



Rep. Maria Antonia Berrios

Filed: 4/11/2011

09700HB0332ham001

LRB097 03219 JDS 54018 a

1 AMENDMENT TO HOUSE BILL 332

2 AMENDMENT NO. _____. Amend House Bill 332 by replacing
3 everything after the enacting clause with the following:

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

1 through funds.

2 (c) "Agency" or "State agency" means those entities
3 included in the definition of "State agencies" in the Illinois
4 State Auditing Act.

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

6 (1) 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 (2) 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 (3) 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 (4) Hispanic or Latino (a person of Cuban, Mexican,
20 Puerto Rican, South or Central American, or other Spanish
21 culture or origin, regardless of race).

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

25 ~~(1) African American (a person having origins in any of~~
26 ~~the black racial groups in Africa);~~

1 ~~(2) Hispanic (a person of Spanish or Portuguese culture~~
2 ~~with origins in Mexico, South or Central America, or the~~
3 ~~Caribbean Islands, regardless of race);~~

4 ~~(3) Asian American (a person having origins in any of~~
5 ~~the original peoples of the Far East, Southeast Asia, the~~
6 ~~Indian Subcontinent or the Pacific Islands); or~~

7 ~~(4) Native American (a person having origins in any of~~
8 ~~the original peoples of North America).~~

9 (e) "Professional employee" means a person employed to
10 perform employment duties requiring academic training,
11 evidenced by a graduate or advanced degree from an accredited
12 institution of higher education, and who, in the performance of
13 those employment duties, may only engage in active practice of
14 the academic training received when licensed or certified by
15 the State of Illinois.

16 (f) "State employee" means any person employed within the
17 State work force.

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

20 (1) the total number of all payroll warrants (or their
21 administrative equivalent) issued by the Comptroller to
22 pay:

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

24 (ii) for the sole purpose of providing accurate
25 statistical information, all persons exempt from the
26 Personnel Code; and

1 (2) the total number of payroll warrants (or their
2 administrative equivalent) funded by State appropriation
3 which are issued by educational institutions governed by
4 the Board of Trustees of the University of Illinois, the
5 Board of Trustees of Southern Illinois University, the
6 Board of Governors of State Colleges and Universities, and
7 the Board of Regents; and

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

11 (i) the State Comptroller; and

12 (ii) the issuing agents of the educational
13 institutions listed in subdivision (2) of this
14 subsection (g).

15 "State work force" does not, however, include persons holding
16 elective State office.

17 (Source: P.A. 87-1211.)

18 (5 ILCS 410/15)

19 Sec. 15. Reported information.

20 (a) State agencies shall, if necessary, consult with the
21 Office of the Comptroller and the Governor's Office of
22 Management and Budget to confirm the accuracy of information
23 required by this Act. State agencies shall collect and maintain
24 information and publish reports including but not limited to
25 the following information arranged in the indicated

1 categories:

2 (i) the total number of persons employed by the agency
3 who are part of the State work force, as defined by this
4 Act, and the number and statistical percentage of women,
5 minorities, and physically disabled persons employed
6 within the agency work force;

7 (ii) the total number of persons employed within the
8 agency work force receiving levels of State remuneration
9 within incremental levels of \$10,000, and the number and
10 statistical percentage of minorities, women, and
11 physically disabled persons in the agency work force
12 receiving levels of State remuneration within incremented
13 levels of \$10,000;

14 (iii) the number of open positions of employment or
15 advancement in the agency work force, reported on a fiscal
16 year basis;

17 (iv) the number and percentage of open positions of
18 employment or advancement in the agency work force filled
19 by minorities, women, and physically disabled persons,
20 reported on a fiscal year basis;

21 (v) the total number of persons employed within the
22 agency work force as professionals, and the number and
23 percentage of minorities, women, and physically disabled
24 persons employed within the agency work force as
25 professional employees; and

26 (vi) the total number of persons employed within the

1 agency work force as contractual service employees, and the
2 number and percentage of minorities, women, and physically
3 disabled persons employed within the agency work force as
4 contractual services employees.

5 (b) The numbers and percentages of minorities required to
6 be reported by this Section shall be identified by the
7 following categories:

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

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

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

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

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

1 ~~African American, Asian American, and Native American.~~

2 Data concerning women shall be reported on a minority and
3 nonminority basis. The numbers and percentages of physically
4 disabled persons required to be reported under this Section
5 shall be identified by categories as male and female.

6 (c) To accomplish consistent and uniform classification
7 and collection of information from each State agency, and to
8 ensure full compliance and that all required information is
9 provided, the Index Department of the Office of the Secretary
10 of State, in consultation with the Department of Human Rights,
11 the Department of Central Management Services, and the Office
12 of the Comptroller, shall develop appropriate forms to be used
13 by all State agencies subject to the reporting requirements of
14 this Act.

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

19 (Source: P.A. 94-793, eff. 5-19-06.)

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

22 (20 ILCS 105/3.10)

23 Sec. 3.10. "Minority senior citizen" means any person 55
24 years of age or older for whom opportunities for employment and

1 participation in community life are unavailable or severely
2 limited and who is any of the following ~~are~~:

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

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

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

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

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

22 ~~(1) African American (a person having origins in any of~~
23 ~~the black racial groups in Africa);~~

24 ~~(2) Hispanic (a person of Spanish or Portuguese culture~~
25 ~~with origins in Mexico, South or Central America, or the~~
26 ~~Caribbean Islands, regardless of race);~~

1 ~~(3) Asian American (a person having origins in any of~~
2 ~~the original peoples of the Far East, Southeast Asia, the~~
3 ~~Indian Subcontinent or the Pacific Islands); or~~

4 ~~(4) American Indian or Alaskan Native (a person having~~
5 ~~origins in any of the original peoples of North America).~~

6 (Source: P.A. 88-254.)

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

10 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

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

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

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

16 (1) To assist in the assessment of the health needs of
17 minority populations in the State.

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

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

1 (4) To promote awareness of minority health concerns,
2 and encourage, promote, and aid in the establishment of
3 minority services.

4 (5) To disseminate information on available minority
5 services.

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

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

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

19 (c) For the purpose of this Section, "minority" shall mean
20 and include any person or group of persons who are 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
25 tribal affiliation or community attachment).

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

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

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

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

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

15 ~~(1) African American (a person having origins in any of~~
16 ~~the black racial groups in Africa);~~

17 ~~(2) Hispanic (a person of Spanish or Portuguese culture~~
18 ~~with origins in Mexico, South or Central America, or the~~
19 ~~Caribbean Islands, regardless of race);~~

20 ~~(3) Asian American (a person having origins in any of~~
21 ~~the original peoples of the Far East, Southeast Asia, the~~
22 ~~Indian Subcontinent or the Pacific Islands); or~~

23 ~~(4) American Indian or Alaskan Native (a person having~~
24 ~~origins in any of the original peoples of North America).~~

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 20. The Business Enterprise for Minorities,
2 Females, and Persons with Disabilities Act is amended by
3 changing Section 2 as follows:

4 (30 ILCS 575/2)

5 (Section scheduled to be repealed on June 30, 2012)

6 Sec. 2. Definitions.

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

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

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

25 (d) Hispanic or Latino (a person of Cuban, Mexican,

1 Puerto Rican, South or Central American, or other Spanish
2 culture or origin, regardless of race).

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

6 ~~(a) African American (a person having origins in any of~~
7 ~~the black racial groups in Africa);~~

8 ~~(b) Hispanic (a person of Spanish or Portuguese culture~~
9 ~~with origins in Mexico, South or Central America, or the~~
10 ~~Caribbean Islands, regardless of race);~~

11 ~~(c) Asian American (a person having origins in any of~~
12 ~~the original peoples of the Far East, Southeast Asia, the~~
13 ~~Indian Subcontinent or the Pacific Islands); or~~

14 ~~(d) Native American or Alaskan Native (a person having~~
15 ~~origins in any of the original peoples of North America).~~

16 (2) "Female" shall mean a person who is a citizen or lawful
17 permanent resident of the United States and who is of the
18 female gender.

