

1 AN ACT concerning government.

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

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

6 (5 ILCS 410/10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~(4) Native American (a person having origins in any of~~

1 ~~the original peoples of North America).~~

2 (e) "Professional employee" means a person employed to
3 perform employment duties requiring academic training,
4 evidenced by a graduate or advanced degree from an accredited
5 institution of higher education, and who, in the performance of
6 those employment duties, may only engage in active practice of
7 the academic training received when licensed or certified by
8 the State of Illinois.

9 (f) "State employee" means any person employed within the
10 State work force.

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

13 (1) the total number of all payroll warrants (or their
14 administrative equivalent) issued by the Comptroller to
15 pay:

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

17 (ii) for the sole purpose of providing accurate
18 statistical information, all persons exempt from the
19 Personnel Code; and

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

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

4 (i) the State Comptroller; and

5 (ii) the issuing agents of the educational
6 institutions listed in subdivision (2) of this
7 subsection (g).

8 "State work force" does not, however, include persons holding
9 elective State office.

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

11 (5 ILCS 410/15)

12 Sec. 15. Reported information.

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

20 (i) the total number of persons employed by the agency
21 who are part of the State work force, as defined by this
22 Act, and the number and statistical percentage of women,
23 minorities, and physically disabled persons employed
24 within the agency work force;

25 (ii) the total number of persons employed within the

1 agency work force receiving levels of State remuneration
2 within incremental levels of \$10,000, and the number and
3 statistical percentage of minorities, women, and
4 physically disabled persons in the agency work force
5 receiving levels of State remuneration within incremented
6 levels of \$10,000;

7 (iii) the number of open positions of employment or
8 advancement in the agency work force, reported on a fiscal
9 year basis;

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

14 (v) the total number of persons employed within the
15 agency work force as professionals, and the number and
16 percentage of minorities, women, and physically disabled
17 persons employed within the agency work force as
18 professional employees; and

19 (vi) the total number of persons employed within the
20 agency work force as contractual service employees, and the
21 number and percentage of minorities, women, and physically
22 disabled persons employed within the agency work force as
23 contractual services employees.

24 (b) The numbers and percentages of minorities required to
25 be reported by this Section shall be identified by the
26 following categories:

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

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

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

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

17 (5) Native Hawaiian or Other Pacific Islander (a person
18 having origins in any of the original peoples of Hawaii,
19 Guam, Samoa, or other Pacific Islands). ~~as Hispanic,~~
20 ~~African American, Asian American, and Native American.~~

21 Data concerning women shall be reported on a minority and
22 nonminority basis. The numbers and percentages of physically
23 disabled persons required to be reported under this Section
24 shall be identified by categories as male and female.

25 (c) To accomplish consistent and uniform classification
26 and collection of information from each State agency, and to

1 ensure full compliance and that all required information is
2 provided, the Index Department of the Office of the Secretary
3 of State, in consultation with the Department of Human Rights,
4 the Department of Central Management Services, and the Office
5 of the Comptroller, shall develop appropriate forms to be used
6 by all State agencies subject to the reporting requirements of
7 this Act.

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

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

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

15 (20 ILCS 105/3.10)

16 Sec. 3.10. "Minority senior citizen" means any person 55
17 years of age or older for whom opportunities for employment and
18 participation in community life are unavailable or severely
19 limited and who is any of the following ~~are~~:

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

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

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

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

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

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

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

4 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

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

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

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

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

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

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

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

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

24 (6) To provide adequate and effective opportunities
25 for minority populations to express their views on

1 Departmental policy development and program
2 implementation.

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

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

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

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

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

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

1 African American".

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

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

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

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

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

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

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

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

22 (30 ILCS 575/2)

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

24 Sec. 2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

12 (2.05) "Person with a disability" means a person who is a
13 citizen or lawful resident of the United States and is a person
14 qualifying as being disabled under subdivision (2.1) of this
15 subsection (A).

