

1 AN ACT concerning State government.

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

4 Section 5. The Data Governance and Organization to Support
5 Equity and Racial Justice Act is amended by changing Section
6 20-15 as follows:

7 (20 ILCS 65/20-15)

8 Sec. 20-15. Data governance and organization to support
9 equity and racial justice.

10 (a) By October 31 of each year ~~On or before July 1, 2022~~
11 ~~and each July 1 thereafter~~, the Board and the Department shall
12 issue a report, for the prior State fiscal year, that sets out
13 de-identified statistical data related to ~~on~~ the racial,
14 ethnic, age, sex, disability status, sexual orientation,
15 gender identity, and primary or preferred language
16 demographics of program participants for each major program
17 administered by the Board or the Department, except as
18 provided in subsection (a-5). The Department of Human
19 Services, under the direction of the Office of the Governor,
20 shall establish, by rule, demographic classifications for each
21 reporting category, including race and ethnicity, age, sex,
22 disability status, sexual orientation, gender identity, and
23 primary or preferred language. Except as provided in

1 subsection (b), when reporting the data required under this
2 Section for each program, the Board or the Department shall
3 use the classifications established by the Department of Human
4 Services.

5 The Office of the Governor shall review the demographic
6 classifications every 5 years after the effective date of this
7 amendatory Act of the 103rd General Assembly. If the Office of
8 the Governor determines that changes to the classifications
9 are necessary, the Department of Human Services shall update
10 the classifications, as directed by the Office of the
11 Governor. ~~the same racial and ethnic classifications for each~~
12 ~~program, which shall include, but not be limited to, the~~
13 ~~following:~~

14 ~~(1) American Indian and Alaska Native alone.~~

15 ~~(2) Asian alone.~~

16 ~~(3) Black or African American alone.~~

17 ~~(4) Hispanic or Latino of any race.~~

18 ~~(5) Native Hawaiian and Other Pacific Islander alone.~~

19 ~~(6) White alone.~~

20 ~~(7) Middle Eastern or North African.~~

21 ~~(8) Some other race alone.~~

22 ~~(9) Two or more races.~~

23 ~~The Board and the Department may further define, by rule,~~
24 ~~the racial and ethnic classifications, including, if~~
25 ~~necessary, a classification of "No Race Specified".~~

26 (a-5) In relation to major program participants, the Board

1 shall not be required to collect personally identifiable
2 information and report statistical data on the categories of
3 sex, sexual orientation, and gender identity unless required
4 for federal reporting. The Board shall make available reports
5 on its Internet website, posted where other mandated reports
6 are posted, of statistical data on sex, sexual orientation,
7 and gender identity demographics through anonymous surveys or
8 other methods as age and developmentally appropriate.

9 (b) A ~~If~~ a program administered by the Board or the
10 Department is exempted from the reporting requirements
11 described in subsection (a) if:

12 (1) the program is subject to federal reporting
13 requirements that include the collection and public
14 reporting of statistical data on the demographic
15 categories required by this Act; and

16 (2) the federal reporting requirements use different
17 classifications for the reporting of demographic
18 categories than the classifications established by the
19 Department of Human Services.

20 The program shall report on any demographic categories
21 described in subsection (a) that are not included in the
22 federal report ~~racial and ethnic demographics of program~~
23 participants, ~~the Department may maintain the same racial and~~
24 ethnic classifications used under the federal requirements if
25 such classifications differ from the classifications listed in
26 subsection (a).

1 (b-5) If a program administered by the Board or the
2 Department serves and collects data regarding individuals
3 younger than 18 years old, the program is exempt from the
4 sexual orientation and gender identity demographic collection
5 requirements described in subsection (a).

6 (b-7) The Office of the Governor shall establish a project
7 implementation team to oversee the implementation of this Act
8 consisting of one representative from each of the following:

9 (1) the Office of the Governor;

10 (2) the Department of Innovation and Technology;

11 (3) the Department of Human Services; and

12 (4) the Governor's Office of Management and Budget.

13 (c) The Department of Innovation and Technology, in
14 conjunction with the Office of the Governor, shall assist the
15 Board and the Department by identifying and providing advice
16 on ~~establishing~~ common technological processes and procedures
17 for the Board and the Department to:

18 (1) Catalog relevant demographic data and share the
19 resultant metadata.

20 (2) Identify similar fields in data sets ~~datasets~~.

21 (3) Manage data requests.

22 (4) Share data.

23 (5) Collect data.

24 (6) Improve and clean data.

25 (7) Match data across the Board and Departments.

26 (8) Develop research and analytic agendas.

1 (9) Report on program participation disaggregated by
2 race and ethnicity.

3 (10) Evaluate equitable outcomes for underserved
4 populations in Illinois.

5 (11) Define common roles for data management.

6 (12) Ensure that all major programs can report
7 disaggregated data by race, ethnicity, age, sex,
8 disability status, sexual orientation, and gender
9 identity, and primary or preferred language.

10 The Board and the Department shall use the common
11 technological processes and procedures established by the
12 Department of Innovation and Technology.

13 (d) If the Board or the Department is unable to begin
14 reporting the collected data as described in ~~required by~~
15 subsection (a) by October 31 immediately following the
16 effective date of this amendatory Act of the 103rd General
17 Assembly July 1, 2022, the Board or the Department shall state
18 the reasons for the delay or inability to collect the
19 particular data set for that program under the reporting
20 requirements described in subsection (a).

21 (e) By no later than March 31, 2022, the Board and the
22 Department shall provide a progress report to the General
23 Assembly to disclose: (i) the programs and data sets ~~datasets~~
24 that have been cataloged for which race, ethnicity, age, sex,
25 disability status, sexual orientation, gender identity, and
26 primary or preferred language have been standardized; and (ii)

1 to the extent possible, the data sets ~~datasets~~ and programs
2 that are outstanding for each agency and the data sets
3 ~~datasets~~ that are planned for the upcoming year. On or before
4 April 30 of ~~March 31, 2023,~~ and each year thereafter, the Board
5 and the Department shall provide an updated report to the
6 General Assembly.

7 (f) (Blank). ~~By no later than October 31, 2021, the~~
8 ~~Governor's Office shall provide a plan to establish processes~~
9 ~~for input from the Board and the Department into processes~~
10 ~~outlined in subsection (c). The plan shall incorporate ongoing~~
11 ~~efforts at data interoperability within the Department and the~~
12 ~~governance established to support the P-20 Longitudinal~~
13 ~~Education Data System enacted by Public Act 96-107.~~

14 (g) Nothing in this Section shall be construed to limit
15 the rights granted to individuals or data sharing protections
16 established under existing State and federal data privacy and
17 security laws.

18 (Source: P.A. 102-543, eff. 8-20-21; 103-154, eff. 6-30-23;
19 103-175, eff. 6-30-23; 103-414, eff. 1-1-24; revised
20 12-12-23.)