



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB3217

Introduced 2/19/2021, 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.

LRB102 14305 RJF 19657 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  
17 Slaves".

18 (4) Hispanic or Latino (a person of Cuban, Mexican,  
19 Puerto Rican, South or Central American, or other Spanish  
20 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 (e) "Professional employee" means a person employed to  
25 perform employment duties requiring academic training,  
26 evidenced by a graduate or advanced degree from an accredited

1 institution of higher education, and who, in the performance  
2 of those employment duties, may only engage in active practice  
3 of the academic training received when licensed or certified  
4 by the State of Illinois.

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

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

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

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

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

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

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

26 (i) the State Comptroller; and

1           (ii) the issuing agents of the educational  
2           institutions listed in subdivision (2) of this  
3           subsection (g).

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

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

7           (5 ILCS 410/15)

8       Sec. 15. Reported information.

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

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

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

1 receiving levels of State remuneration within incremented  
2 levels of \$10,000;

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

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

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

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

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

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

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

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

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

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

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

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

26           (c) To accomplish consistent and uniform classification

1 and collection of information from each State agency, and to  
2 ensure full compliance and that all required information is  
3 provided, the Index Department of the Office of the Secretary  
4 of State, in consultation with the Department of Human Rights,  
5 the Department of Central Management Services, and the Office  
6 of the Comptroller, shall develop appropriate forms to be used  
7 by all State agencies subject to the reporting requirements of  
8 this Act.

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

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

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

16 (20 ILCS 105/3.10)

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

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



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

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

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

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

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

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

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

1 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

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

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

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

7 (1) To assist in the assessment of the health needs of  
8 minority populations in the State.

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

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

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

19 (5) To disseminate information on available minority  
20 services.

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

25 (7) To coordinate with the Department on Aging and the

1 Department of Healthcare and Family Services to coordinate  
2 services designed to meet the needs of minority senior  
3 citizens.

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

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

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

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

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

25 (3.5) Descendant of American Slaves (a person having  
26 direct ancestral lineage to victims of chattel slavery in

1        the United States of America). Terms such as "Black",  
2        "African American", or "American Descendant of Slavery"  
3        can be used in addition to "Descendant of American  
4        Slaves".

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

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

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

12            Section 20. The Business Enterprise for Minorities, Women,  
13        and Persons with Disabilities Act is amended by changing  
14        Section 2 as follows:

15            (30 ILCS 575/2)

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

17        Sec. 2. Definitions.

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

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

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

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

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

9 (c) Black or African American (a person having  
10 origins in any of the black racial groups of Africa).

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

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

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

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

26 (2.05) "Person with a disability" means a person who

1 is a citizen or lawful resident of the United States and is  
2 a person qualifying as a person with a disability under  
3 subdivision (2.1) of this subsection (A).

4 (2.1) "Person with a disability" means a person with a  
5 severe physical or mental disability that:

6 (a) results from:

7 amputation,

8 arthritis,

9 autism,

10 blindness,

11 burn injury,

12 cancer,

13 cerebral palsy,

14 Crohn's disease,

15 cystic fibrosis,

16 deafness,

17 head injury,

18 heart disease,

19 hemiplegia,

20 hemophilia,

21 respiratory or pulmonary dysfunction,

22 an intellectual disability,

23 mental illness,

24 multiple sclerosis,

25 muscular dystrophy,

26 musculoskeletal disorders,

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

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

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

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

25       (4) "Women-owned business" means a business which is  
26       at least 51% owned by one or more women, or, in the case of

1 a corporation, at least 51% of the stock in which is owned  
2 by one or more women; and the management and daily  
3 business operations of which are controlled by one or more  
4 of the women who own it.

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

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

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



1 or applicable administrative rule.

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

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

22 (7) "Public institutions of higher education" means  
23 the University of Illinois, Southern Illinois University,  
24 Chicago State University, Eastern Illinois University,  
25 Governors State University, Illinois State University,  
26 Northeastern Illinois University, Northern Illinois

1 University, Western Illinois University, the public  
2 community colleges of the State, and any other public  
3 universities, colleges, and community colleges now or  
4 hereafter established or authorized by the General  
5 Assembly.

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

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

1 policies of the business and to make the day-to-day as  
2 well as major decisions in matters of policy, management  
3 and operations. Control shall be exemplified by possessing  
4 the requisite knowledge and expertise to run the  
5 particular business and control shall not include simple  
6 majority or absentee ownership.

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

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

25 (12) "Business Enterprise Program" means the Business  
26 Enterprise Program of the Department of Central Management

1 Services.

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

11 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20.)

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

15 (30 ILCS 577/35-5)

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

17 "Under-represented minority" means a person who is any of  
18 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  
13 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  
18 person having origins in any of the original peoples of  
19 Hawaii, Guam, Samoa, or other Pacific Islands).

20 "Construction" means any constructing, altering,  
21 reconstructing, repairing, rehabilitating, refinishing,  
22 refurbishing, remodeling, remediating, renovating, custom  
23 fabricating, maintenance, landscaping, improving, wrecking,  
24 painting, decorating, demolishing, and adding to or  
25 subtracting from any building, structure, highway, roadway,  
26 street, bridge, alley, sewer, ditch, sewage disposal plant,

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

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

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

14 (30 ILCS 785/5)

15 Sec. 5. Definitions. In this Act:

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

1 "Minority group" means a group that is a readily  
2 identifiable subset of the U.S. population that is  
3 distinguished by racial, ethnic, or cultural heritage and that  
4 is made up of persons who are any of the following:

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

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

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

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

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

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

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

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

8           (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

9           Sec. 23.1. Affirmative action.

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



1 relating to the employment of women and minorities. A  
2 determination by the Authority as to whether a party to a  
3 contract with the Authority has achieved the goals or employed  
4 the methods for increasing participation by women and  
5 minorities shall be determined in accordance with the terms of  
6 such contracts or the applicable provisions of rules and  
7 regulations of the Authority existing at the time such  
8 contract was executed, including any provisions for  
9 consideration of good faith efforts at compliance which the  
10 Authority may reasonably adopt.

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

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

1 compliance with this procurement program and file it quarterly  
2 with the General Assembly. If, in connection with a particular  
3 contract, the Authority determines that it is impracticable or  
4 excessively costly to obtain minority-owned or women-owned  
5 businesses to perform sufficient work to fulfill the  
6 commitment required by this subsection, the Authority shall  
7 reduce or waive the commitment in the contract, as may be  
8 appropriate. The Authority shall establish rules and  
9 regulations setting forth the standards to be used in  
10 determining whether or not a reduction or waiver is  
11 appropriate. The terms "minority-owned business" and  
12 "women-owned business" have the meanings given to those terms  
13 in the Business Enterprise for Minorities, Women, and Persons  
14 with Disabilities Act.

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

25 (d) In connection with the Expansion Project, the  
26 Authority shall incorporate the following elements into its

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

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

1 institutions and persons in the hospitality industry to  
2 provide training for employment in the hospitality industry.