19 (2.05) "Person with a disability" means a person who is a
20 citizen or lawful resident of the United States and is a person
21 qualifying as being disabled under subdivision (2.1) of this
22 subsection (A).

23 (2.1) "Disabled" means a severe physical or mental
24 disability that:

25 (a) results from:

26 amputation,

1 arthritis,
2 autism,
3 blindness,
4 burn injury,
5 cancer,
6 cerebral palsy,
7 Crohn's disease,
8 cystic fibrosis,
9 deafness,
10 head injury,
11 heart disease,
12 hemiplegia,
13 hemophilia,
14 respiratory or pulmonary dysfunction,
15 mental retardation,
16 mental illness,
17 multiple sclerosis,
18 muscular dystrophy,
19 musculoskeletal disorders,
20 neurological disorders, including stroke and epilepsy,
21 paraplegia,
22 quadriplegia and other spinal cord conditions,
23 sickle cell anemia,
24 ulcerative colitis,
25 specific learning disabilities, or
26 end stage renal failure disease; and

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

3 Another disability or combination of disabilities may also
4 be considered as a severe disability for the purposes of item
5 (a) of this subdivision (2.1) if it is determined by an
6 evaluation of rehabilitation potential to cause a comparable
7 degree of substantial functional limitation similar to the
8 specific list of disabilities listed in item (a) of this
9 subdivision (2.1).

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

17 (4) "Female owned business" means a business concern which
18 is at least 51% owned by one or more females, or, in the case of
19 a corporation, at least 51% of the stock in which is owned by
20 one or more females; and the management and daily business
21 operations of which are controlled by one or more of the
22 females who own it.

23 (4.1) "Business owned by a person with a disability" means
24 a business concern that is at least 51% owned by one or more
25 persons with a disability and the management and daily business
26 operations of which are controlled by one or more of the

1 persons with disabilities who own it. A not-for-profit agency
2 for persons with disabilities that is exempt from taxation
3 under Section 501 of the Internal Revenue Code of 1986 is also
4 considered a "business owned by a person with a disability".

5 (4.2) "Council" means the Business Enterprise Council for
6 Minorities, Females, and Persons with Disabilities created
7 under Section 5 of this Act.

8 (5) "State contracts" shall mean all State contracts,
9 funded exclusively with State funds which are not subject to
10 federal reimbursement, whether competitively bid or negotiated
11 as defined by the Secretary of the Council and approved by the
12 Council.

13 "State construction contracts" means all State contracts
14 entered into by a State agency or State university for the
15 repair, remodeling, renovation or construction of a building or
16 structure, or for the construction or maintenance of a highway
17 defined in Article 2 of the Illinois Highway Code.

18 (6) "State agencies" shall mean all departments, officers,
19 boards, commissions, institutions and bodies politic and
20 corporate of the State, but does not include the Board of
21 Trustees of the University of Illinois, the Board of Trustees
22 of Southern Illinois University, the Board of Trustees of
23 Chicago State University, the Board of Trustees of Eastern
24 Illinois University, the Board of Trustees of Governors State
25 University, the Board of Trustees of Illinois State University,
26 the Board of Trustees of Northeastern Illinois University, the

1 Board of Trustees of Northern Illinois University, the Board of
2 Trustees of Western Illinois University, municipalities or
3 other local governmental units, or other State constitutional
4 officers.

5 (7) "State universities" shall mean the Board of Trustees
6 of the University of Illinois, the Board of Trustees of
7 Southern Illinois University, the Board of Trustees of Chicago
8 State University, the Board of Trustees of Eastern Illinois
9 University, the Board of Trustees of Governors State
10 University, the Board of Trustees of Illinois State University,
11 the Board of Trustees of Northeastern Illinois University, the
12 Board of Trustees of Northern Illinois University, and the
13 Board of Trustees of Western Illinois University.

14 (8) "Certification" means a determination made by the
15 Council or by one delegated authority from the Council to make
16 certifications, or by a State agency with statutory authority
17 to make such a certification, that a business entity is a
18 business owned by a minority, female, or person with a
19 disability for whatever purpose. A business owned and
20 controlled by females shall select and designate whether such
21 business is to be certified as a "Female-owned business" or
22 "Minority-owned business" if the females are also minorities.

23 (9) "Control" means the exclusive or ultimate and sole
24 control of the business including, but not limited to, capital
25 investment and all other financial matters, property,
26 acquisitions, contract negotiations, legal matters,

1 officer-director-employee selection and comprehensive hiring,
2 operating responsibilities, cost-control matters, income and
3 dividend matters, financial transactions and rights of other
4 shareholders or joint partners. Control shall be real,
5 substantial and continuing, not pro forma. Control shall
6 include the power to direct or cause the direction of the
7 management and policies of the business and to make the
8 day-to-day as well as major decisions in matters of policy,
9 management and operations. Control shall be exemplified by
10 possessing the requisite knowledge and expertise to run the
11 particular business and control shall not include simple
12 majority or absentee ownership.

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

22 (B) When a business concern is owned at least 51% by any
23 combination of minority persons, females, or persons with
24 disabilities, even though none of the 3 classes alone holds at
25 least a 51% interest, the ownership requirement for purposes of
26 this Act is considered to be met. The certification category

1 for the business is that of the class holding the largest
2 ownership interest in the business. If 2 or more classes have
3 equal ownership interests, the certification category shall be
4 determined by the business concern.

5 (Source: P.A. 95-344, eff. 8-21-07; 96-453, eff. 8-14-09;
6 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for effective
7 date of changes made by P.A. 96-795); 96-1000, eff. 7-2-10.)

8 Section 25. The State Construction Minority and Female
9 Building Trades Act is amended by changing Section 35-5 as
10 follows:

11 (30 ILCS 577/35-5)

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

13 "Under-represented minority" means a person who is any of
14 the following:

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

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

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

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

4 (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 person
8 having origins in any of the original peoples of Hawaii,
9 Guam, Samoa, or other Pacific Islands). ~~African American,~~
10 ~~Hispanic, and Asian American as those terms are defined in~~
11 ~~the Business Enterprise for Minorities, Females, and~~
12 ~~Persons with Disabilities Act.~~

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

1 construction related materials on the job site to or from the
2 job site.

3 (Source: P.A. 96-37, eff. 7-13-09.)

