



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4260

Introduced 1/27/2020, by Rep. Nicholas K. Smith

SYNOPSIS AS INTRODUCED:

5 ILCS 410/10	
5 ILCS 410/15	
20 ILCS 105/3.10	
20 ILCS 2310/2310-215	was 20 ILCS 2310/55.62
30 ILCS 575/2	
30 ILCS 577/35-5	
30 ILCS 785/5	
70 ILCS 210/23.1	from Ch. 85, par. 1243.1
105 ILCS 5/34-18	from Ch. 122, par. 34-18
110 ILCS 205/9.16	from Ch. 144, par. 189.16
110 ILCS 925/3.07	from Ch. 144, par. 1503.07
110 ILCS 930/2	from Ch. 144, par. 2302
110 ILCS 947/50	
110 ILCS 947/65.30	
215 ILCS 5/500-50	
305 ILCS 5/4-23	
625 ILCS 5/11-212	
720 ILCS 5/17-10.2	was 720 ILCS 5/17-29
775 ILCS 5/2-105	from Ch. 68, par. 2-105

Amends various Acts to make changes concerning references to specified racial and ethnic groups.

LRB101 16082 RJF 65445 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Employment Records Act is amended by
5 changing Sections 10 and 15 as follows:

6 (5 ILCS 410/10)

7 Sec. 10. Definitions. As used in this Act:

8 (a) "Agency work force" means those persons employed by a
9 State agency who are part of the State work force.

10 (b) "Contractual services employee" means a person
11 employed by the State, or a State supported institution of
12 higher education, under a written contract and paid by a State
13 system CO-2 voucher (or its administrative equivalent) whose
14 daily duties and responsibilities are directly or indirectly
15 supervised or managed by a person paid by a payroll warrant (or
16 its administrative equivalent) funded by State funds or pass
17 through funds.

18 (c) "Agency" or "State agency" means those entities
19 included in the definition of "State agencies" in the Illinois
20 State Auditing Act.

21 (d) "Minority" means a person who is any of the following:

22 (1) American Indian or Alaska Native (a person having
23 origins in any of the original peoples of North and South

1 America, including Central America, and who maintains
2 tribal affiliation or community attachment).

3 (2) Asian (a person having origins in any of the
4 original peoples of the Far East, Southeast Asia, or the
5 Indian subcontinent, including, but not limited to,
6 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
7 the Philippine Islands, Thailand, and Vietnam).

8 (3) Black or African American (a person having origins
9 in any of the black racial groups of Africa). ~~Terms such as~~
10 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
11 ~~African American".~~

12 (3.5) Descendant of American Slaves (a person having
13 direct ancestral lineage to victims of chattel slavery in
14 the United States of America). Terms such as "Black",
15 "African American", or "American Descendant of Slavery"
16 can be used in addition to "Descendant of American Slaves".

17 (4) Hispanic or Latino (a person of Cuban, Mexican,
18 Puerto Rican, South or Central American, or other Spanish
19 culture or origin, regardless of race).

20 (5) Native Hawaiian or Other Pacific Islander (a person
21 having origins in any of the original peoples of Hawaii,
22 Guam, Samoa, or other Pacific Islands).

23 (e) "Professional employee" means a person employed to
24 perform employment duties requiring academic training,
25 evidenced by a graduate or advanced degree from an accredited
26 institution of higher education, and who, in the performance of

1 those employment duties, may only engage in active practice of
2 the academic training received when licensed or certified by
3 the State of Illinois.

4 (f) "State employee" means any person employed within the
5 State work force.

6 (g) "State work force" means all persons employed by the
7 State of Illinois as evidenced by:

8 (1) the total number of all payroll warrants (or their
9 administrative equivalent) issued by the Comptroller to
10 pay:

11 (i) persons subject to the Personnel Code; and

12 (ii) for the sole purpose of providing accurate
13 statistical information, all persons exempt from the
14 Personnel Code; and

15 (2) the total number of payroll warrants (or their
16 administrative equivalent) funded by State appropriation
17 which are issued by educational institutions governed by
18 the Board of Trustees of the University of Illinois, the
19 Board of Trustees of Southern Illinois University, the
20 Board of Governors of State Colleges and Universities, and
21 the Board of Regents; and

22 (3) the total number of contractual payroll system CO-2
23 vouchers (or their administrative equivalent) funded by
24 State revenues and issued by:

25 (i) the State Comptroller; and

26 (ii) the issuing agents of the educational

1 institutions listed in subdivision (2) of this
2 subsection (g).

3 "State work force" does not, however, include persons holding
4 elective State office.

5 (Source: P.A. 97-396, eff. 1-1-12.)

6 (5 ILCS 410/15)

7 Sec. 15. Reported information.

8 (a) State agencies shall, if necessary, consult with the
9 Office of the Comptroller and the Governor's Office of
10 Management and Budget to confirm the accuracy of information
11 required by this Act. State agencies shall collect and maintain
12 information and publish reports including but not limited to
13 the following information arranged in the indicated
14 categories:

15 (i) the total number of persons employed by the agency
16 who are part of the State work force, as defined by this
17 Act, and the number and statistical percentage of women,
18 minorities, and persons with physical disabilities
19 employed within the agency work force;

20 (ii) the total number of persons employed within the
21 agency work force receiving levels of State remuneration
22 within incremental levels of \$10,000, and the number and
23 statistical percentage of minorities, women, and persons
24 with physical disabilities in the agency work force
25 receiving levels of State remuneration within incremented

1 levels of \$10,000;

2 (iii) the number of open positions of employment or
3 advancement in the agency work force, reported on a fiscal
4 year basis;

5 (iv) the number and percentage of open positions of
6 employment or advancement in the agency work force filled
7 by minorities, women, and persons with physical
8 disabilities, reported on a fiscal year basis;

9 (v) the total number of persons employed within the
10 agency work force as professionals, and the number and
11 percentage of minorities, women, and persons with physical
12 disabilities employed within the agency work force as
13 professional employees; and

14 (vi) the total number of persons employed within the
15 agency work force as contractual service employees, and the
16 number and percentage of minorities, women, and persons
17 with physical disabilities employed within the agency work
18 force as contractual services employees.

19 (b) The numbers and percentages of minorities required to
20 be reported by this Section shall be identified by the
21 following categories:

22 (1) American Indian or Alaska Native (a person having
23 origins in any of the original peoples of North and South
24 America, including Central America, and who maintains
25 tribal affiliation or community attachment).

26 (2) Asian (a person having origins in any of the

1 original peoples of the Far East, Southeast Asia, or the
2 Indian subcontinent, including, but not limited to,
3 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
4 the Philippine Islands, Thailand, and Vietnam).

5 (3) Black or African American (a person having origins
6 in any of the black racial groups of Africa). ~~Terms such as~~
7 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
8 ~~African American".~~

9 (3.5) Descendant of American Slaves (a person having
10 direct ancestral lineage to victims of chattel slavery in
11 the United States of America). Terms such as "Black",
12 "African American", or "American Descendant of Slavery"
13 can be used in addition to "Descendant of American Slaves".

14 (4) Hispanic or Latino (a person of Cuban, Mexican,
15 Puerto Rican, South or Central American, or other Spanish
16 culture or origin, regardless of race).

17 (5) Native Hawaiian or Other Pacific Islander (a person
18 having origins in any of the original peoples of Hawaii,
19 Guam, Samoa, or other Pacific Islands).

20 Data concerning women shall be reported on a minority and
21 nonminority basis. The numbers and percentages of persons with
22 physical disabilities required to be reported under this
23 Section shall be identified by categories as male and female.

24 (c) To accomplish consistent and uniform classification
25 and collection of information from each State agency, and to
26 ensure full compliance and that all required information is

1 provided, the Index Department of the Office of the Secretary
2 of State, in consultation with the Department of Human Rights,
3 the Department of Central Management Services, and the Office
4 of the Comptroller, shall develop appropriate forms to be used
5 by all State agencies subject to the reporting requirements of
6 this Act.

7 All State agencies shall make the reports required by this
8 Act using the forms developed under this subsection. The
9 reports must be certified and signed by an official of the
10 agency who is responsible for the information provided.

11 (Source: P.A. 99-143, eff. 7-27-15.)

12 Section 10. The Illinois Act on the Aging is amended by
13 changing Section 3.10 as follows:

14 (20 ILCS 105/3.10)

15 Sec. 3.10. "Minority senior citizen" means any person 55
16 years of age or older for whom opportunities for employment and
17 participation in community life are unavailable or severely
18 limited and who is any of the following:

19 (1) American Indian or Alaska Native (a person having
20 origins in any of the original peoples of North and South
21 America, including Central America, and who maintains
22 tribal affiliation or community attachment).

23 (2) Asian (a person having origins in any of the
24 original peoples of the Far East, Southeast Asia, or the

1 Indian subcontinent, including, but not limited to,
2 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
3 the Philippine Islands, Thailand, and Vietnam).

4 (3) Black or African American (a person having origins
5 in any of the black racial groups of Africa). ~~Terms such as~~
6 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
7 ~~African American".~~

8 (3.5) Descendant of American Slaves (a person having
9 direct ancestral lineage to victims of chattel slavery in
10 the United States of America). Terms such as "Black",
11 "African American", or "American Descendant of Slavery"
12 can be used in addition to "Descendant of American Slaves".

13 (4) Hispanic or Latino (a person of Cuban, Mexican,
14 Puerto Rican, South or Central American, or other Spanish
15 culture or origin, regardless of race).

16 (5) Native Hawaiian or Other Pacific Islander (a person
17 having origins in any of the original peoples of Hawaii,
18 Guam, Samoa, or other Pacific Islands).

19 (Source: P.A. 97-396, eff. 1-1-12.)

20 Section 15. The Department of Public Health Powers and
21 Duties Law of the Civil Administrative Code of Illinois is
22 amended by changing Section 2310-215 as follows:

23 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

24 Sec. 2310-215. Center for Minority Health Services.

1 (a) The Department shall establish a Center for Minority
2 Health Services to advise the Department on matters pertaining
3 to the health needs of minority populations within the State.

4 (b) The Center shall have the following duties:

5 (1) To assist in the assessment of the health needs of
6 minority populations in the State.

7 (2) To recommend treatment methods and programs that
8 are sensitive and relevant to the unique linguistic,
9 cultural, and ethnic characteristics of minority
10 populations.

11 (3) To provide consultation, technical assistance,
12 training programs, and reference materials to service
13 providers, organizations, and other agencies.

14 (4) To promote awareness of minority health concerns,
15 and encourage, promote, and aid in the establishment of
16 minority services.

17 (5) To disseminate information on available minority
18 services.

19 (6) To provide adequate and effective opportunities
20 for minority populations to express their views on
21 Departmental policy development and program
22 implementation.

23 (7) To coordinate with the Department on Aging and the
24 Department of Healthcare and Family Services to coordinate
25 services designed to meet the needs of minority senior
26 citizens.

1 (8) To promote awareness of the incidence of
2 Alzheimer's disease and related dementias among minority
3 populations and to encourage, promote, and aid in the
4 establishment of prevention and treatment programs and
5 services relating to this health problem.

6 (c) For the purpose of this Section, "minority" shall mean
7 and include any person or group of persons who are any of the
8 following:

9 (1) American Indian or Alaska Native (a person having
10 origins in any of the original peoples of North and South
11 America, including Central America, and who maintains
12 tribal affiliation or community attachment).

13 (2) Asian (a person having origins in any of the
14 original peoples of the Far East, Southeast Asia, or the
15 Indian subcontinent, including, but not limited to,
16 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
17 the Philippine Islands, Thailand, and Vietnam).

18 (3) Black or African American (a person having origins
19 in any of the black racial groups of Africa). ~~Terms such as~~
20 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
21 ~~African American".~~

22 (3.5) Descendant of American Slaves (a person having
23 direct ancestral lineage to victims of chattel slavery in
24 the United States of America). Terms such as "Black",
25 "African American", or "American Descendant of Slavery"
26 can be used in addition to "Descendant of American Slaves".

1 (4) Hispanic or Latino (a person of Cuban, Mexican,
2 Puerto Rican, South or Central American, or other Spanish
3 culture or origin, regardless of race).

4 (5) Native Hawaiian or Other Pacific Islander (a person
5 having origins in any of the original peoples of Hawaii,
6 Guam, Samoa, or other Pacific Islands).

7 (Source: P.A. 97-396, eff. 1-1-12.)

8 Section 20. The Business Enterprise for Minorities, Women,
9 and Persons with Disabilities Act is amended by changing
10 Section 2 as follows:

11 (30 ILCS 575/2)

12 (Section scheduled to be repealed on June 30, 2024)

13 Sec. 2. Definitions.

14 (A) For the purpose of this Act, the following terms shall
15 have the following definitions:

16 (1) "Minority person" shall mean a person who is a
17 citizen or lawful permanent resident of the United States
18 and who is any of the following:

19 (a) American Indian or Alaska Native (a person
20 having origins in any of the original peoples of North
21 and South America, including Central America, and who
22 maintains tribal affiliation or community attachment).

23 (b) Asian (a person having origins in any of the
24 original peoples of the Far East, Southeast Asia, or

1 the Indian subcontinent, including, but not limited
2 to, Cambodia, China, India, Japan, Korea, Malaysia,
3 Pakistan, the Philippine Islands, Thailand, and
4 Vietnam).

5 (c) Black or African American (a person having
6 origins in any of the black racial groups of Africa).
7 ~~Terms such as "Haitian" or "Negro" can be used in~~
8 ~~addition to "Black or African American".~~

9 (c-5) Descendant of American Slaves (a person
10 having direct ancestral lineage to victims of chattel
11 slavery in the United States of America). Terms such as
12 "Black", "African American", or "American Descendant
13 of Slavery" can be used in addition to "Descendant of
14 American Slaves".

15 (d) Hispanic or Latino (a person of Cuban, Mexican,
16 Puerto Rican, South or Central American, or other
17 Spanish culture or origin, regardless of race).

18 (e) Native Hawaiian or Other Pacific Islander (a
19 person having origins in any of the original peoples of
20 Hawaii, Guam, Samoa, or other Pacific Islands).

21 (2) "Woman" shall mean a person who is a citizen or
22 lawful permanent resident of the United States and who is
23 of the female gender.

24 (2.05) "Person with a disability" means a person who is
25 a citizen or lawful resident of the United States and is a
26 person qualifying as a person with a disability under

1 subdivision (2.1) of this subsection (A).

