



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4126

Introduced 9/3/2021, by Rep. Curtis J. Tarver, II

#### SYNOPSIS AS INTRODUCED:

35 ILCS 40/40

Amends the Invest in Kids Act. Makes a formatting change to create a first priority group for eligible students who received a scholarship from a scholarship granting organization during the previous school year. Provides that qualified schools may establish a maximum scholarship amount, which may not exceed the necessary costs and fees for attendance at the qualified school. Provides that the qualified school shall notify the scholarship granting organization of its necessary costs and fees as well as any maximum scholarship amount set by the school. Effective immediately.

LRB102 19189 HLH 27954 b

FISCAL NOTE ACT  
MAY APPLY

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 40 as follows:

6 (35 ILCS 40/40)

7 (Section scheduled to be repealed on January 1, 2025)

8 Sec. 40. Scholarship granting organization  
9 responsibilities.

10 (a) Before granting a scholarship for an academic year,  
11 all scholarship granting organizations shall assess and  
12 document each student's eligibility for the academic year.

13 (b) A scholarship granting organization shall grant  
14 scholarships only to eligible students.

15 (c) A scholarship granting organization shall allow an  
16 eligible student to attend any qualified school of the  
17 student's choosing, subject to the availability of funds.

18 (d) In granting scholarships, beginning in the 2022-2023  
19 school year and for each school year thereafter, a scholarship  
20 granting organization shall give priority to eligible students  
21 who received a scholarship from a scholarship granting  
22 organization during the previous school year. Second priority  
23 shall be given to the following priority groups:

1           (1) (blank); ~~eligible students who received a~~  
2 ~~scholarship from a scholarship granting organization~~  
3 ~~during the previous school year;~~

4           (2) eligible students who are members of a household  
5 whose previous year's total annual income does not exceed  
6 185% of the federal poverty level;

7           (3) eligible students who reside within a focus  
8 district; and

9           (4) eligible students who are siblings of students  
10 currently receiving a scholarship.

11           (d-5) A scholarship granting organization shall begin  
12 granting scholarships no later than February 1 preceding the  
13 school year for which the scholarship is sought. Each ~~The~~  
14 priority group ~~groups~~ identified in subsection (d) of this  
15 Section shall be eligible to receive scholarships on a  
16 first-come, first-served basis until ~~the~~ April 1 immediately  
17 preceding the school year for which the scholarship is sought  
18 starting with the first priority group identified in  
19 subsection (d) of this Section. Applications for scholarships  
20 for eligible students meeting the qualifications of one or  
21 more priority groups that are received before April 1 must be  
22 either approved or denied within 10 business days after  
23 receipt. Beginning April 1, all eligible students shall be  
24 eligible to receive scholarships without regard to the  
25 priority groups identified in subsection (d) of this Section.

26           (e) Except as provided in subsection (e-5) of this

1 Section, scholarships shall not exceed the lesser of: (i) the  
2 statewide average operational expense per student among public  
3 schools; ~~or~~ (ii) the necessary costs and fees for attendance  
4 at the qualified school; or (iii) the maximum scholarship  
5 amount set by the qualified school, if the qualified school  
6 chooses to set such an amount, which may not exceed the  
7 necessary costs and fees for attendance at the qualified  
8 school. The qualified school shall notify the scholarship  
9 granting organization of its necessary costs and fees as well  
10 as any maximum scholarship amount set by the school.

11 Scholarships shall be prorated as follows:

12 (1) for eligible students whose household income is  
13 less than 185% of the federal poverty level, the  
14 scholarship shall be 100% of the amount determined  
15 pursuant to this subsection (e) and subsection (e-5) of  
16 this Section;

17 (2) for eligible students whose household income is  
18 185% or more of the federal poverty level but less than  
19 250% of the federal poverty level, the average of  
20 scholarships shall be 75% of the amount determined  
21 pursuant to this subsection (e) and subsection (e-5) of  
22 this Section; and

23 (3) for eligible students whose household income is  
24 250% or more of the federal poverty level, the average of  
25 scholarships shall be 50% of the amount determined  
26 pursuant to this subsection (e) and subsection (e-5) of

1           this Section.

2           (e-5) The statewide average operational expense per  
3 student among public schools shall be multiplied by the  
4 following factors:

5           (1) for students determined eligible to receive  
6 services under the federal Individuals with Disabilities  
7 Education Act, 2;

8           (2) for students who are English learners, as defined  
9 in subsection (d) of Section 14C-2 of the School Code,  
10 1.2; and

11           (3) for students who are gifted and talented children,  
12 as defined in Section 14A-20 of the School Code, 1.1.

13           (f) A scholarship granting organization shall distribute  
14 scholarship payments to the participating school where the  
15 student is enrolled.

16           (g) For the 2018-2019 school year through the 2021-2022  
17 school year, each scholarship granting organization shall  
18 expend no less than 75% of the qualified contributions  
19 received during the calendar year in which the qualified  
20 contributions were received. No more than 25% of the qualified  
21 contributions may be carried forward to the following calendar  
22 year.

23           (h) For the 2022-2023 school year, each scholarship  
24 granting organization shall expend all qualified contributions  
25 received during the calendar year in which the qualified  
26 contributions were received. No qualified contributions may be

1 carried forward to the following calendar year.

2 (i) A scholarship granting organization shall allow an  
3 eligible student to transfer a scholarship during a school  
4 year to any other participating school of the custodian's  
5 choice. Such scholarships shall be prorated.

6 (j) With the prior approval of the Department, a  
7 scholarship granting organization may transfer funds to  
8 another scholarship granting organization if additional funds  
9 are required to meet scholarship demands at the receiving  
10 scholarship granting organization. All transferred funds must  
11 be deposited by the receiving scholarship granting  
12 organization into its scholarship accounts. All transferred  
13 amounts received by any scholarship granting organization must  
14 be separately disclosed to the Department.

15 (k) If the approval of a scholarship granting organization  
16 is revoked as provided in Section 20 of this Act or the  
17 scholarship granting organization is dissolved, all remaining  
18 qualified contributions of the scholarship granting  
19 organization shall be transferred to another scholarship  
20 granting organization. All transferred funds must be deposited  
21 by the receiving scholarship granting organization into its  
22 scholarship accounts.

23 (l) Scholarship granting organizations shall make  
24 reasonable efforts to advertise the availability of  
25 scholarships to eligible students.

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.