

# HB3540



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3540

by Rep. Anne Stava-Murray

### SYNOPSIS AS INTRODUCED:

35 ILCS 40/5

Amends the Invest in Kids Act. Provides that a "qualified school" must not be controlled by a church or sectarian denomination and must not, in admitting students, discriminate based on socioeconomic factors or engage in unlawful discrimination, as that term is defined in the Illinois Human Rights Act. Effective immediately.

LRB101 11027 AXK 56227 b

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 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7 (Section scheduled to be repealed on January 1, 2024)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 (i) that is  
21 located in Illinois and recognized by the Board pursuant to  
22 Section 2-3.250 of the School Code, (ii) that is not controlled  
23 by a church or sectarian denomination, and (iii) that, in  
24 admitting students, does not discriminate based on  
25 socioeconomic factors or engage in unlawful discrimination, as  
26 that term is defined in the Illinois Human Rights Act.

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.