2 (2.1) "Person with a disability" means a person with a
3 severe physical or mental disability that:

4 (a) results from:

5 amputation,

6 arthritis,

7 autism,

8 blindness,

9 burn injury,

10 cancer,

11 cerebral palsy,

12 Crohn's disease,

13 cystic fibrosis,

14 deafness,

15 head injury,

16 heart disease,

17 hemiplegia,

18 hemophilia,

19 respiratory or pulmonary dysfunction,

20 an intellectual disability,

21 mental illness,

22 multiple sclerosis,

23 muscular dystrophy,

24 musculoskeletal disorders,

25 neurological disorders, including stroke and

26 epilepsy,

1 paraplegia,
2 quadriplegia and other spinal cord conditions,
3 sickle cell anemia,
4 ulcerative colitis,
5 specific learning disabilities, or
6 end stage renal failure disease; and

7 (b) substantially limits one or more of the
8 person's major life activities.

9 Another disability or combination of disabilities may
10 also be considered as a severe disability for the purposes
11 of item (a) of this subdivision (2.1) if it is determined
12 by an evaluation of rehabilitation potential to cause a
13 comparable degree of substantial functional limitation
14 similar to the specific list of disabilities listed in item
15 (a) of this subdivision (2.1).

16 (3) "Minority-owned business" means a business which
17 is at least 51% owned by one or more minority persons, or
18 in the case of a corporation, at least 51% of the stock in
19 which is owned by one or more minority persons; and the
20 management and daily business operations of which are
21 controlled by one or more of the minority individuals who
22 own it.

23 (4) "Women-owned business" means a business which is at
24 least 51% owned by one or more women, or, in the case of a
25 corporation, at least 51% of the stock in which is owned by
26 one or more women; and the management and daily business

1 operations of which are controlled by one or more of the
2 women who own it.

3 (4.1) "Business owned by a person with a disability"
4 means a business that is at least 51% owned by one or more
5 persons with a disability and the management and daily
6 business operations of which are controlled by one or more
7 of the persons with disabilities who own it. A
8 not-for-profit agency for persons with disabilities that
9 is exempt from taxation under Section 501 of the Internal
10 Revenue Code of 1986 is also considered a "business owned
11 by a person with a disability".

12 (4.2) "Council" means the Business Enterprise Council
13 for Minorities, Women, and Persons with Disabilities
14 created under Section 5 of this Act.

15 (5) "State contracts" means all contracts entered into
16 by the State, any agency or department thereof, or any
17 public institution of higher education, including
18 community college districts, regardless of the source of
19 the funds with which the contracts are paid, which are not
20 subject to federal reimbursement. "State contracts" does
21 not include contracts awarded by a retirement system,
22 pension fund, or investment board subject to Section
23 1-109.1 of the Illinois Pension Code. This definition shall
24 control over any existing definition under this Act or
25 applicable administrative rule.

26 "State construction contracts" means all State

1 contracts entered into by a State agency or public
2 institution of higher education for the repair,
3 remodeling, renovation or construction of a building or
4 structure, or for the construction or maintenance of a
5 highway defined in Article 2 of the Illinois Highway Code.

6 (6) "State agencies" shall mean all departments,
7 officers, boards, commissions, institutions and bodies
8 politic and corporate of the State, but does not include
9 the Board of Trustees of the University of Illinois, the
10 Board of Trustees of Southern Illinois University, the
11 Board of Trustees of Chicago State University, the Board of
12 Trustees of Eastern Illinois University, the Board of
13 Trustees of Governors State University, the Board of
14 Trustees of Illinois State University, the Board of
15 Trustees of Northeastern Illinois University, the Board of
16 Trustees of Northern Illinois University, the Board of
17 Trustees of Western Illinois University, municipalities or
18 other local governmental units, or other State
19 constitutional officers.

20 (7) "Public institutions of higher education" means
21 the University of Illinois, Southern Illinois University,
22 Chicago State University, Eastern Illinois University,
23 Governors State University, Illinois State University,
24 Northeastern Illinois University, Northern Illinois
25 University, Western Illinois University, the public
26 community colleges of the State, and any other public

1 universities, colleges, and community colleges now or
2 hereafter established or authorized by the General
3 Assembly.

4 (8) "Certification" means a determination made by the
5 Council or by one delegated authority from the Council to
6 make certifications, or by a State agency with statutory
7 authority to make such a certification, that a business
8 entity is a business owned by a minority, woman, or person
9 with a disability for whatever purpose. A business owned
10 and controlled by women shall be certified as a
11 "woman-owned business". A business owned and controlled by
12 women who are also minorities shall be certified as both a
13 "women-owned business" and a "minority-owned business".

14 (9) "Control" means the exclusive or ultimate and sole
15 control of the business including, but not limited to,
16 capital investment and all other financial matters,
17 property, acquisitions, contract negotiations, legal
18 matters, officer-director-employee selection and
19 comprehensive hiring, operating responsibilities,
20 cost-control matters, income and dividend matters,
21 financial transactions and rights of other shareholders or
22 joint partners. Control shall be real, substantial and
23 continuing, not pro forma. Control shall include the power
24 to direct or cause the direction of the management and
25 policies of the business and to make the day-to-day as well
26 as major decisions in matters of policy, management and

1 operations. Control shall be exemplified by possessing the
2 requisite knowledge and expertise to run the particular
3 business and control shall not include simple majority or
4 absentee ownership.

5 (10) "Business" means a business that has annual gross
6 sales of less than \$75,000,000 as evidenced by the federal
7 income tax return of the business. A firm with gross sales
8 in excess of this cap may apply to the Council for
9 certification for a particular contract if the firm can
10 demonstrate that the contract would have significant
11 impact on businesses owned by minorities, women, or persons
12 with disabilities as suppliers or subcontractors or in
13 employment of minorities, women, or persons with
14 disabilities.

15 (11) "Utilization plan" means a form and additional
16 documentations included in all bids or proposals that
17 demonstrates a vendor's proposed utilization of vendors
18 certified by the Business Enterprise Program to meet the
19 targeted goal. The utilization plan shall demonstrate that
20 the Vendor has either: (1) met the entire contract goal or
21 (2) requested a full or partial waiver and made good faith
22 efforts towards meeting the goal.

23 (12) "Business Enterprise Program" means the Business
24 Enterprise Program of the Department of Central Management
25 Services.

26 (B) When a business is owned at least 51% by any

1 combination of minority persons, women, or persons with
2 disabilities, even though none of the 3 classes alone holds at
3 least a 51% interest, the ownership requirement for purposes of
4 this Act is considered to be met. The certification category
5 for the business is that of the class holding the largest
6 ownership interest in the business. If 2 or more classes have
7 equal ownership interests, the certification category shall be
8 determined by the business.

9 (Source: P.A. 99-143, eff. 7-27-15; 99-462, eff. 8-25-15;
10 99-642, eff. 7-28-16; 100-391, eff. 8-25-17.)

11 Section 25. The State Construction Minority and Female
12 Building Trades Act is amended by changing Section 35-5 as
13 follows:

14 (30 ILCS 577/35-5)

15 Sec. 35-5. Definitions. For the purposes of this Article:

16 "Under-represented minority" means a person who is any of
17 the following:

18 (1) American Indian or Alaska Native (a person having
19 origins in any of the original peoples of North and South
20 America, including Central America, and who maintains
21 tribal affiliation or community attachment).

22 (2) Asian (a person having origins in any of the
23 original peoples of the Far East, Southeast Asia, or the
24 Indian subcontinent, including, but not limited to,

1 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
2 the Philippine Islands, Thailand, and Vietnam).

3 (3) Black or African American (a person having origins
4 in any of the black racial groups of Africa). ~~Terms such as~~
5 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
6 ~~African American".~~

7 (3.5) Descendant of American Slaves (a person having
8 direct ancestral lineage to victims of chattel slavery in
9 the United States of America). Terms such as "Black",
10 "African American", or "American Descendant of Slavery"
11 can be used in addition to "Descendant of American Slaves".

12 (4) Hispanic or Latino (a person of Cuban, Mexican,
13 Puerto Rican, South or Central American, or other Spanish
14 culture or origin, regardless of race).

15 (5) Native Hawaiian or Other Pacific Islander (a person
16 having origins in any of the original peoples of Hawaii,
17 Guam, Samoa, or other Pacific Islands).

18 "Construction" means any constructing, altering,
19 reconstructing, repairing, rehabilitating, refinishing,
20 refurbishing, remodeling, remediating, renovating, custom
21 fabricating, maintenance, landscaping, improving, wrecking,
22 painting, decorating, demolishing, and adding to or
23 subtracting from any building, structure, highway, roadway,
24 street, bridge, alley, sewer, ditch, sewage disposal plant,
25 water works, parking facility, railroad, excavation or other
26 structure, project, development, real property or improvement,

1 or to do any part thereof, whether or not the performance of
2 the work herein described involves the addition to, or
3 fabrication into, any structure, project, development, real
4 property or improvement herein described of any material or
5 article of merchandise. Construction shall also include moving
6 construction related materials on the job site to or from the
7 job site.

8 (Source: P.A. 96-37, eff. 7-13-09; 97-396, eff. 1-1-12.)

9 Section 30. The Inclusion of Women and Minorities in
10 Clinical Research Act is amended by changing Section 5 as
11 follows:

12 (30 ILCS 785/5)

13 Sec. 5. Definitions. In this Act:

14 "Grantee" means any qualified public, private, or
15 not-for-profit agency or individual, including, but not
16 limited to, a college, university, hospital, laboratory,
17 research institution, local health department, voluntary
18 health agency, health maintenance organization, corporation,
19 student, fellow, or entrepreneur, conducting clinical research
20 using State funds. A grantee may also be a corporation that is
21 headquartered in Illinois and that conducts research using
22 State funds.

23 "Minority group" means a group that is a readily
24 identifiable subset of the U.S. population that is

1 distinguished by racial, ethnic, or cultural heritage and that
2 is made up of persons who are any of the following:

3 (1) American Indian or Alaska Native (a person having
4 origins in any of the original peoples of North and South
5 America, including Central America, and who maintains
6 tribal affiliation or community attachment).

7 (2) Asian (a person having origins in any of the
8 original peoples of the Far East, Southeast Asia, or the
9 Indian subcontinent, including, but not limited to,
10 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
11 the Philippine Islands, Thailand, and Vietnam).

12 (3) Black or African American (a person having origins
13 in any of the black racial groups of Africa). ~~Terms such as~~
14 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
15 ~~African American".~~

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17 direct ancestral lineage to victims of chattel slavery in
18 the United States of America). Terms such as "Black",
19 "African American", or "American Descendant of Slavery"
20 can be used in addition to "Descendant of American Slaves".

21 (4) Hispanic or Latino (a person of Cuban, Mexican,
22 Puerto Rican, South or Central American, or other Spanish
23 culture or origin, regardless of race).

24 (5) Native Hawaiian or Other Pacific Islander (a person
25 having origins in any of the original peoples of Hawaii,
26 Guam, Samoa, or other Pacific Islands).

1 "Project of clinical research" includes a clinical trial.
2 (Source: P.A. 97-396, eff. 1-1-12.)

3 Section 35. The Metropolitan Pier and Exposition Authority
4 Act is amended by changing Section 23.1 as follows:

5 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

6 Sec. 23.1. Affirmative action.

7 (a) The Authority shall, within 90 days after the effective
8 date of this amendatory Act of 1984, establish and maintain an
9 affirmative action program designed to promote equal
10 employment opportunity and eliminate the effects of past
11 discrimination. Such program shall include a plan, including
12 timetables where appropriate, which shall specify goals and
13 methods for increasing participation by women and minorities in
14 employment, including employment related to the planning,
15 organization, and staging of the games, by the Authority and by
16 parties which contract with the Authority. The Authority shall
17 submit a detailed plan with the General Assembly prior to
18 September 1 of each year. Such program shall also establish
19 procedures and sanctions, which the Authority shall enforce to
20 ensure compliance with the plan established pursuant to this
21 Section and with State and federal laws and regulations
22 relating to the employment of women and minorities. A
23 determination by the Authority as to whether a party to a
24 contract with the Authority has achieved the goals or employed

1 the methods for increasing participation by women and
2 minorities shall be determined in accordance with the terms of
3 such contracts or the applicable provisions of rules and
4 regulations of the Authority existing at the time such contract
5 was executed, including any provisions for consideration of
6 good faith efforts at compliance which the Authority may
7 reasonably adopt.

8 (b) The Authority shall adopt and maintain minority-owned
9 and women-owned business enterprise procurement programs under
10 the affirmative action program described in subsection (a) for
11 any and all work, including all contracting related to the
12 planning, organization, and staging of the games, undertaken by
13 the Authority. That work shall include, but is not limited to,
14 the purchase of professional services, construction services,
15 supplies, materials, and equipment. The programs shall
16 establish goals of awarding not less than 25% of the annual
17 dollar value of all contracts, purchase orders, or other
18 agreements (collectively referred to as "contracts") to
19 minority-owned businesses and 5% of the annual dollar value of
20 all contracts to women-owned businesses. Without limiting the
21 generality of the foregoing, the programs shall require in
22 connection with the prequalification or consideration of
23 vendors for professional service contracts, construction
24 contracts, and contracts for supplies, materials, equipment,
25 and services that each proposer or bidder submit as part of his
26 or her proposal or bid a commitment detailing how he or she

1 will expend 25% or more of the dollar value of his or her
2 contracts with one or more minority-owned businesses and 5% or
3 more of the dollar value with one or more women-owned
4 businesses. Bids or proposals that do not include such detailed
5 commitments are not responsive and shall be rejected unless the
6 Authority deems it appropriate to grant a waiver of these
7 requirements. In addition the Authority may, in connection with
8 the selection of providers of professional services, reserve
9 the right to select a minority-owned or women-owned business or
10 businesses to fulfill the commitment to minority and woman
11 business participation. The commitment to minority and woman
12 business participation may be met by the contractor or
13 professional service provider's status as a minority-owned or
14 women-owned business, by joint venture or by subcontracting a
15 portion of the work with or purchasing materials for the work
16 from one or more such businesses, or by any combination
17 thereof. Each contract shall require the contractor or provider
18 to submit a certified monthly report detailing the status of
19 that contractor or provider's compliance with the Authority's
20 minority-owned and women-owned business enterprise procurement
21 program. The Authority, after reviewing the monthly reports of
22 the contractors and providers, shall compile a comprehensive
23 report regarding compliance with this procurement program and
24 file it quarterly with the General Assembly. If, in connection
25 with a particular contract, the Authority determines that it is
26 impracticable or excessively costly to obtain minority-owned

1 or women-owned businesses to perform sufficient work to fulfill
2 the commitment required by this subsection, the Authority shall
3 reduce or waive the commitment in the contract, as may be
4 appropriate. The Authority shall establish rules and
5 regulations setting forth the standards to be used in
6 determining whether or not a reduction or waiver is
7 appropriate. The terms "minority-owned business" and
8 "women-owned business" have the meanings given to those terms
9 in the Business Enterprise for Minorities, Women, and Persons
10 with Disabilities Act.

