

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

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

18 (e) "Professional employee" means a person employed to
19 perform employment duties requiring academic training,
20 evidenced by a graduate or advanced degree from an accredited
21 institution of higher education, and who, in the performance
22 of those employment duties, may only engage in active practice
23 of the academic training received when licensed or certified
24 by the State of Illinois.

25 (f) "State employee" means any person employed within the
26 State work force.

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

3 (1) the total number of all payroll warrants (or their
4 administrative equivalent) issued by the Comptroller to
5 pay:

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

7 (ii) for the sole purpose of providing accurate
8 statistical information, all persons exempt from the
9 Personnel Code; and

10 (2) the total number of payroll warrants (or their
11 administrative equivalent) funded by State appropriation
12 which are issued by educational institutions governed by
13 the Board of Trustees of the University of Illinois, the
14 Board of Trustees of Southern Illinois University, the
15 Board of Governors of State Colleges and Universities, and
16 the Board of Regents; and

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

20 (i) the State Comptroller; and

21 (ii) the issuing agents of the educational
22 institutions listed in subdivision (2) of this
23 subsection (g).

24 "State work force" does not, however, include persons holding
25 elective State office.

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

1 (5 ILCS 410/15)

2 Sec. 15. Reported information.

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

10 (i) the total number of persons employed by the agency
11 who are part of the State work force, as defined by this
12 Act, and the number and statistical percentage of women,
13 minorities, and persons with physical disabilities
14 employed within the agency work force;

15 (ii) the total number of persons employed within the
16 agency work force receiving levels of State remuneration
17 within incremental levels of \$10,000, and the number and
18 statistical percentage of minorities, women, and persons
19 with physical disabilities in the agency work force
20 receiving levels of State remuneration within incremented
21 levels of \$10,000;

22 (iii) the number of open positions of employment or
23 advancement in the agency work force, reported on a fiscal
24 year basis;

25 (iv) the number and percentage of open positions of

1 employment or advancement in the agency work force filled
2 by minorities, women, and persons with physical
3 disabilities, reported on a fiscal year basis;

4 (v) the total number of persons employed within the
5 agency work force as professionals, and the number and
6 percentage of minorities, women, and persons with physical
7 disabilities employed within the agency work force as
8 professional employees; and

9 (vi) the total number of persons employed within the
10 agency work force as contractual service employees, and
11 the number and percentage of minorities, women, and
12 persons with physical disabilities employed within the
13 agency work force as contractual services employees.

14 (b) The numbers and percentages of minorities required to
15 be reported by this Section shall be identified by the
16 following categories:

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

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

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

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

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

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

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

14 (c) To accomplish consistent and uniform classification
15 and collection of information from each State agency, and to
16 ensure full compliance and that all required information is
17 provided, the Index Department of the Office of the Secretary
18 of State, in consultation with the Department of Human Rights,
19 the Department of Central Management Services, and the Office
20 of the Comptroller, shall develop appropriate forms to be used
21 by all State agencies subject to the reporting requirements of
22 this Act.

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

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

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

4 (20 ILCS 105/3.10)

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

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

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

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

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

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

8 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

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

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

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

14 (1) To assist in the assessment of the health needs of
15 minority populations in the State.

16 (2) To recommend treatment methods and programs that
17 are sensitive and relevant to the unique linguistic,
18 cultural, and ethnic characteristics of minority
19 populations.

20 (3) To provide consultation, technical assistance,
21 training programs, and reference materials to service
22 providers, organizations, and other agencies.

23 (4) To promote awareness of minority health concerns,
24 and encourage, promote, and aid in the establishment of

1 minority services.

2 (5) To disseminate information on available minority
3 services.

4 (6) To provide adequate and effective opportunities
5 for minority populations to express their views on
6 Departmental policy development and program
7 implementation.

8 (7) To coordinate with the Department on Aging and the
9 Department of Healthcare and Family Services to coordinate
10 services designed to meet the needs of minority senior
11 citizens.

12 (8) To promote awareness of the incidence of
13 Alzheimer's disease and related dementias among minority
14 populations and to encourage, promote, and aid in the
15 establishment of prevention and treatment programs and
16 services relating to this health problem.

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

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

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

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

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

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

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

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

14 Section 20. The State Construction Minority and Female
15 Building Trades Act is amended by changing Section 35-5 as
16 follows:

17 (30 ILCS 577/35-5)

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

19 "Under-represented minority" means a person who is any of
20 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 (4) Hispanic or Latino (a person of Cuban, Mexican,
11 Puerto Rican, South or Central American, or other Spanish
12 culture or origin, regardless of race).

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

16 "Construction" means any constructing, altering,
17 reconstructing, repairing, rehabilitating, refinishing,
18 refurbishing, remodeling, remediating, renovating, custom
19 fabricating, maintenance, landscaping, improving, wrecking,
20 painting, decorating, demolishing, and adding to or
21 subtracting from any building, structure, highway, roadway,
22 street, bridge, alley, sewer, ditch, sewage disposal plant,
23 water works, parking facility, railroad, excavation or other
24 structure, project, development, real property or improvement,
25 or to do any part thereof, whether or not the performance of
26 the work herein described involves the addition to, or

1 fabrication into, any structure, project, development, real
2 property or improvement herein described of any material or
3 article of merchandise. Construction shall also include moving
4 construction related materials on the job site to or from the
5 job site.