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

7 (30 ILCS 785/5)

8 Sec. 5. Definitions. In this Act:

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

18 "Minority group" means a group that is a readily
19 identifiable subset of the U.S. population that is
20 distinguished by racial, ethnic, or cultural heritage and that
21 is made up of persons who are any of the following. ~~The~~
22 ~~following racial and ethnic categories shall be used as~~
23 ~~guidelines:~~

24 (1) American Indian or Alaska Native (a person having

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

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

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

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

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

19 ~~(1) "American Indian or Alaskan Native" means a person~~
20 ~~having origins in any of the original native peoples of~~
21 ~~North America and who maintains a cultural identification~~
22 ~~through tribal affiliation or community recognition.~~

23 ~~(2) "Asian or Pacific Islander" means a person having~~
24 ~~origins in any of the original peoples of the Far East,~~
25 ~~Southeast Asia, the Indian subcontinent, or the Pacific~~
26 ~~Islands, including, but not limited to, China, India,~~

1 ~~Japan, Korea, the Philippine Islands, and Samoa.~~

2 ~~(3) "Black" means someone not of Hispanic origin having~~
3 ~~origins in any of the black racial groups of Africa.~~

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

7
8 "Project of clinical research" includes a clinical trial.
9 (Source: P.A. 93-514, eff. 1-1-04; 93-787, eff. 1-1-05.)

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

12 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

13 Sec. 23.1. Affirmative action.

14 (a) The Authority shall, within 90 days after the effective
15 date of this amendatory Act of 1984, establish and maintain an
16 affirmative action program designed to promote equal
17 employment opportunity and eliminate the effects of past
18 discrimination. Such program shall include a plan, including
19 timetables where appropriate, which shall specify goals and
20 methods for increasing participation by women and minorities in
21 employment, including employment related to the planning,
22 organization, and staging of the games, by the Authority and by
23 parties which contract with the Authority. The Authority shall
24 submit a detailed plan with the General Assembly prior to

1 September 1 of each year. Such program shall also establish
2 procedures and sanctions (including debarment), which the
3 Authority shall enforce to ensure compliance with the plan
4 established pursuant to this Section and with State and federal
5 laws and regulations relating to the employment of women and
6 minorities. A determination by the Authority as to whether a
7 party to a contract with the Authority has achieved the goals
8 or employed the methods for increasing participation by women
9 and minorities shall be determined in accordance with the terms
10 of such contracts or the applicable provisions of rules and
11 regulations of the Authority existing at the time such contract
12 was executed, including any provisions for consideration of
13 good faith efforts at compliance which the Authority may
14 reasonably adopt.

15 (b) The Authority shall adopt and maintain minority and
16 female owned business enterprise procurement programs under
17 the affirmative action program described in subsection (a) for
18 any and all work, including all contracting related to the
19 planning, organization, and staging of the games, undertaken by
20 the Authority. That work shall include, but is not limited to,
21 the purchase of professional services, construction services,
22 supplies, materials, and equipment. The programs shall
23 establish goals of awarding not less than 25% of the annual
24 dollar value of all contracts, purchase orders, or other
25 agreements (collectively referred to as "contracts") to
26 minority owned businesses and 5% of the annual dollar value of

1 all contracts to female owned businesses. Without limiting the
2 generality of the foregoing, the programs shall require in
3 connection with the prequalification or consideration of
4 vendors for professional service contracts, construction
5 contracts, and contracts for supplies, materials, equipment,
6 and services that each proposer or bidder submit as part of his
7 or her proposal or bid a commitment detailing how he or she
8 will expend 25% or more of the dollar value of his or her
9 contracts with one or more minority owned businesses and 5% or
10 more of the dollar value with one or more female owned
11 businesses. Bids or proposals that do not include such detailed
12 commitments are not responsive and shall be rejected unless the
13 Authority deems it appropriate to grant a waiver of these
14 requirements. In addition the Authority may, in connection with
15 the selection of providers of professional services, reserve
16 the right to select a minority or female owned business or
17 businesses to fulfill the commitment to minority and female
18 business participation. The commitment to minority and female
19 business participation may be met by the contractor or
20 professional service provider's status as a minority or female
21 owned business, by joint venture or by subcontracting a portion
22 of the work with or purchasing materials for the work from one
23 or more such businesses, or by any combination thereof. Each
24 contract shall require the contractor or provider to submit a
25 certified monthly report detailing the status of that
26 contractor or provider's compliance with the Authority's

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

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

1 the respective contracts awarded by the Authority.

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

21 (e) The Authority is authorized to enter into agreements
22 with contractors' associations, labor unions, and the
23 contractors working on the Expansion Project to establish an
24 Apprenticeship Preparedness Training Program to provide for an
25 increase in the number of minority and female journeymen and
26 apprentices in the building trades and to enter into agreements

1 with Community College District 508 to provide readiness
2 training. The Authority is further authorized to enter into
3 contracts with public and private educational institutions and
4 persons in the hospitality industry to provide training for
5 employment in the hospitality industry.

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

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

24 (1) American Indian or Alaska Native (a person having
25 origins in any of the original peoples of North and South
26 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 person
15 having origins in any of the original peoples of Hawaii,
16 Guam, Samoa, or other Pacific Islands).

17 ~~(1) Black (a person having origins in any of the black~~
18 ~~racial groups in Africa);~~

19 ~~(2) Hispanic (a person of Spanish or Portuguese culture~~
20 ~~with origins in Mexico, South or Central America, or the~~
21 ~~Caribbean Islands, regardless of race);~~

22 ~~(3) Asian American (a person having origins in any of~~
23 ~~the original peoples of the Far East, Southeast Asia, the~~
24 ~~Indian Subcontinent, or the Pacific Islands); or~~

25 ~~(4) American Indian or Alaskan Native (a person having~~
26 ~~origins in any of the original peoples of North America).~~

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

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

13 The McCormick Place Advisory Board shall meet quarterly, or
14 as needed, shall produce any reports it deems necessary, and
15 shall:

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

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

22 (3) Work with the Authority to minimize any potential
23 impact on the area surrounding the McCormick Place
24 Expansion Project, including any impact on minority or
25 female owned businesses, resulting from the construction
26 and operation of the Expansion Project;

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

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

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

18 (Source: P.A. 96-7, eff. 4-3-09.)

19 Section 40. The School Code is amended by changing Section
20 34-18 as follows:

21 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

22 Sec. 34-18. Powers of the board. The board shall exercise
23 general supervision and jurisdiction over the public education
24 and the public school system of the city, and, except as

1 otherwise provided by this Article, shall have power:

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

1 The board shall permit all students to enroll in
2 apprenticeship programs in trade schools operated by the
3 board, whether those programs are union-sponsored or not.
4 No student shall be refused admission into or be excluded
5 from any course of instruction offered in the common
6 schools by reason of that student's sex. No student shall
7 be denied equal access to physical education and
8 interscholastic athletic programs supported from school
9 district funds or denied participation in comparable
10 physical education and athletic programs solely by reason
11 of the student's sex. Equal access to programs supported
12 from school district funds and comparable programs will be
13 defined in rules promulgated by the State Board of
14 Education in consultation with the Illinois High School
15 Association. Notwithstanding any other provision of this
16 Article, neither the board of education nor any local
17 school council or other school official shall recommend
18 that children with disabilities be placed into regular
19 education classrooms unless those children with
20 disabilities are provided with supplementary services to
21 assist them so that they benefit from the regular classroom
22 instruction and are included on the teacher's regular
23 education class register;

24 2. To furnish lunches to pupils, to make a reasonable
25 charge therefor, and to use school funds for the payment of
26 such expenses as the board may determine are necessary in

1 conducting the school lunch program;

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

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

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

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

16 7. To apportion the pupils to the several schools;
17 provided that no pupil shall be excluded from or segregated
18 in any such school on account of his color, race, sex, or
19 nationality. The board shall take into consideration the
20 prevention of segregation and the elimination of
21 separation of children in public schools because of color,
22 race, sex, or nationality. Except that children may be
23 committed to or attend parental and social adjustment
24 schools established and maintained either for boys or girls
25 only. All records pertaining to the creation, alteration or
26 revision of attendance areas shall be open to the public.

