



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2608

Introduced 2/15/2023, by Rep. Adam M. Niemerg

SYNOPSIS AS INTRODUCED:

New Act

Creates the Equal Opportunity Act. Requires the State Board of Education to create the Education Savings Account Program. Provides that a parent of an eligible student (defined as any elementary or secondary student who was eligible to attend a public school in this State in the preceding semester or is starting school in this State for the first time) shall qualify for the State Board to make a grant to his or her child's Education Savings Account by signing an agreement. Requires the State Board to deposit into an Education Savings Account some or all of the State aid under the State aid formula provisions of the School Code that would otherwise have been provided to the resident school district for the eligible student had the student enrolled in the resident school district. Provides that parents participating in the Program shall agree to use the funds deposited in their eligible students' accounts for certain qualifying expenses to educate the eligible student. Sets forth provisions concerning the calculation of grant amounts and other basic elements of the Program, administration of the Program, accountability standards for participating schools, and the responsibilities of the State Board and resident school districts.

LRB103 29576 RJT 55971 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 1. Short title. This Act may be cited as the Equal
5 Opportunity Act.

6 Section 5. Definitions.

7 "Eligible postsecondary institution" means a public
8 community college, a public university, or an accredited
9 private postsecondary institution.

10 "Eligible student" means any elementary or secondary
11 student who was eligible to attend a public school in this
12 State in the preceding semester or is starting school in this
13 State for the first time.

14 "Parent" means a resident of this State who is a parent,
15 guardian, custodian, or other person with the authority to act
16 on behalf of the child.

17 "Participating school" means any private school that
18 provides education to elementary or secondary students and has
19 notified the State Board of its intention to participate in
20 the Program and comply with the Program's requirements.

21 "Private tutoring" means tutoring services provided by
22 tutors accredited by a regional or national accrediting
23 organization.

1 "Program" means the Education Savings Account Program
2 created in this Act.

3 "Resident school district" means the public school
4 district in which the student resides.

5 "State Board" means the State Board of Education.

6 Section 10. Basic elements of the Program.

7 (a) The State Board shall create the Education Savings
8 Account Program. The Program shall begin with the fall
9 semester of the 2024-2025 school year.

10 (b) A parent of an eligible student shall qualify for the
11 State Board to make a grant to his or her child's Education
12 Savings Account if the parent signs an agreement promising:

13 (1) to provide an education for the eligible student
14 in at least the subjects of reading, grammar, mathematics,
15 social studies, and science; and

16 (2) not to enroll their eligible student in a district
17 or charter school.

18 (c) The State Board shall deposit into an Education
19 Savings Account some or all of the State aid under Section
20 18-8.15 of the School Code that would otherwise have been
21 provided to the resident school district for the eligible
22 student had the student enrolled in the resident school
23 district, as calculated under subsection (e) of this Section.

24 (d) Parents participating in the Program shall agree to
25 use the funds deposited in their eligible students' Education

1 Savings Accounts for the following qualifying expenses to
2 educate the eligible student:

- 3 (1) Tuition and fees at a participating school.
- 4 (2) Textbooks required by a participating school.
- 5 (3) Payment to a licensed or accredited tutor.
- 6 (4) Payment for the purchase of curriculum.
- 7 (5) Tuition or fees for a non-public, online learning
8 program.
- 9 (6) Fees for national, norm-referenced examinations,
10 Advanced Placement examinations or similar courses, and
11 any examinations related to college or university
12 admission.
- 13 (7) Contribution to the eligible student's qualified
14 tuition program established pursuant to 26 U.S.C. 529.
- 15 (8) Educational services for pupils with disabilities
16 from a licensed or accredited practitioner or provider.
- 17 (9) Tuition and fees at an eligible postsecondary
18 institution.
- 19 (10) Textbooks required for college or university
20 courses.
- 21 (11) Fees for account management by private financial
22 management firms approved by the State Board.

23 (e) Grant amounts to Education Savings Accounts shall be
24 calculated according to the following schedule:

- 25 (1) For students from households qualifying for the
26 federal free or reduced-price lunch program, the amount

1 granted to the student's Education Savings Account shall
2 be equal to the dollar amount the resident school district
3 would have received to serve and educate the eligible
4 student from State aid under Section 18-8.15 of the School
5 Code had the student enrolled there.

