



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2381

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

5 ILCS 410/10	
5 ILCS 410/15	
20 ILCS 50/5	
20 ILCS 105/3.10	
20 ILCS 2310/2310-215	was 20 ILCS 2310/55.62
20 ILCS 2630/4.5	
30 ILCS 575/2	
30 ILCS 577/35-5	
30 ILCS 785/5	
70 ILCS 210/23.1	from Ch. 85, par. 1243.1
105 ILCS 5/27-20	from Ch. 122, par. 27-20
105 ILCS 5/34-18	from Ch. 122, par. 34-18
110 ILCS 205/9.16	from Ch. 144, par. 189.16
110 ILCS 925/3.07	from Ch. 144, par. 1503.07
110 ILCS 930/2	from Ch. 144, par. 2302
110 ILCS 947/50	
110 ILCS 947/65.30	
215 ILCS 5/500-50	
625 ILCS 5/11-212	
720 ILCS 5/17-10.2	was 720 ILCS 5/17-29
775 ILCS 5/2-105	from Ch. 68, par. 2-105

Amends various Acts by changing the term "American Indian" to "Native American" and deleting the term "Negro".

LRB100 04698 JWD 14704 b

1 AN ACT concerning certain racial terms.

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

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

6 (5 ILCS 410/10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (i) the State Comptroller; and

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

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

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

1 (5 ILCS 410/15)

2 Sec. 15. Reported information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 Section 10. The Uniform Racial Classification Act is  
3 amended by changing Section 5 as follows:

4 (20 ILCS 50/5)

5 Sec. 5. Uniform racial classification. Notwithstanding any  
6 other provision of law, except as otherwise required by federal  
7 law or regulation, whenever a State agency is required by law  
8 to compile or report statistical data using racial or ethnic  
9 classifications, that State agency shall use the following  
10 classifications: (i) White; (ii) Black or African American;  
11 (iii) Native American ~~American Indian~~ or Alaska Native; (iv)  
12 Asian; (v) Native Hawaiian or Other Pacific Islander; or (vi)  
13 Hispanic or Latino.

14 For the purposes of this Act, "State agency" means the  
15 offices of the constitutional officers identified in Article V  
16 of the Illinois Constitution, executive agencies, and  
17 departments, boards, commissions, and authorities under the  
18 Governor.

19 (Source: P.A. 98-982, eff. 8-18-14.)

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

22 (20 ILCS 105/3.10)



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

5           (1) Native American ~~American Indian~~ or Alaska Native (a  
6 person having origins in any of the original peoples of  
7 North 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 the  
11 Indian subcontinent, including, but not limited to,  
12 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
13 the Philippine Islands, Thailand, and Vietnam).

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

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

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

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

25           Section 20. The Department of Public Health Powers and

1 Duties Law of the Civil Administrative Code of Illinois is  
2 amended by changing Section 2310-215 as follows:

3 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

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

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

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

9 (1) To assist in the assessment of the health needs of  
10 minority populations in the State.

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

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

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

21 (5) To disseminate information on available minority  
22 services.

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

1 implementation.

2 (7) To coordinate with the Department on Aging and the  
3 Department of Healthcare and Family Services to coordinate  
4 services designed to meet the needs of minority senior  
5 citizens.

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

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

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

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

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

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

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

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

8           Section 25. The Criminal Identification Act is amended by  
9           changing Section 4.5 as follows:

10           (20 ILCS 2630/4.5)

11           Sec. 4.5. Ethnic and racial data collection.

12           (a) Ethnic and racial data for every adult or juvenile  
13           arrested shall be collected at the following points of contact  
14           by the entity identified in this subsection or another entity  
15           authorized and qualified to collect and report on this data:

16           (1) at arrest or booking, by the supervising law  
17           enforcement agency;

18           (2) upon admittance to the Department of Corrections,  
19           by the Department of Corrections;

20           (3) upon admittance to the Department of Juvenile  
21           Justice, by the Department of Juvenile Justice; and

22           (4) upon transfer from the Department of Juvenile  
23           Justice to the Department of Corrections, by the Department  
24           of Juvenile Justice.

1 (b) Ethnic and racial data shall be collected through  
2 selection of one of the following categories:

- 3 (1) Native American ~~American Indian~~ or Alaskan Native;  
4 (2) Asian or Pacific Islander;  
5 (3) Black or African American;  
6 (4) White or Caucasian;  
7 (5) Hispanic or Latino; or  
8 (6) Unknown.