16 (2.1) "Disabled" means a severe physical or mental
17 disability that:

18 (a) results from:

19 amputation,

20 arthritis,

21 autism,

22 blindness,

23 burn injury,

24 cancer,

25 cerebral palsy,

26 Crohn's disease,

1 cystic fibrosis,
2 deafness,
3 head injury,
4 heart disease,
5 hemiplegia,
6 hemophilia,
7 respiratory or pulmonary dysfunction,
8 mental retardation,
9 mental illness,
10 multiple sclerosis,
11 muscular dystrophy,
12 musculoskeletal disorders,
13 neurological disorders, including stroke and epilepsy,
14 paraplegia,
15 quadriplegia and other spinal cord conditions,
16 sickle cell anemia,
17 ulcerative colitis,
18 specific learning disabilities, or
19 end stage renal failure disease; and

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

22 Another disability or combination of disabilities may also
23 be considered as a severe disability for the purposes of item
24 (a) of this subdivision (2.1) if it is determined by an
25 evaluation of rehabilitation potential to cause a comparable
26 degree of substantial functional limitation similar to the

1 specific list of disabilities listed in item (a) of this
2 subdivision (2.1).

3 (3) "Minority owned business" means a business concern
4 which is at least 51% owned by one or more minority persons, or
5 in the case of a corporation, at least 51% of the stock in
6 which is owned by one or more minority persons; and the
7 management and daily business operations of which are
8 controlled by one or more of the minority individuals who own
9 it.

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

16 (4.1) "Business owned by a person with a disability" means
17 a business concern that is at least 51% owned by one or more
18 persons with a disability and the management and daily business
19 operations of which are controlled by one or more of the
20 persons with disabilities who own it. A not-for-profit agency
21 for persons with disabilities that is exempt from taxation
22 under Section 501 of the Internal Revenue Code of 1986 is also
23 considered a "business owned by a person with a disability".

24 (4.2) "Council" means the Business Enterprise Council for
25 Minorities, Females, and Persons with Disabilities created
26 under Section 5 of this Act.

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

6 "State construction contracts" means all State contracts
7 entered into by a State agency or State university for the
8 repair, remodeling, renovation or construction of a building or
9 structure, or for the construction or maintenance of a highway
10 defined in Article 2 of the Illinois Highway Code.

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

24 (7) "State universities" shall mean the Board of Trustees
25 of the University of Illinois, the Board of Trustees of
26 Southern Illinois University, the Board of Trustees of Chicago

1 State University, the Board of Trustees of Eastern Illinois
2 University, the Board of Trustees of Governors State
3 University, the Board of Trustees of Illinois State University,
4 the Board of Trustees of Northeastern Illinois University, the
5 Board of Trustees of Northern Illinois University, and the
6 Board of Trustees of Western Illinois University.

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

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

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

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

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

24 (Source: P.A. 95-344, eff. 8-21-07; 96-453, eff. 8-14-09;
25 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for effective
26 date of changes made by P.A. 96-795); 96-1000, eff. 7-2-10.)

1 Section 25. The State Construction Minority and Female
2 Building Trades Act is amended by changing Section 35-5 as
3 follows:

4 (30 ILCS 577/35-5)

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

6 "Under-represented minority" means a person who is any of
7 the following:

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

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

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

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

24 (5) Native Hawaiian or Other Pacific Islander (a person

1 having origins in any of the original peoples of Hawaii,
2 Guam, Samoa, or other Pacific Islands). ~~African American,~~
3 ~~Hispanic, and Asian American as those terms are defined in~~
4 ~~the Business Enterprise for Minorities, Females, and~~
5 ~~Persons with Disabilities Act.~~

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

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

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

1 (30 ILCS 785/5)

2 Sec. 5. Definitions. In this Act:

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

12 "Minority group" means a group that is a readily
13 identifiable subset of the U.S. population that is
14 distinguished by racial, ethnic, or cultural heritage and that
15 is made up of persons who are any of the following. ~~The~~
16 ~~following racial and ethnic categories shall be used as~~
17 ~~guidelines:~~

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,

1 the Philippine Islands, Thailand, and Vietnam).

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

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

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

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

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

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

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

26

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

2 (Source: P.A. 93-514, eff. 1-1-04; 93-787, eff. 1-1-05.)