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

7 Section 25. The Inclusion of Women and Minorities in
8 Clinical Research Act is amended by changing Section 5 as
9 follows:

10 (30 ILCS 785/5)

11 Sec. 5. Definitions. In this Act:

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

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

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

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

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

14 (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 "Project of clinical research" includes a clinical trial.

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

22 Section 30. The Metropolitan Pier and Exposition Authority
23 Act is amended by changing Section 23.1 as follows:

24 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

1 Sec. 23.1. Affirmative action.

2 (a) The Authority shall, within 90 days after the
3 effective date of this amendatory Act of 1984, establish and
4 maintain an affirmative action program designed to promote
5 equal employment opportunity and eliminate the effects of past
6 discrimination. Such program shall include a plan, including
7 timetables where appropriate, which shall specify goals and
8 methods for increasing participation by women and minorities
9 in employment, including employment related to the planning,
10 organization, and staging of the games, by the Authority and
11 by parties which contract with the Authority. The Authority
12 shall submit a detailed plan with the General Assembly prior
13 to September 1 of each year. Such program shall also establish
14 procedures and sanctions, which the Authority shall enforce to
15 ensure compliance with the plan established pursuant to this
16 Section and with State and federal laws and regulations
17 relating to the employment of women and minorities. A
18 determination by the Authority as to whether a party to a
19 contract with the Authority has achieved the goals or employed
20 the methods for increasing participation by women and
21 minorities shall be determined in accordance with the terms of
22 such contracts or the applicable provisions of rules and
23 regulations of the Authority existing at the time such
24 contract was executed, including any provisions for
25 consideration of good faith efforts at compliance which the
26 Authority may reasonably adopt.

1 (b) The Authority shall adopt and maintain minority-owned
2 and women-owned business enterprise procurement programs under
3 the affirmative action program described in subsection (a) for
4 any and all work, including all contracting related to the
5 planning, organization, and staging of the games, undertaken
6 by the Authority. That work shall include, but is not limited
7 to, the purchase of professional services, construction
8 services, supplies, materials, and equipment. The programs
9 shall establish goals of awarding not less than 25% of the
10 annual dollar value of all contracts, purchase orders, or
11 other agreements (collectively referred to as "contracts") to
12 minority-owned businesses and 5% of the annual dollar value of
13 all contracts to women-owned businesses. Without limiting the
14 generality of the foregoing, the programs shall require in
15 connection with the prequalification or consideration of
16 vendors for professional service contracts, construction
17 contracts, and contracts for supplies, materials, equipment,
18 and services that each proposer or bidder submit as part of his
19 or her proposal or bid a commitment detailing how he or she
20 will expend 25% or more of the dollar value of his or her
21 contracts with one or more minority-owned businesses and 5% or
22 more of the dollar value with one or more women-owned
23 businesses. Bids or proposals that do not include such
24 detailed commitments are not responsive and shall be rejected
25 unless the Authority deems it appropriate to grant a waiver of
26 these requirements. In addition the Authority may, in

1 connection with the selection of providers of professional
2 services, reserve the right to select a minority-owned or
3 women-owned business or businesses to fulfill the commitment
4 to minority and woman business participation. The commitment
5 to minority and woman business participation may be met by the
6 contractor or professional service provider's status as a
7 minority-owned or women-owned business, by joint venture or by
8 subcontracting a portion of the work with or purchasing
9 materials for the work from one or more such businesses, or by
10 any combination thereof. Each contract shall require the
11 contractor or provider to submit a certified monthly report
12 detailing the status of that contractor or provider's
13 compliance with the Authority's minority-owned and women-owned
14 business enterprise procurement program. The Authority, after
15 reviewing the monthly reports of the contractors and
16 providers, shall compile a comprehensive report regarding
17 compliance with this procurement program and file it quarterly
18 with the General Assembly. If, in connection with a particular
19 contract, the Authority determines that it is impracticable or
20 excessively costly to obtain minority-owned or women-owned
21 businesses to perform sufficient work to fulfill the
22 commitment required by this subsection, the Authority shall
23 reduce or waive the commitment in the contract, as may be
24 appropriate. The Authority shall establish rules and
25 regulations setting forth the standards to be used in
26 determining whether or not a reduction or waiver is

1 appropriate. The terms "minority-owned business" and
2 "women-owned business" have the meanings given to those terms
3 in the Business Enterprise for Minorities, Women, and Persons
4 with Disabilities Act.