1 Nothing herein shall limit the board's authority to
2 establish multi-area attendance centers or other student
3 assignment systems for desegregation purposes or
4 otherwise, and to apportion the pupils to the several
5 schools. Furthermore, beginning in school year 1994-95,
6 pursuant to a board plan adopted by October 1, 1993, the
7 board shall offer, commencing on a phased-in basis, the
8 opportunity for families within the school district to
9 apply for enrollment of their children in any attendance
10 center within the school district which does not have
11 selective admission requirements approved by the board.
12 The appropriate geographical area in which such open
13 enrollment may be exercised shall be determined by the
14 board of education. Such children may be admitted to any
15 such attendance center on a space available basis after all
16 children residing within such attendance center's area
17 have been accommodated. If the number of applicants from
18 outside the attendance area exceed the space available,
19 then successful applicants shall be selected by lottery.
20 The board of education's open enrollment plan must include
21 provisions that allow low income students to have access to
22 transportation needed to exercise school choice. Open
23 enrollment shall be in compliance with the provisions of
24 the Consent Decree and Desegregation Plan cited in Section
25 34-1.01;

26 8. To approve programs and policies for providing

1 transportation services to students. Nothing herein shall
2 be construed to permit or empower the State Board of
3 Education to order, mandate, or require busing or other
4 transportation of pupils for the purpose of achieving
5 racial balance in any school;

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

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

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

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

1 volunteers;

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

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

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

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

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

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

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

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

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

1 directory information to these recruiting representatives.
2 The high school shall notify its students and their parents
3 or guardians of the provisions of this subsection (b).

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

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

16 17. (a) To sell or market any computer program
17 developed by an employee of the school district, provided
18 that such employee developed the computer program as a
19 direct result of his or her duties with the school district
20 or through the utilization of the school district resources
21 or facilities. The employee who developed the computer
22 program shall be entitled to share in the proceeds of such
23 sale or marketing of the computer program. The distribution
24 of such proceeds between the employee and the school
25 district shall be as agreed upon by the employee and the
26 school district, except that neither the employee nor the

1 school district may receive more than 90% of such proceeds.
2 The negotiation for an employee who is represented by an
3 exclusive bargaining representative may be conducted by
4 such bargaining representative at the employee's request.

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

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

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

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

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

20 19. Upon the written request of an employee, to
21 withhold from the compensation of that employee any dues,
22 payments or contributions payable by such employee to any
23 labor organization as defined in the Illinois Educational
24 Labor Relations Act. Under such arrangement, an amount
25 shall be withheld from each regular payroll period which is
26 equal to the pro rata share of the annual dues plus any

1 payments or contributions, and the board shall transmit
2 such withholdings to the specified labor organization
3 within 10 working days from the time of the withholding;

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

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

1 judicial review;

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

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

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

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

1 the Philippine Islands, Thailand, and Vietnam).

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

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

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

12 ~~(a) Black (a person having origins in any of the~~
13 ~~black racial groups in Africa);~~

14 ~~(b) Hispanic (a person of Spanish or Portuguese~~
15 ~~culture with origins in Mexico, South or Central~~
16 ~~America, or the Caribbean islands, regardless of~~
17 ~~race);~~

18 ~~(c) Asian American (a person having origins in any~~
19 ~~of the original peoples of the Far East, Southeast~~
20 ~~Asia, the Indian Subcontinent or the Pacific Islands);~~

21 ~~or~~

22 ~~(d) American Indian or Alaskan Native (a person~~
23 ~~having origins in any of the original peoples of North~~
24 ~~America).~~

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 local
13 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 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 Act in order to assure
10 they have the knowledge and skills to perform their duties;

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

17 29. (Blank);

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

1 contract turnaround schools pursuant to item (5.5) of
2 subsection (d) of Section 34-8.3 of this Code;

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

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

15 33. To enter into a partnership agreement, as required
16 by Section 34-3.5 of this Code, and, notwithstanding any
17 other provision of law to the contrary, to promulgate
18 policies, enter into contracts, and take any other action
19 necessary to accomplish the objectives and implement the
20 requirements of that agreement; and

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

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

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

12 (Source: P.A. 96-105, eff. 7-30-09.)

13 Section 45. The Board of Higher Education Act is amended by
14 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 the
19 participation of minorities, women and handicapped individuals
20 who are traditionally underrepresented in education programs
21 and activities. For the purpose of this Section, minorities
22 shall mean persons who are citizens of the United States or
23 lawful permanent resident aliens of the United States and who
24 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 person
18 having origins in any of the original peoples of Hawaii,
19 Guam, Samoa, or other Pacific Islands). ~~(a) Black (a person~~
20 ~~having origins in any of the black racial groups in~~
21 ~~Africa); (b) Hispanic (a person of Spanish or Portuguese~~
22 ~~culture with origins in Mexico, South or Central America,~~
23 ~~or the Caribbean, regardless of race); (c) Asian American~~
24 ~~(a person having origins in any of the original people of~~
25 ~~the Far East, Southeast Asia, the Indian Subcontinent or~~
26 ~~the Pacific Islands); or (d) American Indian or Alaskan~~

1 ~~Native (a person having origins in any of the original~~
2 ~~people of North America).~~

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

5 a) require all public institutions of higher education to
6 develop and submit plans for the implementation of this
7 Section;

8 b) conduct periodic review of public institutions of higher
9 education to determine compliance with this Section; and if the
10 Board finds that a public institution of higher education is
11 not in compliance with this Section, it shall notify the
12 institution of steps to take to attain compliance;

13 c) provide advice and counsel pursuant to this Section;

14 d) conduct studies of the effectiveness of methods and
15 strategies designed to increase participation of students in
16 education programs and activities in which minorities, women
17 and handicapped individuals are traditionally
18 underrepresented, and monitor the success of students in such
19 education programs and activities;

20 e) encourage minority student recruitment and retention in
21 colleges and universities. In implementing this paragraph, the
22 Board shall undertake but need not be limited to the following:
23 the establishment of guidelines and plans for public
24 institutions of higher education for minority student
25 recruitment and retention, the review and monitoring of
26 minority student programs implemented at public institutions

1 of higher education to determine their compliance with any
2 guidelines and plans so established, the determination of the
3 effectiveness and funding requirements of minority student
4 programs at public institutions of higher education, the
5 dissemination of successful programs as models, and the
6 encouragement of cooperative partnerships between community
7 colleges and local school attendance centers which are
8 experiencing difficulties in enrolling minority students in
9 four-year colleges and universities;

