



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3584

Introduced 2/24/2011, by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

New Act

Creates the Pilot Project Scholarship Program Act. Provides that the State Board of Education shall establish a pilot project scholarship program and shall include in the program any school districts that are or have ever been under federal court order requiring supervision and operational management of the district by the State Board of Education. Provides that the Program shall provide for a number of students residing in any such district to receive scholarships to attend alternative schools, and for an equal number of students to receive tutorial assistance grants while attending public school in any such district. Contains provisions concerning registering schools, priorities for admission of students, implementation of the Program, and payment of scholarships or grants.

LRB097 10969 RPM 51591 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Pilot
5 Project Scholarship Program Act.

6 Section 5. Definitions. As used in this Act:

7 "Alternative school" means a registered private school
8 located in a school district or a public school located in an
9 adjacent school district.

10 "Individualized education program" and "child with a
11 disability" have the same meanings as in Article 14 of the
12 School Code.

13 "Low-income family" means a family whose income is below
14 the level that the State Board of Education shall establish.

15 "Mainstreamed student with a disability" means a child with
16 a disability who has an individualized education program
17 providing for the student to spend more than half of each
18 school day in a regular school setting with nondisabled
19 students.

20 "Registered private school" means a school registered with
21 the State Board of Education pursuant to Section 2-3.25 of the
22 School Code.

23 "Separately educated student with a disability" means a

1 child with a disability who has an individualized education
2 program providing for the student to spend at least half of
3 each school day in a class or setting separated from
4 nondisabled students.

5 "Tutorial assistance" means instructional services
6 provided to a student outside of regular school hours.

7 "Program school district" or "district" means any school
8 district included in the Pilot Project Scholarship Program
9 pursuant to this Act.

10 Section 10. Pilot Project Scholarship Program. The State
11 Board of Education shall establish a pilot project scholarship
12 program and shall include in such program any school districts
13 that are or have ever been under federal court order requiring
14 supervision and operational management of the district by the
15 State Board of Education. The Program shall provide for a
16 number of students residing in any such district to receive
17 scholarships to attend alternative schools, and for an equal
18 number of students to receive tutorial assistance grants while
19 attending public school in any such district.

20 The State Board of Education shall establish an application
21 process and deadline for accepting applications from students
22 residing in the district to participate in the Program. In the
23 initial year of the Program students may only use a scholarship
24 to attend school in grades kindergarten through 3. The State
25 Board of Education shall award as many scholarships and

1 tutorial assistance grants as can be funded given the amount
2 appropriated for the Program. In no case, however, shall more
3 than 50% of all scholarships awarded be used by students who
4 were enrolled in a nonpublic school during the school year of
5 application for a scholarship.

6 The Program shall continue in effect each year that the
7 General Assembly has appropriated sufficient money to fund
8 scholarships and tutorial assistance grants. In each year the
9 Program continues, no new students may receive scholarships
10 unless they are enrolled in grades kindergarten through 8.
11 However, any student who has received a scholarship the
12 preceding year may continue to receive one until the student
13 has completed grade 10.

14 If the General Assembly discontinues the Program, all
15 students who are attending an alternative school under the
16 Program shall be entitled to continued admittance to that
17 specific school through all grades that are provided in such
18 school, under the same conditions as when they were
19 participating in the Program. The State Board of Education
20 shall continue to make scholarship payments for students who
21 remain enrolled in an alternative school under this Section in
22 any year that funds have been appropriated for this purpose. If
23 funds are not appropriated, the tuition charged to the parents
24 of a student who remains enrolled in an alternative school
25 under this Section shall not be increased beyond the amount
26 equal to the amount of the scholarship plus any additional

1 amount charged that student's parent in the most recent year of
2 attendance as a participant in the Program, except that tuition
3 for all the students enrolled in such school may be increased
4 by the same percentage.

5 If the school district experiences a decrease in enrollment
6 due to participation in a State-sponsored scholarship program,
7 the district board of education may enter into an agreement
8 with any teacher it employs to provide to that teacher
9 severance pay or early retirement incentives, or both, if the
10 teacher agrees to terminate the employment contract with the
11 district board, provided any collective bargaining agreement
12 in force does not prohibit such an agreement for termination of
13 a teacher's employment contract.

14 Section 15. Registering school. No private school may
15 receive scholarship payments from parents pursuant to Section
16 30 of this Act until the chief administrator of the private
17 school registers the school with the State Board of Education.
18 The State Board of Education shall register any school that
19 meets the following requirements:

20 (1) The school is located within the boundaries of the
21 school district.

22 (2) The school indicates in writing its commitment to
23 follow all requirements for a State-sponsored scholarship
24 program, including, but not limited to, the requirements
25 for admitting students.

1 (3) The school meets all State minimum standards for
2 chartered nonpublic schools.