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

15 (d) In connection with the Expansion Project, the
16 Authority shall incorporate the following elements into its
17 minority-owned and women-owned business procurement programs
18 to the extent feasible: (1) a major contractors program that
19 permits minority-owned businesses and women-owned businesses
20 to bear significant responsibility and risk for a portion of
21 the project; (2) a mentor/protege program that provides
22 financial, technical, managerial, equipment, and personnel
23 support to minority-owned businesses and women-owned
24 businesses; (3) an emerging firms program that includes
25 minority-owned businesses and women-owned businesses that
26 would not otherwise qualify for the project due to

1 inexperience or limited resources; (4) a small projects
2 program that includes participation by smaller minority-owned
3 businesses and women-owned businesses on jobs where the total
4 dollar value is \$5,000,000 or less; and (5) a set-aside
5 program that will identify contracts requiring the expenditure
6 of funds less than \$50,000 for bids to be submitted solely by
7 minority-owned businesses and women-owned businesses.

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

19 (f) McCormick Place Advisory Board. There is created a
20 McCormick Place Advisory Board composed as follows: 2 members
21 shall be appointed by the Mayor of Chicago; 2 members shall be
22 appointed by the Governor; 2 members shall be State Senators
23 appointed by the President of the Senate; 2 members shall be
24 State Senators appointed by the Minority Leader of the Senate;
25 2 members shall be State Representatives appointed by the
26 Speaker of the House of Representatives; and 2 members shall

1 be State Representatives appointed by the Minority Leader of
2 the House of Representatives. The terms of all previously
3 appointed members of the Advisory Board expire on the
4 effective date of this amendatory Act of the 92nd General
5 Assembly. A State Senator or State Representative member may
6 appoint a designee to serve on the McCormick Place Advisory
7 Board in his or her absence.

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

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

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

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

24 (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 Members of the McCormick Place Advisory Board shall serve
5 2-year terms and until their successors are appointed, except
6 members who serve as a result of their elected position whose
7 terms shall continue as long as they hold their designated
8 elected positions. Vacancies shall be filled by appointment
9 for the unexpired term in the same manner as original
10 appointments are made. The McCormick Place Advisory Board
11 shall elect its own chairperson.

12 Members of the McCormick Place Advisory Board shall serve
13 without compensation but, at the Authority's discretion, shall
14 be reimbursed for necessary expenses in connection with the
15 performance of their duties.

16 The McCormick Place Advisory Board shall meet quarterly,
17 or as needed, shall produce any reports it deems necessary,
18 and shall:

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

21 (2) Work with the Authority regarding potential means
22 for providing increased economic opportunities to
23 minorities and women produced indirectly or directly from
24 the construction and operation of the Expansion Project;

25 (3) Work with the Authority to minimize any potential
26 impact on the area surrounding the McCormick Place

1 Expansion Project, including any impact on minority-owned
2 or women-owned businesses, resulting from the construction
3 and operation of the Expansion Project;

4 (4) Work with the Authority to find candidates for
5 building trades apprenticeships, for employment in the
6 hospitality industry, and to identify job training
7 programs;

8 (5) Work with the Authority to implement the
9 provisions of subsections (a) through (e) of this Section
10 in the construction of the Expansion Project, including
11 the Authority's goal of awarding not less than 25% and 5%
12 of the annual dollar value of contracts to minority-owned
13 and women-owned businesses, the outreach program for
14 minorities and women, and the mentor/protege program for
15 providing assistance to minority-owned and women-owned
16 businesses.

17 (g) The Authority shall comply with subsection (e) of
18 Section 5-42 of the Olympic Games and Paralympic Games (2016)
19 Law. For purposes of this Section, the term "games" has the
20 meaning set forth in the Olympic Games and Paralympic Games
21 (2016) Law.

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

23 Section 35. The School Code is amended by changing Section
24 34-18 as follows:

1 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

6 1. To make suitable provision for the establishment
7 and maintenance throughout the year or for such portion
8 thereof as it may direct, not less than 9 months and in
9 compliance with Section 10-19.05, of schools of all grades
10 and kinds, including normal schools, high schools, night
11 schools, schools for defectives and delinquents, parental
12 and truant schools, schools for the blind, the deaf, and
13 persons with physical disabilities, schools or classes in
14 manual training, constructural and vocational teaching,
15 domestic arts, and physical culture, vocation and
16 extension schools and lecture courses, and all other
17 educational courses and facilities, including
18 establishing, equipping, maintaining and operating
19 playgrounds and recreational programs, when such programs
20 are conducted in, adjacent to, or connected with any
21 public school under the general supervision and
22 jurisdiction of the board; provided that the calendar for
23 the school term and any changes must be submitted to and
24 approved by the State Board of Education before the
25 calendar or changes may take effect, and provided that in
26 allocating funds from year to year for the operation of

1 all attendance centers within the district, the board
2 shall ensure that supplemental general State aid or
3 supplemental grant funds are allocated and applied in
4 accordance with Section 18-8, 18-8.05, or 18-8.15. To
5 admit to such schools without charge foreign exchange
6 students who are participants in an organized exchange
7 student program which is authorized by the board. The
8 board shall permit all students to enroll in
9 apprenticeship programs in trade schools operated by the
10 board, whether those programs are union-sponsored or not.
11 No student shall be refused admission into or be excluded
12 from any course of instruction offered in the common
13 schools by reason of that student's sex. No student shall
14 be denied equal access to physical education and
15 interscholastic athletic programs supported from school
16 district funds or denied participation in comparable
17 physical education and athletic programs solely by reason
18 of the student's sex. Equal access to programs supported
19 from school district funds and comparable programs will be
20 defined in rules promulgated by the State Board of
21 Education in consultation with the Illinois High School
22 Association. Notwithstanding any other provision of this
23 Article, neither the board of education nor any local
24 school council or other school official shall recommend
25 that children with disabilities be placed into regular
26 education classrooms unless those children with