9 (c) The collecting entity shall make a good-faith effort to  
10 collect race and ethnicity information as self-reported by the  
11 adult or juvenile. If the adult or juvenile is unable or  
12 unwilling to provide race and ethnicity information, the  
13 collecting entity shall make a good-faith effort to deduce the  
14 race and ethnicity of the adult or juvenile.

15 (Source: P.A. 98-528, eff. 1-1-15; 99-78, eff. 7-20-15.)

16 Section 30. The Business Enterprise for Minorities,  
17 Females, and Persons with Disabilities Act is amended by  
18 changing Section 2 as follows:

19 (30 ILCS 575/2)

20 (Section scheduled to be repealed on June 30, 2020)

21 Sec. 2. Definitions.

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

24 (1) "Minority person" shall mean a person who is a

1 citizen or lawful permanent resident of the United States  
2 and who is any of the following:

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

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

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

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

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

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

1           (2.05) "Person with a disability" means a person who is  
2 a citizen or lawful resident of the United States and is a  
3 person qualifying as a person with a disability under  
4 subdivision (2.1) of this subsection (A).

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

7           (a) results from:

8           amputation,

9           arthritis,

10          autism,

11          blindness,

12          burn injury,

13          cancer,

14          cerebral palsy,

15          Crohn's disease,

16          cystic fibrosis,

17          deafness,

18          head injury,

19          heart disease,

20          hemiplegia,

21          hemophilia,

22          respiratory or pulmonary dysfunction,

23          an intellectual disability,

24          mental illness,

25          multiple sclerosis,

26          muscular dystrophy,

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

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

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

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

26           (4) "Female owned business" means a business which is



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

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

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

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

1 control over any existing definition under this Act or  
2 applicable administrative rule.

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

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

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

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

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

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

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

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

18 (B) When a business is owned at least 51% by any  
19 combination of minority persons, females, or persons with  
20 disabilities, even though none of the 3 classes alone holds at  
21 least a 51% interest, the ownership requirement for purposes of  
22 this Act is considered to be met. The certification category  
23 for the business is that of the class holding the largest  
24 ownership interest in the business. If 2 or more classes have  
25 equal ownership interests, the certification category shall be  
26 determined by the business.

1 (Source: P.A. 98-95, eff. 7-17-13; 99-143, eff. 7-27-15;  
2 99-462, eff. 8-25-15; 99-642, eff. 7-28-16.)

3 Section 35. The State Construction Minority and Female  
4 Building Trades Act is amended by changing Section 35-5 as  
5 follows:

6 (30 ILCS 577/35-5)

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

8 "Under-represented minority" means a person who is any of  
9 the following:

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

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

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

23 (4) Hispanic or Latino (a person of Cuban, Mexican,  
24 Puerto Rican, South or Central American, or other Spanish

1 culture or origin, regardless of race).

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

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

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

22 Section 40. The Inclusion of Women and Minorities in  
23 Clinical Research Act is amended by changing Section 5 as  
24 follows:

1 (30 ILCS 785/5)

2 Sec. 5. Definitions. In this Act:

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

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

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

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

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

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

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

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

9 "Project of clinical research" includes a clinical trial.

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

11 Section 45. The Metropolitan Pier and Exposition Authority  
12 Act is amended by changing Section 23.1 as follows:

13 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

14 Sec. 23.1. Affirmative action.

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



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

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

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

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

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

1 representative mix of job classifications required to perform  
2 the respective contracts awarded by the Authority.

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

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

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

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

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

- 25 (1) Native American ~~American Indian~~ or Alaska Native (a  
26 person having origins in any of the original peoples of

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

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

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

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

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

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

26 Members of the McCormick Place Advisory Board shall serve

1 without compensation but, at the Authority's discretion, shall  
2 be reimbursed for necessary expenses in connection with the  
3 performance of their duties.

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

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

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

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

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

22 (5) Work with the Authority to implement the provisions  
23 of subsections (a) through (e) of this Section in the  
24 construction of the Expansion Project, including the  
25 Authority's goal of awarding not less than 25% and 5% of  
26 the annual dollar value of contracts to minority and female

1 owned businesses, the outreach program for minorities and  
2 women, and the mentor/protege program for providing  
3 assistance to minority and female owned businesses.

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

9 (Source: P.A. 96-7, eff. 4-3-09; 97-396, eff. 1-1-12.)