11 (c) The Authority shall adopt and maintain an affirmative
12 action program in connection with the hiring of minorities and
13 women on the Expansion Project and on any and all construction
14 projects, including all contracting related to the planning,
15 organization, and staging of the games, undertaken by the
16 Authority. The program shall be designed to promote equal
17 employment opportunity and shall specify the goals and methods
18 for increasing the participation of minorities and women in a
19 representative mix of job classifications required to perform
20 the respective contracts awarded by the Authority.

21 (d) In connection with the Expansion Project, the Authority
22 shall incorporate the following elements into its
23 minority-owned and women-owned business procurement programs
24 to the extent feasible: (1) a major contractors program that
25 permits minority-owned businesses and women-owned businesses
26 to bear significant responsibility and risk for a portion of

1 the project; (2) a mentor/protege program that provides
2 financial, technical, managerial, equipment, and personnel
3 support to minority-owned businesses and women-owned
4 businesses; (3) an emerging firms program that includes
5 minority-owned businesses and women-owned businesses that
6 would not otherwise qualify for the project due to inexperience
7 or limited resources; (4) a small projects program that
8 includes participation by smaller minority-owned businesses
9 and women-owned businesses on jobs where the total dollar value
10 is \$5,000,000 or less; and (5) a set-aside program that will
11 identify contracts requiring the expenditure of funds less than
12 \$50,000 for bids to be submitted solely by minority-owned
13 businesses and women-owned businesses.

14 (e) The Authority is authorized to enter into agreements
15 with contractors' associations, labor unions, and the
16 contractors working on the Expansion Project to establish an
17 Apprenticeship Preparedness Training Program to provide for an
18 increase in the number of minority and women journeymen and
19 apprentices in the building trades and to enter into agreements
20 with Community College District 508 to provide readiness
21 training. The Authority is further authorized to enter into
22 contracts with public and private educational institutions and
23 persons in the hospitality industry to provide training for
24 employment in the hospitality industry.

25 (f) McCormick Place Advisory Board. There is created a
26 McCormick Place Advisory Board composed as follows: 2 members

1 shall be appointed by the Mayor of Chicago; 2 members shall be
2 appointed by the Governor; 2 members shall be State Senators
3 appointed by the President of the Senate; 2 members shall be
4 State Senators appointed by the Minority Leader of the Senate;
5 2 members shall be State Representatives appointed by the
6 Speaker of the House of Representatives; and 2 members shall be
7 State Representatives appointed by the Minority Leader of the
8 House of Representatives. The terms of all previously appointed
9 members of the Advisory Board expire on the effective date of
10 this amendatory Act of the 92nd General Assembly. A State
11 Senator or State Representative member may appoint a designee
12 to serve on the McCormick Place Advisory Board in his or her
13 absence.

14 A "member of a minority group" shall mean a person who is a
15 citizen or lawful permanent resident of the United States and
16 who is any of the following:

17 (1) American Indian or Alaska Native (a person having
18 origins in any of the original peoples of North and South
19 America, including Central America, and who maintains
20 tribal affiliation or community attachment).

21 (2) Asian (a person having origins in any of the
22 original peoples of the Far East, Southeast Asia, or the
23 Indian subcontinent, including, but not limited to,
24 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
25 the Philippine Islands, Thailand, and Vietnam).

26 (3) Black or African American (a person having origins

1 in any of the black racial groups of Africa). ~~Terms such as~~
2 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
3 ~~African American".~~

4 (3.5) Descendant of American Slaves (a person having
5 direct ancestral lineage to victims of chattel slavery in
6 the United States of America). Terms such as "Black",
7 "African American", or "American Descendant of Slavery"
8 can be used in addition to "Descendant of American Slaves".

9 (4) Hispanic or Latino (a person of Cuban, Mexican,
10 Puerto Rican, South or Central American, or other Spanish
11 culture or origin, regardless of race).

12 (5) Native Hawaiian or Other Pacific Islander (a person
13 having origins in any of the original peoples of Hawaii,
14 Guam, Samoa, or other Pacific Islands).

15 Members of the McCormick Place Advisory Board shall serve
16 2-year terms and until their successors are appointed, except
17 members who serve as a result of their elected position whose
18 terms shall continue as long as they hold their designated
19 elected positions. Vacancies shall be filled by appointment for
20 the unexpired term in the same manner as original appointments
21 are made. The McCormick Place Advisory Board shall elect its
22 own chairperson.

23 Members of the McCormick Place Advisory Board shall serve
24 without compensation but, at the Authority's discretion, shall
25 be reimbursed for necessary expenses in connection with the
26 performance of their duties.

1 The McCormick Place Advisory Board shall meet quarterly, or
2 as needed, shall produce any reports it deems necessary, and
3 shall:

4 (1) Work with the Authority on ways to improve the area
5 physically and economically;

6 (2) Work with the Authority regarding potential means
7 for providing increased economic opportunities to
8 minorities and women produced indirectly or directly from
9 the construction and operation of the Expansion Project;

10 (3) Work with the Authority to minimize any potential
11 impact on the area surrounding the McCormick Place
12 Expansion Project, including any impact on minority-owned
13 or women-owned businesses, resulting from the construction
14 and operation of the Expansion Project;

15 (4) Work with the Authority to find candidates for
16 building trades apprenticeships, for employment in the
17 hospitality industry, and to identify job training
18 programs;

19 (5) Work with the Authority to implement the provisions
20 of subsections (a) through (e) of this Section in the
21 construction of the Expansion Project, including the
22 Authority's goal of awarding not less than 25% and 5% of
23 the annual dollar value of contracts to minority-owned and
24 women-owned businesses, the outreach program for
25 minorities and women, and the mentor/protege program for
26 providing assistance to minority-owned and women-owned

1 businesses.

2 (g) The Authority shall comply with subsection (e) of
3 Section 5-42 of the Olympic Games and Paralympic Games (2016)
4 Law. For purposes of this Section, the term "games" has the
5 meaning set forth in the Olympic Games and Paralympic Games
6 (2016) Law.

7 (Source: P.A. 100-391, eff. 8-25-17.)

8 Section 40. The School Code is amended by changing Section
9 34-18 as follows:

10 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

11 Sec. 34-18. Powers of the board. The board shall exercise
12 general supervision and jurisdiction over the public education
13 and the public school system of the city, and, except as
14 otherwise provided by this Article, shall have power:

15 1. To make suitable provision for the establishment and
16 maintenance throughout the year or for such portion thereof
17 as it may direct, not less than 9 months and in compliance
18 with Section 10-19.05, of schools of all grades and kinds,
19 including normal schools, high schools, night schools,
20 schools for defectives and delinquents, parental and
21 truant schools, schools for the blind, the deaf, and
22 persons with physical disabilities, schools or classes in
23 manual training, constructural and vocational teaching,
24 domestic arts, and physical culture, vocation and

1 extension schools and lecture courses, and all other
2 educational courses and facilities, including
3 establishing, equipping, maintaining and operating
4 playgrounds and recreational programs, when such programs
5 are conducted in, adjacent to, or connected with any public
6 school under the general supervision and jurisdiction of
7 the board; provided that the calendar for the school term
8 and any changes must be submitted to and approved by the
9 State Board of Education before the calendar or changes may
10 take effect, and provided that in allocating funds from
11 year to year for the operation of all attendance centers
12 within the district, the board shall ensure that
13 supplemental general State aid or supplemental grant funds
14 are allocated and applied in accordance with Section 18-8,
15 18-8.05, or 18-8.15. To admit to such schools without
16 charge foreign exchange students who are participants in an
17 organized exchange student program which is authorized by
18 the board. The board shall permit all students to enroll in
19 apprenticeship programs in trade schools operated by the
20 board, whether those programs are union-sponsored or not.
21 No student shall be refused admission into or be excluded
22 from any course of instruction offered in the common
23 schools by reason of that student's sex. No student shall
24 be denied equal access to physical education and
25 interscholastic athletic programs supported from school
26 district funds or denied participation in comparable

1 physical education and athletic programs solely by reason
2 of the student's sex. Equal access to programs supported
3 from school district funds and comparable programs will be
4 defined in rules promulgated by the State Board of
5 Education in consultation with the Illinois High School
6 Association. Notwithstanding any other provision of this
7 Article, neither the board of education nor any local
8 school council or other school official shall recommend
9 that children with disabilities be placed into regular
10 education classrooms unless those children with
11 disabilities are provided with supplementary services to
12 assist them so that they benefit from the regular classroom
13 instruction and are included on the teacher's regular
14 education class register;

15 2. To furnish lunches to pupils, to make a reasonable
16 charge therefor, and to use school funds for the payment of
17 such expenses as the board may determine are necessary in
18 conducting the school lunch program;

19 3. To co-operate with the circuit court;

20 4. To make arrangements with the public or quasi-public
21 libraries and museums for the use of their facilities by
22 teachers and pupils of the public schools;

23 5. To employ dentists and prescribe their duties for
24 the purpose of treating the pupils in the schools, but
25 accepting such treatment shall be optional with parents or
26 guardians;

1 6. To grant the use of assembly halls and classrooms
2 when not otherwise needed, including light, heat, and
3 attendants, for free public lectures, concerts, and other
4 educational and social interests, free of charge, under
5 such provisions and control as the principal of the
6 affected attendance center may prescribe;

7 7. To apportion the pupils to the several schools;
8 provided that no pupil shall be excluded from or segregated
9 in any such school on account of his color, race, sex, or
10 nationality. The board shall take into consideration the
11 prevention of segregation and the elimination of
12 separation of children in public schools because of color,
13 race, sex, or nationality. Except that children may be
14 committed to or attend parental and social adjustment
15 schools established and maintained either for boys or girls
16 only. All records pertaining to the creation, alteration or
17 revision of attendance areas shall be open to the public.
18 Nothing herein shall limit the board's authority to
19 establish multi-area attendance centers or other student
20 assignment systems for desegregation purposes or
21 otherwise, and to apportion the pupils to the several
22 schools. Furthermore, beginning in school year 1994-95,
23 pursuant to a board plan adopted by October 1, 1993, the
24 board shall offer, commencing on a phased-in basis, the
25 opportunity for families within the school district to
26 apply for enrollment of their children in any attendance

1 center within the school district which does not have
2 selective admission requirements approved by the board.
3 The appropriate geographical area in which such open
4 enrollment may be exercised shall be determined by the
5 board of education. Such children may be admitted to any
6 such attendance center on a space available basis after all
7 children residing within such attendance center's area
8 have been accommodated. If the number of applicants from
9 outside the attendance area exceed the space available,
10 then successful applicants shall be selected by lottery.
11 The board of education's open enrollment plan must include
12 provisions that allow low-income ~~low-income~~ students to
13 have access to transportation needed to exercise school
14 choice. Open enrollment shall be in compliance with the
15 provisions of the Consent Decree and Desegregation Plan
16 cited in Section 34-1.01;

17 8. To approve programs and policies for providing
18 transportation services to students. Nothing herein shall
19 be construed to permit or empower the State Board of
20 Education to order, mandate, or require busing or other
21 transportation of pupils for the purpose of achieving
22 racial balance in any school;

23 9. Subject to the limitations in this Article, to
24 establish and approve system-wide curriculum objectives
25 and standards, including graduation standards, which
26 reflect the multi-cultural diversity in the city and are

1 consistent with State law, provided that for all purposes
2 of this Article courses or proficiency in American Sign
3 Language shall be deemed to constitute courses or
4 proficiency in a foreign language; and to employ principals
5 and teachers, appointed as provided in this Article, and
6 fix their compensation. The board shall prepare such
7 reports related to minimal competency testing as may be
8 requested by the State Board of Education⁷ and_L in
9 addition_L shall monitor and approve special education and
10 bilingual education programs and policies within the
11 district to ensure ~~assure~~ that appropriate services are
12 provided in accordance with applicable State and federal
13 laws to children requiring services and education in those
14 areas;

15 10. To employ non-teaching personnel or utilize
16 volunteer personnel for: (i) non-teaching duties not
17 requiring instructional judgment or evaluation of pupils,
18 including library duties; and (ii) supervising study
19 halls, long distance teaching reception areas used
20 incident to instructional programs transmitted by
21 electronic media such as computers, video, and audio,
22 detention and discipline areas, and school-sponsored
23 extracurricular activities. The board may further utilize
24 volunteer non-certificated personnel or employ
25 non-certificated personnel to assist in the instruction of
26 pupils under the immediate supervision of a teacher holding

1 a valid certificate, directly engaged in teaching subject
2 matter or conducting activities; provided that the teacher
3 shall be continuously aware of the non-certificated
4 persons' activities and shall be able to control or modify
5 them. The general superintendent shall determine
6 qualifications of such personnel and shall prescribe rules
7 for determining the duties and activities to be assigned to
8 such personnel;

9 10.5. To utilize volunteer personnel from a regional
10 School Crisis Assistance Team (S.C.A.T.), created as part
11 of the Safe to Learn Program established pursuant to
12 Section 25 of the Illinois Violence Prevention Act of 1995,
13 to provide assistance to schools in times of violence or
14 other traumatic incidents within a school community by
15 providing crisis intervention services to lessen the
16 effects of emotional trauma on individuals and the
17 community; the School Crisis Assistance Team Steering
18 Committee shall determine the qualifications for
19 volunteers;

20 11. To provide television studio facilities in not to
21 exceed one school building and to provide programs for
22 educational purposes, provided, however, that the board
23 shall not construct, acquire, operate, or maintain a
24 television transmitter; to grant the use of its studio
25 facilities to a licensed television station located in the
26 school district; and to maintain and operate not to exceed

1 one school radio transmitting station and provide programs
2 for educational purposes;

3 12. To offer, if deemed appropriate, outdoor education
4 courses, including field trips within the State of
5 Illinois, or adjacent states, and to use school educational
6 funds for the expense of the said outdoor educational
7 programs, whether within the school district or not;

8 13. During that period of the calendar year not
9 embraced within the regular school term, to provide and
10 conduct courses in subject matters normally embraced in the
11 program of the schools during the regular school term and
12 to give regular school credit for satisfactory completion
13 by the student of such courses as may be approved for
14 credit by the State Board of Education;

15 14. To insure against any loss or liability of the
16 board, the former School Board Nominating Commission,
17 Local School Councils, the Chicago Schools Academic
18 Accountability Council, or the former Subdistrict Councils
19 or of any member, officer, agent, or employee thereof,
20 resulting from alleged violations of civil rights arising
21 from incidents occurring on or after September 5, 1967 or
22 from the wrongful or negligent act or omission of any such
23 person whether occurring within or without the school
24 premises, provided the officer, agent, or employee was, at
25 the time of the alleged violation of civil rights or
26 wrongful act or omission, acting within the scope of his or

1 her employment or under direction of the board, the former
2 School Board Nominating Commission, the Chicago Schools
3 Academic Accountability Council, Local School Councils, or
4 the former Subdistrict Councils; and to provide for or
5 participate in insurance plans for its officers and
6 employees, including, but not limited to, retirement
7 annuities, medical, surgical and hospitalization benefits
8 in such types and amounts as may be determined by the
9 board; provided, however, that the board shall contract for
10 such insurance only with an insurance company authorized to
11 do business in this State. Such insurance may include
12 provision for employees who rely on treatment by prayer or
13 spiritual means alone for healing, in accordance with the
14 tenets and practice of a recognized religious
15 denomination;

16 15. To contract with the corporate authorities of any
17 municipality or the county board of any county, as the case
18 may be, to provide for the regulation of traffic in parking
19 areas of property used for school purposes, in such manner
20 as is provided by Section 11-209 of the ~~The~~ Illinois
21 Vehicle Code, ~~approved September 29, 1969, as amended;~~

22 16. (a) To provide, on an equal basis, access to a high
23 school campus and student directory information to the
24 official recruiting representatives of the armed forces of
25 Illinois and the United States for the purposes of
26 informing students of the educational and career

1 opportunities available in the military if the board has
2 provided such access to persons or groups whose purpose is
3 to acquaint students with educational or occupational
4 opportunities available to them. The board is not required
5 to give greater notice regarding the right of access to
6 recruiting representatives than is given to other persons
7 and groups. In this paragraph 16, "directory information"
8 means a high school student's name, address, and telephone
9 number.