3 Section 35. 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 effective
8 date of this amendatory Act of 1984, establish and maintain an
9 affirmative action program designed to promote equal
10 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 in
14 employment, including employment related to the planning,
15 organization, and staging of the games, by the Authority and by
16 parties which contract with the Authority. The Authority shall
17 submit a detailed plan with the General Assembly prior to
18 September 1 of each year. Such program shall also establish
19 procedures and sanctions (including debarment), which the
20 Authority shall enforce to ensure compliance with the plan
21 established pursuant to this Section and with State and federal
22 laws and regulations relating to the employment of women and
23 minorities. A determination by the Authority as to whether a
24 party to a contract with the Authority has achieved the goals

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

8 (b) The Authority shall adopt and maintain minority and
9 female 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 by
13 the Authority. That work shall include, but is not limited to,
14 the purchase of professional services, construction services,
15 supplies, materials, and equipment. The programs shall
16 establish goals of awarding not less than 25% of the annual
17 dollar value of all contracts, purchase orders, or other
18 agreements (collectively referred to as "contracts") to
19 minority owned businesses and 5% of the annual dollar value of
20 all contracts to female 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 female owned
4 businesses. Bids or proposals that do not include such detailed
5 commitments are not responsive and shall be rejected unless the
6 Authority deems it appropriate to grant a waiver of these
7 requirements. In addition the Authority may, in connection with
8 the selection of providers of professional services, reserve
9 the right to select a minority or female owned business or
10 businesses to fulfill the commitment to minority and female
11 business participation. The commitment to minority and female
12 business participation may be met by the contractor or
13 professional service provider's status as a minority or female
14 owned business, by joint venture or by subcontracting a portion
15 of the work with or purchasing materials for the work from one
16 or more such businesses, or by any combination thereof. Each
17 contract shall require the contractor or provider to submit a
18 certified monthly report detailing the status of that
19 contractor or provider's compliance with the Authority's
20 minority and female owned business enterprise procurement
21 program. The Authority, after reviewing the monthly reports of
22 the contractors and providers, shall compile a comprehensive
23 report regarding compliance with this procurement program and
24 file it quarterly with the General Assembly. If, in connection
25 with a particular contract, the Authority determines that it is
26 impracticable or excessively costly to obtain minority or

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

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

21 (d) In connection with the Expansion Project, the Authority
22 shall incorporate the following elements into its minority and
23 female owned business procurement programs to the extent
24 feasible: (1) a major contractors program that permits minority
25 owned businesses and female owned businesses to bear
26 significant responsibility and risk for a portion of the

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

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

25 (f) McCormick Place Advisory Board. There is created a
26 McCormick Place Advisory Board composed as follows: 2 members

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

14 A "member of a minority group" shall mean a person who is a
15 citizen or lawful permanent resident of the United States and
16 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 person
8 having origins in any of the original peoples of Hawaii,
9 Guam, Samoa, or other Pacific Islands).

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

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

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

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

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

1 own chairperson.

2 Members of the McCormick Place Advisory Board shall serve
3 without compensation but, at the Authority's discretion, shall
4 be reimbursed for necessary expenses in connection with the
5 performance of their duties.

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

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

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

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

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

24 (5) Work with the Authority to implement the provisions
25 of subsections (a) through (e) of this Section in the
26 construction of the Expansion Project, including the

1 Authority's goal of awarding not less than 25% and 5% of
2 the annual dollar value of contracts to minority and female
3 owned businesses, the outreach program for minorities and
4 women, and the mentor/protege program for providing
5 assistance to minority and female owned businesses.

6 (g) The Authority shall comply with subsection (e) of
7 Section 5-42 of the Olympic Games and Paralympic Games (2016)
8 Law. For purposes of this Section, the term "games" has the
9 meaning set forth in the Olympic Games and Paralympic Games
10 (2016) Law.

