



Rep. Nicholas K. Smith

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LRB102 14305 RJF 23094 a

1 AMENDMENT TO HOUSE BILL 3217

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3217 by replacing  
3 everything after the enacting clause with the following:

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

6 (5 ILCS 410/10)

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

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

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

1 through funds.

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

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

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

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

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

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

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

25 (e) "Professional employee" means a person employed to  
26 perform employment duties requiring academic training,

1 evidenced by a graduate or advanced degree from an accredited  
2 institution of higher education, and who, in the performance  
3 of those employment duties, may only engage in active practice  
4 of the academic training received when licensed or certified  
5 by the State of Illinois.

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

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

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

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

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

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

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

1 (i) the State Comptroller; and  
2 (ii) the issuing agents of the educational  
3 institutions listed in subdivision (2) of this  
4 subsection (g).

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

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

8 (5 ILCS 410/15)

9 Sec. 15. Reported information.

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

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

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

1 with physical disabilities in the agency work force  
2 receiving levels of State remuneration within incremented  
3 levels of \$10,000;

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

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

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

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

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

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

1 tribal affiliation or community attachment).

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

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

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

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

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

21 (c) To accomplish consistent and uniform classification  
22 and collection of information from each State agency, and to  
23 ensure full compliance and that all required information is  
24 provided, the Index Department of the Office of the Secretary  
25 of State, in consultation with the Department of Human Rights,  
26 the Department of Central Management Services, and the Office

1 of the Comptroller, shall develop appropriate forms to be used  
2 by all State agencies subject to the reporting requirements of  
3 this Act.

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

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

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

11 (20 ILCS 105/3.10)

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

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

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

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

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

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

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

15           (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

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

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

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

21           (1) To assist in the assessment of the health needs of  
22          minority populations in the State.

23           (2) To recommend treatment methods and programs that  
24          are sensitive and relevant to the unique linguistic,



1 cultural, and ethnic characteristics of minority  
2 populations.

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

6 (4) To promote awareness of minority health concerns,  
7 and encourage, promote, and aid in the establishment of  
8 minority services.

9 (5) To disseminate information on available minority  
10 services.

11 (6) To provide adequate and effective opportunities  
12 for minority populations to express their views on  
13 Departmental policy development and program  
14 implementation.

15 (7) To coordinate with the Department on Aging and the  
16 Department of Healthcare and Family Services to coordinate  
17 services designed to meet the needs of minority senior  
18 citizens.

19 (8) To promote awareness of the incidence of  
20 Alzheimer's disease and related dementias among minority  
21 populations and to encourage, promote, and aid in the  
22 establishment of prevention and treatment programs and  
23 services relating to this health problem.

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

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

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

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

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

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

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

21           Section 20. The State Construction Minority and Female  
22 Building Trades Act is amended by changing Section 35-5 as  
23 follows:

24           (30 ILCS 577/35-5)

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

2           "Under-represented minority" means a person who is any of  
3 the following:

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

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

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

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

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

23           "Construction" means any constructing, altering,  
24 reconstructing, repairing, rehabilitating, refinishing,  
25 refurbishing, remodeling, remediating, renovating, custom  
26 fabricating, maintenance, landscaping, improving, wrecking,

1 painting, decorating, demolishing, and adding to or  
2 subtracting from any building, structure, highway, roadway,  
3 street, bridge, alley, sewer, ditch, sewage disposal plant,  
4 water works, parking facility, railroad, excavation or other  
5 structure, project, development, real property or improvement,  
6 or to do any part thereof, whether or not the performance of  
7 the work herein described involves the addition to, or  
8 fabrication into, any structure, project, development, real  
9 property or improvement herein described of any material or  
10 article of merchandise. Construction shall also include moving  
11 construction related materials on the job site to or from the  
12 job site.

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

14 Section 25. The Inclusion of Women and Minorities in  
15 Clinical Research Act is amended by changing Section 5 as  
16 follows:

17 (30 ILCS 785/5)

18 Sec. 5. Definitions. In this Act:

19 "Grantee" means any qualified public, private, or  
20 not-for-profit agency or individual, including, but not  
21 limited to, a college, university, hospital, laboratory,  
22 research institution, local health department, voluntary  
23 health agency, health maintenance organization, corporation,  
24 student, fellow, or entrepreneur, conducting clinical research

1 using State funds. A grantee may also be a corporation that is  
2 headquartered in Illinois and that conducts research using  
3 State funds.