3 (4) The school does not discriminate on the basis of
4 race, religion, or ethnic background.

5 (5) The school enrolls a minimum of 10 students per
6 class or a sum of at least 25 students in all the classes
7 offered.

8 (6) The school does not advocate or foster unlawful
9 behavior or teach hatred of any person or group on the
10 basis of race, ethnicity, national origin, or religion.

11 (7) The school does not provide false or misleading
12 information about the school to parents, students, or the
13 general public.

14 (8) For students in grades kindergarten through 8, the
15 school agrees not to charge any tuition to low-income
16 families receiving 90% of the scholarship amount through
17 the scholarship program, pursuant to subsection (a) of
18 Section 25 of this Act, in excess of 10% of the scholarship
19 amount established pursuant to subsection (e) of Section 25
20 of this Act, excluding any increase described in subsection
21 (f) of that Section. The school shall permit any such
22 tuition, at the discretion of the parent, to be satisfied
23 by the low-income family's provision of in-kind
24 contributions or services.

25 (9) For students in grades kindergarten through 8, the
26 school agrees not to charge any tuition to low-income

1 families receiving a 75% scholarship amount through the
2 Program, pursuant to subsection (a) of Section 25 of this
3 Act, in excess of the difference between the actual tuition
4 charge of the school and 75% of the scholarship amount
5 established pursuant to subsection (e) of Section 25,
6 excluding any increase described in subsection (f) of that
7 Section. The school shall permit such tuition, at the
8 discretion of the parent, to be satisfied by the low-income
9 family's provision of in-kind contributions or services.

10 (10) The school agrees not to charge any tuition to
11 families of students in grades 9 through 12 receiving a
12 scholarship in excess of the actual tuition charge of the
13 school less 75% or 90% of the scholarship amount
14 established pursuant to subsection (e) of Section 25, as
15 applicable, excluding any increase described in subsection
16 (f) of that Section.

17 The State Board of Education shall revoke the registration
18 of any school if, after a hearing, the State Board of Education
19 determines that the school is in violation of any of the
20 provisions of subsection (a) of this Section.

21 Any public school located in a school district adjacent to
22 the Program district may receive scholarship payments on behalf
23 of parents if the State Board of Education of the district in
24 which such public school is located notifies the State Board of
25 Education prior to the first day of March that the district
26 intends to admit students from the Program district for the

1 ensuing school year.

2 Any parent wishing to purchase tutorial assistance from any
3 person or governmental entity pursuant to the Program shall
4 apply to the State Board of Education. The State Board of
5 Education shall approve providers who appear to possess the
6 capability of furnishing the instructional services they are
7 offering to provide.

8 Section 20. Priorities of admission of students.

9 (a) Each registered private school shall admit students to
10 kindergarten and first, second, and third grades in accordance
11 with the following priorities.

12 (1) Students who were enrolled in the school during the
13 preceding year.

14 (2) Siblings of students enrolled in the school during
15 the preceding year, at the discretion of the school.

16 (3) Children from low-income families attending school
17 or residing in the school district in which the school is
18 located until the number of such students in each grade
19 equals the number that constituted 20% of the total number
20 of students enrolled in the school during the preceding
21 year in such grade. Admission of such 20% shall be by lot
22 from among all low-income family applicants who apply prior
23 to the 15th day of February prior to admission.

24 (4) All other applicants residing anywhere, provided
25 that all remaining available spaces shall be filled from

1 among such applicants by lot. Children from low-income
2 families not selected by lot under paragraph (3) of this
3 subsection (a) shall be included in the lottery of all
4 remaining applicants pursuant to this paragraph (4).

5 (b) Each registered private school shall first admit to
6 grades 4 through 12 students who were enrolled in the school
7 during the preceding year. Any remaining spaces for students in
8 these grades may be filled as determined by the school.

9 (c) Notwithstanding subsections (a) and (b) of this
10 Section, except where otherwise prohibited by federal law, a
11 registered private school may elect to admit students of only
12 one gender and may deny admission to any separately educated
13 student with a disability.

14 (d) If a scholarship student who has been accepted in
15 accordance with this Section fails to enroll in the school for
16 any reason or withdraws from the school during the school year
17 for any reason, the school may elect to replace such student
18 with another scholarship student only by first offering the
19 admission to any low-income scholarship students who filed
20 applications by the preceding 15th day of February and who were
21 not accepted at that time due to space limitations.