10 (b) If a student or his or her parent or guardian
11 submits a signed, written request to the high school before
12 the end of the student's sophomore year (or if the student
13 is a transfer student, by another time set by the high
14 school) that indicates that the student or his or her
15 parent or guardian does not want the student's directory
16 information to be provided to official recruiting
17 representatives under subsection (a) of this Section, the
18 high school may not provide access to the student's
19 directory information to these recruiting representatives.
20 The high school shall notify its students and their parents
21 or guardians of the provisions of this subsection (b).

22 (c) A high school may require official recruiting
23 representatives of the armed forces of Illinois and the
24 United States to pay a fee for copying and mailing a
25 student's directory information in an amount that is not
26 more than the actual costs incurred by the high school.

1 (d) Information received by an official recruiting
2 representative under this Section may be used only to
3 provide information to students concerning educational and
4 career opportunities available in the military and may not
5 be released to a person who is not involved in recruiting
6 students for the armed forces of Illinois or the United
7 States;

8 17. (a) To sell or market any computer program
9 developed by an employee of the school district, provided
10 that such employee developed the computer program as a
11 direct result of his or her duties with the school district
12 or through the utilization of ~~the~~ school district resources
13 or facilities. The employee who developed the computer
14 program shall be entitled to share in the proceeds of such
15 sale or marketing of the computer program. The distribution
16 of such proceeds between the employee and the school
17 district shall be as agreed upon by the employee and the
18 school district, except that neither the employee nor the
19 school district may receive more than 90% of such proceeds.
20 The negotiation for an employee who is represented by an
21 exclusive bargaining representative may be conducted by
22 such bargaining representative at the employee's request.

23 (b) For the purpose of this paragraph 17:

24 (1) "Computer" means an internally programmed,
25 general purpose digital device capable of
26 automatically accepting data, processing data and

1 supplying the results of the operation.

2 (2) "Computer program" means a series of coded
3 instructions or statements in a form acceptable to a
4 computer, which causes the computer to process data in
5 order to achieve a certain result.

6 (3) "Proceeds" means profits derived from the
7 marketing or sale of a product after deducting the
8 expenses of developing and marketing such product;

9 18. To delegate to the general superintendent of
10 schools, by resolution, the authority to approve contracts
11 and expenditures in amounts of \$10,000 or less;

12 19. Upon the written request of an employee, to
13 withhold from the compensation of that employee any dues,
14 payments, or contributions payable by such employee to any
15 labor organization as defined in the Illinois Educational
16 Labor Relations Act. Under such arrangement, an amount
17 shall be withheld from each regular payroll period which is
18 equal to the pro rata share of the annual dues plus any
19 payments or contributions, and the board shall transmit
20 such withholdings to the specified labor organization
21 within 10 working days from the time of the withholding;

22 19a. Upon receipt of notice from the comptroller of a
23 municipality with a population of 500,000 or more, a county
24 with a population of 3,000,000 or more, the Cook County
25 Forest Preserve District, the Chicago Park District, the
26 Metropolitan Water Reclamation District, the Chicago

1 Transit Authority, or a housing authority of a municipality
2 with a population of 500,000 or more that a debt is due and
3 owing the municipality, the county, the Cook County Forest
4 Preserve District, the Chicago Park District, the
5 Metropolitan Water Reclamation District, the Chicago
6 Transit Authority, or the housing authority by an employee
7 of the Chicago Board of Education, to withhold, from the
8 compensation of that employee, the amount of the debt that
9 is due and owing and pay the amount withheld to the
10 municipality, the county, the Cook County Forest Preserve
11 District, the Chicago Park District, the Metropolitan
12 Water Reclamation District, the Chicago Transit Authority,
13 or the housing authority; provided, however, that the
14 amount deducted from any one salary or wage payment shall
15 not exceed 25% of the net amount of the payment. Before the
16 Board deducts any amount from any salary or wage of an
17 employee under this paragraph, the municipality, the
18 county, the Cook County Forest Preserve District, the
19 Chicago Park District, the Metropolitan Water Reclamation
20 District, the Chicago Transit Authority, or the housing
21 authority shall certify that (i) the employee has been
22 afforded an opportunity for a hearing to dispute the debt
23 that is due and owing the municipality, the county, the
24 Cook County Forest Preserve District, the Chicago Park
25 District, the Metropolitan Water Reclamation District, the
26 Chicago Transit Authority, or the housing authority and

1 (ii) the employee has received notice of a wage deduction
2 order and has been afforded an opportunity for a hearing to
3 object to the order. For purposes of this paragraph, "net
4 amount" means that part of the salary or wage payment
5 remaining after the deduction of any amounts required by
6 law to be deducted and "debt due and owing" means (i) a
7 specified sum of money owed to the municipality, the
8 county, the Cook County Forest Preserve District, the
9 Chicago Park District, the Metropolitan Water Reclamation
10 District, the Chicago Transit Authority, or the housing
11 authority for services, work, or goods, after the period
12 granted for payment has expired, or (ii) a specified sum of
13 money owed to the municipality, the county, the Cook County
14 Forest Preserve District, the Chicago Park District, the
15 Metropolitan Water Reclamation District, the Chicago
16 Transit Authority, or the housing authority pursuant to a
17 court order or order of an administrative hearing officer
18 after the exhaustion of, or the failure to exhaust,
19 judicial review;

20 20. The board is encouraged to employ a sufficient
21 number of certified school counselors to maintain a
22 student/counselor ratio of 250 to 1 by July 1, 1990. Each
23 counselor shall spend at least 75% of his work time in
24 direct contact with students and shall maintain a record of
25 such time;

26 21. To make available to students vocational and career

1 counseling and to establish 5 special career counseling
2 days for students and parents. On these days
3 representatives of local businesses and industries shall
4 be invited to the school campus and shall inform students
5 of career opportunities available to them in the various
6 businesses and industries. Special consideration shall be
7 given to counseling minority students as to career
8 opportunities available to them in various fields. For the
9 purposes of this paragraph, minority student means a person
10 who is any of the following:

11 (a) American Indian or Alaska Native (a person having
12 origins in any of the original peoples of North and South
13 America, including Central America, and who maintains
14 tribal affiliation or community attachment).

15 (b) Asian (a person having origins in any of the
16 original peoples of the Far East, Southeast Asia, or the
17 Indian subcontinent, including, but not limited to,
18 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
19 the Philippine Islands, Thailand, and Vietnam).

20 (c) Black or African American (a person having origins
21 in any of the black racial groups of Africa). ~~Terms such as~~
22 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
23 ~~African American".~~

24 (c-5) Descendant of American Slaves (a person having
25 direct ancestral lineage to victims of chattel slavery in
26 the United States of America). Terms such as "Black",

1 "African American", or "American Descendant of Slavery"
2 can be used in addition to "Descendant of American Slaves".

3 (d) Hispanic or Latino (a person of Cuban, Mexican,
4 Puerto Rican, South or Central American, or other Spanish
5 culture or origin, regardless of race).

6 (e) Native Hawaiian or Other Pacific Islander (a person
7 having origins in any of the original peoples of Hawaii,
8 Guam, Samoa, or other Pacific Islands).

9 Counseling days shall not be in lieu of regular school
10 days;

11 22. To report to the State Board of Education the
12 annual student dropout rate and number of students who
13 graduate from, transfer from, or otherwise leave bilingual
14 programs;

15 23. Except as otherwise provided in the Abused and
16 Neglected Child Reporting Act or other applicable State or
17 federal law, to permit school officials to withhold, from
18 any person, information on the whereabouts of any child
19 removed from school premises when the child has been taken
20 into protective custody as a victim of suspected child
21 abuse. School officials shall direct such person to the
22 Department of Children and Family Services, or to the local
23 law enforcement agency, if appropriate;

24 24. To develop a policy, based on the current state of
25 existing school facilities, projected enrollment, and
26 efficient utilization of available resources, for capital

1 improvement of schools and school buildings within the
2 district, addressing in that policy both the relative
3 priority for major repairs, renovations, and additions to
4 school facilities, and the advisability or necessity of
5 building new school facilities or closing existing schools
6 to meet current or projected demographic patterns within
7 the district;

8 25. To make available to the students in every high
9 school attendance center the ability to take all courses
10 necessary to comply with the Board of Higher Education's
11 college entrance criteria effective in 1993;

12 26. To encourage mid-career changes into the teaching
13 profession, whereby qualified professionals become
14 certified teachers, by allowing credit for professional
15 employment in related fields when determining point of
16 entry on the teacher pay scale;

17 27. To provide or contract out training programs for
18 administrative personnel and principals with revised or
19 expanded duties pursuant to this Code Act in order to
20 ensure ~~assure~~ they have the knowledge and skills to perform
21 their duties;

22 28. To establish a fund for the prioritized special
23 needs programs, and to allocate such funds and other lump
24 sum amounts to each attendance center in a manner
25 consistent with the provisions of part 4 of Section 34-2.3.
26 Nothing in this paragraph shall be construed to require any

1 additional appropriations of State funds for this purpose;

2 29. (Blank);

3 30. Notwithstanding any other provision of this Act or
4 any other law to the contrary, to contract with third
5 parties for services otherwise performed by employees,
6 including those in a bargaining unit, and to layoff those
7 employees upon 14 days written notice to the affected
8 employees. Those contracts may be for a period not to
9 exceed 5 years and may be awarded on a system-wide basis.
10 The board may not operate more than 30 contract schools,
11 provided that the board may operate an additional 5
12 contract turnaround schools pursuant to item (5.5) of
13 subsection (d) of Section 34-8.3 of this Code, and the
14 governing bodies of contract schools are subject to the
15 Freedom of Information Act and Open Meetings Act;

16 31. To promulgate rules establishing procedures
17 governing the layoff or reduction in force of employees and
18 the recall of such employees, including, but not limited
19 to, criteria for such layoffs, reductions in force or
20 recall rights of such employees and the weight to be given
21 to any particular criterion. Such criteria shall take into
22 account factors, including, but not ~~be~~ limited to,
23 qualifications, certifications, experience, performance
24 ratings or evaluations, and any other factors relating to
25 an employee's job performance;

26 32. To develop a policy to prevent nepotism in the

1 hiring of personnel or the selection of contractors;

2 33. (Blank); and

3 34. To establish a Labor Management Council to the
4 board comprised of representatives of the board, the chief
5 executive officer, and those labor organizations that are
6 the exclusive representatives of employees of the board and
7 to promulgate policies and procedures for the operation of
8 the Council.

9 The specifications of the powers herein granted are not to
10 be construed as exclusive, but the board shall also exercise
11 all other powers that ~~they~~ may be requisite or proper for the
12 maintenance and the development of a public school system, not
13 inconsistent with the other provisions of this Article or
14 provisions of this Code which apply to all school districts.

15 In addition to the powers herein granted and authorized to
16 be exercised by the board, it shall be the duty of the board to
17 review or to direct independent reviews of special education
18 expenditures and services. The board shall file a report of
19 such review with the General Assembly on or before May 1, 1990.

20 (Source: P.A. 100-465, eff. 8-31-17; 100-1046, eff. 8-23-18;
21 101-12, eff. 7-1-19; 101-88, eff. 1-1-20; revised 8-19-19.)

22 Section 45. The Board of Higher Education Act is amended by
23 changing Section 9.16 as follows:

24 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

1 Sec. 9.16. Underrepresentation of certain groups in higher
2 education. To require public institutions of higher education
3 to develop and implement methods and strategies to increase the
4 participation of minorities, women and individuals with
5 disabilities who are traditionally underrepresented in
6 education programs and activities. For the purpose of this
7 Section, minorities shall mean persons who are citizens of the
8 United States or lawful permanent resident aliens of the United
9 States and who are any of the following:

10 (1) American Indian or Alaska Native (a person having
11 origins in any of the original peoples of North and South
12 America, including Central America, and who maintains
13 tribal affiliation or community attachment).

14 (2) Asian (a person having origins in any of the
15 original peoples of the Far East, Southeast Asia, or the
16 Indian subcontinent, including, but not limited to,
17 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
18 the Philippine Islands, Thailand, and Vietnam).

19 (3) Black or African American (a person having origins
20 in any of the black racial groups of Africa). ~~Terms such as~~
21 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
22 ~~African American".~~

23 (3.5) Descendant of American Slaves (a person having
24 direct ancestral lineage to victims of chattel slavery in
25 the United States of America). Terms such as "Black",
26 "African American", or "American Descendant of Slavery"

1 can be used in addition to "Descendant of American Slaves".

2 (4) Hispanic or Latino (a person of Cuban, Mexican,
3 Puerto Rican, South or Central American, or other Spanish
4 culture or origin, regardless of race).