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

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

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

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

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

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

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

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

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

6 Sec. 23.1. Affirmative action.

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

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

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

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



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

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

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

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

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

26 (f) McCormick Place Advisory Board. There is created a

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

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

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

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

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

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

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

11          Members of the McCormick Place Advisory Board shall serve  
12          2-year terms and until their successors are appointed, except  
13          members who serve as a result of their elected position whose  
14          terms shall continue as long as they hold their designated  
15          elected positions. Vacancies shall be filled by appointment  
16          for the unexpired term in the same manner as original  
17          appointments are made. The McCormick Place Advisory Board  
18          shall elect its own chairperson.

19          Members of the McCormick Place Advisory Board shall serve  
20          without compensation but, at the Authority's discretion, shall  
21          be reimbursed for necessary expenses in connection with the  
22          performance of their duties.

23          The McCormick Place Advisory Board shall meet quarterly,  
24          or as needed, shall produce any reports it deems necessary,  
25          and shall:

26                (1) Work with the Authority on ways to improve the

1 area physically and economically;

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

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

11 (4) Work with the Authority to find candidates for  
12 building trades apprenticeships, for employment in the  
13 hospitality industry, and to identify job training  
14 programs;

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

24 (g) The Authority shall comply with subsection (e) of  
25 Section 5-42 of the Olympic Games and Paralympic Games (2016)  
26 Law. For purposes of this Section, the term "games" has the

1 meaning set forth in the Olympic Games and Paralympic Games  
2 (2016) Law.

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

4 Section 35. The School Code is amended by changing Section  
5 34-18 as follows:

6 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

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

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

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

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

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

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

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

24 6. To grant the use of assembly halls and classrooms  
25 when not otherwise needed, including light, heat, and  
26 attendants, for free public lectures, concerts, and other



1 educational and social interests, free of charge, under  
2 such provisions and control as the principal of the  
3 affected attendance center may prescribe;

4 7. To apportion the pupils to the several schools;  
5 provided that no pupil shall be excluded from or  
6 segregated in any such school on account of his color,  
7 race, sex, or nationality. The board shall take into  
8 consideration the prevention of segregation and the  
9 elimination of separation of children in public schools  
10 because of color, race, sex, or nationality. Except that  
11 children may be committed to or attend parental and social  
12 adjustment schools established and maintained either for  
13 boys or girls only. All records pertaining to the  
14 creation, alteration or revision of attendance areas shall  
15 be open to the public. Nothing herein shall limit the  
16 board's authority to establish multi-area attendance  
17 centers or other student assignment systems for  
18 desegregation purposes or otherwise, and to apportion the  
19 pupils to the several schools. Furthermore, beginning in  
20 school year 1994-95, pursuant to a board plan adopted by  
21 October 1, 1993, the board shall offer, commencing on a  
22 phased-in basis, the opportunity for families within the  
23 school district to apply for enrollment of their children  
24 in any attendance center within the school district which  
25 does not have selective admission requirements approved by  
26 the board. The appropriate geographical area in which such

1 open enrollment may be exercised shall be determined by  
2 the board of education. Such children may be admitted to  
3 any such attendance center on a space available basis  
4 after all children residing within such attendance  
5 center's area have been accommodated. If the number of  
6 applicants from outside the attendance area exceed the  
7 space available, then successful applicants shall be  
8 selected by lottery. The board of education's open  
9 enrollment plan must include provisions that allow  
10 low-income ~~low-income~~ students to have access to  
11 transportation needed to exercise school choice. Open  
12 enrollment shall be in compliance with the provisions of  
13 the Consent Decree and Desegregation Plan cited in Section  
14 34-1.01;

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

21 9. Subject to the limitations in this Article, to  
22 establish and approve system-wide curriculum objectives  
23 and standards, including graduation standards, which  
24 reflect the multi-cultural diversity in the city and are  
25 consistent with State law, provided that for all purposes  
26 of this Article courses or proficiency in American Sign

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

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

1 teacher shall be continuously aware of the  
2 non-certificated persons' activities and shall be able to  
3 control or modify them. The general superintendent shall  
4 determine qualifications of such personnel and shall  
5 prescribe rules for determining the duties and activities  
6 to be assigned to such personnel;

7 10.5. To utilize volunteer personnel from a regional  
8 School Crisis Assistance Team (S.C.A.T.), created as part  
9 of the Safe to Learn Program established pursuant to  
10 Section 25 of the Illinois Violence Prevention Act of  
11 1995, to provide assistance to schools in times of  
12 violence or other traumatic incidents within a school  
13 community by providing crisis intervention services to  
14 lessen the effects of emotional trauma on individuals and  
15 the community; the School Crisis Assistance Team Steering  
16 Committee shall determine the qualifications for  
17 volunteers;

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

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

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

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

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

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

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

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

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

20 The high school shall notify its students and their  
21 parents or guardians of the provisions of this subsection

22 (b).