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

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

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

25 (2) Asian (a person having origins in any of the  
26 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  
13 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  
18 person having origins in any of the original peoples of  
19 Hawaii, Guam, Samoa, or other Pacific Islands).

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

1 shall elect its own chairperson.

2 Members of the McCormick Place Advisory Board shall serve  
3 without compensation but, at the Authority's discretion, shall  
4 be reimbursed for necessary expenses in connection with the  
5 performance of their duties.

6 The McCormick Place Advisory Board shall meet quarterly,  
7 or as needed, shall produce any reports it deems necessary,  
8 and shall:

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

11 (2) Work with the Authority regarding potential means  
12 for providing increased economic opportunities to  
13 minorities and women produced indirectly or directly from  
14 the construction and operation of the Expansion Project;

15 (3) Work with the Authority to minimize any potential  
16 impact on the area surrounding the McCormick Place  
17 Expansion Project, including any impact on minority-owned  
18 or women-owned businesses, resulting from the construction  
19 and operation of the Expansion Project;

20 (4) Work with the Authority to find candidates for  
21 building trades apprenticeships, for employment in the  
22 hospitality industry, and to identify job training  
23 programs;

24 (5) Work with the Authority to implement the  
25 provisions of subsections (a) through (e) of this Section  
26 in the construction of the Expansion Project, including

1 the Authority's goal of awarding not less than 25% and 5%  
2 of the annual dollar value of contracts to minority-owned  
3 and women-owned businesses, the outreach program for  
4 minorities and women, and the mentor/protege program for  
5 providing assistance to minority-owned and women-owned  
6 businesses.

7 (g) The Authority shall comply with subsection (e) of  
8 Section 5-42 of the Olympic Games and Paralympic Games (2016)  
9 Law. For purposes of this Section, the term "games" has the  
10 meaning set forth in the Olympic Games and Paralympic Games  
11 (2016) Law.

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

13 Section 40. The School Code is amended by changing Section  
14 34-18 as follows:

15 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

20 1. To make suitable provision for the establishment  
21 and maintenance throughout the year or for such portion  
22 thereof as it may direct, not less than 9 months and in  
23 compliance with Section 10-19.05, of schools of all grades  
24 and kinds, including normal schools, high schools, night



1 schools, schools for defectives and delinquents, parental  
2 and truant schools, schools for the blind, the deaf, and  
3 persons with physical disabilities, schools or classes in  
4 manual training, constructural and vocational teaching,  
5 domestic arts, and physical culture, vocation and  
6 extension schools and lecture courses, and all other  
7 educational courses and facilities, including  
8 establishing, equipping, maintaining and operating  
9 playgrounds and recreational programs, when such programs  
10 are conducted in, adjacent to, or connected with any  
11 public school under the general supervision and  
12 jurisdiction of the board; provided that the calendar for  
13 the school term and any changes must be submitted to and  
14 approved by the State Board of Education before the  
15 calendar or changes may take effect, and provided that in  
16 allocating funds from year to year for the operation of  
17 all attendance centers within the district, the board  
18 shall ensure that supplemental general State aid or  
19 supplemental grant funds are allocated and applied in  
20 accordance with Section 18-8, 18-8.05, or 18-8.15. To  
21 admit to such schools without charge foreign exchange  
22 students who are participants in an organized exchange  
23 student program which is authorized by the board. The  
24 board shall permit all students to enroll in  
25 apprenticeship programs in trade schools operated by the  
26 board, whether those programs are union-sponsored or not.

1 No student shall be refused admission into or be excluded  
2 from any course of instruction offered in the common  
3 schools by reason of that student's sex. No student shall  
4 be denied equal access to physical education and  
5 interscholastic athletic programs supported from school  
6 district funds or denied participation in comparable  
7 physical education and athletic programs solely by reason  
8 of the student's sex. Equal access to programs supported  
9 from school district funds and comparable programs will be  
10 defined in rules promulgated by the State Board of  
11 Education in consultation with the Illinois High School  
12 Association. Notwithstanding any other provision of this  
13 Article, neither the board of education nor any local  
14 school council or other school official shall recommend  
15 that children with disabilities be placed into regular  
16 education classrooms unless those children with  
17 disabilities are provided with supplementary services to  
18 assist them so that they benefit from the regular  
19 classroom instruction and are included on the teacher's  
20 regular education class register;

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

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

26 4. To make arrangements with the public or

1       quasi-public libraries and museums for the use of their  
2       facilities by teachers and pupils of the public schools;

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

7           6. To grant the use of assembly halls and classrooms  
8       when not otherwise needed, including light, heat, and  
9       attendants, for free public lectures, concerts, and other  
10      educational and social interests, free of charge, under  
11      such provisions and control as the principal of the  
12      affected attendance center may prescribe;

13          7. To apportion the pupils to the several schools;  
14      provided that no pupil shall be excluded from or  
15      segregated in any such school on account of his color,  
16      race, sex, or nationality. The board shall take into  
17      consideration the prevention of segregation and the  
18      elimination of separation of children in public schools  
19      because of color, race, sex, or nationality. Except that  
20      children may be committed to or attend parental and social  
21      adjustment schools established and maintained either for  
22      boys or girls only. All records pertaining to the  
23      creation, alteration or revision of attendance areas shall  
24      be open to the public. Nothing herein shall limit the  
25      board's authority to establish multi-area attendance  
26      centers or other student assignment systems for

1       desegregation purposes or otherwise, and to apportion the  
2       pupils to the several schools. Furthermore, beginning in  
3       school year 1994-95, pursuant to a board plan adopted by  
4       October 1, 1993, the board shall offer, commencing on a  
5       phased-in basis, the opportunity for families within the  
6       school district to apply for enrollment of their children  
7       in any attendance center within the school district which  
8       does not have selective admission requirements approved by  
9       the board. The appropriate geographical area in which such  
10      open enrollment may be exercised shall be determined by  
11      the board of education. Such children may be admitted to  
12      any such attendance center on a space available basis  
13      after all children residing within such attendance  
14      center's area have been accommodated. If the number of  
15      applicants from outside the attendance area exceed the  
16      space available, then successful applicants shall be  
17      selected by lottery. The board of education's open  
18      enrollment plan must include provisions that allow  
19      low-income ~~low-income~~ students to have access to  
20      transportation needed to exercise school choice. Open  
21      enrollment shall be in compliance with the provisions of  
22      the Consent Decree and Desegregation Plan cited in Section  
23      34-1.01;

24           8. To approve programs and policies for providing  
25      transportation services to students. Nothing herein shall  
26      be construed to permit or empower the State Board of

1 Education to order, mandate, or require busing or other  
2 transportation of pupils for the purpose of achieving  
3 racial balance in any school;

