

HB4227



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4227

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

35 ILCS 40/5

Amends the Invest in Kids Act. Provides that the term "qualified school" also means a non-public school that has been registered with the State Board of Education for at least one year and is currently seeking the status of "Non-public School Recognition" from the State Board of Education under the School Code. Effective immediately.

LRB100 16120 AXK 31239 b

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Invest in Kids Act is amended by changing
5 Section 5 as follows:

6 (35 ILCS 40/5)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 5. Definitions. As used in this Act:

9 "Authorized contribution" means the contribution amount
10 that is listed on the contribution authorization certificate
11 issued to the taxpayer.

12 "Board" means the State Board of Education.

13 "Contribution" means a donation made by the taxpayer during
14 the taxable year for providing scholarships as provided in this
15 Act.

16 "Custodian" means, with respect to eligible students, an
17 Illinois resident who is a parent or legal guardian of the
18 eligible student or students.

19 "Department" means the Department of Revenue.

20 "Eligible student" means a child who:

21 (1) is a member of a household whose federal adjusted
22 gross income the year before he or she initially receives a
23 scholarship under this program, as determined by the

1 Department, does not exceed 300% of the federal poverty
2 level and, once the child receives a scholarship, does not
3 exceed 400% of the federal poverty level;

4 (2) is eligible to attend a public elementary school or
5 high school in Illinois in the semester immediately
6 preceding the semester for which he or she first receives a
7 scholarship or is starting school in Illinois for the first
8 time when he or she first receives a scholarship; and

9 (3) resides in Illinois while receiving a scholarship.

10 "Family member" means a parent, child, or sibling, whether
11 by whole blood, half blood, or adoption; spouse; or stepchild.

12 "Focus district" means a school district which has a school
13 that is either (i) a school that has one or more subgroups in
14 which the average student performance is at or below the State
15 average for the lowest 10% of student performance in that
16 subgroup or (ii) a school with an average graduation rate of
17 less than 60% and not identified for priority.

18 "Necessary costs and fees" includes the customary charge
19 for instruction and use of facilities in general and the
20 additional fixed fees charged for specified purposes that are
21 required generally of non-scholarship recipients for each
22 academic period for which the scholarship applicant actually
23 enrolls, including costs associated with student assessments,
24 but does not include fees payable only once and other
25 contingent deposits that are refundable in whole or in part.
26 The Board may prescribe, by rules consistent with this Act,

1 detailed provisions concerning the computation of necessary
2 costs and fees.

3 "Scholarship granting organization" means an entity that:

4 (1) is exempt from taxation under Section 501(c)(3) of
5 the Internal Revenue Code;

6 (2) uses at least 95% of the qualified contributions
7 received during a taxable year for scholarships;

8 (3) provides scholarships to students according to the
9 guidelines of this Act;

10 (4) deposits and holds qualified contributions and any
11 income derived from qualified contributions in an account
12 that is separate from the organization's operating fund or
13 other funds until such qualified contributions or income
14 are withdrawn for use; and

15 (5) is approved to issue certificates of receipt.

16 "Qualified contribution" means the authorized contribution
17 made by a taxpayer to a scholarship granting organization for
18 which the taxpayer has received a certificate of receipt from
19 such organization.

20 "Qualified school" means a non-public school located in
21 Illinois and recognized by the Board pursuant to Section
22 2-3.250 of the School Code. "Qualified school" also means a
23 non-public school located in Illinois that has been registered
24 with the Board for at least one year and is currently seeking
25 the status of "Non-public School Recognition" from the Board
26 under Section 2-3.250 of the School Code.

1 "Scholarship" means an educational scholarship awarded to
2 an eligible student to attend a qualified school of their
3 custodians' choice in an amount not exceeding the necessary
4 costs and fees to attend that school.

5 "Taxpayer" means any individual, corporation, partnership,
6 trust, or other entity subject to the Illinois income tax. For
7 the purposes of this Act, 2 individuals filing a joint return
8 shall be considered one taxpayer.

9 (Source: P.A. 100-465, eff. 8-31-17.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.