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

1 more than the actual costs incurred by the high school.

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

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

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

26 (1) "Computer" means an internally programmed,



1           general    purpose    digital    device    capable    of  
2           automatically    accepting    data,    processing    data    and  
3           supplying    the    results    of    the    operation.

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

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

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

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

24         19a. Upon receipt of notice from the comptroller of a  
25         municipality with a population of 500,000 or more, a  
26         county with a population of 3,000,000 or more, the Cook

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

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

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

1 of such time;

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

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

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

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

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

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

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

6 Counseling days shall not be in lieu of regular school  
7 days;

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

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

21 24. To develop a policy, based on the current state of  
22 existing school facilities, projected enrollment, and  
23 efficient utilization of available resources, for capital  
24 improvement of schools and school buildings within the  
25 district, addressing in that policy both the relative  
26 priority for major repairs, renovations, and additions to

1 school facilities~~7~~ and the advisability or necessity of  
2 building new school facilities or closing existing schools  
3 to meet current or projected demographic patterns within  
4 the district;

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

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

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

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

26 29. (Blank);

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

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

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

26           33. (Blank); and

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

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

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

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

22           (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

23           Sec. 9.16. Underrepresentation of certain groups in higher  
24 education. To require public institutions of higher education



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

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

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

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

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

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

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

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

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

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

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

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

1 effectiveness and funding requirements of minority student  
2 programs at public institutions of higher education, the  
3 dissemination of successful programs as models, and the  
4 encouragement of cooperative partnerships between community  
5 colleges and local school attendance centers which are  
6 experiencing difficulties in enrolling minority students in  
7 four-year colleges and universities;

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

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

1 shall include, but need not be limited to, information with  
2 respect to each institution's minority program budget  
3 allocations; minority student admission, retention and  
4 graduation statistics; admission, retention, and graduation  
5 statistics of all students who are the first in their  
6 immediate family to attend an institution of higher education;  
7 number of financial assistance awards to undergraduate and  
8 graduate minority students; and minority faculty  
9 representation. This paragraph shall not be construed to  
10 prohibit the Board from making, preparing or issuing  
11 additional surveys or studies with respect to minority  
12 education in Illinois.

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

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

16 (110 ILCS 925/3.07) (from Ch. 144, par. 1503.07)

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

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

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

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

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

8 (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  
12 person having origins in any of the original peoples of  
13 Hawaii, Guam, Samoa, or other Pacific Islands).

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

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

17 (110 ILCS 930/2) (from Ch. 144, par. 2302)

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

20 "Board" means the Board of Higher Education.

21 "DFI" means the Diversifying Higher Education Faculty in  
22 Illinois Program of financial assistance to minorities who are  
23 traditionally underrepresented as participants in  
24 postsecondary education. The program shall assist them in

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

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

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

14 "Racial minority" means a person who is a citizen of the  
15 United States or a lawful permanent resident alien of the  
16 United States and who is any of the following:

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

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

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

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

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

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

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

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

13 (110 ILCS 947/50)

14 Sec. 50. Minority Teachers of Illinois scholarship  
15 program.

16 (a) As used in this Section:

17 "Eligible applicant" means a minority student who has  
18 graduated from high school or has received a high school  
19 equivalency certificate and has maintained a cumulative  
20 grade point average of no less than 2.5 on a 4.0 scale, and  
21 who by reason thereof is entitled to apply for  
22 scholarships to be awarded under this Section.

23 "Minority student" means a student who is any of the  
24 following:

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

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

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

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

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

21 "Qualified student" means a person (i) who is a  
22 resident of this State and a citizen or permanent resident  
23 of the United States; (ii) who is a minority student, as  
24 defined in this Section; (iii) who, as an eligible  
25 applicant, has made a timely application for a minority  
26 teaching scholarship under this Section; (iv) who is



1 enrolled on at least a half-time basis at a qualified  
2 Illinois institution of higher learning; (v) who is  
3 enrolled in a course of study leading to teacher  
4 licensure, including alternative teacher licensure, or, if  
5 the student is already licensed to teach, in a course of  
6 study leading to an additional teaching endorsement or a  
7 master's degree in an academic field in which he or she is  
8 teaching or plans to teach; (vi) who maintains a grade  
9 point average of no less than 2.5 on a 4.0 scale; and (vii)  
10 who continues to advance satisfactorily toward the  
11 attainment of a degree.

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

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

1 expenses and a commuter allowance, up to an annual maximum of  
2 \$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  
12 enrolled, the minority teacher scholarship shall be reduced by  
13 an amount equal to the amount by which the combined financial  
14 assistance available to the student exceeds the cost of  
15 attendance.