4 9. Subject to the limitations in this Article, to  
5 establish and approve system-wide curriculum objectives  
6 and standards, including graduation standards, which  
7 reflect the multi-cultural diversity in the city and are  
8 consistent with State law, provided that for all purposes  
9 of this Article courses or proficiency in American Sign  
10 Language shall be deemed to constitute courses or  
11 proficiency in a foreign language; and to employ  
12 principals and teachers, appointed as provided in this  
13 Article, and fix their compensation. The board shall  
14 prepare such reports related to minimal competency testing  
15 as may be requested by the State Board of Education<sup>7</sup> and<sup>1</sup>  
16 in addition<sup>1</sup> shall monitor and approve special education  
17 and bilingual education programs and policies within the  
18 district to ensure ~~assure~~ that appropriate services are  
19 provided in accordance with applicable State and federal  
20 laws to children requiring services and education in those  
21 areas;

22 10. To employ non-teaching personnel or utilize  
23 volunteer personnel for: (i) non-teaching duties not  
24 requiring instructional judgment or evaluation of pupils,  
25 including library duties; and (ii) supervising study  
26 halls, long distance teaching reception areas used

1 incident to instructional programs transmitted by  
2 electronic media such as computers, video, and audio,  
3 detention and discipline areas, and school-sponsored  
4 extracurricular activities. The board may further utilize  
5 volunteer non-certificated personnel or employ  
6 non-certificated personnel to assist in the instruction of  
7 pupils under the immediate supervision of a teacher  
8 holding a valid certificate, directly engaged in teaching  
9 subject matter or conducting activities; provided that the  
10 teacher shall be continuously aware of the  
11 non-certificated persons' activities and shall be able to  
12 control or modify them. The general superintendent shall  
13 determine qualifications of such personnel and shall  
14 prescribe rules for determining the duties and activities  
15 to be assigned to such personnel;

16 10.5. To utilize volunteer personnel from a regional  
17 School Crisis Assistance Team (S.C.A.T.), created as part  
18 of the Safe to Learn Program established pursuant to  
19 Section 25 of the Illinois Violence Prevention Act of  
20 1995, to provide assistance to schools in times of  
21 violence or other traumatic incidents within a school  
22 community by providing crisis intervention services to  
23 lessen the effects of emotional trauma on individuals and  
24 the community; the School Crisis Assistance Team Steering  
25 Committee shall determine the qualifications for  
26 volunteers;

1           11. To provide television studio facilities in not to  
2           exceed one school building and to provide programs for  
3           educational purposes, provided, however, that the board  
4           shall not construct, acquire, operate, or maintain a  
5           television transmitter; to grant the use of its studio  
6           facilities to a licensed television station located in the  
7           school district; and to maintain and operate not to exceed  
8           one school radio transmitting station and provide programs  
9           for educational purposes;

10          12. To offer, if deemed appropriate, outdoor education  
11          courses, including field trips within the State of  
12          Illinois, or adjacent states, and to use school  
13          educational funds for the expense of the said outdoor  
14          educational programs, whether within the school district  
15          or not;

16          13. During that period of the calendar year not  
17          embraced within the regular school term, to provide and  
18          conduct courses in subject matters normally embraced in  
19          the program of the schools during the regular school term  
20          and to give regular school credit for satisfactory  
21          completion by the student of such courses as may be  
22          approved for credit by the State Board of Education;

23          14. To insure against any loss or liability of the  
24          board, the former School Board Nominating Commission,  
25          Local School Councils, the Chicago Schools Academic  
26          Accountability Council, or the former Subdistrict Councils

1 or of any member, officer, agent, or employee thereof,  
2 resulting from alleged violations of civil rights arising  
3 from incidents occurring on or after September 5, 1967 or  
4 from the wrongful or negligent act or omission of any such  
5 person whether occurring within or without the school  
6 premises, provided the officer, agent, or employee was, at  
7 the time of the alleged violation of civil rights or  
8 wrongful act or omission, acting within the scope of his  
9 or her employment or under direction of the board, the  
10 former School Board Nominating Commission, the Chicago  
11 Schools Academic Accountability Council, Local School  
12 Councils, or the former Subdistrict Councils; and to  
13 provide for or participate in insurance plans for its  
14 officers and employees, including, but not limited to,  
15 retirement annuities, medical, surgical and  
16 hospitalization benefits in such types and amounts as may  
17 be determined by the board; provided, however, that the  
18 board shall contract for such insurance only with an  
19 insurance company authorized to do business in this State.  
20 Such insurance may include provision for employees who  
21 rely on treatment by prayer or spiritual means alone for  
22 healing, in accordance with the tenets and practice of a  
23 recognized religious denomination;

24 15. To contract with the corporate authorities of any  
25 municipality or the county board of any county, as the  
26 case may be, to provide for the regulation of traffic in



1 parking areas of property used for school purposes, in  
2 such manner as is provided by Section 11-209 of the ~~The~~  
3 Illinois Vehicle Code, ~~approved September 29, 1969, as~~  
4 ~~amended;~~

5 16. (a) To provide, on an equal basis, access to a high  
6 school campus and student directory information to the  
7 official recruiting representatives of the armed forces of  
8 Illinois and the United States for the purposes of  
9 informing students of the educational and career  
10 opportunities available in the military if the board has  
11 provided such access to persons or groups whose purpose is  
12 to acquaint students with educational or occupational  
13 opportunities available to them. The board is not required  
14 to give greater notice regarding the right of access to  
15 recruiting representatives than is given to other persons  
16 and groups. In this paragraph 16, "directory information"  
17 means a high school student's name, address, and telephone  
18 number.

19 (b) If a student or his or her parent or guardian  
20 submits a signed, written request to the high school  
21 before the end of the student's sophomore year (or if the  
22 student is a transfer student, by another time set by the  
23 high school) that indicates that the student or his or her  
24 parent or guardian does not want the student's directory  
25 information to be provided to official recruiting  
26 representatives under subsection (a) of this Section, the

1 high school may not provide access to the student's  
2 directory information to these recruiting representatives.  
3 The high school shall notify its students and their  
4 parents or guardians of the provisions of this subsection  
5 (b).

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

11 (d) Information received by an official recruiting  
12 representative under this Section may be used only to  
13 provide information to students concerning educational and  
14 career opportunities available in the military and may not  
15 be released to a person who is not involved in recruiting  
16 students for the armed forces of Illinois or the United  
17 States;

18 17. (a) To sell or market any computer program  
19 developed by an employee of the school district, provided  
20 that such employee developed the computer program as a  
21 direct result of his or her duties with the school  
22 district or through the utilization of ~~the~~ school district  
23 resources or facilities. The employee who developed the  
24 computer program shall be entitled to share in the  
25 proceeds of such sale or marketing of the computer  
26 program. The distribution of such proceeds between the

1 employee and the school district shall be as agreed upon  
2 by the employee and the school district, except that  
3 neither the employee nor the school district may receive  
4 more than 90% of such proceeds. The negotiation for an  
5 employee who is represented by an exclusive bargaining  
6 representative may be conducted by such bargaining  
7 representative at the employee's request.

