



Sen. Bill Cunningham

**Filed: 3/25/2022**

10200HB4126sam001

LRB102 19189 HLH 38070 a

1 AMENDMENT TO HOUSE BILL 4126

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4126 by replacing  
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on January 1, 2025)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

1 student's choosing, subject to the availability of funds.

2 (d) In granting scholarships, beginning in the 2022-2023  
3 school year and for each school year thereafter, a scholarship  
4 granting organization shall give priority to eligible students  
5 who received a scholarship from a scholarship granting  
6 organization during the previous school year. Second priority  
7 shall be given to the following priority groups:

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

11 (2) eligible students who are members of a household  
12 whose previous year's total annual income does not exceed  
13 185% of the federal poverty level;

14 (3) eligible students who reside within a focus  
15 district; and

16 (4) eligible students who are siblings of students  
17 currently receiving a scholarship.

18 (d-5) A scholarship granting organization shall begin  
19 granting scholarships no later than February 1 preceding the  
20 school year for which the scholarship is sought. Each ~~The~~  
21 priority group ~~groups~~ identified in subsection (d) of this  
22 Section shall be eligible to receive scholarships on a  
23 first-come, first-served basis until ~~the~~ April 1 immediately  
24 preceding the school year for which the scholarship is sought  
25 starting with the first priority group identified in  
26 subsection (d) of this Section. Applications for scholarships

1 for eligible students meeting the qualifications of one or  
2 more priority groups that are received before April 1 must be  
3 either approved or denied within 10 business days after  
4 receipt. Beginning April 1, all eligible students shall be  
5 eligible to receive scholarships without regard to the  
6 priority groups identified in subsection (d) of this Section.

7 (e) Except as provided in subsection (e-5) of this  
8 Section, scholarships shall not exceed the lesser of (i) the  
9 statewide average operational expense per student among public  
10 schools or (ii) the necessary costs and fees for attendance at  
11 the qualified school. A qualified school may set a lower  
12 maximum scholarship amount for eligible students whose family  
13 income falls within paragraphs (2) and (3) of this subsection  
14 (e); that amount may not exceed the necessary costs and fees  
15 for attendance at the qualified school and is subject to the  
16 limitations on average scholarship amounts set forth in  
17 paragraphs (2) and (3) of this subsection, as applicable. The  
18 qualified school shall notify the scholarship granting  
19 organization of its necessary costs and fees as well as any  
20 maximum scholarship amount set by the school. Scholarships  
21 shall be prorated as follows:

22 (1) for eligible students whose household income is  
23 less than 185% of the federal poverty level, the  
24 scholarship shall be 100% of the amount determined  
25 pursuant to this subsection (e) and subsection (e-5) of  
26 this Section;

1           (2) for eligible students whose household income is  
2           185% or more of the federal poverty level but less than  
3           250% of the federal poverty level, the average of  
4           scholarships shall be 75% of the amount determined  
5           pursuant to this subsection (e) and subsection (e-5) of  
6           this Section; and

7           (3) for eligible students whose household income is  
8           250% or more of the federal poverty level, the average of  
9           scholarships shall be 50% of the amount determined  
10          pursuant to this subsection (e) and subsection (e-5) of  
11          this Section.

12          (e-5) The statewide average operational expense per  
13          student among public schools shall be multiplied by the  
14          following factors:

15               (1) for students determined eligible to receive  
16               services under the federal Individuals with Disabilities  
17               Education Act, 2;

18               (2) for students who are English learners, as defined  
19               in subsection (d) of Section 14C-2 of the School Code,  
20               1.2; and

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

23          (f) A scholarship granting organization shall distribute  
24          scholarship payments to the participating school where the  
25          student is enrolled.

26          (g) For the 2018-2019 school year through the 2021-2022

1 school year, each scholarship granting organization shall  
2 expend no less than 75% of the qualified contributions  
3 received during the calendar year in which the qualified  
4 contributions were received. No more than 25% of the qualified  
5 contributions may be carried forward to the following calendar  
6 year.

7 (h) For the 2022-2023 school year, each scholarship  
8 granting organization shall expend all qualified contributions  
9 received during the calendar year in which the qualified  
10 contributions were received. No qualified contributions may be  
11 carried forward to the following calendar year.

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

16 (j) With the prior approval of the Department, a  
17 scholarship granting organization may transfer funds to  
18 another scholarship granting organization if additional funds  
19 are required to meet scholarship demands at the receiving  
20 scholarship granting organization. All transferred funds must  
21 be deposited by the receiving scholarship granting  
22 organization into its scholarship accounts. All transferred  
23 amounts received by any scholarship granting organization must  
24 be separately disclosed to the Department.

25 (k) If the approval of a scholarship granting organization  
26 is revoked as provided in Section 20 of this Act or the

1 scholarship granting organization is dissolved, all remaining  
2 qualified contributions of the scholarship granting  
3 organization shall be transferred to another scholarship  
4 granting organization. All transferred funds must be deposited  
5 by the receiving scholarship granting organization into its  
6 scholarship accounts.

7 (1) Scholarship granting organizations shall make  
8 reasonable efforts to advertise the availability of  
9 scholarships to eligible students.

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

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