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

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

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

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

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

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

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

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

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

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

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

24 (n) A recipient of minority teacher scholarship shall not  
25 be considered in violation of the agreement entered into  
26 pursuant to subsection (l) if the recipient (i) enrolls on a

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

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

1 circumstances that warrant extension of repayment.

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

3 (110 ILCS 947/65.30)

4 Sec. 65.30. Equal opportunity scholarships.

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

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

23 (c) Such scholarships shall be utilized for the payment of  
24 tuition and non-revenue bond fees at any qualified institution  
25 of higher learning. Such tuition and fees shall only be

1 available for courses that will enable the student to complete  
2 training in educational administration. The Commission shall  
3 determine which courses are eligible for tuition payments  
4 under this Section.

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

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

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

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



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

14 (h) For purposes of this Section:

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

1 liberal arts or sciences, or both, directly applicable  
2 toward the attainment of a baccalaureate or graduate  
3 degree.

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

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

10 (2) Asian (a person having origins in any of the  
11 original peoples of the Far East, Southeast Asia, or  
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,  
21 Mexican, Puerto Rican, South or Central American, or  
22 other 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  
25 of Hawaii, Guam, Samoa, or other Pacific Islands).

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

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

2 Section 60. The Illinois Insurance Code is amended by  
3 changing Section 500-50 as follows:

4 (215 ILCS 5/500-50)

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

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

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

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

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

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

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

24 Operational item. "Operational item" means a test question

1 considered in determining an examinee's score.

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

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

8 Minority group or examinees. "Minority group" or "minority  
9 examinees" means examinees who are American Indian or Alaska  
10 Native, Asian, Black or African American, Hispanic or Latino,  
11 or Native Hawaiian or Other Pacific 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  
18 performance 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 (American Indian or Alaska  
23 Native, Asian, Black or African American, Hispanic or  
24 Latino, Native Hawaiian or Other Pacific Islander, or  
25 White);

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

1 grade; 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, American  
6 Indian or Alaska Native examinees, Asian examinees,  
7 Hispanic or Latino examinees, and Native Hawaiian or Other  
8 Pacific Islander, respectively, with a high school diploma  
9 or high school equivalency certificate, the distribution  
10 of scaled scores on each part.

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

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

24 (e) The Director must obtain a regular analysis of the  
25 data collected under this Section, and any other relevant  
26 information, for purposes of the development of new test

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

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

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

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

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

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

12 (j) For the purposes of this Section:

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

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

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

26 (4) "Hispanic or Latino" means a person of Cuban,



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

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

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

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

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

12 (305 ILCS 5/4-23)

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

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

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

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

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

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

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

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

15 (6) White (a person having origins in any of the  
16 original peoples of Europe, the Middle East, or North  
17 Africa).

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

20 (1) who are receiving TANF assistance;

21 (2) whose 60-month lifetime limit on receiving  
22 assistance has expired;

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

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

26 (5) whose TANF grants have been reduced by sanctions

1 for non-compliance with program rules;

2 (6) who have returned to TANF 6 months after leaving  
3 due to earned income;

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

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

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

11 (10) who are participating in post-secondary education  
12 activities.

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

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

16 (625 ILCS 5/11-212)

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

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

23 (1) the name, address, gender, and the officer's  
24 subjective determination of the race of the person

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

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

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

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

11 (5) the location of the traffic stop;

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

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

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

26 (6.5) whether or not contraband was found during a

1 search; and, if so, the type and amount of contraband  
2 seized; and

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

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

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

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

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

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

24 (5) the location of the traffic stop;

25 (5.5) whether or not a consent search contemporaneous  
26 to the stop was requested of the vehicle, driver,

1 passenger, or passengers; and, if so, whether consent was  
2 given or denied;

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

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

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

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

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

24 (1) the gender, and the officer's subjective  
25 determination of the race of the person stopped; the  
26 person's race shall be selected from the following list:

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

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

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

7 (4) the location of the stop;

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

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

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

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

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

25 (10) if a summons or ticket was issued, or an arrest  
26 made, a record of the violations, offenses, or crimes

1           alleged or charged; and

2                   (11) the name and badge number of the officer who  
3           conducted the detention.