5 (5) Native Hawaiian or Other Pacific Islander (a person
6 having origins in any of the original peoples of Hawaii,
7 Guam, Samoa, or other Pacific Islands).

8 The Board shall adopt any rules necessary to administer
9 this Section. The Board shall also do the following:

10 (a) require all public institutions of higher education to
11 develop and submit plans for the implementation of this
12 Section;

13 (b) conduct periodic review of public institutions of
14 higher education to determine compliance with this Section; and
15 if the Board finds that a public institution of higher
16 education is not in compliance with this Section, it shall
17 notify the institution of steps to take to attain compliance;

18 (c) provide advice and counsel pursuant to this Section;

19 (d) conduct studies of the effectiveness of methods and
20 strategies designed to increase participation of students in
21 education programs and activities in which minorities, women
22 and individuals with disabilities are traditionally
23 underrepresented, and monitor the success of students in such
24 education programs and activities;

25 (e) encourage minority student recruitment and retention
26 in colleges and universities. In implementing this paragraph,

1 the Board shall undertake but need not be limited to the
2 following: the establishment of guidelines and plans for public
3 institutions of higher education for minority student
4 recruitment and retention, the review and monitoring of
5 minority student programs implemented at public institutions
6 of higher education to determine their compliance with any
7 guidelines and plans so established, the determination of the
8 effectiveness and funding requirements of minority student
9 programs at public institutions of higher education, the
10 dissemination of successful programs as models, and the
11 encouragement of cooperative partnerships between community
12 colleges and local school attendance centers which are
13 experiencing difficulties in enrolling minority students in
14 four-year colleges and universities;

15 (f) mandate all public institutions of higher education to
16 submit data and information essential to determine compliance
17 with this Section. The Board shall prescribe the format and the
18 date for submission of this data and any other education equity
19 data; and

20 (g) report to the General Assembly and the Governor
21 annually with a description of the plans submitted by each
22 public institution of higher education for implementation of
23 this Section, including financial data relating to the most
24 recent fiscal year expenditures for specific minority
25 programs, the effectiveness of such plans and programs and the
26 effectiveness of the methods and strategies developed by the

1 Board in meeting the purposes of this Section, the degree of
2 compliance with this Section by each public institution of
3 higher education as determined by the Board pursuant to its
4 periodic review responsibilities, and the findings made by the
5 Board in conducting its studies and monitoring student success
6 as required by paragraph d) of this Section. With respect to
7 each public institution of higher education such report also
8 shall include, but need not be limited to, information with
9 respect to each institution's minority program budget
10 allocations; minority student admission, retention and
11 graduation statistics; admission, retention, and graduation
12 statistics of all students who are the first in their immediate
13 family to attend an institution of higher education; number of
14 financial assistance awards to undergraduate and graduate
15 minority students; and minority faculty representation. This
16 paragraph shall not be construed to prohibit the Board from
17 making, preparing or issuing additional surveys or studies with
18 respect to minority education in Illinois.

19 (Source: P.A. 99-143, eff. 7-27-15.)

20 Section 50. The Dental Student Grant Act is amended by
21 changing Section 3.07 as follows:

22 (110 ILCS 925/3.07) (from Ch. 144, par. 1503.07)

23 Sec. 3.07. "Racial minority" means a person who is any of
24 the following:

1 (1) American Indian or Alaska Native (a person having
2 origins in any of the original peoples of North and South
3 America, including Central America, and who maintains
4 tribal affiliation or community attachment).

5 (2) Asian (a person having origins in any of the
6 original peoples of the Far East, Southeast Asia, or the
7 Indian subcontinent, including, but not limited to,
8 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
9 the Philippine Islands, Thailand, and Vietnam).

10 (3) Black or African American (a person having origins
11 in any of the black racial groups of Africa). ~~Terms such as~~
12 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
13 ~~African American".~~

14 (3.5) Descendant of American Slaves (a person having
15 direct ancestral lineage to victims of chattel slavery in
16 the United States of America). Terms such as "Black",
17 "African American", or "American Descendant of Slavery"
18 can be used in addition to "Descendant of American Slaves".

19 (4) Hispanic or Latino (a person of Cuban, Mexican,
20 Puerto Rican, South or Central American, or other Spanish
21 culture or origin, regardless of race).

22 (5) Native Hawaiian or Other Pacific Islander (a person
23 having origins in any of the original peoples of Hawaii,
24 Guam, Samoa, or other Pacific Islands).

25 (Source: P.A. 97-396, eff. 1-1-12.)

1 Section 55. The Diversifying Higher Education Faculty in
2 Illinois Act is amended by changing Section 2 as follows:

3 (110 ILCS 930/2) (from Ch. 144, par. 2302)

4 Sec. 2. Definitions. As used in this Act, unless the
5 context otherwise requires:

6 "Board" means the Board of Higher Education.

7 "DFI" means the Diversifying Higher Education Faculty in
8 Illinois Program of financial assistance to minorities who are
9 traditionally underrepresented as participants in
10 postsecondary education. The program shall assist them in
11 pursuing a graduate or professional degree and shall also
12 assist program graduates to find employment at an Illinois
13 institution of higher education, including a community
14 college, in a faculty or staff position.

15 "Program Board" means the entity created to administer the
16 grant program authorized by this Act.

17 "Qualified institution of higher education" means a
18 qualifying publicly or privately operated educational
19 institution located within Illinois (i) that offers
20 instruction leading toward or prerequisite to an academic or
21 professional degree beyond the baccalaureate degree, excluding
22 theological schools, and (ii) that is authorized to operate in
23 the State of Illinois.

24 "Racial minority" means a person who is a citizen of the
25 United States or a lawful permanent resident alien of the

1 United States and who is any of the following:

2 (1) American Indian or Alaska Native (a person having
3 origins in any of the original peoples of North and South
4 America, including Central America, and who maintains
5 tribal affiliation or community attachment).

6 (2) Asian (a person having origins in any of the
7 original peoples of the Far East, Southeast Asia, or the
8 Indian subcontinent, including, but not limited to,
9 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
10 the Philippine Islands, Thailand, and Vietnam).

11 (3) Black or African American (a person having origins
12 in any of the black racial groups of Africa). ~~Terms such as~~
13 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
14 ~~African American".~~

15 (3.5) Descendant of American Slaves (a person having
16 direct ancestral lineage to victims of chattel slavery in
17 the United States of America). Terms such as "Black",
18 "African American", or "American Descendant of Slavery"
19 can be used in addition to "Descendant of American Slaves".

20 (4) Hispanic or Latino (a person of Cuban, Mexican,
21 Puerto Rican, South or Central American, or other Spanish
22 culture or origin, regardless of race).

23 (5) Native Hawaiian or Other Pacific Islander (a person
24 having origins in any of the original peoples of Hawaii,
25 Guam, Samoa, or other Pacific Islands).

26 (Source: P.A. 97-396, eff. 1-1-12.)

1 Section 60. The Higher Education Student Assistance Act is
2 amended by changing Sections 50 and 65.30 as follows:

3 (110 ILCS 947/50)

4 Sec. 50. Minority Teachers of Illinois scholarship
5 program.

6 (a) As used in this Section:

7 "Eligible applicant" means a minority student who has
8 graduated from high school or has received a high school
9 equivalency certificate and has maintained a cumulative
10 grade point average of no less than 2.5 on a 4.0 scale, and
11 who by reason thereof is entitled to apply for scholarships
12 to be awarded under this Section.

13 "Minority student" means a student who is any of the
14 following:

15 (1) American Indian or Alaska Native (a person
16 having origins in any of the original peoples of North
17 and South America, including Central America, and who
18 maintains tribal affiliation or community attachment).

19 (2) Asian (a person having origins in any of the
20 original peoples of the Far East, Southeast Asia, or
21 the Indian subcontinent, including, but not limited
22 to, Cambodia, China, India, Japan, Korea, Malaysia,
23 Pakistan, the Philippine Islands, Thailand, and
24 Vietnam).

1 (3) Black or African American (a person having
2 origins in any of the black racial groups of Africa).
3 ~~Terms such as "Haitian" or "Negro" can be used in~~
4 ~~addition to "Black or African American".~~

5 (3.5) Descendant of American Slaves (a person
6 having direct ancestral lineage to victims of chattel
7 slavery in the United States of America). Terms such as
8 "Black", "African American", or "American Descendant
9 of Slavery" can be used in addition to "Descendant of
10 American Slaves".

11 (4) Hispanic or Latino (a person of Cuban, Mexican,
12 Puerto Rican, South or Central American, or other
13 Spanish culture or origin, regardless of race).

14 (5) Native Hawaiian or Other Pacific Islander (a
15 person having origins in any of the original peoples of
16 Hawaii, Guam, Samoa, or other Pacific Islands).

17 "Qualified student" means a person (i) who is a
18 resident of this State and a citizen or permanent resident
19 of the United States; (ii) who is a minority student, as
20 defined in this Section; (iii) who, as an eligible
21 applicant, has made a timely application for a minority
22 teaching scholarship under this Section; (iv) who is
23 enrolled on at least a half-time basis at a qualified
24 Illinois institution of higher learning; (v) who is
25 enrolled in a course of study leading to teacher licensure,
26 including alternative teacher licensure, or, if the

1 student is already licensed to teach, in a course of study
2 leading to an additional teaching endorsement or a master's
3 degree in an academic field in which he or she is teaching
4 or plans to teach; (vi) who maintains a grade point average
5 of no less than 2.5 on a 4.0 scale; and (vii) who continues
6 to advance satisfactorily toward the attainment of a
7 degree.

8 (b) In order to encourage academically talented Illinois
9 minority students to pursue teaching careers at the preschool
10 or elementary or secondary school level, each qualified student
11 shall be awarded a minority teacher scholarship to any
12 qualified Illinois institution of higher learning. However,
13 preference may be given to qualified applicants enrolled at or
14 above the junior level.

15 (c) Each minority teacher scholarship awarded under this
16 Section shall be in an amount sufficient to pay the tuition and
17 fees and room and board costs of the qualified Illinois
18 institution of higher learning at which the recipient is
19 enrolled, up to an annual maximum of \$5,000; except that in the
20 case of a recipient who does not reside on-campus at the
21 institution at which he or she is enrolled, the amount of the
22 scholarship shall be sufficient to pay tuition and fee expenses
23 and a commuter allowance, up to an annual maximum of \$5,000.

24 (d) The total amount of minority teacher scholarship
25 assistance awarded by the Commission under this Section to an
26 individual in any given fiscal year, when added to other

1 financial assistance awarded to that individual for that year,
2 shall not exceed the cost of attendance at the institution at
3 which the student is enrolled. If the amount of minority
4 teacher scholarship to be awarded to a qualified student as
5 provided in subsection (c) of this Section exceeds the cost of
6 attendance at the institution at which the student is enrolled,
7 the minority teacher scholarship shall be reduced by an amount
8 equal to the amount by which the combined financial assistance
9 available to the student exceeds the cost of attendance.

10 (e) The maximum number of academic terms for which a
11 qualified student can receive minority teacher scholarship
12 assistance shall be 8 semesters or 12 quarters.

13 (f) In any academic year for which an eligible applicant
14 under this Section accepts financial assistance through the
15 Paul Douglas Teacher Scholarship Program, as authorized by
16 Section 551 et seq. of the Higher Education Act of 1965, the
17 applicant shall not be eligible for scholarship assistance
18 awarded under this Section.

19 (g) All applications for minority teacher scholarships to
20 be awarded under this Section shall be made to the Commission
21 on forms which the Commission shall provide for eligible
22 applicants. The form of applications and the information
23 required to be set forth therein shall be determined by the
24 Commission, and the Commission shall require eligible
25 applicants to submit with their applications such supporting
26 documents or recommendations as the Commission deems

1 necessary.

2 (h) Subject to a separate appropriation for such purposes,
3 payment of any minority teacher scholarship awarded under this
4 Section shall be determined by the Commission. All scholarship
5 funds distributed in accordance with this subsection shall be
6 paid to the institution and used only for payment of the
7 tuition and fee and room and board expenses incurred by the
8 student in connection with his or her attendance at a qualified
9 Illinois institution of higher learning. Any minority teacher
10 scholarship awarded under this Section shall be applicable to 2
11 semesters or 3 quarters of enrollment. If a qualified student
12 withdraws from enrollment prior to completion of the first
13 semester or quarter for which the minority teacher scholarship
14 is applicable, the school shall refund to the Commission the
15 full amount of the minority teacher scholarship.

16 (i) The Commission shall administer the minority teacher
17 scholarship aid program established by this Section and shall
18 make all necessary and proper rules not inconsistent with this
19 Section for its effective implementation.

20 (j) When an appropriation to the Commission for a given
21 fiscal year is insufficient to provide scholarships to all
22 qualified students, the Commission shall allocate the
23 appropriation in accordance with this subsection. If funds are
24 insufficient to provide all qualified students with a
25 scholarship as authorized by this Section, the Commission shall
26 allocate the available scholarship funds for that fiscal year

1 on the basis of the date the Commission receives a complete
2 application form.

3 (k) Notwithstanding the provisions of subsection (j) or any
4 other provision of this Section, at least 30% of the funds
5 appropriated for scholarships awarded under this Section in
6 each fiscal year shall be reserved for qualified male minority
7 applicants. If the Commission does not receive enough
8 applications from qualified male minorities on or before
9 January 1 of each fiscal year to award 30% of the funds
10 appropriated for these scholarships to qualified male minority
11 applicants, then the Commission may award a portion of the
12 reserved funds to qualified female minority applicants.

13 (l) Prior to receiving scholarship assistance for any
14 academic year, each recipient of a minority teacher scholarship
15 awarded under this Section shall be required by the Commission
16 to sign an agreement under which the recipient pledges that,
17 within the one-year period following the termination of the
18 program for which the recipient was awarded a minority teacher
19 scholarship, the recipient (i) shall begin teaching for a
20 period of not less than one year for each year of scholarship
21 assistance he or she was awarded under this Section; and (ii)
22 shall fulfill this teaching obligation at a nonprofit Illinois
23 public, private, or parochial preschool, elementary school, or
24 secondary school at which no less than 30% of the enrolled
25 students are minority students in the year during which the
26 recipient begins teaching at the school; and (iii) shall, upon

1 request by the Commission, provide the Commission with evidence
2 that he or she is fulfilling or has fulfilled the terms of the
3 teaching agreement provided for in this subsection.