10 Section 50. The School Code is amended by changing Sections  
11 27-20 and 34-18 as follows:

12 (105 ILCS 5/27-20) (from Ch. 122, par. 27-20)

13 Sec. 27-20. Native American ~~American-Indian~~ day.

14 The fourth Friday of September is designated "Native  
15 American ~~American-Indian~~ Day," to be observed throughout the  
16 State as a day on which to hold appropriate exercises in  
17 commemoration of the Native Americans ~~American-Indians~~.

18 (Source: Laws 1961, p. 31.)

19 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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



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

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

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

- 1           3. To co-operate with the circuit court;
- 2           4. To make arrangements with the public or quasi-public
- 3           libraries and museums for the use of their facilities by
- 4           teachers and pupils of the public schools;
- 5           5. To employ dentists and prescribe their duties for
- 6           the purpose of treating the pupils in the schools, but
- 7           accepting such treatment shall be optional with parents or
- 8           guardians;
- 9           6. To grant the use of assembly halls and classrooms
- 10          when not otherwise needed, including light, heat, and
- 11          attendants, for free public lectures, concerts, and other
- 12          educational and social interests, free of charge, under
- 13          such provisions and control as the principal of the
- 14          affected attendance center may prescribe;
- 15          7. To apportion the pupils to the several schools;
- 16          provided that no pupil shall be excluded from or segregated
- 17          in any such school on account of his color, race, sex, or
- 18          nationality. The board shall take into consideration the
- 19          prevention of segregation and the elimination of
- 20          separation of children in public schools because of color,
- 21          race, sex, or nationality. Except that children may be
- 22          committed to or attend parental and social adjustment
- 23          schools established and maintained either for boys or girls
- 24          only. All records pertaining to the creation, alteration or
- 25          revision of attendance areas shall be open to the public.
- 26          Nothing herein shall limit the board's authority to

1 establish multi-area attendance centers or other student  
2 assignment systems for desegregation purposes or  
3 otherwise, and to apportion the pupils to the several  
4 schools. Furthermore, beginning in school year 1994-95,  
5 pursuant to a board plan adopted by October 1, 1993, the  
6 board shall offer, commencing on a phased-in basis, the  
7 opportunity for families within the school district to  
8 apply for enrollment of their children in any attendance  
9 center within the school district which does not have  
10 selective admission requirements approved by the board.  
11 The appropriate geographical area in which such open  
12 enrollment may be exercised shall be determined by the  
13 board of education. Such children may be admitted to any  
14 such attendance center on a space available basis after all  
15 children residing within such attendance center's area  
16 have been accommodated. If the number of applicants from  
17 outside the attendance area exceed the space available,  
18 then successful applicants shall be selected by lottery.  
19 The board of education's open enrollment plan must include  
20 provisions that allow low income students to have access to  
21 transportation needed to exercise school choice. Open  
22 enrollment shall be in compliance with the provisions of  
23 the Consent Decree and Desegregation Plan cited in Section  
24 34-1.01;

25 8. To approve programs and policies for providing  
26 transportation services to students. Nothing herein shall

1 be construed to permit or empower the State Board of  
2 Education to order, mandate, or require busing or other  
3 transportation of pupils for the purpose of achieving  
4 racial balance in any school;

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

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

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

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

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

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

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

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

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

23 15. To contract with the corporate authorities of any  
24 municipality or the county board of any county, as the case  
25 may be, to provide for the regulation of traffic in parking  
26 areas of property used for school purposes, in such manner



1 as is provided by Section 11-209 of The Illinois Vehicle  
2 Code, approved September 29, 1969, as amended;

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

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

1           The high school shall notify its students and their parents  
2           or guardians of the provisions of this subsection (b).

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

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

15          17. (a) To sell or market any computer program  
16          developed by an employee of the school district, provided  
17          that such employee developed the computer program as a  
18          direct result of his or her duties with the school district  
19          or through the utilization of the school district resources  
20          or facilities. The employee who developed the computer  
21          program shall be entitled to share in the proceeds of such  
22          sale or marketing of the computer program. The distribution  
23          of such proceeds between the employee and the school  
24          district shall be as agreed upon by the employee and the  
25          school district, except that neither the employee nor the  
26          school district may receive more than 90% of such proceeds.

1 The negotiation for an employee who is represented by an  
2 exclusive bargaining representative may be conducted by  
3 such bargaining representative at the employee's request.