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

9 (1) "Computer" means an internally programmed,  
10 general purpose digital device capable of  
11 automatically accepting data, processing data and  
12 supplying the results of the operation.

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

17 (3) "Proceeds" means profits derived from the  
18 marketing or sale of a product after deducting the  
19 expenses of developing and marketing such product;

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

23 19. Upon the written request of an employee, to  
24 withhold from the compensation of that employee any dues,  
25 payments, or contributions payable by such employee to any  
26 labor organization as defined in the Illinois Educational

1 Labor Relations Act. Under such arrangement, an amount  
2 shall be withheld from each regular payroll period which  
3 is equal to the pro rata share of the annual dues plus any  
4 payments or contributions, and the board shall transmit  
5 such withholdings to the specified labor organization  
6 within 10 working days from the time of the withholding;

7 19a. Upon receipt of notice from the comptroller of a  
8 municipality with a population of 500,000 or more, a  
9 county with a population of 3,000,000 or more, the Cook  
10 County Forest Preserve District, the Chicago Park  
11 District, the Metropolitan Water Reclamation District, the  
12 Chicago Transit Authority, or a housing authority of a  
13 municipality with a population of 500,000 or more that a  
14 debt is due and owing the municipality, the county, the  
15 Cook County Forest Preserve District, the Chicago Park  
16 District, the Metropolitan Water Reclamation District, the  
17 Chicago Transit Authority, or the housing authority by an  
18 employee of the Chicago Board of Education, to withhold,  
19 from the compensation of that employee, the amount of the  
20 debt that is due and owing and pay the amount withheld to  
21 the municipality, the county, the Cook County Forest  
22 Preserve District, the Chicago Park District, the  
23 Metropolitan Water Reclamation District, the Chicago  
24 Transit Authority, or the housing authority; provided,  
25 however, that the amount deducted from any one salary or  
26 wage payment shall not exceed 25% of the net amount of the

1 payment. Before the Board deducts any amount from any  
2 salary or wage of an employee under this paragraph, the  
3 municipality, the county, the Cook County Forest Preserve  
4 District, the Chicago Park District, the Metropolitan  
5 Water Reclamation District, the Chicago Transit Authority,  
6 or the housing authority shall certify that (i) the  
7 employee has been afforded an opportunity for a hearing to  
8 dispute the debt that is due and owing the municipality,  
9 the county, the Cook County Forest Preserve District, the  
10 Chicago Park District, the Metropolitan Water Reclamation  
11 District, the Chicago Transit Authority, or the housing  
12 authority and (ii) the employee has received notice of a  
13 wage deduction order and has been afforded an opportunity  
14 for a hearing to object to the order. For purposes of this  
15 paragraph, "net amount" means that part of the salary or  
16 wage payment remaining after the deduction of any amounts  
17 required by law to be deducted and "debt due and owing"  
18 means (i) a specified sum of money owed to the  
19 municipality, the county, the Cook County Forest Preserve  
20 District, the Chicago Park District, the Metropolitan  
21 Water Reclamation District, the Chicago Transit Authority,  
22 or the housing authority for services, work, or goods,  
23 after the period granted for payment has expired, or (ii)  
24 a specified sum of money owed to the municipality, the  
25 county, the Cook County Forest Preserve District, the  
26 Chicago Park District, the Metropolitan Water Reclamation

1 District, the Chicago Transit Authority, or the housing  
2 authority pursuant to a court order or order of an  
3 administrative hearing officer after the exhaustion of, or  
4 the failure to exhaust, judicial review;

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

11 21. To make available to students vocational and  
12 career counseling and to establish 5 special career  
13 counseling days for students and parents. On these days  
14 representatives of local businesses and industries shall  
15 be invited to the school campus and shall inform students  
16 of career opportunities available to them in the various  
17 businesses and industries. Special consideration shall be  
18 given to counseling minority students as to career  
19 opportunities available to them in various fields. For the  
20 purposes of this paragraph, minority student means a  
21 person who is any of the following:

22 (a) 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 (b) 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 (c) 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 (c-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  
14 Slaves".

15 (d) Hispanic or Latino (a person of Cuban, Mexican,  
16 Puerto Rican, South or Central American, or other Spanish  
17 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 Counseling days shall not be in lieu of regular school  
22 days;

23 22. To report to the State Board of Education the  
24 annual student dropout rate and number of students who  
25 graduate from, transfer from, or otherwise leave bilingual  
26 programs;

1           23. Except as otherwise provided in the Abused and  
2 Neglected Child Reporting Act or other applicable State or  
3 federal law, to permit school officials to withhold, from  
4 any person, information on the whereabouts of any child  
5 removed from school premises when the child has been taken  
6 into protective custody as a victim of suspected child  
7 abuse. School officials shall direct such person to the  
8 Department of Children and Family Services~~7~~ or to the  
9 local law enforcement agency~~1~~ if appropriate;

10           24. To develop a policy, based on the current state of  
11 existing school facilities, projected enrollment~~1~~ and  
12 efficient utilization of available resources, for capital  
13 improvement of schools and school buildings within the  
14 district, addressing in that policy both the relative  
15 priority for major repairs, renovations~~1~~ and additions to  
16 school facilities~~7~~ and the advisability or necessity of  
17 building new school facilities or closing existing schools  
18 to meet current or projected demographic patterns within  
19 the district;

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

24           26. To encourage mid-career changes into the teaching  
25 profession, whereby qualified professionals become  
26 certified teachers, by allowing credit for professional



1 employment in related fields when determining point of  
2 entry on the teacher pay scale;

3 27. To provide or contract out training programs for  
4 administrative personnel and principals with revised or  
5 expanded duties pursuant to this Code Act in order to  
6 ensure ~~assure~~ they have the knowledge and skills to  
7 perform their duties;

8 28. To establish a fund for the prioritized special  
9 needs programs, and to allocate such funds and other lump  
10 sum amounts to each attendance center in a manner  
11 consistent with the provisions of part 4 of Section  
12 34-2.3. Nothing in this paragraph shall be construed to  
13 require any additional appropriations of State funds for  
14 this purpose;

15 29. (Blank);

16 30. Notwithstanding any other provision of this Act or  
17 any other law to the contrary, to contract with third  
18 parties for services otherwise performed by employees,  
19 including those in a bargaining unit, and to layoff those  
20 employees upon 14 days written notice to the affected  
21 employees. Those contracts may be for a period not to  
22 exceed 5 years and may be awarded on a system-wide basis.  
23 The board may not operate more than 30 contract schools,  
24 provided that the board may operate an additional 5  
25 contract turnaround schools pursuant to item (5.5) of  
26 subsection (d) of Section 34-8.3 of this Code, and the

1 governing bodies of contract schools are subject to the  
2 Freedom of Information Act and Open Meetings Act;

3 31. To promulgate rules establishing procedures  
4 governing the layoff or reduction in force of employees  
5 and the recall of such employees, including, but not  
6 limited to, criteria for such layoffs, reductions in force  
7 or recall rights of such employees and the weight to be  
8 given to any particular criterion. Such criteria shall  
9 take into account factors, including, but not ~~be~~ limited  
10 to, qualifications, certifications, experience,  
11 performance ratings or evaluations, and any other factors  
12 relating to an employee's job performance;

13 32. To develop a policy to prevent nepotism in the  
14 hiring of personnel or the selection of contractors;

15 33. (Blank); and

16 34. To establish a Labor Management Council to the  
17 board comprised of representatives of the board, the chief  
18 executive officer, and those labor organizations that are  
19 the exclusive representatives of employees of the board  
20 and to promulgate policies and procedures for the  
21 operation of the Council.