10 f) mandate all public institutions of higher education to
11 submit data and information essential to determine compliance
12 with this Section. The Board shall prescribe the format and the
13 date for submission of this data and any other education equity
14 data; and

15 g) report to the General Assembly and the Governor annually
16 with a description of the plans submitted by each public
17 institution of higher education for implementation of this
18 Section, including financial data relating to the most recent
19 fiscal year expenditures for specific minority programs, the
20 effectiveness of such plans and programs and the effectiveness
21 of the methods and strategies developed by the Board in meeting
22 the purposes of this Section, the degree of compliance with
23 this Section by each public institution of higher education as
24 determined by the Board pursuant to its periodic review
25 responsibilities, and the findings made by the Board in
26 conducting its studies and monitoring student success as

1 required by paragraph d) of this Section. With respect to each
2 public institution of higher education such report also shall
3 include, but need not be limited to, information with respect
4 to each institution's minority program budget allocations;
5 minority student admission, retention and graduation
6 statistics; number of financial assistance awards to
7 undergraduate and graduate minority students; and minority
8 faculty representation. This paragraph shall not be construed
9 to prohibit the Board from making, preparing or issuing
10 additional surveys or studies with respect to minority
11 education in Illinois.

12 (Source: P.A. 90-730, eff. 8-10-98.)

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

15 (110 ILCS 925/3.07) (from Ch. 144, par. 1503.07)

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

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

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

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

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

7 (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 person
11 having origins in any of the original peoples of Hawaii,
12 Guam, Samoa, or other Pacific Islands). ~~(a) Black (a person~~
13 ~~having origins in any of the black racial groups in~~
14 ~~Africa);~~

15 ~~(b) Hispanic (a person of Spanish or Portuguese culture~~
16 ~~with origins in Mexico, South or Central America, or the~~
17 ~~Caribbean Islands, regardless of race);~~

18 ~~(c) Asian American (a person having origins in any of the~~
19 ~~original peoples of the Far East, Southeast Asia, the Indian~~
20 ~~Subcontinent or the Pacific Islands); or~~

21 ~~(d) American Indian or Alaskan Native (a person having~~
22 ~~origins in any of the original peoples of North America).~~

23 (Source: P.A. 87-665.)

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

1 (110 ILCS 930/2) (from Ch. 144, par. 2302)

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

4 "Board" means the Board of Higher Education.

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

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

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

22 "Racial minority" means a person who is a citizen of the
23 United States or a lawful permanent resident alien of the
24 United States and who is any of the following:

25 (1) American Indian or Alaska Native (a person having

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

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

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

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

16 (5) Native Hawaiian or Other Pacific Islander (a person
17 having origins in any of the original peoples of Hawaii,
18 Guam, Samoa, or other Pacific Islands). ~~(1) Black (a person~~
19 ~~having origins in any of the black racial groups in~~
20 ~~Africa);~~

21 ~~(2) Hispanic (a person of Spanish or Portuguese culture~~
22 ~~with origins in Mexico, South or Central America, or the~~
23 ~~Caribbean Islands, regardless of race);~~

24 ~~(3) Asian American (a person having origins in any of~~
25 ~~the original peoples of the Far East, Southeast Asia, the~~
26 ~~Indian Subcontinent or the Pacific Islands); or~~

1 ~~(4) American Indian or Alaskan Native (a person having~~
2 ~~origins in any of the original peoples of North America).~~
3 (Source: P.A. 93-862, eff. 8-4-04.)

4 Section 60. 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 General
12 Educational Development Certification and has maintained a
13 cumulative grade point average of no less than 2.5 on a 4.0
14 scale, and 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, Mexican,
9 Puerto Rican, South or Central American, or other
10 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 of
13 Hawaii, Guam, Samoa, or other Pacific Islands). either
14 ~~(i) Black (a person having origins in any of the black~~
15 ~~racial groups in Africa); (ii) Hispanic (a person of~~
16 ~~Spanish or Portuguese culture with origins in Mexico,~~
17 ~~South or Central America, or the Caribbean islands,~~
18 ~~regardless of race); (iii) Asian American (a person~~
19 ~~with origins in any of the original peoples of the Far~~
20 ~~East, Southeast Asia, the Indian subcontinent,~~
21 ~~including Pakistan, and the Pacific Islands,~~
22 ~~including, among others, Hawaii, Melanesia, Micronesia~~
23 ~~and Polynesia); or (iv) Native American (a person who~~
24 ~~is a member of a federally or state recognized Indian~~
25 ~~tribe, or whose parents or grandparents have such~~
26 ~~membership) and to include the native people of Alaska.~~

1 "Qualified student" means a person (i) who is a
2 resident of this State and a citizen or permanent resident
3 of the United States; (ii) who is a minority student, as
4 defined in this Section; (iii) who, as an eligible
5 applicant, has made a timely application for a minority
6 teaching scholarship under this Section; (iv) who is
7 enrolled on at least a half-time basis at a qualified
8 Illinois institution of higher learning; (v) who is
9 enrolled in a course of study leading to teacher
10 certification, including alternative teacher
11 certification; (vi) who maintains a grade point average of
12 no less than 2.5 on a 4.0 scale; and (vii) who continues to
13 advance satisfactorily toward the attainment of a degree.

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

21 (c) Each minority teacher scholarship awarded under this
22 Section shall be in an amount sufficient to pay the tuition and
23 fees and room and board costs of the qualified Illinois
24 institution of higher learning at which the recipient is
25 enrolled, up to an annual maximum of \$5,000; except that in the
26 case of a recipient who does not reside on-campus at the

1 institution at which he or she is enrolled, the amount of the
2 scholarship shall be sufficient to pay tuition and fee expenses
3 and a commuter allowance, up to an annual maximum of \$5,000.

4 (d) The total amount of minority teacher scholarship
5 assistance awarded by the Commission under this Section to an
6 individual in any given fiscal year, when added to other
7 financial assistance awarded to that individual for that year,
8 shall not exceed the cost of attendance at the institution at
9 which the student is enrolled. If the amount of minority
10 teacher scholarship to be awarded to a qualified student as
11 provided in subsection (c) of this Section exceeds the cost of
12 attendance at the institution at which the student is enrolled,
13 the minority teacher scholarship shall be reduced by an amount
14 equal to the amount by which the combined financial assistance
15 available to the student exceeds the cost of attendance.

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

19 (f) In any academic year for which an eligible applicant
20 under this Section accepts financial assistance through the
21 Paul Douglas Teacher Scholarship Program, as authorized by
22 Section 551 et seq. of the Higher Education Act of 1965, the
23 applicant shall not be eligible for scholarship assistance
24 awarded under this Section.

25 (g) All applications for minority teacher scholarships to
26 be awarded under this Section shall be made to the Commission

1 on forms which the Commission shall provide for eligible
2 applicants. The form of applications and the information
3 required to be set forth therein shall be determined by the
4 Commission, and the Commission shall require eligible
5 applicants to submit with their applications such supporting
6 documents or recommendations as the Commission deems
7 necessary.

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

23 (i) The Commission shall administer the minority teacher
24 scholarship aid program established by this Section and shall
25 make all necessary and proper rules not inconsistent with this
26 Section for its effective implementation.