22 Section 25. Implementation of Program.

23 (a) Annually by the first day of November, the State Board
24 of Education shall notify the Program school district of the
25 number of initial scholarships that the State Board of

1 Education will be awarding in each of grades kindergarten
2 through 8.

3 The State Board of Education shall provide information
4 about the Program to all students residing in the district,
5 shall accept applications from any such students until such
6 date as shall be established by the State Board of Education as
7 a deadline for applications, and shall establish criteria for
8 the selection of students to receive scholarships from among
9 all those applying prior to the deadline, which criteria shall
10 give preference to students from low-income families. For each
11 student selected, the State Board of Education shall also
12 determine whether the student qualifies for 75% or 90% of the
13 scholarship amount. Students whose family income is at or above
14 200% of the maximum income level established by the State Board
15 of Education for low-income families shall qualify for 75% of
16 the scholarship amount and students whose family income is
17 below 200% of that maximum income level shall qualify for 90%
18 of the scholarship amount. The State Board of Education shall
19 notify students of their selection prior to the 15th day of
20 January and whether they qualify for 75% or 90% of the
21 scholarship amount.

22 (b) A student receiving a scholarship may utilize it at an
23 alternative public school by notifying the district
24 superintendent, at any time before the beginning of the school
25 year, of the name of the public school in an adjacent school
26 district to which the student has been accepted.

1 (c) A student may decide to utilize a scholarship at a
2 registered private school in the district if all of the
3 following conditions are met:

4 (1) By the 15th day of February of the preceding school
5 year, or at any time prior to the start of the school year,
6 the parent makes an application on behalf of the student to
7 a registered private school.

8 (2) The registered private school notifies the parent
9 and the State Board of Education that the student has been
10 admitted:

11 (A) by the 15th day of March of the preceding
12 school year if the student filed an application by the
13 15th day of February and was admitted by the school
14 pursuant to subsection (a) of Section 20 of this Act;
15 or

16 (B) within one week after the decision to admit the
17 student if the student is admitted.

18 (3) The student actually enrolls in the registered
19 private school to which the student was first admitted or
20 in another registered private school in the district or in
21 a public school in an adjacent school district.

22 (d) The State Board of Education shall also award in any
23 school year tutorial assistance grants to a number of students
24 equal to the number of students who receive scholarships under
25 subsection (a) of this Section. Tutorial assistance grants
26 shall be awarded solely to students who are enrolled in the

1 public schools of the district in a grade level covered by the
2 Program. Tutorial assistance grants may be used solely to
3 obtain tutorial assistance from an approved provider.

4 All students wishing to obtain tutorial assistance grants
5 shall make application to the State Board of Education by the
6 first day of the school year in which the assistance will be
7 used. The State Board of Education shall award assistance
8 grants in accordance with criteria the State Board of Education
9 shall establish. For each student awarded a grant, the State
10 Board of Education shall also determine whether the student
11 qualifies for 75% or 90% of the grant amount and so notify the
12 student. Students whose family income is at or above 200% of
13 the maximum income level established by the State Board of
14 Education for low-income families shall qualify for 75% of the
15 grant amount and students whose family income is below 200% of
16 that maximum income level shall qualify for 90% of the grant
17 amount.

18 (e) In the case of basic scholarships for students in
19 grades kindergarten through 8, the scholarship amount shall not
20 exceed the lesser of the tuition charges of the alternative
21 school the scholarship recipient attends or \$3,450.

22 In the case of basic scholarships for students in grades 9
23 through 12, the scholarship amount shall not exceed the lesser
24 of the tuition charges of the alternative school the
25 scholarship recipient attends or \$3,450.

26 (f) The State Board of Education shall provide for an

1 increase in the basic scholarship amount in the case of any
2 student who is a mainstreamed student with a disability and
3 shall further increase such amount in the case of any
4 separately-educated student with a disability. Such increases
5 shall take into account the instruction, related services, and
6 transportation costs of educating such students.

7 (g) In the case of tutorial assistance grants, the grant
8 amount shall not exceed the lesser of the provider's actual
9 charges for such assistance or \$400.

10 (h) No scholarship or tutorial assistance grant shall be
11 awarded unless the State Board of Education determines that 25%
12 or 10%, as applicable, of the amount specified for such
13 scholarship or grant pursuant to subsection (e), (f), or (g) of
14 this Section will be furnished by a political subdivision, a
15 private nonprofit or for-profit entity, or another person. Only
16 75% or 90% of such amounts, as applicable, shall be paid from
17 State funds pursuant to Section 30 of this Act.

18 (i) Annually by the 1st day of November, the State Board of
19 Education shall estimate the maximum per-pupil scholarship
20 amounts for the ensuing school year. The State Board of
21 Education shall make this estimate available to the general
22 public at the offices of the district board of education
23 together with the forms required by this Section.

24 (j) Annually by the 15th day of January, the chief
25 administrator of each registered private school located in the
26 district and the principal of each public school in such

1 district shall complete a parental information form and forward
2 it to the president of the board of education. The parental
3 information form shall be prescribed by the State Board of
4 Education and shall provide information about the grade levels
5 offered, the numbers of students, tuition amounts, achievement
6 test results, and any sectarian or other organizational
7 affiliations.