6 (2) For students from households with an annual income
7 greater than the amount required to qualify for the
8 federal free or reduced-price lunch program but less than
9 1.5 times that amount, the amount granted to the student's
10 Education Savings Account shall be equal to 75% of the
11 dollar amount the resident school district would have
12 received to serve and educate the eligible student from
13 State aid under Section 18-8.15 of the School Code had the
14 student enrolled there.

15 (3) For students from households with an annual income
16 of at least 1.5 times the amount required to qualify for
17 the federal free or reduced-price lunch program but less
18 than 2 times that amount, the amount granted to the
19 student's Education Savings Account shall be equal to 50%
20 of the dollar amount the resident school district would
21 have received to serve and educate the eligible student
22 from State aid under Section 18-8.15 of the School Code
23 had the student enrolled there.

24 (4) For students from households with an annual income
25 of at least 2 times the amount required to qualify for the
26 federal free or reduced-price lunch program, the amount

1 granted to the student's Education Savings Account shall
2 be equal to 25% of the dollar amount the resident school
3 district would have received to serve and educate the
4 eligible student from State aid under Section 18-8.15 of
5 the School Code had the student enrolled there.

6 (f) A participating school, private tutor, eligible
7 postsecondary institution, or other educational provider may
8 not refund, rebate, or share a student's grant with the
9 student's parent or the student in any manner. The funds in an
10 Education Saving Account may be used only for educational
11 purposes.

12 (g) Parents shall be allowed to make payments for the
13 costs of educational programs and services not covered by the
14 funds in their accounts.

15 (h) A participating student shall be counted in the
16 enrollment figures for his or her resident school district for
17 the purposes of calculating State aid to the resident school
18 district under Section 18-8.15 of the School Code. The funds
19 needed for a grant to an Education Savings Account shall be
20 subtracted from the State aid payable to the student's
21 resident school district under Section 18-8.15 of the School
22 Code.

23 Section 15. Administration of the Program.

24 (a) The State Board shall approve private financial
25 management firms to manage Education Savings Accounts.

1 (b) The State Board shall have the authority to conduct or
2 contract for the auditing of accounts and shall, at a minimum,
3 conduct random audits of accounts on an annual basis. The
4 State Board shall have the authority to make any parent of an
5 eligible student ineligible for the Program in the event of
6 substantial misuse of the funds in the account.

7 (c) The State Board shall have the authority to refer
8 cases of substantial misuse of funds to law enforcement
9 agencies for investigation if evidence of fraudulent use of an
10 account is obtained.

11 (d) The State Board shall provide parents of participating
12 students with a written explanation of the allowable uses of
13 Education Savings Accounts, the responsibilities of parents,
14 and the duties of the State Board.

15 (e) The State Board may deduct an amount from the grants to
16 Education Savings Accounts to cover the costs of overseeing
17 the accounts and administering the program, up to a limit of
18 3%.

19 (f) The State Board shall establish reasonable fees for
20 private financial management firms participating in the
21 Program based upon market rates.

22 (g) The State Board shall make payments to eligible
23 students' Education Savings Accounts on a quarterly basis.

24 Section 20. Accountability standards for participating
25 schools.

1 (a) To ensure that students are treated fairly and kept
2 safe, all participating schools shall:

3 (1) comply with all health and safety laws or codes
4 that apply to private schools;

5 (2) hold a valid occupancy permit if required by their
6 local government;

7 (3) certify that they comply with the
8 nondiscrimination policies set forth in 42 U.S.C. 1981;
9 and

10 (4) conduct criminal history records checks on
11 employees. The participating school shall then:

12 (A) exclude from employment any people not
13 permitted by State law to work in a private school; and

14 (B) exclude from employment any people that might
15 reasonably pose a threat to the safety of students.