22 The specifications of the powers herein granted are not to  
23 be construed as exclusive, but the board shall also exercise  
24 all other powers that ~~they~~ may be requisite or proper for the  
25 maintenance and the development of a public school system, not  
26 inconsistent with the other provisions of this Article or

1 provisions of this Code which apply to all school districts.

2 In addition to the powers herein granted and authorized to  
3 be exercised by the board, it shall be the duty of the board to  
4 review or to direct independent reviews of special education  
5 expenditures and services. The board shall file a report of  
6 such review with the General Assembly on or before May 1, 1990.  
7 (Source: P.A. 100-465, eff. 8-31-17; 100-1046, eff. 8-23-18;  
8 101-12, eff. 7-1-19; 101-88, eff. 1-1-20; revised 8-19-19.)

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

11 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

12 Sec. 9.16. Underrepresentation of certain groups in higher  
13 education. To require public institutions of higher education  
14 to develop and implement methods and strategies to increase  
15 the participation of minorities, women and individuals with  
16 disabilities who are traditionally underrepresented in  
17 education programs and activities. For the purpose of this  
18 Section, minorities shall mean persons who are citizens of the  
19 United States or lawful permanent resident aliens of the  
20 United States and who are any of the following:

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

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

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

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

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

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

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

24           (a) require all public institutions of higher education to  
25 develop and submit plans for the implementation of this  
26 Section;

1           (b) conduct periodic review of public institutions of  
2 higher education to determine compliance with this Section;  
3 and if the Board finds that a public institution of higher  
4 education is not in compliance with this Section, it shall  
5 notify the institution of steps to take to attain compliance;

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

7           (d) conduct studies of the effectiveness of methods and  
8 strategies designed to increase participation of students in  
9 education programs and activities in which minorities, women  
10 and individuals with disabilities are traditionally  
11 underrepresented, and monitor the success of students in such  
12 education programs and activities;

13           (e) encourage minority student recruitment and retention  
14 in colleges and universities. In implementing this paragraph,  
15 the Board shall undertake but need not be limited to the  
16 following: the establishment of guidelines and plans for  
17 public institutions of higher education for minority student  
18 recruitment and retention, the review and monitoring of  
19 minority student programs implemented at public institutions  
20 of higher education to determine their compliance with any  
21 guidelines and plans so established, the determination of the  
22 effectiveness and funding requirements of minority student  
23 programs at public institutions of higher education, the  
24 dissemination of successful programs as models, and the  
25 encouragement of cooperative partnerships between community  
26 colleges and local school attendance centers which are

1 experiencing difficulties in enrolling minority students in  
2 four-year colleges and universities;

3 (f) mandate all public institutions of higher education to  
4 submit data and information essential to determine compliance  
5 with this Section. The Board shall prescribe the format and  
6 the date for submission of this data and any other education  
7 equity data; and

8 (g) report to the General Assembly and the Governor  
9 annually with a description of the plans submitted by each  
10 public institution of higher education for implementation of  
11 this Section, including financial data relating to the most  
12 recent fiscal year expenditures for specific minority  
13 programs, the effectiveness of such plans and programs and the  
14 effectiveness of the methods and strategies developed by the  
15 Board in meeting the purposes of this Section, the degree of  
16 compliance with this Section by each public institution of  
17 higher education as determined by the Board pursuant to its  
18 periodic review responsibilities, and the findings made by the  
19 Board in conducting its studies and monitoring student success  
20 as required by paragraph d) of this Section. With respect to  
21 each public institution of higher education such report also  
22 shall include, but need not be limited to, information with  
23 respect to each institution's minority program budget  
24 allocations; minority student admission, retention and  
25 graduation statistics; admission, retention, and graduation  
26 statistics of all students who are the first in their

1 immediate family to attend an institution of higher education;  
2 number of financial assistance awards to undergraduate and  
3 graduate minority students; and minority faculty  
4 representation. This paragraph shall not be construed to  
5 prohibit the Board from making, preparing or issuing  
6 additional surveys or studies with respect to minority  
7 education in Illinois.

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

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

11 (110 ILCS 925/3.07) (from Ch. 144, par. 1503.07)

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

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

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

23 (3) Black or African American (a person having origins  
24 in any of the black racial groups of Africa). ~~Terms such as~~

~~"Haitian" or "Negro" can be used in addition to "Black or African American".~~

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

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

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

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

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

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

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

"Board" means the Board of Higher Education.

"DFI" means the Diversifying Higher Education Faculty in Illinois Program of financial assistance to minorities who are traditionally underrepresented as participants in



1 postsecondary education. The program shall assist them in  
2 pursuing a graduate or professional degree and shall also  
3 assist program graduates to find employment at an Illinois  
4 institution of higher education, including a community  
5 college, in a faculty or staff position.

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

8 "Qualified institution of higher education" means a  
9 qualifying publicly or privately operated educational  
10 institution located within Illinois (i) that offers  
11 instruction leading toward or prerequisite to an academic or  
12 professional degree beyond the baccalaureate degree, excluding  
13 theological schools, and (ii) that is authorized to operate in  
14 the State of Illinois.

15 "Racial minority" means a person who is a citizen of the  
16 United States or a lawful permanent resident alien of the  
17 United States and who is any of 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,  
25 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
26 the Philippine Islands, Thailand, and Vietnam).

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

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

11          (4) Hispanic or Latino (a person of Cuban, Mexican,  
12          Puerto Rican, South or Central American, or other Spanish  
13          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          (Source: P.A. 97-396, eff. 1-1-12.)

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

20          (110 ILCS 947/50)

21          Sec. 50. Minority Teachers of Illinois scholarship  
22          program.

23          (a) As used in this Section:

24                 "Eligible applicant" means a minority student who has

1 graduated from high school or has received a high school  
2 equivalency certificate and has maintained a cumulative  
3 grade point average of no less than 2.5 on a 4.0 scale, and  
4 who by reason thereof is entitled to apply for  
5 scholarships to be awarded under this Section.

6 "Minority student" means a student who is any of the  
7 following:

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

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

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

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

1           "Descendant of American Slaves".