8 (k) Any document relative to the Program that the State
9 Board of Education holds in its files that contains a student's
10 name or other personally identifiable information shall not be
11 a public record.

12 (l) The State Board of Education annually shall compile the
13 scores attained by scholarship students enrolled in registered
14 private schools on the assessments administered to the
15 students. The scores shall be aggregated as follows:

16 (1) By school district, which shall include all
17 scholarship students residing in the Program school
18 district who are enrolled in a registered private school
19 and were required to take an assessment; or

20 (2) By registered private school, which shall include
21 all scholarship students enrolled in that school who were
22 required to take an assessment.

23 (m) The State Board of Education shall disaggregate the
24 student performance data described in subsection (l) of this
25 Section according to the following categories:

26 (1) age;

- 1 (2) race and ethnicity;
- 2 (3) gender;
- 3 (4) students who have participated in the scholarship
4 program for 3 or more years;
- 5 (5) students who have participated in the scholarship
6 program for more than one year and less than 3 years;
- 7 (6) students who have participated in the scholarship
8 program for one year or less; and
- 9 (7) economically disadvantaged students.

10 (n) The State Board of Education shall post the student
11 performance data required under subsections (l) and (m) of this
12 Section on its web site and shall include that data in the
13 information about the scholarship program provided to students
14 under subsection (a) of this Section. In reporting student
15 performance data under this Section, the State Board of
16 Education shall not include any data that is statistically
17 unreliable or that could result in the identification of
18 individual students. For this purpose, the State Board of
19 Education shall not report performance data for any group that
20 contains less than 10 students.

21 (o) The State Board of Education shall provide the parent
22 of each scholarship student enrolled in a registered private
23 school with information comparing the student's performance on
24 the assessments with the average performance of similar
25 students enrolled in the building operated by the Program
26 school district that the scholarship student would otherwise

1 attend. In calculating the performance of similar students, the
2 State Board of Education shall consider age, grade, race and
3 ethnicity, gender, and socioeconomic status.

4 Section 30. Payment of scholarships or grants.

5 (a) Each scholarship to be used for payments to a
6 registered private school is payable to the parents of the
7 student entitled to the scholarship. Each scholarship to be
8 used for payments to a public school in an adjacent school
9 district is payable to the school district of attendance by the
10 superintendent of public instruction. Each grant to be used for
11 payments to an approved tutorial assistance provider is payable
12 to the approved tutorial assistance provider. The amount of
13 each scholarship shall be deducted from the student's
14 originating school district's general State aid payment by the
15 State Board of Education.

16 (b) By the 15th day of each month of the school year that
17 any scholarship students are enrolled in a registered private
18 school, the chief administrator of that school shall notify the
19 State Board of Education of:

20 (1) the number of students who were reported to the
21 school district as having been admitted by that private
22 school and who were still enrolled in the private school as
23 of the first day of such month, and the numbers of such
24 students who qualify for 75% and 90% of the scholarship
25 amount; and

1 (2) the number of students who were reported to the
2 school district as having been admitted by another private
3 school and since the date of admission have transferred to
4 the school providing the notification under subsection (a)
5 of this Section, and the numbers of such students who
6 qualify for 75% and 90% of the scholarship amount.

7 (c) From time to time, the State Board of Education shall
8 make a payment to the parent of each student entitled to a
9 scholarship. Each payment shall include for each student
10 reported under subsection (b) of this Section, a portion of 75%
11 or 90%, as applicable, of the scholarship amount specified in
12 subsections (e) and (f) of Section 25 of this Act. This amount
13 shall be proportionately reduced in the case of any such
14 student who is not enrolled in a registered private school for
15 the entire school year.

16 (d) The first payment under subsection (c) shall be made by
17 the last day of November and shall equal one-third of 75% or
18 90%, as applicable, of the estimated total amount that will be
19 due to the parent for the school year pursuant to subsection
20 (c) of this Section.

21 (e) The State Board of Education, on behalf of the parents
22 of a scholarship student enrolled in a public school in an
23 adjacent school district, shall make the tuition required to
24 the school district admitting the student, except that the
25 total payments in any school year shall not exceed 75% or 90%,
26 as applicable, of the scholarship amount.

1 (f) Whenever an approved provider provides tutorial
2 assistance to a student, the State Board of Education shall pay
3 the approved provider for such costs upon receipt of a
4 statement specifying the services provided and the costs of the
5 services, which statement shall be signed by the provider and
6 verified by the chief administrator having supervisory control
7 over the tutoring site. The total payments to any approved
8 provider under this subsection (f) for all provider services to
9 any individual student in any school year shall not exceed 75%
10 or 90%, as applicable, of the grant amount.