1 (j) When an appropriation to the Commission for a given
2 fiscal year is insufficient to provide scholarships to all
3 qualified students, the Commission shall allocate the
4 appropriation in accordance with this subsection. If funds are
5 insufficient to provide all qualified students with a
6 scholarship as authorized by this Section, the Commission shall
7 allocate the available scholarship funds for that fiscal year
8 on the basis of the date the Commission receives a complete
9 application form.

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

20 (l) Prior to receiving scholarship assistance for any
21 academic year, each recipient of a minority teacher scholarship
22 awarded under this Section shall be required by the Commission
23 to sign an agreement under which the recipient pledges that,
24 within the one-year period following the termination of the
25 program for which the recipient was awarded a minority teacher
26 scholarship, the recipient (i) shall begin teaching for a

1 period of not less than one year for each year of scholarship
2 assistance he or she was awarded under this Section; and (ii)
3 shall fulfill this teaching obligation at a nonprofit Illinois
4 public, private, or parochial preschool, elementary school, or
5 secondary school at which no less than 30% of the enrolled
6 students are minority students in the year during which the
7 recipient begins teaching at the school; and (iii) shall, upon
8 request by the Commission, provide the Commission with evidence
9 that he or she is fulfilling or has fulfilled the terms of the
10 teaching agreement provided for in this subsection.

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

23 (n) A recipient of minority teacher scholarship shall not
24 be considered in violation of the agreement entered into
25 pursuant to subsection (l) if the recipient (i) enrolls on a
26 full time basis as a graduate student in a course of study

1 related to the field of teaching at a qualified Illinois
2 institution of higher learning; (ii) is serving, not in excess
3 of 3 years, as a member of the armed services of the United
4 States; (iii) is temporarily totally disabled for a period of
5 time not to exceed 3 years as established by sworn affidavit of
6 a qualified physician; (iv) is seeking and unable to find full
7 time employment as a teacher at an Illinois public, private, or
8 parochial preschool or elementary or secondary school that
9 satisfies the criteria set forth in subsection (l) of this
10 Section and is able to provide evidence of that fact; (v)
11 becomes permanently totally disabled as established by sworn
12 affidavit of a qualified physician; (vi) is taking additional
13 courses, on at least a half-time basis, needed to obtain
14 certification as a teacher in Illinois; or (vii) is fulfilling
15 teaching requirements associated with other programs
16 administered by the Commission and cannot concurrently fulfill
17 them under this Section in a period of time equal to the length
18 of the teaching obligation.

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

1 (Source: P.A. 94-133, eff. 7-7-05.)

2 (110 ILCS 947/65.30)

3 Sec. 65.30. Equal opportunity scholarships.

4 (a) The Commission may annually award a number of
5 scholarships to students who are interested in pursuing studies
6 in educational administration. Such scholarships shall be
7 issued to students who make application to the Commission and
8 who agree to take courses at qualified institutions of higher
9 learning that will allow them to complete a degree in
10 educational administration.

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

22 (c) Such scholarships shall be utilized for the payment of
23 tuition and non-revenue bond fees at any qualified institution
24 of higher learning. Such tuition and fees shall only be
25 available for courses that will enable the student to complete

1 training in educational administration. The Commission shall
2 determine which courses are eligible for tuition payments under
3 this Section.

4 (d) The Commission may make tuition payments directly to
5 the qualified institution of higher learning which the student
6 attends for the courses prescribed or may make payments to the
7 student. Any student who receives payments and who fails to
8 enroll in the courses prescribed shall refund the payments to
9 the Commission.

10 (e) The Commission, with the cooperation of the State Board
11 of Education, shall assist students who have participated in
12 the scholarship program established by this Section in finding
13 employment in positions relating to educational
14 administration.

15 (f) Appropriations for the scholarships outlined in this
16 Section shall be made to the Commission from funds appropriated
17 by the General Assembly.

18 (g) This Section is substantially the same as Section 30-4d
19 of the School Code, which Section is repealed by this
20 amendatory Act of 1993, and shall be construed as a
21 continuation of the equal opportunity scholarship program
22 established under that prior law, and not as a new or different
23 equal opportunity scholarship program. The State Board of
24 Education shall transfer to the Commission, as the successor to
25 the State Board of Education for all purposes of administering
26 and implementing the provisions of this Section, all books,

1 accounts, records, papers, documents, contracts, agreements,
2 and pending business in any way relating to the equal
3 opportunity scholarship program continued under this Section;
4 and all scholarships at any time awarded under that program by,
5 and all applications for any such scholarship at any time made
6 to, the State Board of Education shall be unaffected by the
7 transfer to the Commission of all responsibility for the
8 administration and implementation of the equal opportunity
9 scholarship program continued under this Section. The State
10 Board of Education shall furnish to the Commission such other
11 information as the Commission may request to assist it in
12 administering this Section.

13 (h) For purposes of this Section:

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

1 toward the attainment of a baccalaureate or graduate
2 degree.

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

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

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

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

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

22 (5) 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). ~~(i)~~
25 ~~Black (a person having origins in any of the black~~
26 ~~racial groups in Africa);~~

1 ~~(ii) Hispanic (a person of Spanish or Portuguese~~
2 ~~culture with origins in Mexico, South or Central~~
3 ~~America, or the Caribbean Islands, regardless of~~
4 ~~race);~~

5 ~~(iii) Asian American (a person having origins in~~
6 ~~any of the original peoples of the Far East, Southeast~~
7 ~~Asia, the Indian Subcontinent or the Pacific Islands);~~
8 ~~or~~

9 ~~(iv) American Indian or Alaskan Native (a person~~
10 ~~having origins in any of the original peoples of North~~
11 ~~America).~~

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

13 (Source: P.A. 91-357, eff. 7-29-99.)

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

16 (215 ILCS 5/500-50)

17 (Section scheduled to be repealed on January 1, 2017)

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

19 (a) The use of examinations for the purpose of determining
20 qualifications of persons to be licensed as insurance producers
21 has a direct and far-reaching effect on persons seeking those
22 licenses, on insurance companies, and on the public. It is in
23 the public interest and it will further the public welfare to
24 insure that examinations for licensing do not have the effect

1 of unlawfully discriminating against applicants for licensing
2 as insurance producers on the basis of race, color, national
3 origin, or sex.

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

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

8 Examinee. "Examinee" means a person who takes an
9 examination.

10 Part. "Part" means a portion of an examination for which a
11 score is calculated.

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

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

16 Pretest item. "Pretest item" means a prospective test
17 question that is included in a test form in order to assess its
18 performance, but is not considered in determining an examinee's
19 score.

20 Minority group or examinees. "Minority group" or "minority
21 examinees" means examinees who are American Indian or Alaska
22 Native, Asian, Black or African American, Hispanic or Latino,
23 or Native Hawaiian or Other Pacific Islander. ~~African American,~~
24 ~~American Indian, Asian, and Hispanic examinees.~~

25 Correct-answer rate. "Correct-answer rate" for an item
26 means the number of examinees who provided the correct answer

1 on an item divided by the number of examinees who answered the
2 item.

3 Correlation. "Correlation" means a statistical measure of
4 the relationship between performance on an item and performance
5 on a part of the examination.