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

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

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

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

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

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

1 such withholdings to the specified labor organization  
2 within 10 working days from the time of the withholding;

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

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

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

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

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

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

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

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

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

11          Counseling days shall not be in lieu of regular school  
12          days;

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

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

26          24. To develop a policy, based on the current state of

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

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

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

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

23 28. To establish a fund for the prioritized special  
24 needs programs, and to allocate such funds and other lump  
25 sum amounts to each attendance center in a manner  
26 consistent with the provisions of part 4 of Section 34-2.3.



1 Nothing in this paragraph shall be construed to require any  
2 additional appropriations of State funds for this purpose;

3 29. (Blank);

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

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

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

1           33. To enter into a partnership agreement, as required  
2           by Section 34-3.5 of this Code, and, notwithstanding any  
3           other provision of law to the contrary, to promulgate  
4           policies, enter into contracts, and take any other action  
5           necessary to accomplish the objectives and implement the  
6           requirements of that agreement; and

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

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

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

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

25          Section 55. The Board of Higher Education Act is amended by

1 changing Section 9.16 as follows:

2 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

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

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

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

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

25 (4) 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 (5) 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 The Board shall adopt any rules necessary to administer  
7 this Section. The Board shall also do the following:

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

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

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

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

23 (e) encourage minority student recruitment and retention  
24 in colleges and universities. In implementing this paragraph,  
25 the Board shall undertake but need not be limited to the  
26 following: the establishment of guidelines and plans for public

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

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

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

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

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

18 Section 60. The Dental Student Grant Act is amended by  
19 changing Section 3.07 as follows:

20 (110 ILCS 925/3.07) (from Ch. 144, par. 1503.07)

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

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

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

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

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

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

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

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

19 Section 65. The Diversifying Higher Education Faculty in  
20 Illinois Act is amended by changing Section 2 as follows:

21 (110 ILCS 930/2) (from Ch. 144, par. 2302)

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

24 "Board" means the Board of Higher Education.

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

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

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

18 "Racial minority" means a person who is a citizen of the  
19 United States or a lawful permanent resident alien of the  
20 United States and who is any of the following:

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

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



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

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

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

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

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

15 Section 70. The Higher Education Student Assistance Act is  
16 amended by changing Sections 50 and 65.30 as follows:

17 (110 ILCS 947/50)

18 Sec. 50. Minority Teachers of Illinois scholarship  
19 program.

20 (a) As used in this Section:

21 "Eligible applicant" means a minority student who has  
22 graduated from high school or has received a high school  
23 equivalency certificate and has maintained a cumulative  
24 grade point average of no less than 2.5 on a 4.0 scale, and

1 who by reason thereof is entitled to apply for scholarships  
2 to be awarded under this Section.

3 "Minority student" means a student who is any of the  
4 following:

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

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

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

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

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

26 "Qualified student" means a person (i) who is a

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

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

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

1 scholarship shall be sufficient to pay tuition and fee expenses  
2 and a commuter allowance, up to an annual maximum of \$5,000.

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

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

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

24 (g) All applications for minority teacher scholarships to  
25 be awarded under this Section shall be made to the Commission  
26 on forms which the Commission shall provide for eligible

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

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

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

26 (j) When an appropriation to the Commission for a given

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

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

19 (l) Prior to receiving scholarship assistance for any  
20 academic year, each recipient of a minority teacher scholarship  
21 awarded under this Section shall be required by the Commission  
22 to sign an agreement under which the recipient pledges that,  
23 within the one-year period following the termination of the  
24 program for which the recipient was awarded a minority teacher  
25 scholarship, the recipient (i) shall begin teaching for a  
26 period of not less than one year for each year of scholarship

1 assistance he or she was awarded under this Section; and (ii)  
2 shall fulfill this teaching obligation at a nonprofit Illinois  
3 public, private, or parochial preschool, elementary school, or  
4 secondary school at which no less than 30% of the enrolled  
5 students are minority students in the year during which the  
6 recipient begins teaching at the school; and (iii) shall, upon  
7 request by the Commission, provide the Commission with evidence  
8 that he or she is fulfilling or has fulfilled the terms of the  
9 teaching agreement provided for in this subsection.

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

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

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

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

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



1 (110 ILCS 947/65.30)

2 Sec. 65.30. Equal opportunity scholarships.

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

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

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

1 determine which courses are eligible for tuition payments under  
2 this Section.