1 disabilities are provided with supplementary services to
2 assist them so that they benefit from the regular
3 classroom instruction and are included on the teacher's
4 regular education class register;

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

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

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

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

17 6. To grant the use of assembly halls and classrooms
18 when not otherwise needed, including light, heat, and
19 attendants, for free public lectures, concerts, and other
20 educational and social interests, free of charge, under
21 such provisions and control as the principal of the
22 affected attendance center may prescribe;

23 7. To apportion the pupils to the several schools;
24 provided that no pupil shall be excluded from or
25 segregated in any such school on account of his color,
26 race, sex, or nationality. The board shall take into

1 consideration the prevention of segregation and the
2 elimination of separation of children in public schools
3 because of color, race, sex, or nationality. Except that
4 children may be committed to or attend parental and social
5 adjustment schools established and maintained either for
6 boys or girls only. All records pertaining to the
7 creation, alteration or revision of attendance areas shall
8 be open to the public. Nothing herein shall limit the
9 board's authority to establish multi-area attendance
10 centers or other student assignment systems for
11 desegregation purposes or otherwise, and to apportion the
12 pupils to the several schools. Furthermore, beginning in
13 school year 1994-95, pursuant to a board plan adopted by
14 October 1, 1993, the board shall offer, commencing on a
15 phased-in basis, the opportunity for families within the
16 school district to apply for enrollment of their children
17 in any attendance center within the school district which
18 does not have selective admission requirements approved by
19 the board. The appropriate geographical area in which such
20 open enrollment may be exercised shall be determined by
21 the board of education. Such children may be admitted to
22 any such attendance center on a space available basis
23 after all children residing within such attendance
24 center's area have been accommodated. If the number of
25 applicants from outside the attendance area exceed the
26 space available, then successful applicants shall be

1 selected by lottery. The board of education's open
2 enrollment plan must include provisions that allow
3 low-income ~~low-income~~ students to have access to
4 transportation needed to exercise school choice. Open
5 enrollment shall be in compliance with the provisions of
6 the Consent Decree and Desegregation Plan cited in Section
7 34-1.01;

8 8. To approve programs and policies for providing
9 transportation services to students. Nothing herein shall
10 be construed to permit or empower the State Board of
11 Education to order, mandate, or require busing or other
12 transportation of pupils for the purpose of achieving
13 racial balance in any school;

14 9. Subject to the limitations in this Article, to
15 establish and approve system-wide curriculum objectives
16 and standards, including graduation standards, which
17 reflect the multi-cultural diversity in the city and are
18 consistent with State law, provided that for all purposes
19 of this Article courses or proficiency in American Sign
20 Language shall be deemed to constitute courses or
21 proficiency in a foreign language; and to employ
22 principals and teachers, appointed as provided in this
23 Article, and fix their compensation. The board shall
24 prepare such reports related to minimal competency testing
25 as may be requested by the State Board of Education, and, and,
26 in addition, and, shall monitor and approve special education

1 and bilingual education programs and policies within the
2 district to ensure ~~assure~~ that appropriate services are
3 provided in accordance with applicable State and federal
4 laws to children requiring services and education in those
5 areas;

6 10. To employ non-teaching personnel or utilize
7 volunteer personnel for: (i) non-teaching duties not
8 requiring instructional judgment or evaluation of pupils,
9 including library duties; and (ii) supervising study
10 halls, long distance teaching reception areas used
11 incident to instructional programs transmitted by
12 electronic media such as computers, video, and audio,
13 detention and discipline areas, and school-sponsored
14 extracurricular activities. The board may further utilize
15 volunteer non-certificated personnel or employ
16 non-certificated personnel to assist in the instruction of
17 pupils under the immediate supervision of a teacher
18 holding a valid certificate, directly engaged in teaching
19 subject matter or conducting activities; provided that the
20 teacher shall be continuously aware of the
21 non-certificated persons' activities and shall be able to
22 control or modify them. The general superintendent shall
23 determine qualifications of such personnel and shall
24 prescribe rules for determining the duties and activities
25 to be assigned to such personnel;

26 10.5. To utilize volunteer personnel from a regional

1 School Crisis Assistance Team (S.C.A.T.), created as part
2 of the Safe to Learn Program established pursuant to
3 Section 25 of the Illinois Violence Prevention Act of
4 1995, to provide assistance to schools in times of
5 violence or other traumatic incidents within a school
6 community by providing crisis intervention services to
7 lessen the effects of emotional trauma on individuals and
8 the community; the School Crisis Assistance Team Steering
9 Committee shall determine the qualifications for
10 volunteers;