4 (m) If a recipient of a minority teacher scholarship
5 awarded under this Section fails to fulfill the teaching
6 obligation set forth in subsection (l) of this Section, the
7 Commission shall require the recipient to repay the amount of
8 the scholarships received, prorated according to the fraction
9 of the teaching obligation not completed, at a rate of interest
10 equal to 5%, and, if applicable, reasonable collection fees.
11 The Commission is authorized to establish rules relating to its
12 collection activities for repayment of scholarships under this
13 Section. All repayments collected under this Section shall be
14 forwarded to the State Comptroller for deposit into the State's
15 General Revenue Fund.

16 (n) A recipient of minority teacher scholarship shall not
17 be considered in violation of the agreement entered into
18 pursuant to subsection (l) if the recipient (i) enrolls on a
19 full time basis as a graduate student in a course of study
20 related to the field of teaching at a qualified Illinois
21 institution of higher learning; (ii) is serving, not in excess
22 of 3 years, as a member of the armed services of the United
23 States; (iii) is a person with a temporary total disability for
24 a period of time not to exceed 3 years as established by sworn
25 affidavit of a qualified physician; (iv) is seeking and unable
26 to find full time employment as a teacher at an Illinois

1 public, private, or parochial preschool or elementary or
2 secondary school that satisfies the criteria set forth in
3 subsection (l) of this Section and is able to provide evidence
4 of that fact; (v) becomes a person with a permanent total
5 disability as established by sworn affidavit of a qualified
6 physician; (vi) is taking additional courses, on at least a
7 half-time basis, needed to obtain licensure as a teacher in
8 Illinois; or (vii) is fulfilling teaching requirements
9 associated with other programs administered by the Commission
10 and cannot concurrently fulfill them under this Section in a
11 period of time equal to the length of the teaching obligation.

12 (o) Scholarship recipients under this Section who withdraw
13 from a program of teacher education but remain enrolled in
14 school to continue their postsecondary studies in another
15 academic discipline shall not be required to commence repayment
16 of their Minority Teachers of Illinois scholarship so long as
17 they remain enrolled in school on a full-time basis or if they
18 can document for the Commission special circumstances that
19 warrant extension of repayment.

20 (Source: P.A. 99-143, eff. 7-27-15; 100-235, eff. 6-1-18.)

21 (110 ILCS 947/65.30)

22 Sec. 65.30. Equal opportunity scholarships.

23 (a) The Commission may annually award a number of
24 scholarships to students who are interested in pursuing studies
25 in educational administration. Such scholarships shall be

1 issued to students who make application to the Commission and
2 who agree to take courses at qualified institutions of higher
3 learning that will allow them to complete a degree in
4 educational administration.

5 (b) Scholarships awarded under this Section shall be issued
6 pursuant to regulations promulgated by the Commission;
7 provided that no rule or regulation promulgated by the State
8 Board of Education prior to the effective date of this
9 amendatory Act of 1993 pursuant to the exercise of any right,
10 power, duty, responsibility or matter of pending business
11 transferred from the State Board of Education to the Commission
12 under this Section shall be affected thereby, and all such
13 rules and regulations shall become the rules and regulations of
14 the Commission until modified or changed by the Commission in
15 accordance with law.

16 (c) Such scholarships shall be utilized for the payment of
17 tuition and non-revenue bond fees at any qualified institution
18 of higher learning. Such tuition and fees shall only be
19 available for courses that will enable the student to complete
20 training in educational administration. The Commission shall
21 determine which courses are eligible for tuition payments under
22 this Section.

23 (d) The Commission may make tuition payments directly to
24 the qualified institution of higher learning which the student
25 attends for the courses prescribed or may make payments to the
26 student. Any student who receives payments and who fails to

1 enroll in the courses prescribed shall refund the payments to
2 the Commission.

3 (e) The Commission, with the cooperation of the State Board
4 of Education, shall assist students who have participated in
5 the scholarship program established by this Section in finding
6 employment in positions relating to educational
7 administration.

8 (f) Appropriations for the scholarships outlined in this
9 Section shall be made to the Commission from funds appropriated
10 by the General Assembly.

11 (g) This Section is substantially the same as Section 30-4d
12 of the School Code, which Section is repealed by this
13 amendatory Act of 1993, and shall be construed as a
14 continuation of the equal opportunity scholarship program
15 established under that prior law, and not as a new or different
16 equal opportunity scholarship program. The State Board of
17 Education shall transfer to the Commission, as the successor to
18 the State Board of Education for all purposes of administering
19 and implementing the provisions of this Section, all books,
20 accounts, records, papers, documents, contracts, agreements,
21 and pending business in any way relating to the equal
22 opportunity scholarship program continued under this Section;
23 and all scholarships at any time awarded under that program by,
24 and all applications for any such scholarship at any time made
25 to, the State Board of Education shall be unaffected by the
26 transfer to the Commission of all responsibility for the

1 administration and implementation of the equal opportunity
2 scholarship program continued under this Section. The State
3 Board of Education shall furnish to the Commission such other
4 information as the Commission may request to assist it in
5 administering this Section.

6 (h) For purposes of this Section:

7 (1) "Qualified institution of higher learning" means
8 the University of Illinois; Southern Illinois University;
9 Chicago State University; Eastern Illinois University;
10 Governors State University; Illinois State University;
11 Northeastern Illinois University; Northern Illinois
12 University; Western Illinois University; the public
13 community colleges of the State; any other public
14 universities, colleges and community colleges now or
15 hereafter established or authorized by the General
16 Assembly; and any Illinois privately operated, not for
17 profit institution located in this State which provides at
18 least an organized 2-year program of collegiate grade in
19 liberal arts or sciences, or both, directly applicable
20 toward the attainment of a baccalaureate or graduate
21 degree.

22 (2) "Racial minority" means a person who is any of the
23 following:

24 (1) American Indian or Alaska Native (a person
25 having origins in any of the original peoples of North
26 and South America, including Central America, and who

1 maintains tribal affiliation or community attachment).

2 (2) Asian (a person having origins in any of the
3 original peoples of the Far East, Southeast Asia, or
4 the Indian subcontinent, including, but not limited
5 to, Cambodia, China, India, Japan, Korea, Malaysia,
6 Pakistan, the Philippine Islands, Thailand, and
7 Vietnam).

8 (3) Black or African American (a person having
9 origins in any of the black racial groups of Africa).
10 ~~Terms such as "Haitian" or "Negro" can be used in~~
11 ~~addition to "Black or African American".~~

12 (3.5) Descendant of American Slaves (a person
13 having direct ancestral lineage to victims of chattel
14 slavery in the United States of America). Terms such as
15 "Black", "African American", or "American Descendant
16 of Slavery" can be used in addition to "Descendant of
17 American Slaves".

18 (4) Hispanic or Latino (a person of Cuban, Mexican,
19 Puerto Rican, South or Central American, or other
20 Spanish culture or origin, regardless of race).

21 (5) Native Hawaiian or Other Pacific Islander (a
22 person having origins in any of the original peoples of
23 Hawaii, Guam, Samoa, or other Pacific Islands).

24 (3) "Student" means a woman or racial minority.

25 (Source: P.A. 97-396, eff. 1-1-12.)

1 Section 65. The Illinois Insurance Code is amended by
2 changing Section 500-50 as follows:

3 (215 ILCS 5/500-50)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 500-50. Insurance producers; examination statistics.

6 (a) The use of examinations for the purpose of determining
7 qualifications of persons to be licensed as insurance producers
8 has a direct and far-reaching effect on persons seeking those
9 licenses, on insurance companies, and on the public. It is in
10 the public interest and it will further the public welfare to
11 insure that examinations for licensing do not have the effect
12 of unlawfully discriminating against applicants for licensing
13 as insurance producers on the basis of race, color, national
14 origin, or sex.

15 (b) As used in this Section, the following words have the
16 meanings given in this subsection.

17 Examination. "Examination" means the examination in each
18 line of insurance administered pursuant to Section 500-30.

19 Examinee. "Examinee" means a person who takes an
20 examination.

21 Part. "Part" means a portion of an examination for which a
22 score is calculated.

23 Operational item. "Operational item" means a test question
24 considered in determining an examinee's score.

25 Test form. "Test form" means the test booklet or instrument

1 used for a part of an examination.

2 Pretest item. "Pretest item" means a prospective test
3 question that is included in a test form in order to assess its
4 performance, but is not considered in determining an examinee's
5 score.

6 Minority group or examinees. "Minority group" or "minority
7 examinees" means examinees who are American Indian or Alaska
8 Native, Asian, Black or African American, Hispanic or Latino,
9 or Native Hawaiian or Other Pacific Islander.

10 Correct-answer rate. "Correct-answer rate" for an item
11 means the number of examinees who provided the correct answer
12 on an item divided by the number of examinees who answered the
13 item.

14 Correlation. "Correlation" means a statistical measure of
15 the relationship between performance on an item and performance
16 on a part of the examination.

17 (c) The Director shall ask each examinee to self-report on
18 a voluntary basis on the answer sheet, application form, or by
19 other appropriate means, the following information:

20 (1) race or ethnicity (American Indian or Alaska
21 Native, Asian, Black or African American, Hispanic or
22 Latino, Native Hawaiian or Other Pacific Islander, or
23 White);

24 (2) education (8th grade or less; less than 12th grade;
25 high school diploma or high school equivalency
26 certificate; some college, but no 4-year degree; or 4-year

1 degree or more); and

2 (3) gender (male or female).

3 The Director must advise all examinees that they are not
4 required to provide this information, that they will not be
5 penalized for not doing so, and that the Director will use the
6 information provided exclusively for research and statistical
7 purposes and to improve the quality and fairness of the
8 examinations.

9 (d) No later than May 1 of each year, the Director must
10 prepare, publicly announce, and publish an Examination Report
11 of summary statistical information relating to each
12 examination administered during the preceding calendar year.
13 Each Examination Report shall show with respect to each
14 examination:

15 (1) For all examinees combined and separately by race
16 or ethnicity, by educational level, by gender, by
17 educational level within race or ethnicity, by education
18 level within gender, and by race or ethnicity within
19 gender:

20 (A) number of examinees;

21 (B) percentage and number of examinees who passed
22 each part;

23 (C) percentage and number of examinees who passed
24 all parts;

25 (D) mean scaled scores on each part; and

26 (E) standard deviation of scaled scores on each

1 part.

2 (2) For male examinees, female examinees, Black or
3 African American examinees, white examinees, American
4 Indian or Alaska Native examinees, Asian examinees,
5 Hispanic or Latino examinees, and Native Hawaiian or Other
6 Pacific Islander, respectively, with a high school diploma
7 or high school equivalency certificate, the distribution
8 of scaled scores on each part.

9 No later than May 1 of each year, the Director must prepare
10 and make available on request an Item Report of summary
11 statistical information relating to each operational item on
12 each test form administered during the preceding calendar year.
13 The Item Report shall show, for each operational item, for all
14 examinees combined and separately for Black or African American
15 examinees, white examinees, American Indian or Alaska Native
16 examinees, Asian examinees, Hispanic or Latino examinees, and
17 Native Hawaiian or Other Pacific Islander, the correct-answer
18 rates and correlations.

19 The Director is not required to report separate statistical
20 information for any group or subgroup comprising fewer than 50
21 examinees.

22 (e) The Director must obtain a regular analysis of the data
23 collected under this Section, and any other relevant
24 information, for purposes of the development of new test forms.
25 The analysis shall continue the implementation of the item
26 selection methodology as recommended in the Final Report of the

1 Illinois Insurance Producer's Licensing Examination Advisory
2 Committee dated November 19, 1991, and filed with the
3 Department unless some other methodology is determined by the
4 Director to be as effective in minimizing differences between
5 white and minority examinee pass-fail rates.

6 (f) The Director has the discretion to set cutoff scores
7 for the examinations, provided that scaled scores on test forms
8 administered after July 1, 1993, shall be made comparable to
9 scaled scores on test forms administered in 1991 by use of
10 professionally acceptable methods so as to minimize changes in
11 passing rates related to the presence or absence of or changes
12 in equating or scaling equations or methods or content
13 outlines. Each calendar year, the scaled cutoff score for each
14 part of each examination shall fluctuate by no more than the
15 standard error of measurement from the scaled cutoff score
16 employed during the preceding year.

17 (g) No later than May 1, 2003 and no later than May 1 of
18 every fourth year thereafter, the Director must release to the
19 public and make generally available one representative test
20 form and set of answer keys for each part of each examination.

21 (h) The Director must maintain, for a period of 3 years
22 after they are prepared or used, all registration forms, test
23 forms, answer sheets, operational items and pretest items, item
24 analyses, and other statistical analyses relating to the
25 examinations. All personal identifying information regarding
26 examinees and the content of test items must be maintained

1 confidentially as necessary for purposes of protecting the
2 personal privacy of examinees and the maintenance of test
3 security.

4 (i) In administering the examinations, the Director must
5 make such accommodations for examinees with disabilities as are
6 reasonably warranted by the particular disability involved,
7 including the provision of additional time if necessary to
8 complete an examination or special assistance in taking an
9 examination.

10 (j) For the purposes of this Section:

11 (1) "American Indian or Alaska Native" means a person
12 having origins in any of the original peoples of North and
13 South America, including Central America, and who
14 maintains tribal affiliation or community attachment.

15 (2) "Asian" means a person having origins in any of the
16 original peoples of the Far East, Southeast Asia, or the
17 Indian subcontinent, including, but not limited to,
18 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
19 the Philippine Islands, Thailand, and Vietnam.

20 (3) "Black or African American" means a person having
21 origins in any of the black racial groups of Africa. ~~Terms~~
22 ~~such as "Haitian" or "Negro" can be used in addition to~~
23 ~~"Black or African American".~~

24 (3.5) Descendant of American Slaves (a person having
25 direct ancestral lineage to victims of chattel slavery in
26 the United States of America). Terms such as "Black",

1 "African American", or "American Descendant of Slavery"
2 can be used in addition to "Descendant of American Slaves".

3 (4) "Hispanic or Latino" means a person of Cuban,
4 Mexican, Puerto Rican, South or Central American, or other
5 Spanish culture or origin, regardless of race.

6 (5) "Native Hawaiian or Other Pacific Islander" means a
7 person having origins in any of the original peoples of
8 Hawaii, Guam, Samoa, or other Pacific Islands.

9 (6) "White" means a person having origins in any of the
10 original peoples of Europe, the Middle East, or North
11 Africa.

12 (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15.)