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

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

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

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

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

12 (h) For purposes of this Section:

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

1 degree.

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

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

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

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

1           Section 75. The Illinois Insurance Code is amended by  
2 changing Section 500-50 as follows:

3           (215 ILCS 5/500-50)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) education (8th grade or less; less than 12th grade;

1 high school diploma or high school equivalency  
2 certificate; some college, but no 4-year degree; or 4-year  
3 degree or more); and

4 (3) gender (male or female).

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

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

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

22 (A) number of examinees;

23 (B) percentage and number of examinees who passed  
24 each part;

25 (C) percentage and number of examinees who passed  
26 all parts;

1 (D) mean scaled scores on each part; and  
2 (E) standard deviation of scaled scores on each  
3 part.

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

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

22 The Director is not required to report separate statistical  
23 information for any group or subgroup comprising fewer than 50  
24 examinees.

25 (e) The Director must obtain a regular analysis of the data  
26 collected under this Section, and any other relevant



1 information, for purposes of the development of new test forms.  
2 The analysis shall continue the implementation of the item  
3 selection methodology as recommended in the Final Report of the  
4 Illinois Insurance Producer's Licensing Examination Advisory  
5 Committee dated November 19, 1991, and filed with the  
6 Department unless some other methodology is determined by the  
7 Director to be as effective in minimizing differences between  
8 white and minority examinee pass-fail rates.

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

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

24 (h) The Director must maintain, for a period of 3 years  
25 after they are prepared or used, all registration forms, test  
26 forms, answer sheets, operational items and pretest items, item

1 analyses, and other statistical analyses relating to the  
2 examinations. All personal identifying information regarding  
3 examinees and the content of test items must be maintained  
4 confidentially as necessary for purposes of protecting the  
5 personal privacy of examinees and the maintenance of test  
6 security.

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

13 (j) For the purposes of this Section:

14 (1) "Native American ~~American Indian~~ or Alaska Native"  
15 means a person having origins in any of the original  
16 peoples of North and South America, including Central  
17 America, and who maintains tribal affiliation or community  
18 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 (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15.)

12 Section 80. The Illinois Vehicle Code is amended by  
13 changing Section 11-212 as follows:

14 (625 ILCS 5/11-212)

15 (Section scheduled to be repealed on July 1, 2019)

16 Sec. 11-212. Traffic and pedestrian stop statistical  
17 study.

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

22 (1) the name, address, gender, and the officer's  
23 subjective determination of the race of the person stopped;  
24 the person's race shall be selected from the following

1 list: Native American ~~American Indian~~ or Alaska Native,  
2 Asian, Black or African American, Hispanic or Latino,  
3 Native Hawaiian or Other Pacific Islander, or White;

4 (2) the alleged traffic violation that led to the stop  
5 of the motorist;

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

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

10 (5) the location of the traffic stop;

11 (5.5) whether or not a consent search contemporaneous  
12 to the stop was requested of the vehicle, driver,  
13 passenger, or passengers; and, if so, whether consent was  
14 given or denied;

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

19 (6.2) whether or not a police dog performed a sniff of  
20 the vehicle; and, if so, whether or not the dog alerted to  
21 the presence of contraband; and, if so, whether or not an  
22 officer searched the vehicle; and, if so, whether or not  
23 contraband was discovered; and, if so, the type and amount  
24 of contraband;

25 (6.5) whether or not contraband was found during a  
26 search; and, if so, the type and amount of contraband

1 seized; and

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

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

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

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

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

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

22 (5) the location of the traffic stop;

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

1 (6) whether or not a search contemporaneous to the stop  
2 was conducted of the vehicle, driver, passenger, or  
3 passengers; and, if so, whether it was with consent or by  
4 other means;

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

11 (6.5) whether or not contraband was found during a  
12 search; and, if so, the type and amount of contraband  
13 seized; and

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

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

22 (1) the gender, and the officer's subjective  
23 determination of the race of the person stopped; the  
24 person's race shall be selected from the following list:  
25 Native American ~~American Indian~~ or Alaska Native, Asian,  
26 Black or African American, Hispanic or Latino, Native

1 Hawaiian or Other Pacific Islander, or White;

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

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

5 (4) the location of the stop;

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

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

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

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

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

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

26 (11) the name and badge number of the officer who

1 conducted the detention.

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

7 (c) The Illinois Department of Transportation shall  
8 provide a standardized law enforcement data compilation form on  
9 its website.