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

9 (1) race or ethnicity (American Indian or Alaska
10 Native, Asian, Black or African American, Hispanic or
11 Latino, Native Hawaiian or Other Pacific Islander, or White
12 ~~African American; white; American Indian; Asian; Hispanic;~~
13 ~~or other);~~

14 (2) education (8th grade or less; less than 12th grade;
15 high school diploma or G.E.D.; some college, but no 4-year
16 degree; or 4-year degree or more); and

17 (3) gender (male or female).

18 The Director must advise all examinees that they are not
19 required to provide this information, that they will not be
20 penalized for not doing so, and that the Director will use the
21 information provided exclusively for research and statistical
22 purposes and to improve the quality and fairness of the
23 examinations.

24 (d) No later than May 1 of each year, the Director must
25 prepare, publicly announce, and publish an Examination Report
26 of summary statistical information relating to each

1 examination administered during the preceding calendar year.
2 Each Examination Report shall show with respect to each
3 examination:

4 (1) For all examinees combined and separately by race
5 or ethnicity, by educational level, by gender, by
6 educational level within race or ethnicity, by education
7 level within gender, and by race or ethnicity within
8 gender:

9 (A) number of examinees;

10 (B) percentage and number of examinees who passed
11 each part;

12 (C) percentage and number of examinees who passed
13 all parts;

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

15 (E) standard deviation of scaled scores on each
16 part.

17 (2) For male examinees, female examinees, Black or
18 African American examinees, white examinees, American
19 Indian or Alaska Native examinees, Asian examinees, ~~and~~
20 Hispanic or Latino examinees, and Native Hawaiian or Other
21 Pacific Islander, respectively, with a high school diploma
22 or G.E.D., the distribution of scaled scores on each part.

23 No later than May 1 of each year, the Director must prepare
24 and make available on request an Item Report of summary
25 statistical information relating to each operational item on
26 each test form administered during the preceding calendar year.

1 The Item Report shall show, for each operational item, for all
2 examinees combined and separately for Black or African American
3 examinees, white examinees, American Indian or Alaska Native
4 examinees, Asian examinees, Hispanic or Latino examinees, and
5 Native Hawaiian or Other Pacific Islander ~~other examinees~~, the
6 correct-answer rates and correlations.

7 The Director is not required to report separate statistical
8 information for any group or subgroup comprising fewer than 50
9 examinees.

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

20 (f) The Director has the discretion to set cutoff scores
21 for the examinations, provided that scaled scores on test forms
22 administered after July 1, 1993, shall be made comparable to
23 scaled scores on test forms administered in 1991 by use of
24 professionally acceptable methods so as to minimize changes in
25 passing rates related to the presence or absence of or changes
26 in equating or scaling equations or methods or content

1 outlines. Each calendar year, the scaled cutoff score for each
2 part of each examination shall fluctuate by no more than the
3 standard error of measurement from the scaled cutoff score
4 employed during the preceding year.

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

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

18 (i) In administering the examinations, the Director must
19 make such accommodations for disabled examinees as are
20 reasonably warranted by the particular disability involved,
21 including the provision of additional time if necessary to
22 complete an examination or special assistance in taking an
23 examination.

24 (j) For the purposes of this Section:

25 (1) "American Indian or Alaska Native" means a person
26 having origins in any of the original peoples of North and

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

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

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

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

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

21 (Source: P.A. 92-386, eff. 1-1-02.)

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

24 (305 ILCS 5/4-23)

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

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

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

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

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

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

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

1 (6) White (a person having origins in any of the
2 original peoples of Europe, the Middle East, or North
3 Africa). ~~(i) White, not of Hispanic origin, (ii) Black, not~~
4 ~~of Hispanic origin, (iii) Asian or Pacific Islander, (iv)~~
5 ~~Hispanic (includes Mexican, Puerto Rican, Cuban,~~
6 ~~Dominican, or other South or Central American culture,~~
7 ~~regardless of race), (v) other, or (vi) racial or ethnic~~
8 ~~group not available.~~

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

11 (1) who are receiving TANF assistance;

12 (2) whose 60-month lifetime limit on receiving
13 assistance has expired;

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

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

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

19 (6) who have returned to TANF 6 months after leaving
20 due to earned income;

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

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

26 (9) who have been granted an exemption from work

1 requirements; and

2 (10) who are participating in post-secondary education
3 activities.

4 (Source: P.A. 93-611, eff. 11-20-03.)

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

7 (625 ILCS 5/11-212)

8 (Section scheduled to be repealed on July 1, 2015)

9 Sec. 11-212. Traffic stop statistical study.

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

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

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 stop
10 was conducted of the vehicle, driver, passenger, or
11 passengers; and, if so, whether it was with consent or by
12 other means;

13 (6.5) whether or not contraband was found during a
14 search; and, if so, the type and amount of contraband
15 seized; and

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

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

25 (1) the name, address, gender, and the officer's
26 subjective determination of the race of the person stopped;

1 the person's race shall be selected from the following
2 list: American Indian or Alaska Native, Asian, Black or
3 African American, Hispanic or Latino, Native Hawaiian or
4 Other Pacific Islander, or White Caucasian,
5 ~~African American, Hispanic, Native American/Alaska Native,~~
6 ~~or Asian/Pacific Islander;~~

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

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

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

12 (5) the location of the traffic stop;

13 (5.5) whether or not a consent search contemporaneous
14 to the stop was requested of the vehicle, driver,
15 passenger, or passengers; and, if so, whether consent was
16 given or denied;

17 (6) whether or not a search contemporaneous to the stop
18 was conducted of the vehicle, driver, passenger, or
19 passengers; and, if so, whether it was with consent or by
20 other means;

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

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

25 (c) The Illinois Department of Transportation shall
26 provide a standardized law enforcement data compilation form on

1 its website.

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

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

23 (1) The percentage of minority drivers or passengers
24 being stopped in a given area is substantially higher than
25 the proportion of the overall population in or traveling
26 through the area that the minority constitutes.

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

4 (3) A disparity between the proportion of citations
5 issued to minorities and proportion of minorities in the
6 population.

7 (4) A disparity among the officers of the same law
8 enforcement agency with regard to the number of minority
9 drivers or passengers being stopped in a given area.

10 (5) A disparity between the frequency of searches
11 performed on minority drivers and the frequency of searches
12 performed on non-minority drivers.

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

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

4 (h) The Illinois Department of Transportation, in
5 consultation with law enforcement agencies, officials, and
6 organizations, including Illinois chiefs of police, the
7 Department of State Police, the Illinois Sheriffs Association,
8 and the Chicago Police Department, and community groups and
9 other experts, shall undertake a study to determine the best
10 use of technology to collect, compile, and analyze the traffic
11 stop statistical study data required by this Section. The
12 Department shall report its findings and recommendations to the
13 Governor and the General Assembly by March 1, 2004.

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

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

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

24 (3) "Black or African American" 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 a
6 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 the
9 original peoples of Europe, the Middle East, or North
10 Africa.

11 (i) This Section is repealed on July 1, 2015.

12 (Source: P.A. 95-290, eff. 8-20-07; 96-658, eff. 1-1-10.)