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

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

8           "Qualified student" means a person (i) who is a  
9 resident of this State and a citizen or permanent resident  
10 of the United States; (ii) who is a minority student, as  
11 defined in this Section; (iii) who, as an eligible  
12 applicant, has made a timely application for a minority  
13 teaching scholarship under this Section; (iv) who is  
14 enrolled on at least a half-time basis at a qualified  
15 Illinois institution of higher learning; (v) who is  
16 enrolled in a course of study leading to teacher  
17 licensure, including alternative teacher licensure, or, if  
18 the student is already licensed to teach, in a course of  
19 study leading to an additional teaching endorsement or a  
20 master's degree in an academic field in which he or she is  
21 teaching or plans to teach; (vi) who maintains a grade  
22 point average of no less than 2.5 on a 4.0 scale; and (vii)  
23 who continues to advance satisfactorily toward the  
24 attainment of a degree.

25           (b) In order to encourage academically talented Illinois  
26 minority students to pursue teaching careers at the preschool

1 or elementary or secondary school level, each qualified  
2 student shall be awarded a minority teacher scholarship to any  
3 qualified Illinois institution of higher learning. However,  
4 preference may be given to qualified applicants enrolled at or  
5 above the junior level.

6 (c) Each minority teacher scholarship awarded under this  
7 Section shall be in an amount sufficient to pay the tuition and  
8 fees and room and board costs of the qualified Illinois  
9 institution of higher learning at which the recipient is  
10 enrolled, up to an annual maximum of \$5,000; except that in the  
11 case of a recipient who does not reside on-campus at the  
12 institution at which he or she is enrolled, the amount of the  
13 scholarship shall be sufficient to pay tuition and fee  
14 expenses and a commuter allowance, up to an annual maximum of  
15 \$5,000.

16 (d) The total amount of minority teacher scholarship  
17 assistance awarded by the Commission under this Section to an  
18 individual in any given fiscal year, when added to other  
19 financial assistance awarded to that individual for that year,  
20 shall not exceed the cost of attendance at the institution at  
21 which the student is enrolled. If the amount of minority  
22 teacher scholarship to be awarded to a qualified student as  
23 provided in subsection (c) of this Section exceeds the cost of  
24 attendance at the institution at which the student is  
25 enrolled, the minority teacher scholarship shall be reduced by  
26 an amount equal to the amount by which the combined financial

1 assistance available to the student exceeds the cost of  
2 attendance.

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

6 (f) In any academic year for which an eligible applicant  
7 under this Section accepts financial assistance through the  
8 Paul Douglas Teacher Scholarship Program, as authorized by  
9 Section 551 et seq. of the Higher Education Act of 1965, the  
10 applicant shall not be eligible for scholarship assistance  
11 awarded under this Section.

12 (g) All applications for minority teacher scholarships to  
13 be awarded under this Section shall be made to the Commission  
14 on forms which the Commission shall provide for eligible  
15 applicants. The form of applications and the information  
16 required to be set forth therein shall be determined by the  
17 Commission, and the Commission shall require eligible  
18 applicants to submit with their applications such supporting  
19 documents or recommendations as the Commission deems  
20 necessary.

21 (h) Subject to a separate appropriation for such purposes,  
22 payment of any minority teacher scholarship awarded under this  
23 Section shall be determined by the Commission. All scholarship  
24 funds distributed in accordance with this subsection shall be  
25 paid to the institution and used only for payment of the  
26 tuition and fee and room and board expenses incurred by the

1 student in connection with his or her attendance at a  
2 qualified Illinois institution of higher learning. Any  
3 minority teacher scholarship awarded under this Section shall  
4 be applicable to 2 semesters or 3 quarters of enrollment. If a  
5 qualified student withdraws from enrollment prior to  
6 completion of the first semester or quarter for which the  
7 minority teacher scholarship is applicable, the school shall  
8 refund to the Commission the full amount of the minority  
9 teacher scholarship.

10 (i) The Commission shall administer the minority teacher  
11 scholarship aid program established by this Section and shall  
12 make all necessary and proper rules not inconsistent with this  
13 Section for its effective implementation.

14 (j) When an appropriation to the Commission for a given  
15 fiscal year is insufficient to provide scholarships to all  
16 qualified students, the Commission shall allocate the  
17 appropriation in accordance with this subsection. If funds are  
18 insufficient to provide all qualified students with a  
19 scholarship as authorized by this Section, the Commission  
20 shall allocate the available scholarship funds for that fiscal  
21 year on the basis of the date the Commission receives a  
22 complete application form.

23 (k) Notwithstanding the provisions of subsection (j) or  
24 any other provision of this Section, at least 30% of the funds  
25 appropriated for scholarships awarded under this Section in  
26 each fiscal year shall be reserved for qualified male minority

1 applicants. If the Commission does not receive enough  
2 applications from qualified male minorities on or before  
3 January 1 of each fiscal year to award 30% of the funds  
4 appropriated for these scholarships to qualified male minority  
5 applicants, then the Commission may award a portion of the  
6 reserved funds to qualified female minority applicants.

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

25 (m) If a recipient of a minority teacher scholarship  
26 awarded under this Section fails to fulfill the teaching



1 obligation set forth in subsection (1) of this Section, the  
2 Commission shall require the recipient to repay the amount of  
3 the scholarships received, prorated according to the fraction  
4 of the teaching obligation not completed, at a rate of  
5 interest equal to 5%, and, if applicable, reasonable  
6 collection fees. The Commission is authorized to establish  
7 rules relating to its collection activities for repayment of  
8 scholarships under this Section. All repayments collected  
9 under this Section shall be forwarded to the State Comptroller  
10 for deposit into the State's General Revenue Fund.

11 (n) A recipient of minority teacher scholarship shall not  
12 be considered in violation of the agreement entered into  
13 pursuant to subsection (1) if the recipient (i) enrolls on a  
14 full time basis as a graduate student in a course of study  
15 related to the field of teaching at a qualified Illinois  
16 institution of higher learning; (ii) is serving, not in excess  
17 of 3 years, as a member of the armed services of the United  
18 States; (iii) is a person with a temporary total disability  
19 for a period of time not to exceed 3 years as established by  
20 sworn affidavit of a qualified physician; (iv) is seeking and  
21 unable to find full time employment as a teacher at an Illinois  
22 public, private, or parochial preschool or elementary or  
23 secondary school that satisfies the criteria set forth in  
24 subsection (1) of this Section and is able to provide evidence  
25 of that fact; (v) becomes a person with a permanent total  
26 disability as established by sworn affidavit of a qualified

1 physician; (vi) is taking additional courses, on at least a  
2 half-time basis, needed to obtain licensure as a teacher in  
3 Illinois; or (vii) is fulfilling teaching requirements  
4 associated with other programs administered by the Commission  
5 and cannot concurrently fulfill them under this Section in a  
6 period of time equal to the length of the teaching obligation.