11 11. To provide television studio facilities in not to
12 exceed one school building and to provide programs for
13 educational purposes, provided, however, that the board
14 shall not construct, acquire, operate, or maintain a
15 television transmitter; to grant the use of its studio
16 facilities to a licensed television station located in the
17 school district; and to maintain and operate not to exceed
18 one school radio transmitting station and provide programs
19 for educational purposes;

20 12. To offer, if deemed appropriate, outdoor education
21 courses, including field trips within the State of
22 Illinois, or adjacent states, and to use school
23 educational funds for the expense of the said outdoor
24 educational programs, whether within the school district
25 or not;

26 13. During that period of the calendar year not

1 embraced within the regular school term, to provide and
2 conduct courses in subject matters normally embraced in
3 the program of the schools during the regular school term
4 and to give regular school credit for satisfactory
5 completion by the student of such courses as may be
6 approved for credit by the State Board of Education;

7 14. To insure against any loss or liability of the
8 board, the former School Board Nominating Commission,
9 Local School Councils, the Chicago Schools Academic
10 Accountability Council, or the former Subdistrict Councils
11 or of any member, officer, agent, or employee thereof,
12 resulting from alleged violations of civil rights arising
13 from incidents occurring on or after September 5, 1967 or
14 from the wrongful or negligent act or omission of any such
15 person whether occurring within or without the school
16 premises, provided the officer, agent, or employee was, at
17 the time of the alleged violation of civil rights or
18 wrongful act or omission, acting within the scope of his
19 or her employment or under direction of the board, the
20 former School Board Nominating Commission, the Chicago
21 Schools Academic Accountability Council, Local School
22 Councils, or the former Subdistrict Councils; and to
23 provide for or participate in insurance plans for its
24 officers and employees, including, but not limited to,
25 retirement annuities, medical, surgical and
26 hospitalization benefits in such types and amounts as may

1 be determined by the board; provided, however, that the
2 board shall contract for such insurance only with an
3 insurance company authorized to do business in this State.
4 Such insurance may include provision for employees who
5 rely on treatment by prayer or spiritual means alone for
6 healing, in accordance with the tenets and practice of a
7 recognized religious denomination;

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

15 16. (a) To provide, on an equal basis, access to a high
16 school campus and student directory information to the
17 official recruiting representatives of the armed forces of
18 Illinois and the United States for the purposes of
19 informing students of the educational and career
20 opportunities available in the military if the board has
21 provided such access to persons or groups whose purpose is
22 to acquaint students with educational or occupational
23 opportunities available to them. The board is not required
24 to give greater notice regarding the right of access to
25 recruiting representatives than is given to other persons
26 and groups. In this paragraph 16, "directory information"

1 means a high school student's name, address, and telephone
2 number.

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

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

21 (d) Information received by an official recruiting
22 representative under this Section may be used only to
23 provide information to students concerning educational and
24 career opportunities available in the military and may not
25 be released to a person who is not involved in recruiting
26 students for the armed forces of Illinois or the United

1 States;

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

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

19 (1) "Computer" means an internally programmed,
20 general purpose digital device capable of
21 automatically accepting data, processing data and
22 supplying the results of the operation.

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

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

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

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

17 19a. Upon receipt of notice from the comptroller of a
18 municipality with a population of 500,000 or more, a
19 county with a population of 3,000,000 or more, the Cook
20 County Forest Preserve District, the Chicago Park
21 District, the Metropolitan Water Reclamation District, the
22 Chicago Transit Authority, or a housing authority of a
23 municipality with a population of 500,000 or more that a
24 debt is due and owing the municipality, the county, the
25 Cook County Forest Preserve District, the Chicago Park
26 District, the Metropolitan Water Reclamation District, the

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

1 required by law to be deducted and "debt due and owing"
2 means (i) a specified sum of money owed to 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 for services, work, or goods,
7 after the period granted for payment has expired, or (ii)
8 a specified sum of money owed to the municipality, the
9 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 pursuant to a court order or order of an
13 administrative hearing officer after the exhaustion of, or
14 the failure to exhaust, judicial review;

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

21 21. To make available to students vocational and
22 career counseling and to establish 5 special career
23 counseling days for students and parents. On these days
24 representatives of local businesses and industries shall
25 be invited to the school campus and shall inform students
26 of career opportunities available to them in the various

1 businesses and industries. Special consideration shall be
2 given to counseling minority students as to career
3 opportunities available to them in various fields. For the
4 purposes of this paragraph, minority student means a
5 person who is any of the following:

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

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

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

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

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

25 Counseling days shall not be in lieu of regular school
26 days;

1 22. To report to the State Board of Education the
2 annual student dropout rate and number of students who
3 graduate from, transfer from, or otherwise leave bilingual
4 programs;

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

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

24 25. To make available to the students in every high
25 school attendance center the ability to take all courses
26 necessary to comply with the Board of Higher Education's

1 college entrance criteria effective in 1993;

2 26. To encourage mid-career changes into the teaching
3 profession, whereby qualified professionals become
4 certified teachers, by allowing credit for professional
5 employment in related fields when determining point of
6 entry on the teacher pay scale;

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

12 28. To establish a fund for the prioritized special
13 needs programs, and to allocate such funds and other lump
14 sum amounts to each attendance center in a manner
15 consistent with the provisions of part 4 of Section
16 34-2.3. Nothing in this paragraph shall be construed to
17 require any additional appropriations of State funds for
18 this purpose;

19 29. (Blank);

20 30. Notwithstanding any other provision of this Act or
21 any other law to the contrary, to contract with third
22 parties for services otherwise performed by employees,
23 including those in a bargaining unit, and to layoff those
24 employees upon 14 days written notice to the affected
25 employees. Those contracts may be for a period not to
26 exceed 5 years and may be awarded on a system-wide basis.

