualify for a scholarship program remain eligible for the program regardless of changes to household income:

A student who initially receives a scholarship based on eligibility under this paragraph remains eligible to participate until he or she graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level.

Section 1002.395(3), Fla. Stat.

In setting out the obligations of eligible nonprofit scholarship-funding organizations, Florida law specifically requires an SFO to prioritize the renewal of eligible students from the prior year. These renewals must be made regardless of the student's household income and must be funded before any new scholarships can be awarded:

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization

(e) Must give first priority to eligible renewal students who received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous school year. The eligible nonprofit scholarship-funding organization must fully apply and exhaust all funds available

under this section and s. 1002.40(11)(i) for renewal scholarship awards before awarding any initial scholarships.

Section 1002.395(6)(e), Fla. Stat.

Thus, AAA faces a clear choice. On or before December 4, 2020, AAA must make all changes necessary for AAA to be able to follow the law as it relates to renewing and funding eligible scholarship students; or, the State Board of Education may not be in a position to approve AAA's application for renewal as a SFO.

Sincerely,



Matthew H. Mears, Esquire
General Counsel
Florida Department of Education

cc:

Dr. Dakeyan Graham, Executive Director, Office of Independent Education and School Choice
J. Alex Kelly, Chief of Staff, Florida Department of Education
Laura Mazyck, Scholarship Programs Director, Office of Independent Education and School Choice