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

18 (e) The Illinois Department of Transportation shall  
19 analyze the data provided by law enforcement agencies required  
20 by this Section and submit a report of the previous year's  
21 findings to the Governor, the General Assembly, the Racial  
22 Profiling Prevention and Data Oversight Board, and each law  
23 enforcement agency no later than July 1 of each year. The  
24 Illinois Department of Transportation may contract with an  
25 outside entity for the analysis of the data provided. In  
26 analyzing the data collected under this Section, the analyzing



1 entity shall scrutinize the data for evidence of statistically  
2 significant aberrations. The following list, which is  
3 illustrative, and not exclusive, contains examples of areas in  
4 which statistically significant aberrations may be found:

5 (1) The percentage of minority drivers, passengers, or  
6 pedestrians being stopped in a given area is substantially  
7 higher than the proportion of the overall population in or  
8 traveling through the area that the minority constitutes.

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

12 (3) A disparity between the proportion of citations  
13 issued to minorities and proportion of minorities in the  
14 population.

15 (4) A disparity among the officers of the same law  
16 enforcement agency with regard to the number of minority  
17 drivers, passengers, or pedestrians being stopped in a  
18 given area.

19 (5) A disparity between the frequency of searches  
20 performed on minority drivers or pedestrians and the  
21 frequency of searches performed on non-minority drivers or  
22 pedestrians.

23 (f) Any law enforcement officer identification information  
24 and driver or pedestrian identification information that is  
25 compiled by any law enforcement agency or the Illinois  
26 Department of Transportation pursuant to this Act for the

1 purposes of fulfilling the requirements of this Section shall  
2 be confidential and exempt from public inspection and copying,  
3 as provided under Section 7 of the Freedom of Information Act,  
4 and the information shall not be transmitted to anyone except  
5 as needed to comply with this Section. This Section shall not  
6 exempt those materials that, prior to the effective date of  
7 this amendatory Act of the 93rd General Assembly, were  
8 available under the Freedom of Information Act. This subsection  
9 (f) shall not preclude law enforcement agencies from reviewing  
10 data to perform internal reviews.

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

14 (h) The Illinois Department of Transportation, in  
15 consultation with law enforcement agencies, officials, and  
16 organizations, including Illinois chiefs of police, the  
17 Department of State Police, the Illinois Sheriffs Association,  
18 and the Chicago Police Department, and community groups and  
19 other experts, shall undertake a study to determine the best  
20 use of technology to collect, compile, and analyze the traffic  
21 stop statistical study data required by this Section. The  
22 Department shall report its findings and recommendations to the  
23 Governor and the General Assembly by March 1, 2004.

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

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

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

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

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

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

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

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

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

25 (i) This Section is repealed on July 1, 2019.

26 (Source: P.A. 98-686, eff. 6-30-14; 99-352, eff. 1-1-16.)

1 Section 85. The Criminal Code of 2012 is amended by  
2 changing Section 17-10.2 as follows:

3 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

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

7 (a) In this Section:

8 "Minority person" means a person who is any of the  
9 following:

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

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

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

23 (4) Hispanic or Latino (a person of Cuban, Mexican,  
24 Puerto Rican, South or Central American, or other Spanish

1 culture or origin, regardless of race).

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

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

6 "Person with a disability" means a person who is a  
7 person qualifying as having a disability.

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

21 "Minority owned business" means a business concern  
22 that is at least 51% owned by one or more minority persons,  
23 or in the case of a corporation, at least 51% of the stock  
24 in which is owned by one or more minority persons; and the  
25 management and daily business operations of which are  
26 controlled by one or more of the minority individuals who

1 own it.

2 "Female owned business" means a business concern that  
3 is at least 51% owned by one or more females, or, in the  
4 case of a corporation, at least 51% of the stock in which  
5 is owned by one or more females; and the management and  
6 daily business operations of which are controlled by one or  
7 more of the females who own it.

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

17 "Governmental unit" means the State, a unit of local  
18 government, or school district.

19 (b) In addition to any other penalties imposed by law or by  
20 an ordinance or resolution of a unit of local government or  
21 school district, any individual or entity that knowingly  
22 obtains, or knowingly assists another to obtain, a contract  
23 with a governmental unit, or a subcontract or written  
24 commitment for a subcontract under a contract with a  
25 governmental unit, by falsely representing that the individual  
26 or entity, or the individual or entity assisted, is a minority

1 owned business, female owned business, or business owned by a  
2 person with a disability is guilty of a Class 2 felony,  
3 regardless of whether the preference for awarding the contract  
4 to a minority owned business, female owned business, or  
5 business owned by a person with a disability was established by  
6 statute or by local ordinance or resolution.