1 The board may not operate more than 30 contract schools,
2 provided that the board may operate an additional 5
3 contract turnaround schools pursuant to item (5.5) of
4 subsection (d) of Section 34-8.3 of this Code, and the
5 governing bodies of contract schools are subject to the
6 Freedom of Information Act and Open Meetings Act;

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

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

19 33. (Blank); and

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

26 The specifications of the powers herein granted are not to

1 be construed as exclusive, but the board shall also exercise
2 all other powers that ~~they~~ may be requisite or proper for the
3 maintenance and the development of a public school system, not
4 inconsistent with the other provisions of this Article or
5 provisions of this Code which apply to all school districts.

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

13 Section 40. The Board of Higher Education Act is amended
14 by changing Section 9.16 as follows:

15 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

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

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

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

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

14 (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 The Board shall adopt any rules necessary to administer
21 this Section. The Board shall also do the following:

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

25 (b) conduct periodic review of public institutions of
26 higher education to determine compliance with this Section;

1 and if the Board finds that a public institution of higher
2 education is not in compliance with this Section, it shall
3 notify the institution of steps to take to attain compliance;

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

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

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

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

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

1 graduate minority students; and minority faculty
2 representation. This paragraph shall not be construed to
3 prohibit the Board from making, preparing or issuing
4 additional surveys or studies with respect to minority
5 education in Illinois.

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

7 Section 45. The Dental Student Grant Act is amended by
8 changing Section 3.07 as follows:

9 (110 ILCS 925/3.07) (from Ch. 144, par. 1503.07)

10 Sec. 3.07. "Racial minority" means a person who is any of
11 the 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".~~

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

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

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

8 Section 50. The Diversifying Higher Education Faculty in
9 Illinois Act is amended by changing Section 2 as follows:

10 (110 ILCS 930/2) (from Ch. 144, par. 2302)

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

13 "Board" means the Board of Higher Education.

14 "DFI" means the Diversifying Higher Education Faculty in
15 Illinois Program of financial assistance to minorities who are
16 traditionally underrepresented as participants in
17 postsecondary education. The program shall assist them in
18 pursuing a graduate or professional degree and shall also
19 assist program graduates to find employment at an Illinois
20 institution of higher education, including a community
21 college, in a faculty or staff position.

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

24 "Qualified institution of higher education" means a

1 qualifying publicly or privately operated educational
2 institution located within Illinois (i) that offers
3 instruction leading toward or prerequisite to an academic or
4 professional degree beyond the baccalaureate degree, excluding
5 theological schools, and (ii) that is authorized to operate in
6 the State of Illinois.

7 "Racial minority" means a person who is a citizen of the
8 United States or a lawful permanent resident alien of the
9 United States and who is any of the following:

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

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

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

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

26 (5) Native Hawaiian or Other Pacific Islander (a

1 person having origins in any of the original peoples of
2 Hawaii, Guam, Samoa, or other Pacific Islands).

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

4 Section 55. The Higher Education Student Assistance Act is
5 amended by changing Sections 50 and 65.30 as follows:

6 (110 ILCS 947/50)

7 Sec. 50. Minority Teachers of Illinois scholarship
8 program.

9 (a) As used in this Section:

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

16 "Minority student" means a student who is any of the
17 following:

18 (1) American Indian or Alaska Native (a person
19 having origins in any of the original peoples of North
20 and South America, including Central America, and who
21 maintains 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
24 the Indian subcontinent, including, but not limited

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

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

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

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

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

1 teaching or plans to teach; (vi) who maintains a grade
2 point average of no less than 2.5 on a 4.0 scale; and (vii)
3 who continues to advance satisfactorily toward the
4 attainment of a degree.

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

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

22 (d) The total amount of minority teacher scholarship
23 assistance awarded by the Commission under this Section to an
24 individual in any given fiscal year, when added to other
25 financial assistance awarded to that individual for that year,
26 shall not exceed the cost of attendance at the institution at

1 which the student is enrolled. If the amount of minority
2 teacher scholarship to be awarded to a qualified student as
3 provided in subsection (c) of this Section exceeds the cost of
4 attendance at the institution at which the student is
5 enrolled, the minority teacher scholarship shall be reduced by
6 an amount equal to the amount by which the combined financial
7 assistance available to the student exceeds the cost of
8 attendance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (110 ILCS 947/65.30)

23 Sec. 65.30. Equal opportunity scholarships.

24 (a) The Commission may annually award a number of
25 scholarships to students who are interested in pursuing

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

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

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

24 (d) The Commission may make tuition payments directly to
25 the qualified institution of higher learning which the student
26 attends for the courses prescribed or may make payments to the

1 student. Any student who receives payments and who fails to
2 enroll in the courses prescribed shall refund the payments to
3 the Commission.