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

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

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

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



1 outside entity for the analysis of the data provided. In  
2 analyzing the data collected under this Section, the analyzing  
3 entity shall scrutinize the data for evidence of statistically  
4 significant aberrations. The following list, which is  
5 illustrative, and not exclusive, contains examples of areas in  
6 which statistically significant aberrations may be found:

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

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

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

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

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

25 (f) Any law enforcement officer identification information  
26 and driver or pedestrian identification information that is

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

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

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

26 (h-1) The Traffic and Pedestrian Stop Data Use and

1 Collection Task Force is hereby created.

2 (1) The Task Force shall undertake a study to  
3 determine the best use of technology to collect, compile,  
4 and analyze the traffic stop statistical study data  
5 required by this Section.

6 (2) The Task Force shall be an independent Task Force  
7 under the Illinois Criminal Justice Information Authority  
8 for administrative purposes, and shall consist of the  
9 following members:

10 (A) 2 academics or researchers who have studied  
11 issues related to traffic or pedestrian stop data  
12 collection and have education or expertise in  
13 statistics;

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

16 (C) one representative from the Illinois State  
17 Police;

18 (D) one representative from the Chicago Police  
19 Department;

20 (E) one representative from the Illinois Chiefs of  
21 Police;

22 (F) one representative from the Illinois Sheriffs  
23 Association;

24 (G) one representative from the Chicago Fraternal  
25 Order of Police;

26 (H) one representative from the Illinois Fraternal

1 Order of Police;

2 (I) the Executive Director of the American Civil  
3 Liberties Union of Illinois, or his or her designee;  
4 and

5 (J) 5 representatives from different community  
6 organizations who specialize in civil or human rights,  
7 policing, or criminal justice reform work, and that  
8 represent a range of minority interests or different  
9 parts of the State.

10 (3) The Illinois Criminal Justice Information  
11 Authority may consult, contract, work in conjunction with,  
12 and obtain any information from any individual, agency,  
13 association, or research institution deemed appropriate by  
14 the Authority.

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

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

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

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

1 the Philippine Islands, Thailand, and Vietnam.

2 (2.5) "Badge" means an officer's department issued  
3 identification number associated with his or her position  
4 as a police officer with that department.

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

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

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

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

18 (i) (Blank).

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

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

22 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

23 Sec. 17-10.2. Businesses owned by minorities, females, and  
24 persons with disabilities; fraudulent contracts with

1 governmental units.

2 (a) In this Section:

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

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

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

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

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

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

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

25 "Person with a disability" means a person who is a  
26 person qualifying as having a disability.

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

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

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

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

10           "Governmental unit" means the State, a unit of local  
11           government, or school district.

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

26           (c) In addition to any other penalties authorized by law,



1 the court shall order that an individual or entity convicted  
2 of a violation of this Section must pay to the governmental  
3 unit that awarded the contract a penalty equal to one and  
4 one-half times the amount of the contract obtained because of  
5 the false representation.

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

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

9 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

10 Sec. 2-105. Equal Employment Opportunities; Affirmative  
11 Action.

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

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

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

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

1           (4) Have written sexual harassment policies that shall  
2 include, at a minimum, the following information: (i) the  
3 illegality of sexual harassment; (ii) the definition of  
4 sexual harassment under State law; (iii) a description of  
5 sexual harassment, utilizing examples; (iv) the vendor's  
6 internal complaint process including penalties; (v) the  
7 legal recourse, investigative and complaint process  
8 available through the Department and the Commission; (vi)  
9 directions on how to contact the Department and  
10 Commission; and (vii) protection against retaliation as  
11 provided by Section 6-101 of this Act. A copy of the  
12 policies shall be provided to the Department upon request.  
13 Additionally, each bidder who submits a bid or offer for a  
14 State contract under the Illinois Procurement Code shall  
15 have a written copy of the bidder's sexual harassment  
16 policy as required under this paragraph (4). A copy of the  
17 policy shall be provided to the State agency entering into  
18 the contract upon request.

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

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

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

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

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

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

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

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

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

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

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

13 (4) If the agency has 1000 or more employees, appoint  
14 a full-time Equal Employment Opportunity officer, subject  
15 to 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  
3           are 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  
21          Act.

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

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

1 Intentional or reckless disclosure of information in  
2 violation of these confidentiality requirements shall  
3 constitute a Class B misdemeanor.

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

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

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

1           annually thereafter.

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

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

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

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

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

22           (d) The State executive department, State agency,  
23 board, commission, or instrumentality in which the  
24 layoffs are to occur should notify each employee  
25 targeted for layoff that transitional assistance may  
26 be available to him or her under the Economic



1           Dislocation and Worker Adjustment Assistance Act  
2           administered by the Department of Commerce and  
3           Economic Opportunity. Failure to give such notice  
4           shall not invalidate the layoff or postpone its  
5           effective date.

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

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

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

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

1 (D) As used in this Section:

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

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

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

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

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

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