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

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

14 Section 90. The Illinois Human Rights Act is amended by  
15 changing Section 2-105 as follows:

16 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

17 Sec. 2-105. Equal Employment Opportunities; Affirmative  
18 Action.

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

21 (1) Refrain from unlawful discrimination and  
22 discrimination based on citizenship status in employment  
23 and undertake affirmative action to assure equality of  
24 employment opportunity and eliminate the effects of past

1 discrimination;

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

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

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

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

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

25 (2) Provide such information and assistance as the  
26 Department may request.



1           (3) Establish, maintain, and carry out a continuing  
2 affirmative action plan consistent with this Act and the  
3 regulations of the Department designed to promote equal  
4 opportunity for all State residents in every aspect of  
5 agency personnel policy and practice. For purposes of these  
6 affirmative action plans, the race and national origin  
7 categories to be included in the plans are: Native American  
8 ~~American-Indian~~ or Alaska Native, Asian, Black or African  
9 American, Hispanic or Latino, Native Hawaiian or Other  
10 Pacific Islander.

11           This plan shall include a current detailed status  
12 report:

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

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

24           (c) specifying the goals and methods for  
25 increasing the percentage by race, national origin,  
26 sex and disability, and any other category that the

1 Department may require by rule, in State positions;

2 (d) indicating progress and problems toward  
3 meeting equal employment opportunity goals, including,  
4 if applicable, but not limited to, Department of  
5 Central Management Services recruitment efforts,  
6 publicity, promotions, and use of options designating  
7 positions by linguistic abilities;

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

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

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

21 (b) Evaluating in writing each fiscal year the  
22 sufficiency of the total agency program for equal  
23 employment opportunity and reporting thereon to the  
24 head of the agency with recommendations as to any  
25 improvement or correction in recruiting, hiring or  
26 promotion needed, including remedial or disciplinary

1 action with respect to managerial or supervisory  
2 employees who have failed to cooperate fully or who are  
3 in violation of the program.

4 (c) Making changes in recruitment, training and  
5 promotion programs and in hiring and promotion  
6 procedures designed to eliminate discriminatory  
7 practices when authorized.

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

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

21 In any meeting, investigation, negotiation,  
22 conference, or other proceeding between a State  
23 employee and an Equal Employment Opportunity officer,  
24 a State employee (1) who is not covered by a collective  
25 bargaining agreement and (2) who is the complaining  
26 party or the subject of such proceeding may be

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

1 violation of these confidentiality requirements shall  
2 constitute a Class B misdemeanor.

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

6 (a) Develop a written sexual harassment policy  
7 that includes at a minimum the following information:  
8 (i) the illegality of sexual harassment; (ii) the  
9 definition of sexual harassment under State law; (iii)  
10 a description of sexual harassment, utilizing  
11 examples; (iv) the agency's internal complaint process  
12 including penalties; (v) the legal recourse,  
13 investigative and complaint process available through  
14 the Department and the Commission; (vi) directions on  
15 how to contact the Department and Commission; and (vii)  
16 protection against retaliation as provided by Section  
17 6-101 of this Act. The policy shall be reviewed  
18 annually.

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

1           (c) Provide training on sexual harassment  
2 prevention and the agency's sexual harassment policy  
3 as a component of all ongoing or new employee training  
4 programs.

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

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

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

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

20           (d) The State executive department, State agency,  
21 board, commission, or instrumentality in which the  
22 layoffs are to occur should notify each employee  
23 targeted for layoff that transitional assistance may  
24 be available to him or her under the Economic  
25 Dislocation and Worker Adjustment Assistance Act  
26 administered by the Department of Commerce and

1 Economic Opportunity. Failure to give such notice  
2 shall not invalidate the layoff or postpone its  
3 effective date.

4 As used in this subsection (B), "disability" shall be  
5 defined in rules promulgated under the Illinois Administrative  
6 Procedure Act.

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

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

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

24 (D) As used in this Section:

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

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

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

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

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

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

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

20 Section 96. No revival or extension. This Act does not  
21 revive or extend any Section or Act otherwise repealed.