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

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

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

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

7 (h) For purposes of this Section:

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

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

25 (1) American Indian or Alaska Native (a person
26 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 (2) 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 (3) Black or African American (a person having
10 origins in any of the black racial groups of Africa).
11 ~~Terms such as "Haitian" or "Negro" can be used in~~
12 ~~addition to "Black or African American".~~

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

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

25 (6) "White" means a person having origins in any of
26 the original peoples of Europe, the Middle East, or North

1 Africa.

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

3 Section 65. The Illinois Public Aid Code is amended by
4 changing Section 4-23 as follows:

5 (305 ILCS 5/4-23)

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

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

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

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

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

1 ~~African American".~~

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

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

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

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

13 (1) who are receiving TANF assistance;

14 (2) whose 60-month lifetime limit on receiving
15 assistance has expired;

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

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

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

21 (6) who have returned to TANF 6 months after leaving
22 due to earned income;

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

25 (8) who have one or more children excluded from
26 receiving TANF cash assistance due to the child exclusion

1 rule;

2 (9) who have been granted an exemption from work
3 requirements; and

4 (10) who are participating in post-secondary education
5 activities.

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

7 Section 70. The Illinois Vehicle Code is amended by
8 changing Section 11-212 as follows:

9 (625 ILCS 5/11-212)

10 Sec. 11-212. Traffic and pedestrian stop statistical
11 study.

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

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

22 (2) the alleged traffic violation that led to the stop
23 of the motorist;

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

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

4 (5) the location of the traffic stop;

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

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

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

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

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

23 (b) Whenever a State or local law enforcement officer
24 stops a motorist for an alleged violation of the Illinois
25 Vehicle Code and does not issue a uniform traffic citation or
26 warning citation for an alleged violation of the Illinois

1 Vehicle Code, he or she shall complete a uniform stop card,
2 which includes field contact cards, or any other existing form
3 currently used by law enforcement containing information
4 required pursuant to this Act, that records at least the
5 following:

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

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

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

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

17 (5) the location of the traffic stop;

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

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

26 (6.2) whether or not a police dog performed a sniff of

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

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

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

10 (b-5) For purposes of this subsection (b-5), "detention"
11 means all frisks, searches, summons, and arrests. Whenever a
12 law enforcement officer subjects a pedestrian to detention in
13 a public place, he or she shall complete a uniform pedestrian
14 stop card, which includes any existing form currently used by
15 law enforcement containing all the information required under
16 this Section, that records at least the following:

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

23 (2) all the alleged reasons that led to the stop of the
24 person;

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

26 (4) the location of the stop;

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

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

8 (7) whether or not a search beyond a protective pat
9 down or frisk was conducted of the person or his or her
10 effects; and, if so, all the alleged reasons that led to
11 the search, and whether it was with consent or by other
12 means;

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

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

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

21 (11) the name and badge number of the officer who
22 conducted the detention.

23 This subsection (b-5) does not apply to searches or
24 inspections for compliance authorized under the Fish and
25 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
26 or searches or inspections during routine security screenings

1 at facilities or events.

2 (c) The Illinois Department of Transportation shall
3 provide a standardized law enforcement data compilation form
4 on its website.

5 (d) Every law enforcement agency shall, by March 1 with
6 regard to data collected during July through December of the
7 previous calendar year and by August 1 with regard to data
8 collected during January through June of the current calendar
9 year, compile the data described in subsections (a), (b), and
10 (b-5) on the standardized law enforcement data compilation
11 form provided by the Illinois Department of Transportation and
12 transmit the data to the Department.

13 (e) The Illinois Department of Transportation shall
14 analyze the data provided by law enforcement agencies required
15 by this Section and submit a report of the previous year's
16 findings to the Governor, the General Assembly, the Racial
17 Profiling Prevention and Data Oversight Board, and each law
18 enforcement agency no later than July 1 of each year. The
19 Illinois Department of Transportation may contract with an
20 outside entity for the analysis of the data provided. In
21 analyzing the data collected under this Section, the analyzing
22 entity shall scrutinize the data for evidence of statistically
23 significant aberrations. The following list, which is
24 illustrative, and not exclusive, contains examples of areas in
25 which statistically significant aberrations may be found:

26 (1) The percentage of minority drivers, passengers, or

1 pedestrians being stopped in a given area is substantially
2 higher than the proportion of the overall population in or
3 traveling through the area that the minority constitutes.

4 (2) A substantial number of false stops including
5 stops not resulting in the issuance of a traffic ticket or
6 the making of an arrest.

7 (3) A disparity between the proportion of citations
8 issued to minorities and proportion of minorities in the
9 population.