13 Section 80. The Criminal Code of 1961 is amended by
14 changing Section 17-29 as follows:

15 (720 ILCS 5/17-29)

16 Sec. 17-29. 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 person
15 having origins in any of the original peoples of Hawaii,
16 Guam, Samoa, or other Pacific Islands).

17 ~~(1) African American (a person having origins in any of~~
18 ~~the black racial groups in Africa); (2) Hispanic (a person~~
19 ~~of Spanish or Portuguese culture with origins in Mexico,~~
20 ~~South or Central America, or the Caribbean Islands,~~
21 ~~regardless of race); (3) Asian American (a person having~~
22 ~~origins in any of the original peoples of the Far East,~~
23 ~~Southeast Asia, the Indian Subcontinent or the Pacific~~
24 ~~Islands); or (4) Native American or Alaskan Native (a~~
25 ~~person having origins in any of the original peoples of~~
26 ~~North America).~~

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

2 "Person with a disability" means a person who is a
3 person qualifying as being disabled.

4 "Disabled" means a severe physical or mental
5 disability that: (1) results from: amputation, arthritis,
6 autism, blindness, burn injury, cancer, cerebral palsy,
7 cystic fibrosis, deafness, head injury, heart disease,
8 hemiplegia, hemophilia, respiratory or pulmonary
9 dysfunction, mental retardation, mental illness, multiple
10 sclerosis, muscular dystrophy, musculoskeletal disorders,
11 neurological disorders, including stroke and epilepsy,
12 paraplegia, quadriplegia and other spinal cord conditions,
13 sickle cell anemia, specific learning disabilities, or end
14 stage renal failure disease; and (2) substantially limits
15 one or more of the person's major life activities.

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

23 "Female owned business" means a business concern that
24 is at least 51% owned by one or more females, or, in the
25 case of a corporation, at least 51% of the stock in which
26 is owned by one or more females; and the management and

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

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

12 "Governmental unit" means the State, a unit of local
13 government, or school district.

14 (b) In addition to any other penalties imposed by law or by
15 an ordinance or resolution of a unit of local government or
16 school district, any individual or entity that knowingly
17 obtains, or knowingly assists another to obtain, a contract
18 with a governmental unit, or a subcontract or written
19 commitment for a subcontract under a contract with a
20 governmental unit, by falsely representing that the individual
21 or entity, or the individual or entity assisted, is a minority
22 owned business, female owned business, or business owned by a
23 person with a disability is guilty of a Class 2 felony,
24 regardless of whether the preference for awarding the contract
25 to a minority owned business, female owned business, or
26 business owned by a person with a disability was established by

1 statute or by local ordinance or resolution.

2 (c) In addition to any other penalties authorized by law,
3 the court shall order that an individual or entity convicted of
4 a violation of this Section must pay to the governmental unit
5 that awarded the contract a penalty equal to one and one-half
6 times the amount of the contract obtained because of the false
7 representation.

8 (Source: P.A. 94-126, eff. 1-1-06; 94-863, eff. 6-16-06.)

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

11 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

12 Sec. 2-105. Equal Employment Opportunities; Affirmative
13 Action.

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

16 (1) Refrain from unlawful discrimination and
17 discrimination based on citizenship status in employment
18 and undertake affirmative action to assure equality of
19 employment opportunity and eliminate the effects of past
20 discrimination;

21 (2) Comply with the procedures and requirements of the
22 Department's regulations concerning equal employment
23 opportunities and affirmative action;

24 (3) Provide such information, with respect to its

1 employees and applicants for employment, and assistance as
2 the Department may reasonably request;

3 (4) Have written sexual harassment policies that shall
4 include, at a minimum, the following information: (i) the
5 illegality of sexual harassment; (ii) the definition of
6 sexual harassment under State law; (iii) a description of
7 sexual harassment, utilizing examples; (iv) the vendor's
8 internal complaint process including penalties; (v) the
9 legal recourse, investigative and complaint process
10 available through the Department and the Commission; (vi)
11 directions on how to contact the Department and Commission;
12 and (vii) protection against retaliation as provided by
13 Section 6-101 of this Act. A copy of the policies shall be
14 provided to the Department upon request.

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

17 (1) Comply with the procedures and requirements of the
18 Department's regulations concerning equal employment
19 opportunities and affirmative action;

20 (2) Provide such information and assistance as the
21 Department may request.

22 (3) Establish, maintain, and carry out a continuing
23 affirmative action plan consistent with this Act and the
24 regulations of the Department designed to promote equal
25 opportunity for all State residents in every aspect of
26 agency personnel policy and practice. For purposes of these

1 affirmative action plans, the race and national origin
2 categories to be included in the plans are: American Indian
3 or Alaska Native, Asian, Black or African American,
4 Hispanic or Latino, Native Hawaiian or Other Pacific
5 Islander. ~~African American, Hispanic or Latino, Native~~
6 ~~American, Asian, and any other category as required by~~
7 ~~Department rule.~~

8 This plan shall include a current detailed status
9 report:

10 (a) indicating, by each position in State service,
11 the number, percentage, and average salary of
12 individuals employed by race, national origin, sex and
13 disability, and any other category that the Department
14 may require by rule;

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

21 (c) specifying the goals and methods for
22 increasing the percentage by race, national origin,
23 sex and disability, and any other category that the
24 Department may require by rule, in State positions;

25 (d) indicating progress and problems toward
26 meeting equal employment opportunity goals, including,

1 if applicable, but not limited to, Department of
2 Central Management Services recruitment efforts,
3 publicity, promotions, and use of options designating
4 positions by linguistic abilities;

5 (e) establishing a numerical hiring goal for the
6 employment of qualified persons with disabilities in
7 the agency as a whole, to be based on the proportion of
8 people with work disabilities in the Illinois labor
9 force as reflected in the most recent decennial Census.

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

13 (a) Advising the head of the particular State
14 agency with respect to the preparation of equal
15 employment opportunity programs, procedures,
16 regulations, reports, and the agency's affirmative
17 action plan.

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

1 (c) Making changes in recruitment, training and
2 promotion programs and in hiring and promotion
3 procedures designed to eliminate discriminatory
4 practices when authorized.

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

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

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

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

26 (5) Establish, maintain and carry out a continuing

1 sexual harassment program that shall include the
2 following:

3 (a) Develop a written sexual harassment policy
4 that includes at a minimum the following information:

5 (i) the illegality of sexual harassment; (ii) the
6 definition of sexual harassment under State law; (iii)
7 a description of sexual harassment, utilizing
8 examples; (iv) the agency's internal complaint process
9 including penalties; (v) the legal recourse,
10 investigative and complaint process available through
11 the Department and the Commission; (vi) directions on
12 how to contact the Department and Commission; and (vii)
13 protection against retaliation as provided by Section
14 6-101 of this Act. The policy shall be reviewed
15 annually.

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

24 (c) Provide training on sexual harassment
25 prevention and the agency's sexual harassment policy
26 as a component of all ongoing or new employee training

1 programs.

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

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

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

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

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

1 As used in this subsection (B), "disability" shall be
2 defined in rules promulgated under the Illinois Administrative
3 Procedure Act.

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

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

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

21 (D) As used in this Section:

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

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

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

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

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

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

15 (Source: P.A. 94-793, eff. 5-19-06.)".