13 Section 70. The Illinois Public Aid Code is amended by
14 changing Section 4-23 as follows:

15 (305 ILCS 5/4-23)

16 Sec. 4-23. Civil rights impact statement.

17 (a) The Department of Human Services must submit to the
18 Governor and the General Assembly on January 1 of each
19 even-numbered year a written report that details the disparate
20 impact of various provisions of the TANF program on people of
21 different racial or ethnic groups who identify themselves in an
22 application for benefits as any of the following:

23 (1) American Indian or Alaska Native (a person having
24 origins in any of the original peoples of North and South

1 America, including Central America, and who maintains
2 tribal affiliation or community attachment).

3 (2) Asian (a person having origins in any of the
4 original peoples of the Far East, Southeast Asia, or the
5 Indian subcontinent, including, but not limited to,
6 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
7 the Philippine Islands, Thailand, and Vietnam).

8 (3) Black or African American (a person having origins
9 in any of the black racial groups of Africa). ~~Terms such as~~
10 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
11 ~~African American".~~

12 (3.5) Descendant of American Slaves (a person having
13 direct ancestral lineage to victims of chattel slavery in
14 the United States of America). Terms such as "Black",
15 "African American", or "American Descendant of Slavery"
16 can be used in addition to "Descendant of American Slaves".

17 (4) Hispanic or Latino (a person of Cuban, Mexican,
18 Puerto Rican, South or Central American, or other Spanish
19 culture or origin, regardless of race).

20 (5) Native Hawaiian or Other Pacific Islander (a person
21 having origins in any of the original peoples of Hawaii,
22 Guam, Samoa, or other Pacific Islands).

23 (6) White (a person having origins in any of the
24 original peoples of Europe, the Middle East, or North
25 Africa).

26 (b) The report must at least compare the number of persons

1 in each group:

2 (1) who are receiving TANF assistance;

3 (2) whose 60-month lifetime limit on receiving
4 assistance has expired;

5 (3) who have left TANF due to earned income;

6 (4) who have left TANF due to non-compliance with
7 program rules;

8 (5) whose TANF grants have been reduced by sanctions
9 for non-compliance with program rules;

10 (6) who have returned to TANF 6 months after leaving
11 due to earned income;

12 (7) who have returned to TANF 12 months after leaving
13 due to earned income;

14 (8) who have one or more children excluded from
15 receiving TANF cash assistance due to the child exclusion
16 rule;

17 (9) who have been granted an exemption from work
18 requirements; and

19 (10) who are participating in post-secondary education
20 activities.

21 (Source: P.A. 97-396, eff. 1-1-12.)

22 Section 75. The Illinois Vehicle Code is amended by
23 changing Section 11-212 as follows:

24 (625 ILCS 5/11-212)

1 Sec. 11-212. Traffic and pedestrian stop statistical
2 study.

3 (a) Whenever a State or local law enforcement officer
4 issues a uniform traffic citation or warning citation for an
5 alleged violation of the Illinois Vehicle Code, he or she shall
6 record at least the following:

7 (1) the name, address, gender, and the officer's
8 subjective determination of the race of the person stopped;
9 the person's race shall be selected from the following
10 list: American Indian or Alaska Native, Asian, Black or
11 African American, Hispanic or Latino, Native Hawaiian or
12 Other Pacific Islander, or White;

13 (2) the alleged traffic violation that led to the stop
14 of the motorist;

15 (3) the make and year of the vehicle stopped;

16 (4) the date and time of the stop, beginning when the
17 vehicle was stopped and ending when the driver is free to
18 leave or taken into physical custody;

19 (5) the location of the traffic stop;

20 (5.5) whether or not a consent search contemporaneous
21 to the stop was requested of the vehicle, driver,
22 passenger, or passengers; and, if so, whether consent was
23 given or denied;

24 (6) whether or not a search contemporaneous to the stop
25 was conducted of the vehicle, driver, passenger, or
26 passengers; and, if so, whether it was with consent or by

1 other means;

2 (6.2) whether or not a police dog performed a sniff of
3 the vehicle; and, if so, whether or not the dog alerted to
4 the presence of contraband; and, if so, whether or not an
5 officer searched the vehicle; and, if so, whether or not
6 contraband was discovered; and, if so, the type and amount
7 of contraband;

8 (6.5) whether or not contraband was found during a
9 search; and, if so, the type and amount of contraband
10 seized; and

11 (7) the name and badge number of the issuing officer.

12 (b) Whenever a State or local law enforcement officer stops
13 a motorist for an alleged violation of the Illinois Vehicle
14 Code and does not issue a uniform traffic citation or warning
15 citation for an alleged violation of the Illinois Vehicle Code,
16 he or she shall complete a uniform stop card, which includes
17 field contact cards, or any other existing form currently used
18 by law enforcement containing information required pursuant to
19 this Act, that records at least the following:

20 (1) the name, address, gender, and the officer's
21 subjective determination of the race of the person stopped;
22 the person's race shall be selected from the following
23 list: American Indian or Alaska Native, Asian, Black or
24 African American, Hispanic or Latino, Native Hawaiian or
25 Other Pacific Islander, or White;

26 (2) the reason that led to the stop of the motorist;

1 (3) the make and year of the vehicle stopped;

2 (4) the date and time of the stop, beginning when the
3 vehicle was stopped and ending when the driver is free to
4 leave or taken into physical custody;

5 (5) the location of the traffic stop;

6 (5.5) whether or not a consent search contemporaneous
7 to the stop was requested of the vehicle, driver,
8 passenger, or passengers; and, if so, whether consent was
9 given or denied;

10 (6) whether or not a search contemporaneous to the stop
11 was conducted of the vehicle, driver, passenger, or
12 passengers; and, if so, whether it was with consent or by
13 other means;

14 (6.2) whether or not a police dog performed a sniff of
15 the vehicle; and, if so, whether or not the dog alerted to
16 the presence of contraband; and, if so, whether or not an
17 officer searched the vehicle; and, if so, whether or not
18 contraband was discovered; and, if so, the type and amount
19 of contraband;

20 (6.5) whether or not contraband was found during a
21 search; and, if so, the type and amount of contraband
22 seized; and

23 (7) the name and badge number of the issuing officer.

24 (b-5) For purposes of this subsection (b-5), "detention"
25 means all frisks, searches, summons, and arrests. Whenever a
26 law enforcement officer subjects a pedestrian to detention in a

1 public place, he or she shall complete a uniform pedestrian
2 stop card, which includes any existing form currently used by
3 law enforcement containing all the information required under
4 this Section, that records at least the following:

5 (1) the gender, and the officer's subjective
6 determination of the race of the person stopped; the
7 person's race shall be selected from the following list:
8 American Indian or Alaska Native, Asian, Black or African
9 American, Hispanic or Latino, Native Hawaiian or Other
10 Pacific Islander, or White;

11 (2) all the alleged reasons that led to the stop of the
12 person;

13 (3) the date and time of the stop;

14 (4) the location of the stop;

15 (5) whether or not a protective pat down or frisk was
16 conducted of the person; and, if so, all the alleged
17 reasons that led to the protective pat down or frisk, and
18 whether it was with consent or by other means;

19 (6) whether or not contraband was found during the
20 protective pat down or frisk; and, if so, the type and
21 amount of contraband seized;

22 (7) whether or not a search beyond a protective pat
23 down or frisk was conducted of the person or his or her
24 effects; and, if so, all the alleged reasons that led to
25 the search, and whether it was with consent or by other
26 means;

1 (8) whether or not contraband was found during the
2 search beyond a protective pat down or frisk; and, if so,
3 the type and amount of contraband seized;

4 (9) the disposition of the stop, such as a warning, a
5 ticket, a summons, or an arrest;

6 (10) if a summons or ticket was issued, or an arrest
7 made, a record of the violations, offenses, or crimes
8 alleged or charged; and

9 (11) the name and badge number of the officer who
10 conducted the detention.

11 This subsection (b-5) does not apply to searches or
12 inspections for compliance authorized under the Fish and
13 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
14 or searches or inspections during routine security screenings
15 at facilities or events.

16 (c) The Illinois Department of Transportation shall
17 provide a standardized law enforcement data compilation form on
18 its website.

19 (d) Every law enforcement agency shall, by March 1 with
20 regard to data collected during July through December of the
21 previous calendar year and by August 1 with regard to data
22 collected during January through June of the current calendar
23 year, compile the data described in subsections (a), (b), and
24 (b-5) on the standardized law enforcement data compilation form
25 provided by the Illinois Department of Transportation and
26 transmit the data to the Department.

1 (e) The Illinois Department of Transportation shall
2 analyze the data provided by law enforcement agencies required
3 by this Section and submit a report of the previous year's
4 findings to the Governor, the General Assembly, the Racial
5 Profiling Prevention and Data Oversight Board, and each law
6 enforcement agency no later than July 1 of each year. The
7 Illinois Department of Transportation may contract with an
8 outside entity for the analysis of the data provided. In
9 analyzing the data collected under this Section, the analyzing
10 entity shall scrutinize the data for evidence of statistically
11 significant aberrations. The following list, which is
12 illustrative, and not exclusive, contains examples of areas in
13 which statistically significant aberrations may be found:

14 (1) The percentage of minority drivers, passengers, or
15 pedestrians being stopped in a given area is substantially
16 higher than the proportion of the overall population in or
17 traveling through the area that the minority constitutes.

18 (2) A substantial number of false stops including stops
19 not resulting in the issuance of a traffic ticket or the
20 making of an arrest.

21 (3) A disparity between the proportion of citations
22 issued to minorities and proportion of minorities in the
23 population.

24 (4) A disparity among the officers of the same law
25 enforcement agency with regard to the number of minority
26 drivers, passengers, or pedestrians being stopped in a

1 given area.

2 (5) A disparity between the frequency of searches
3 performed on minority drivers or pedestrians and the
4 frequency of searches performed on non-minority drivers or
5 pedestrians.

6 (f) Any law enforcement officer identification information
7 and driver or pedestrian identification information that is
8 compiled by any law enforcement agency or the Illinois
9 Department of Transportation pursuant to this Act for the
10 purposes of fulfilling the requirements of this Section shall
11 be confidential and exempt from public inspection and copying,
12 as provided under Section 7 of the Freedom of Information Act,
13 and the information shall not be transmitted to anyone except
14 as needed to comply with this Section. This Section shall not
15 exempt those materials that, prior to the effective date of
16 this amendatory Act of the 93rd General Assembly, were
17 available under the Freedom of Information Act. This subsection
18 (f) shall not preclude law enforcement agencies from reviewing
19 data to perform internal reviews.

20 (g) Funding to implement this Section shall come from
21 federal highway safety funds available to Illinois, as directed
22 by the Governor.

23 (h) The Illinois Criminal Justice Information Authority,
24 in consultation with law enforcement agencies, officials, and
25 organizations, including Illinois chiefs of police, the
26 Department of State Police, the Illinois Sheriffs Association,

1 and the Chicago Police Department, and community groups and
2 other experts, shall undertake a study to determine the best
3 use of technology to collect, compile, and analyze the traffic
4 stop statistical study data required by this Section. The
5 Department shall report its findings and recommendations to the
6 Governor and the General Assembly by March 1, 2022.

7 (h-1) The Traffic and Pedestrian Stop Data Use and
8 Collection Task Force is hereby created.

9 (1) The Task Force shall undertake a study to determine
10 the best use of technology to collect, compile, and analyze
11 the traffic stop statistical study data required by this
12 Section.

13 (2) The Task Force shall be an independent Task Force
14 under the Illinois Criminal Justice Information Authority
15 for administrative purposes, and shall consist of the
16 following members:

17 (A) 2 academics or researchers who have studied
18 issues related to traffic or pedestrian stop data
19 collection and have education or expertise in
20 statistics;

21 (B) one professor from an Illinois university who
22 specializes in policing and racial equity;

23 (C) one representative from the Illinois State
24 Police;

25 (D) one representative from the Chicago Police
26 Department;

1 (E) one representative from the Illinois Chiefs of
2 Police;

3 (F) one representative from the Illinois Sheriffs
4 Association;

5 (G) one representative from the Chicago Fraternal
6 Order of Police;

7 (H) one representative from the Illinois Fraternal
8 Order of Police;

9 (I) the Executive Director of the American Civil
10 Liberties Union of Illinois, or his or her designee;
11 and

12 (J) 5 representatives from different community
13 organizations who specialize in civil or human rights,
14 policing, or criminal justice reform work, and that
15 represent a range of minority interests or different
16 parts of the State.

17 (3) The Illinois Criminal Justice Information
18 Authority may consult, contract, work in conjunction with,
19 and obtain any information from any individual, agency,
20 association, or research institution deemed appropriate by
21 the Authority.

22 (4) The Task Force shall report its findings and
23 recommendations to the Governor and the General Assembly by
24 March 1, 2022 and every 3 years after.

25 (h-5) For purposes of this Section:

26 (1) "American Indian or Alaska Native" means a person

1 having origins in any of the original peoples of North and
2 South America, including Central America, and who
3 maintains tribal affiliation or community attachment.

4 (2) "Asian" means a person having origins in any of the
5 original peoples of the Far East, Southeast Asia, or the
6 Indian subcontinent, including, but not limited to,
7 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
8 the Philippine Islands, Thailand, and Vietnam.

9 (2.5) "Badge" means an officer's department issued
10 identification number associated with his or her position
11 as a police officer with that department.

12 (3) "Black or African American" means a person having
13 origins in any of the black racial groups of Africa. ~~Terms~~
14 ~~such as "Haitian" or "Negro" can be used in addition to~~
15 ~~"Black or African American".~~

16 (3.5) Descendant of American Slaves (a person having
17 direct ancestral lineage to victims of chattel slavery in
18 the United States of America). Terms such as "Black",
19 "African American", or "American Descendant of Slavery"
20 can be used in addition to "Descendant of American Slaves".

21 (4) "Hispanic or Latino" means a person of Cuban,
22 Mexican, Puerto Rican, South or Central American, or other
23 Spanish culture or origin, regardless of race.

24 (5) "Native Hawaiian or Other Pacific Islander" means a
25 person having origins in any of the original peoples of
26 Hawaii, Guam, Samoa, or other Pacific Islands.

1 (6) "White" means a person having origins in any of the
2 original peoples of Europe, the Middle East, or North
3 Africa.

4 (i) (Blank).

5 (Source: P.A. 101-24, eff. 6-21-19.)

6 Section 80. The Criminal Code of 2012 is amended by
7 changing Section 17-10.2 as follows:

8 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

9 Sec. 17-10.2. Businesses owned by minorities, females, and
10 persons with disabilities; fraudulent contracts with
11 governmental units.

12 (a) In this Section:

13 "Minority person" means a person who is any of the
14 following:

15 (1) American Indian or Alaska Native (a person having
16 origins in any of the original peoples of North and South
17 America, including Central America, and who maintains
18 tribal affiliation or community attachment).

