

# HB2432



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2432

Introduced 2/15/2023, by Rep. Maura Hirschauer

### SYNOPSIS AS INTRODUCED:

35 ILCS 40/15

Amends the Invest in Kids Act. Provides that a scholarship granting organization shall refrain from discrimination based on actual, perceived, or identified gender identity or sexuality when awarding scholarships. Effective immediately.

LRB103 27256 HLH 53627 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 15 as follows:

6 (35 ILCS 40/15)

7 (Section scheduled to be repealed on January 1, 2025)

8 Sec. 15. Approval to issue certificates of receipt.

9 (a) A scholarship granting organization shall submit an  
10 application for approval to issue certificates of receipt in  
11 the form and manner prescribed by the Department, provided  
12 that each application shall include:

13 (1) documentary evidence that the scholarship granting  
14 organization has been granted an exemption from taxation  
15 under Section 501(c)(3) of the Internal Revenue Code;

16 (2) certification that all qualified contributions and  
17 any income derived from qualified contributions are  
18 deposited and held in an account that is separate from the  
19 scholarship granting organization's operating or other  
20 funds until such qualified contributions or income are  
21 withdrawn for use;

22 (3) certification that the scholarship granting  
23 organization will use at least 95% of its annual revenue

1 from qualified contributions for scholarships;

2 (4) certification that the scholarship granting  
3 organization will provide scholarships to eligible  
4 students;

5 (5) a list of the names and addresses of all members of  
6 the governing board of the scholarship granting  
7 organization; and

8 (6) a copy of the most recent financial audit of the  
9 scholarship granting organization's accounts and records  
10 conducted by an independent certified public accountant in  
11 accordance with auditing standards generally accepted in  
12 the United States, government auditing standards, and  
13 rules adopted by the Department.

14 (b) A scholarship granting organization whose owner or  
15 operator in the last 7 years has filed for personal bankruptcy  
16 or corporate bankruptcy in a corporation of which he or she  
17 owned more than 20% shall not be eligible to provide  
18 scholarships.

19 (c) A scholarship granting organization must not have an  
20 owner or operator who owns or operates a qualified school or  
21 has a family member who is a paid staff or board member of a  
22 participating qualified school.

23 (d) A scholarship granting organization shall comply with  
24 the anti-discrimination provisions of 42 U.S.C. 2000d.

25 (d-5) A scholarship granting organization shall refrain  
26 from discrimination based on actual, perceived, or identified

1 gender identity or sexuality when awarding scholarships.

2 (e) The Department shall review and either approve or deny  
3 each application to issue certificates of receipt pursuant to  
4 this Act. Approval or denial of an application shall be made on  
5 a periodic basis. Applicants shall be notified of the  
6 Department's determination within 30 business days after the  
7 application is received.

8 (f) No scholarship granting organization shall issue any  
9 certificates of receipt without first being approved to issue  
10 certificates of receipt.

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.