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

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

16 (110 ILCS 947/65.30)

17 Sec. 65.30. Equal opportunity scholarships.

18 (a) The Commission may annually award a number of  
19 scholarships to students who are interested in pursuing  
20 studies in educational administration. Such scholarships shall  
21 be issued to students who make application to the Commission  
22 and who agree to take courses at qualified institutions of  
23 higher learning that will allow them to complete a degree in  
24 educational administration.

25 (b) Scholarships awarded under this Section shall be

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

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

18 (d) The Commission may make tuition payments directly to  
19 the qualified institution of higher learning which the student  
20 attends for the courses prescribed or may make payments to the  
21 student. Any student who receives payments and who fails to  
22 enroll in the courses prescribed shall refund the payments to  
23 the Commission.

24 (e) The Commission, with the cooperation of the State  
25 Board of Education, shall assist students who have  
26 participated in the scholarship program established by this

1 Section in finding employment in positions relating to  
2 educational administration.

3 (f) Appropriations for the scholarships outlined in this  
4 Section shall be made to the Commission from funds  
5 appropriated by the General Assembly.

6 (g) This Section is substantially the same as Section  
7 30-4d of the School Code, which Section is repealed by this  
8 amendatory Act of 1993, and shall be construed as a  
9 continuation of the equal opportunity scholarship program  
10 established under that prior law, and not as a new or different  
11 equal opportunity scholarship program. The State Board of  
12 Education shall transfer to the Commission, as the successor  
13 to the State Board of Education for all purposes of  
14 administering and implementing the provisions of this Section,  
15 all books, accounts, records, papers, documents, contracts,  
16 agreements, and pending business in any way relating to the  
17 equal opportunity scholarship program continued under this  
18 Section; and all scholarships at any time awarded under that  
19 program by, and all applications for any such scholarship at  
20 any time made to, the State Board of Education shall be  
21 unaffected by the transfer to the Commission of all  
22 responsibility for the administration and implementation of  
23 the equal opportunity scholarship program continued under this  
24 Section. The State Board of Education shall furnish to the  
25 Commission such other information as the Commission may  
26 request to assist it in administering this Section.

1 (h) For purposes of this Section:

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

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

19 (1) 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 (2) Asian (a person having origins in any of the  
24 original peoples of the Far East, Southeast Asia, or  
25 the Indian subcontinent, including, but not limited  
26 to, Cambodia, China, India, Japan, Korea, Malaysia,

1 Pakistan, the Philippine Islands, Thailand, and  
2 Vietnam).

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

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

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

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

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

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

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

23 (215 ILCS 5/500-50)

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

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

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

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

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

15          Examinee. "Examinee" means a person who takes an  
16      examination.

17          Part. "Part" means a portion of an examination for which a  
18      score is calculated.

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

21          Test form. "Test form" means the test booklet or  
22      instrument used for a part of an examination.

23          Pretest item. "Pretest item" means a prospective test  
24      question that is included in a test form in order to assess its  
25      performance, but is not considered in determining an  
26      examinee's score.

1       Minority group or examinees. "Minority group" or "minority  
2       examinees" means examinees who are American Indian or Alaska  
3       Native, Asian, Black or African American, Hispanic or Latino,  
4       or Native Hawaiian or Other Pacific Islander.

5       Correct-answer rate. "Correct-answer rate" for an item  
6       means the number of examinees who provided the correct answer  
7       on an item divided by the number of examinees who answered the  
8       item.

9       Correlation. "Correlation" means a statistical measure of  
10      the relationship between performance on an item and  
11      performance on a part of the examination.

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

15           (1) race or ethnicity (American Indian or Alaska  
16           Native, Asian, Black or African American, Hispanic or  
17           Latino, Native Hawaiian or Other Pacific Islander, or  
18           White);

19           (2) education (8th grade or less; less than 12th  
20           grade; high school diploma or high school equivalency  
21           certificate; some college, but no 4-year degree; or 4-year  
22           degree or more); and

23           (3) gender (male or female).

24      The Director must advise all examinees that they are not  
25      required to provide this information, that they will not be  
26      penalized for not doing so, and that the Director will use the



1 information provided exclusively for research and statistical  
2 purposes and to improve the quality and fairness of the  
3 examinations.

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

10 (1) For all examinees combined and separately by race  
11 or ethnicity, by educational level, by gender, by  
12 educational level within race or ethnicity, by education  
13 level within gender, and by race or ethnicity within  
14 gender:

15 (A) number of examinees;

16 (B) percentage and number of examinees who passed  
17 each part;

18 (C) percentage and number of examinees who passed  
19 all parts;

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

21 (E) standard deviation of scaled scores on each  
22 part.

23 (2) For male examinees, female examinees, Black or  
24 African American examinees, white examinees, American  
25 Indian or Alaska Native examinees, Asian examinees,  
26 Hispanic or Latino examinees, and Native Hawaiian or Other

1 Pacific Islander, respectively, with a high school diploma  
2 or high school equivalency certificate, the distribution  
3 of scaled scores on each part.

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

14 The Director is not required to report separate  
15 statistical information for any group or subgroup comprising  
16 fewer than 50 examinees.

17 (e) The Director must obtain a regular analysis of the  
18 data collected under this Section, and any other relevant  
19 information, for purposes of the development of new test  
20 forms. The analysis shall continue the implementation of the  
21 item selection methodology as recommended in the Final Report  
22 of the Illinois Insurance Producer's Licensing Examination  
23 Advisory Committee dated November 19, 1991, and filed with the  
24 Department unless some other methodology is determined by the  
25 Director to be as effective in minimizing differences between  
26 white and minority examinee pass-fail rates.

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

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

16          (h) The Director must maintain, for a period of 3 years  
17    after they are prepared or used, all registration forms, test  
18    forms, answer sheets, operational items and pretest items,  
19    item analyses, and other statistical analyses relating to the  
20    examinations. All personal identifying information regarding  
21    examinees and the content of test items must be maintained  
22    confidentially as necessary for purposes of protecting the  
23    personal privacy of examinees and the maintenance of test  
24    security.

25          (i) In administering the examinations, the Director must  
26    make such accommodations for examinees with disabilities as

1 are reasonably warranted by the particular disability  
2 involved, including the provision of additional time if  
3 necessary to complete an examination or special assistance in  
4 taking an examination.

5 (j) For the purposes of this Section:

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

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

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

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

25 (4) "Hispanic or Latino" means a person of Cuban,  
26 Mexican, Puerto Rican, South or Central American, or other

1 Spanish culture or origin, regardless of race.

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

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

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

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

11 (305 ILCS 5/4-23)

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

13 (a) The Department of Human Services must submit to the  
14 Governor and the General Assembly on January 1 of each  
15 even-numbered year a written report that details the disparate  
16 impact of various provisions of the TANF program on people of  
17 different racial or ethnic groups who identify themselves in  
18 an application for benefits as 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  
13 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  
18 person having origins in any of the original peoples of  
19 Hawaii, Guam, Samoa, or other Pacific Islands).

20 (6) White (a person having origins in any of the  
21 original peoples of Europe, the Middle East, or North  
22 Africa).