19 (2) Asian (a person having origins in any of the
20 original peoples of the Far East, Southeast Asia, or the
21 Indian subcontinent, including, but not limited to,
22 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
23 the Philippine Islands, Thailand, and Vietnam).

24 (3) Black or African American (a person having origins

1 in any of the black racial groups of Africa). ~~Terms such as~~
2 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
3 ~~African American".~~

4 (3.5) Descendant of American Slaves (a person having
5 direct ancestral lineage to victims of chattel slavery in
6 the United States of America). Terms such as "Black",
7 "African American", or "American Descendant of Slavery"
8 can be used in addition to "Descendant of American Slaves".

9 (4) Hispanic or Latino (a person of Cuban, Mexican,
10 Puerto Rican, South or Central American, or other Spanish
11 culture or origin, regardless of race).

12 (5) Native Hawaiian or Other Pacific Islander (a person
13 having origins in any of the original peoples of Hawaii,
14 Guam, Samoa, or other Pacific Islands).

15 "Female" means a person who is of the female gender.

16 "Person with a disability" means a person who is a
17 person qualifying as having a disability.

18 "Disability" means a severe physical or mental
19 disability that: (1) results from: amputation, arthritis,
20 autism, blindness, burn injury, cancer, cerebral palsy,
21 cystic fibrosis, deafness, head injury, heart disease,
22 hemiplegia, hemophilia, respiratory or pulmonary
23 dysfunction, an intellectual disability, mental illness,
24 multiple sclerosis, muscular dystrophy, musculoskeletal
25 disorders, neurological disorders, including stroke and
26 epilepsy, paraplegia, quadriplegia and other spinal cord

1 conditions, sickle cell anemia, specific learning
2 disabilities, or end stage renal failure disease; and (2)
3 substantially limits one or more of the person's major life
4 activities.

5 "Minority owned business" means a business concern
6 that is at least 51% owned by one or more minority persons,
7 or in the case of a corporation, at least 51% of the stock
8 in which is owned by one or more minority persons; and the
9 management and daily business operations of which are
10 controlled by one or more of the minority individuals who
11 own it.

12 "Female owned business" means a business concern that
13 is at least 51% owned by one or more females, or, in the
14 case of a corporation, at least 51% of the stock in which
15 is owned by one or more females; and the management and
16 daily business operations of which are controlled by one or
17 more of the females who own it.

18 "Business owned by a person with a disability" means a
19 business concern that is at least 51% owned by one or more
20 persons with a disability and the management and daily
21 business operations of which are controlled by one or more
22 of the persons with disabilities who own it. A
23 not-for-profit agency for persons with disabilities that
24 is exempt from taxation under Section 501 of the Internal
25 Revenue Code of 1986 is also considered a "business owned
26 by a person with a disability".

1 "Governmental unit" means the State, a unit of local
2 government, or school district.

3 (b) In addition to any other penalties imposed by law or by
4 an ordinance or resolution of a unit of local government or
5 school district, any individual or entity that knowingly
6 obtains, or knowingly assists another to obtain, a contract
7 with a governmental unit, or a subcontract or written
8 commitment for a subcontract under a contract with a
9 governmental unit, by falsely representing that the individual
10 or entity, or the individual or entity assisted, is a minority
11 owned business, female owned business, or business owned by a
12 person with a disability is guilty of a Class 2 felony,
13 regardless of whether the preference for awarding the contract
14 to a minority owned business, female owned business, or
15 business owned by a person with a disability was established by
16 statute or by local ordinance or resolution.

17 (c) In addition to any other penalties authorized by law,
18 the court shall order that an individual or entity convicted of
19 a violation of this Section must pay to the governmental unit
20 that awarded the contract a penalty equal to one and one-half
21 times the amount of the contract obtained because of the false
22 representation.

23 (Source: P.A. 99-143, eff. 7-27-15.)

24 Section 85. The Illinois Human Rights Act is amended by
25 changing Section 2-105 as follows:

1 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

2 Sec. 2-105. Equal Employment Opportunities; Affirmative
3 Action.

4 (A) Public Contracts. Every party to a public contract and
5 every eligible bidder shall:

6 (1) Refrain from unlawful discrimination and
7 discrimination based on citizenship status in employment
8 and undertake affirmative action to assure equality of
9 employment opportunity and eliminate the effects of past
10 discrimination;

11 (2) Comply with the procedures and requirements of the
12 Department's regulations concerning equal employment
13 opportunities and affirmative action;

14 (3) Provide such information, with respect to its
15 employees and applicants for employment, and assistance as
16 the Department may reasonably request;

17 (4) Have written sexual harassment policies that shall
18 include, at a minimum, the following information: (i) the
19 illegality of sexual harassment; (ii) the definition of
20 sexual harassment under State law; (iii) a description of
21 sexual harassment, utilizing examples; (iv) the vendor's
22 internal complaint process including penalties; (v) the
23 legal recourse, investigative and complaint process
24 available through the Department and the Commission; (vi)
25 directions on how to contact the Department and Commission;

1 and (vii) protection against retaliation as provided by
2 Section 6-101 of this Act. A copy of the policies shall be
3 provided to the Department upon request. Additionally,
4 each bidder who submits a bid or offer for a State contract
5 under the Illinois Procurement Code shall have a written
6 copy of the bidder's sexual harassment policy as required
7 under this paragraph (4). A copy of the policy shall be
8 provided to the State agency entering into the contract
9 upon request.

10 (B) State Agencies. Every State executive department,
11 State agency, board, commission, and instrumentality shall:

12 (1) Comply with the procedures and requirements of the
13 Department's regulations concerning equal employment
14 opportunities and affirmative action;

15 (2) Provide such information and assistance as the
16 Department may request.

17 (3) Establish, maintain, and carry out a continuing
18 affirmative action plan consistent with this Act and the
19 regulations of the Department designed to promote equal
20 opportunity for all State residents in every aspect of
21 agency personnel policy and practice. For purposes of these
22 affirmative action plans, the race and national origin
23 categories to be included in the plans are: American Indian
24 or Alaska Native, Asian, Black or African American,
25 Hispanic or Latino, Native Hawaiian or Other Pacific
26 Islander.

1 This plan shall include a current detailed status
2 report:

3 (a) indicating, by each position in State service,
4 the number, percentage, and average salary of
5 individuals employed by race, national origin, sex and
6 disability, and any other category that the Department
7 may require by rule;

8 (b) identifying all positions in which the
9 percentage of the people employed by race, national
10 origin, sex and disability, and any other category that
11 the Department may require by rule, is less than
12 four-fifths of the percentage of each of those
13 components in the State work force;

14 (c) specifying the goals and methods for
15 increasing the percentage by race, national origin,
16 sex and disability, and any other category that the
17 Department may require by rule, in State positions;

18 (d) indicating progress and problems toward
19 meeting equal employment opportunity goals, including,
20 if applicable, but not limited to, Department of
21 Central Management Services recruitment efforts,
22 publicity, promotions, and use of options designating
23 positions by linguistic abilities;

24 (e) establishing a numerical hiring goal for the
25 employment of qualified persons with disabilities in
26 the agency as a whole, to be based on the proportion of

1 people with work disabilities in the Illinois labor
2 force as reflected in the most recent employment data
3 made available by the United States Census Bureau.

4 (4) If the agency has 1000 or more employees, appoint a
5 full-time Equal Employment Opportunity officer, subject to
6 the Department's approval, whose duties shall include:

7 (a) Advising the head of the particular State
8 agency with respect to the preparation of equal
9 employment opportunity programs, procedures,
10 regulations, reports, and the agency's affirmative
11 action plan.

12 (b) Evaluating in writing each fiscal year the
13 sufficiency of the total agency program for equal
14 employment opportunity and reporting thereon to the
15 head of the agency with recommendations as to any
16 improvement or correction in recruiting, hiring or
17 promotion needed, including remedial or disciplinary
18 action with respect to managerial or supervisory
19 employees who have failed to cooperate fully or who are
20 in violation of the program.

21 (c) Making changes in recruitment, training and
22 promotion programs and in hiring and promotion
23 procedures designed to eliminate discriminatory
24 practices when authorized.

25 (d) Evaluating tests, employment policies,
26 practices and qualifications and reporting to the head

1 of the agency and to the Department any policies,
2 practices and qualifications that have unequal impact
3 by race, national origin as required by Department
4 rule, sex or disability or any other category that the
5 Department may require by rule, and to assist in the
6 recruitment of people in underrepresented
7 classifications. This function shall be performed in
8 cooperation with the State Department of Central
9 Management Services.

10 (e) Making any aggrieved employee or applicant for
11 employment aware of his or her remedies under this Act.

12 In any meeting, investigation, negotiation,
13 conference, or other proceeding between a State
14 employee and an Equal Employment Opportunity officer,
15 a State employee (1) who is not covered by a collective
16 bargaining agreement and (2) who is the complaining
17 party or the subject of such proceeding may be
18 accompanied, advised and represented by (1) an
19 attorney licensed to practice law in the State of
20 Illinois or (2) a representative of an employee
21 organization whose membership is composed of employees
22 of the State and of which the employee is a member. A
23 representative of an employee, other than an attorney,
24 may observe but may not actively participate, or advise
25 the State employee during the course of such meeting,
26 investigation, negotiation, conference or other

1 proceeding. Nothing in this Section shall be construed
2 to permit any person who is not licensed to practice
3 law in Illinois to deliver any legal services or
4 otherwise engage in any activities that would
5 constitute the unauthorized practice of law. Any
6 representative of an employee who is present with the
7 consent of the employee, shall not, during or after
8 termination of the relationship permitted by this
9 Section with the State employee, use or reveal any
10 information obtained during the course of the meeting,
11 investigation, negotiation, conference or other
12 proceeding without the consent of the complaining
13 party and any State employee who is the subject of the
14 proceeding and pursuant to rules and regulations
15 governing confidentiality of such information as
16 promulgated by the appropriate State agency.
17 Intentional or reckless disclosure of information in
18 violation of these confidentiality requirements shall
19 constitute a Class B misdemeanor.

20 (5) Establish, maintain and carry out a continuing
21 sexual harassment program that shall include the
22 following:

23 (a) Develop a written sexual harassment policy
24 that includes at a minimum the following information:
25 (i) the illegality of sexual harassment; (ii) the
26 definition of sexual harassment under State law; (iii)

1 a description of sexual harassment, utilizing
2 examples; (iv) the agency's internal complaint process
3 including penalties; (v) the legal recourse,
4 investigative and complaint process available through
5 the Department and the Commission; (vi) directions on
6 how to contact the Department and Commission; and (vii)
7 protection against retaliation as provided by Section
8 6-101 of this Act. The policy shall be reviewed
9 annually.

10 (b) Post in a prominent and accessible location and
11 distribute in a manner to assure notice to all agency
12 employees without exception the agency's sexual
13 harassment policy. Such documents may meet, but shall
14 not exceed, the 6th grade literacy level. Distribution
15 shall be effectuated within 90 days of the effective
16 date of this amendatory Act of 1992 and shall occur
17 annually thereafter.

18 (c) Provide training on sexual harassment
19 prevention and the agency's sexual harassment policy
20 as a component of all ongoing or new employee training
21 programs.

22 (6) Notify the Department 30 days before effecting any
23 layoff. Once notice is given, the following shall occur:

24 (a) No layoff may be effective earlier than 10
25 working days after notice to the Department, unless an
26 emergency layoff situation exists.

1 (b) The State executive department, State agency,
2 board, commission, or instrumentality in which the
3 layoffs are to occur must notify each employee targeted
4 for layoff, the employee's union representative (if
5 applicable), and the State Dislocated Worker Unit at
6 the Department of Commerce and Economic Opportunity.

7 (c) The State executive department, State agency,
8 board, commission, or instrumentality in which the
9 layoffs are to occur must conform to applicable
10 collective bargaining agreements.

11 (d) The State executive department, State agency,
12 board, commission, or instrumentality in which the
13 layoffs are to occur should notify each employee
14 targeted for layoff that transitional assistance may
15 be available to him or her under the Economic
16 Dislocation and Worker Adjustment Assistance Act
17 administered by the Department of Commerce and
18 Economic Opportunity. Failure to give such notice
19 shall not invalidate the layoff or postpone its
20 effective date.

21 As used in this subsection (B), "disability" shall be
22 defined in rules promulgated under the Illinois Administrative
23 Procedure Act.

24 (C) Civil Rights Violations. It is a civil rights violation
25 for any public contractor or eligible bidder to:

26 (1) fail to comply with the public contractor's or

1 eligible bidder's duty to refrain from unlawful
2 discrimination and discrimination based on citizenship
3 status in employment under subsection (A)(1) of this
4 Section; or

5 (2) fail to comply with the public contractor's or
6 eligible bidder's duties of affirmative action under
7 subsection (A) of this Section, provided however, that the
8 Department has notified the public contractor or eligible
9 bidder in writing by certified mail that the public
10 contractor or eligible bidder may not be in compliance with
11 affirmative action requirements of subsection (A). A
12 minimum of 60 days to comply with the requirements shall be
13 afforded to the public contractor or eligible bidder before
14 the Department may issue formal notice of non-compliance.

15 (D) As used in this Section:

16 (1) "American Indian or Alaska Native" means a person
17 having origins in any of the original peoples of North and
18 South America, including Central America, and who
19 maintains tribal affiliation or community attachment.

20 (2) "Asian" means a person having origins in any of the
21 original peoples of the Far East, Southeast Asia, or the
22 Indian subcontinent, including, but not limited to,
23 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
24 the Philippine Islands, Thailand, and Vietnam.

25 (3) "Black or African American" means a person having
26 origins in any of the black racial groups of Africa. ~~Terms~~

1 ~~such as "Haitian" or "Negro" can be used in addition to~~
2 ~~"Black or African American".~~

3 (3.5) Descendant of American Slaves (a person having
4 direct ancestral lineage to victims of chattel slavery in
5 the United States of America). Terms such as "Black",
6 "African American", or "American Descendant of Slavery"
7 can be used in addition to "Descendant of American Slaves".

8 (4) "Hispanic or Latino" means a person of Cuban,
9 Mexican, Puerto Rican, South or Central American, or other
10 Spanish culture or origin, regardless of race.

11 (5) "Native Hawaiian or Other Pacific Islander" means a
12 person having origins in any of the original peoples of
13 Hawaii, Guam, Samoa, or other Pacific Islands.

14 (Source: P.A. 99-933, eff. 1-27-17; 100-698, eff. 1-1-19.)