16 (b) To ensure that funds are spent appropriately, all
17 participating schools shall:

18 (1) provide parents with a receipt for all qualifying
19 expenses at the school; and

20 (2) demonstrate their financial viability by showing
21 they can repay any funds that might be provided from
22 Education Savings Accounts, if they are to receive \$50,000
23 or more during the school year, by:

24 (A) filing with the State Board, prior to the
25 start of the school year, a surety bond payable to this
26 State in an amount equal to the aggregate amount of the

1 funds from Education Savings Accounts expected to be
2 paid during the school year from students admitted at
3 the participating school; or

4 (B) filing with the State Board, prior to the
5 start of the school year, financial information that
6 demonstrates the school has the ability to pay an
7 aggregate amount equal to the amount of the funds from
8 Education Savings Accounts expected to be paid during
9 the school year to students admitted to the
10 participating school.

11 (c) In order to allow parents and taxpayers to measure the
12 achievements of the Program:

13 (1) parents shall ensure that:

14 (A) each year their eligible student takes either
15 State achievement tests or national, norm-referenced
16 tests that measure learning gains in mathematics and
17 language arts and provide for value-added assessment;

18 (B) the results of these tests are provided to the
19 State Board or an organization chosen by the State
20 Board on an annual basis;

21 (C) the student information is reported in a way
22 that would allow the State Board to aggregate data by
23 grade level, gender, family income level, and race;
24 and

25 (D) the State Board or an organization chosen by
26 the State Board will be informed of the eligible

1 student's graduation from high school; and

2 (2) the State Board or an organization chosen by the
3 State Board shall:

4 (A) ensure compliance with all student privacy
5 laws;

6 (B) collect all test results;

7 (C) provide the test results, associated learning
8 gains, and graduation rates to the public, via the
9 State Board's Internet website, after the third year
10 of test and graduation-related data collection; the
11 findings shall be aggregated by the students' grade
12 level, gender, family income level, number of years of
13 participation in the Program, and race;

14 (D) provide graduation rates to the public via the
15 State Board's Internet website after the third year of
16 test and test-related data collection; and

17 (E) administer an annual parental satisfaction
18 survey that shall ask parents of students receiving
19 Education Savings Accounts to express:

20 (i) their satisfaction with the Program; and

21 (ii) their opinions on other topics, items, or
22 issues that the State Board finds would elicit
23 information about the effectiveness of the Program
24 and the number of years their child has
25 participated in the Program.

26 (d) A participating school is autonomous and not an agent

1 of this State or the federal government, and, therefore:

2 (1) the State Board or any other State agency may not
3 in any way regulate the educational program of a
4 participating school or education provider that accepts
5 funds from an Education Savings Account;

6 (2) the creation of the Program does not expand the
7 regulatory authority of this State, its officers, or any
8 school district to impose any additional regulation of
9 private schools or education providers beyond those
10 necessary to enforce the requirements of the Program; and

11 (3) participating schools and education providers
12 shall be given the maximum freedom to provide for the
13 educational needs of their students without governmental
14 control.

15 Section 25. Responsibilities of the State Board.

16 (a) The State Board shall ensure that eligible students
17 and their parents are informed annually of which schools will
18 be participating in the Program. Special attention shall be
19 paid to ensuring that lower-income families are made aware of
20 the program and their options.

21 (b) The State Board shall create a standard form that
22 parents of eligible students can submit to establish the
23 student's eligibility for the Program. The State Board shall
24 ensure that the application is readily available to interested
25 families through various sources, including the Internet.

1 (c) The State Board may bar a participating school or
2 education provider from the Program if the State Board
3 establishes that the participating school or education
4 provider has:

5 (1) routinely failed to comply with the accountability
6 standards established in Section 20 of this Act; or

7 (2) failed to provide the eligible student with the
8 educational services funded by the Education Savings
9 Account.

10 (d) If the State Board decides to bar a participating
11 school or education provider from the program, the State Board
12 shall notify eligible students and their parents of this
13 decision as quickly as possible.

14 (e) The State Board shall adopt rules and procedures as
15 necessary for the administration of the Program.

16 Section 30. Responsibilities of resident school districts.

17 (a) The resident school district shall provide a
18 participating school or education provider that has admitted
19 an eligible student under the Program with a complete copy of
20 the student's school records, while complying with the federal
21 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
22 1232g).

23 (b) The resident school district shall provide
24 transportation for an eligible student to and from the
25 participating school or education provider under the same

1 conditions as the resident school district is required to
2 provide transportation for other resident students to and from
3 private schools under the law. The resident school district
4 shall qualify for State transportation aid for each student so
5 transported.