23 (b) The report must at least compare the number of persons  
24 in each group:

25 (1) who are receiving TANF assistance;

26 (2) whose 60-month lifetime limit on receiving

1 assistance has expired;

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

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

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

7 (6) who have returned to TANF 6 months after leaving  
8 due to earned income;

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

11 (8) who have one or more children excluded from  
12 receiving TANF cash assistance due to the child exclusion  
13 rule;

14 (9) who have been granted an exemption from work  
15 requirements; and

16 (10) who are participating in post-secondary education  
17 activities.

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

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

21 (625 ILCS 5/11-212)

22 Sec. 11-212. Traffic and pedestrian stop statistical  
23 study.

24 (a) Whenever a State or local law enforcement officer

1 issues a uniform traffic citation or warning citation for an  
2 alleged violation of the Illinois Vehicle Code, he or she  
3 shall record at least the following:

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

10 (2) the alleged traffic violation that led to the stop  
11 of the motorist;

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

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

16 (5) the location of the traffic stop;

17 (5.5) whether or not a consent search contemporaneous  
18 to the stop was requested of the vehicle, driver,  
19 passenger, or passengers; and, if so, whether consent was  
20 given or denied;

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

25 (6.2) whether or not a police dog performed a sniff of  
26 the vehicle; and, if so, whether or not the dog alerted to



1 the presence of contraband; and, if so, whether or not an  
2 officer searched the vehicle; and, if so, whether or not  
3 contraband was discovered; and, if so, the type and amount  
4 of contraband;

5 (6.5) whether or not contraband was found during a  
6 search; and, if so, the type and amount of contraband  
7 seized; and

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

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

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

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

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

26 (4) the date and time of the stop, beginning when the

1 vehicle was stopped and ending when the driver is free to  
2 leave or taken into physical custody;

3 (5) the location of the traffic stop;

4 (5.5) whether or not a consent search contemporaneous  
5 to the stop was requested of the vehicle, driver,  
6 passenger, or passengers; and, if so, whether consent was  
7 given or denied;

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

12 (6.2) whether or not a police dog performed a sniff of  
13 the vehicle; and, if so, whether or not the dog alerted to  
14 the presence of contraband; and, if so, whether or not an  
15 officer searched the vehicle; and, if so, whether or not  
16 contraband was discovered; and, if so, the type and amount  
17 of contraband;

18 (6.5) whether or not contraband was found during a  
19 search; and, if so, the type and amount of contraband  
20 seized; and

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

22 (b-5) For purposes of this subsection (b-5), "detention"  
23 means all frisks, searches, summons, and arrests. Whenever a  
24 law enforcement officer subjects a pedestrian to detention in  
25 a public place, he or she shall complete a uniform pedestrian  
26 stop card, which includes any existing form currently used by

1 law enforcement containing all the information required under  
2 this Section, that records at least the following:

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

9 (2) all the alleged reasons that led to the stop of the  
10 person;

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

12 (4) the location of the stop;

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

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

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

25 (8) whether or not contraband was found during the  
26 search beyond a protective pat down or frisk; and, if so,

1 the type and amount of contraband seized;

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

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

7 (11) the name and badge number of the officer who  
8 conducted the detention.

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

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

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

25 (e) The Illinois Department of Transportation shall  
26 analyze the data provided by law enforcement agencies required

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

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

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

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

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

26 (5) A disparity between the frequency of searches

1 performed on minority drivers or pedestrians and the  
2 frequency of searches performed on non-minority drivers or  
3 pedestrians.

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

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

21 (h) The Illinois Criminal Justice Information Authority,  
22 in consultation with law enforcement agencies, officials, and  
23 organizations, including Illinois chiefs of police, the  
24 Department of State Police, the Illinois Sheriffs Association,  
25 and the Chicago Police Department, and community groups and  
26 other experts, shall undertake a study to determine the best

1 use of technology to collect, compile, and analyze the traffic  
2 stop statistical study data required by this Section. The  
3 Department shall report its findings and recommendations to  
4 the Governor and the General Assembly by March 1, 2022.

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

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

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

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

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

21 (C) one representative from the Illinois State  
22 Police;

23 (D) one representative from the Chicago Police  
24 Department;

25 (E) one representative from the Illinois Chiefs of  
26 Police;

1 (F) one representative from the Illinois Sheriffs  
2 Association;

3 (G) one representative from the Chicago Fraternal  
4 Order of Police;

5 (H) one representative from the Illinois Fraternal  
6 Order of Police;

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

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

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

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

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

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



1 maintains tribal affiliation or community attachment.

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

7 (2.5) "Badge" means an officer's department issued  
8 identification number associated with his or her position  
9 as a police officer with that department.

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

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

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

26 (6) "White" means a person having origins in any of

1 the original peoples of Europe, the Middle East, or North  
2 Africa.

3 (i) (Blank).

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

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

7 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

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

11 (a) In this Section:

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

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

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

23 (3) Black or African American (a person having origins  
24 in any of the black racial groups of Africa). ~~Terms such as~~

1 ~~"Haitian" or "Negro" can be used in addition to "Black or~~  
2 ~~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  
8 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  
13 person having origins in any of the original peoples of  
14 Hawaii, 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  
4 life 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  
17 or 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  
16          by 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  
19          of a violation of this Section must pay to the governmental  
20          unit that awarded the contract a penalty equal to one and  
21          one-half times the amount of the contract obtained because of  
22          the false 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

1 Commission; and (vii) protection against retaliation as  
2 provided by Section 6-101 of this Act. A copy of the  
3 policies shall be provided to the Department upon request.  
4 Additionally, each bidder who submits a bid or offer for a  
5 State contract under the Illinois Procurement Code shall  
6 have a written copy of the bidder's sexual harassment  
7 policy as required under this paragraph (4). A copy of the  
8 policy shall be provided to the State agency entering into  
9 the contract 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  
22 these affirmative action plans, the race and national  
23 origin categories to be included in the plans are:  
24 American Indian or Alaska Native, Asian, Black or African  
25 American, Hispanic or Latino, Native Hawaiian or Other  
26 Pacific 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  
11      that 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  
5 a full-time Equal Employment Opportunity officer, subject  
6 to 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  
20 are 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  
12 Act.

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

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

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

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

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

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

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

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

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

1 emergency layoff situation exists.

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

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

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

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

26 (C) Civil Rights Violations. It is a civil rights

1 violation for any public contractor or eligible bidder to:

2 (1) fail to comply with the public contractor's or  
3 eligible bidder's duty to refrain from unlawful  
4 discrimination and discrimination based on citizenship  
5 status in employment under subsection (A)(1) of this  
6 Section; or

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

18 (D) As used in this Section:

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

23 (2) "Asian" means a person having origins in any of  
24 the original peoples of the Far East, Southeast Asia, or  
25 the Indian subcontinent, including, but not limited to,  
26 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,

1 the Philippine Islands, Thailand, and Vietnam.

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

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

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

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

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