10 (4) A disparity among the officers of the same law
11 enforcement agency with regard to the number of minority
12 drivers, passengers, or pedestrians being stopped in a
13 given area.

14 (5) A disparity between the frequency of searches
15 performed on minority drivers or pedestrians and the
16 frequency of searches performed on non-minority drivers or
17 pedestrians.

18 (f) Any law enforcement officer identification information
19 and driver or pedestrian identification information that is
20 compiled by any law enforcement agency or the Illinois
21 Department of Transportation pursuant to this Act for the
22 purposes of fulfilling the requirements of this Section shall
23 be confidential and exempt from public inspection and copying,
24 as provided under Section 7 of the Freedom of Information Act,
25 and the information shall not be transmitted to anyone except
26 as needed to comply with this Section. This Section shall not

1 exempt those materials that, prior to the effective date of
2 this amendatory Act of the 93rd General Assembly, were
3 available under the Freedom of Information Act. This
4 subsection (f) shall not preclude law enforcement agencies
5 from reviewing data to perform internal reviews.

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

9 (h) The Illinois Criminal Justice Information Authority,
10 in consultation with law enforcement agencies, officials, and
11 organizations, including Illinois chiefs of police, the
12 Department of State Police, the Illinois Sheriffs Association,
13 and the Chicago Police Department, and community groups and
14 other experts, shall undertake a study to determine the best
15 use of technology to collect, compile, and analyze the traffic
16 stop statistical study data required by this Section. The
17 Department shall report its findings and recommendations to
18 the Governor and the General Assembly by March 1, 2022.

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

21 (1) The Task Force shall undertake a study to
22 determine the best use of technology to collect, compile,
23 and analyze the traffic stop statistical study data
24 required by this Section.

25 (2) The Task Force shall be an independent Task Force
26 under the Illinois Criminal Justice Information Authority

1 for administrative purposes, and shall consist of the
2 following members:

3 (A) 2 academics or researchers who have studied
4 issues related to traffic or pedestrian stop data
5 collection and have education or expertise in
6 statistics;

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

9 (C) one representative from the Illinois State
10 Police;

11 (D) one representative from the Chicago Police
12 Department;

13 (E) one representative from the Illinois Chiefs of
14 Police;

15 (F) one representative from the Illinois Sheriffs
16 Association;

17 (G) one representative from the Chicago Fraternal
18 Order of Police;

19 (H) one representative from the Illinois Fraternal
20 Order of Police;

21 (I) the Executive Director of the American Civil
22 Liberties Union of Illinois, or his or her designee;
23 and

24 (J) 5 representatives from different community
25 organizations who specialize in civil or human rights,
26 policing, or criminal justice reform work, and that

1 represent a range of minority interests or different
2 parts of the State.

3 (3) The Illinois Criminal Justice Information
4 Authority may consult, contract, work in conjunction with,
5 and obtain any information from any individual, agency,
6 association, or research institution deemed appropriate by
7 the Authority.

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

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

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

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

21 (2.5) "Badge" means an officer's department issued
22 identification number associated with his or her position
23 as a police officer with that department.

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

1 ~~"Black or African American".~~

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

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

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

11 (i) (Blank).

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

13 Section 75. The Criminal Code of 2012 is amended by
14 changing Section 17-10.2 as follows:

15 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

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

19 (a) In this Section:

20 "Minority person" means a person who is any of the
21 following:

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

1 tribal affiliation or community attachment).

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

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

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

18 "Person with a disability" means a person who is a
19 person qualifying as having a disability.

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

1 disorders, neurological disorders, including stroke and
2 epilepsy, paraplegia, quadriplegia and other spinal cord
3 conditions, sickle cell anemia, specific learning
4 disabilities, or end stage renal failure disease; and (2)
5 substantially limits one or more of the person's major
6 life activities.

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

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

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

1 Revenue Code of 1986 is also considered a "business owned
2 by a person with a disability".

3 "Governmental unit" means the State, a unit of local
4 government, or school district.

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

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

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

1 Section 80. The Illinois Human Rights Act is amended by
2 changing Section 2-105 as follows:

3 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

4 Sec. 2-105. Equal Employment Opportunities; Affirmative
5 Action.

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

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

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

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

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

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

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

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

17 (2) Provide such information and assistance as the
18 Department may request.

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

1 American, Hispanic or Latino, Native Hawaiian or Other
2 Pacific Islander.

3 This plan shall include a current detailed status
4 report:

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

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

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

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

26 (e) establishing a numerical hiring goal for the

1 employment of qualified persons with disabilities in
2 the agency as a whole, to be based on the proportion of
3 people with work disabilities in the Illinois labor
4 force as reflected in the most recent employment data
5 made available by the United States Census Bureau.

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

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

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

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

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

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

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

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

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

26 (a) Develop a written sexual harassment policy

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

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

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

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

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

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

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

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

25 As used in this subsection (B), "disability" shall be
26 defined in rules promulgated under the Illinois Administrative

1 Procedure Act.

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

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

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

20 (D) As used in this Section:

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

25 (2) "Asian" means a person having origins in any of
26 the original peoples of the Far East, Southeast Asia, or

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

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

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

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