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

12 Section 40. The School Code is amended by changing Section
13 34-18 as follows:

14 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

19 1. To make suitable provision for the establishment and
20 maintenance throughout the year or for such portion thereof
21 as it may direct, not less than 9 months, of schools of all
22 grades and kinds, including normal schools, high schools,
23 night schools, schools for defectives and delinquents,
24 parental and truant schools, schools for the blind, the

1 deaf and the crippled, schools or classes in manual
2 training, constructural and vocational teaching, domestic
3 arts and physical culture, vocation and extension schools
4 and lecture courses, and all other educational courses and
5 facilities, including establishing, equipping, maintaining
6 and operating playgrounds and recreational programs, when
7 such programs are conducted in, adjacent to, or connected
8 with any public school under the general supervision and
9 jurisdiction of the board; provided that the calendar for
10 the school term and any changes must be submitted to and
11 approved by the State Board of Education before the
12 calendar or changes may take effect, and provided that in
13 allocating funds from year to year for the operation of all
14 attendance centers within the district, the board shall
15 ensure that supplemental general State aid funds are
16 allocated and applied in accordance with Section 18-8 or
17 18-8.05. To admit to such schools without charge foreign
18 exchange students who are participants in an organized
19 exchange student program which is authorized by the board.
20 The board shall permit all students to enroll in
21 apprenticeship programs in trade schools operated by the
22 board, whether those programs are union-sponsored or not.
23 No student shall be refused admission into or be excluded
24 from any course of instruction offered in the common
25 schools by reason of that student's sex. No student shall
26 be denied equal access to physical education and

1 interscholastic athletic programs supported from school
2 district funds or denied participation in comparable
3 physical education and athletic programs solely by reason
4 of the student's sex. Equal access to programs supported
5 from school district funds and comparable programs will be
6 defined in rules promulgated by the State Board of
7 Education in consultation with the Illinois High School
8 Association. Notwithstanding any other provision of this
9 Article, neither the board of education nor any local
10 school council or other school official shall recommend
11 that children with disabilities be placed into regular
12 education classrooms unless those children with
13 disabilities are provided with supplementary services to
14 assist them so that they benefit from the regular classroom
15 instruction and are included on the teacher's regular
16 education class register;

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

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

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

25 5. To employ dentists and prescribe their duties for
26 the purpose of treating the pupils in the schools, but

1 accepting such treatment shall be optional with parents or
2 guardians;

3 6. To grant the use of assembly halls and classrooms
4 when not otherwise needed, including light, heat, and
5 attendants, for free public lectures, concerts, and other
6 educational and social interests, free of charge, under
7 such provisions and control as the principal of the
8 affected attendance center may prescribe;

9 7. To apportion the pupils to the several schools;
10 provided that no pupil shall be excluded from or segregated
11 in any such school on account of his color, race, sex, or
12 nationality. The board shall take into consideration the
13 prevention of segregation and the elimination of
14 separation of children in public schools because of color,
15 race, sex, or nationality. Except that children may be
16 committed to or attend parental and social adjustment
17 schools established and maintained either for boys or girls
18 only. All records pertaining to the creation, alteration or
19 revision of attendance areas shall be open to the public.
20 Nothing herein shall limit the board's authority to
21 establish multi-area attendance centers or other student
22 assignment systems for desegregation purposes or
23 otherwise, and to apportion the pupils to the several
24 schools. Furthermore, beginning in school year 1994-95,
25 pursuant to a board plan adopted by October 1, 1993, the
26 board shall offer, commencing on a phased-in basis, the

1 opportunity for families within the school district to
2 apply for enrollment of their children in any attendance
3 center within the school district which does not have
4 selective admission requirements approved by the board.
5 The appropriate geographical area in which such open
6 enrollment may be exercised shall be determined by the
7 board of education. Such children may be admitted to any
8 such attendance center on a space available basis after all
9 children residing within such attendance center's area
10 have been accommodated. If the number of applicants from
11 outside the attendance area exceed the space available,
12 then successful applicants shall be selected by lottery.
13 The board of education's open enrollment plan must include
14 provisions that allow low income students to have access to
15 transportation needed to exercise school choice. Open
16 enrollment shall be in compliance with the provisions of
17 the Consent Decree and Desegregation Plan cited in Section
18 34-1.01;

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

25 9. Subject to the limitations in this Article, to
26 establish and approve system-wide curriculum objectives

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

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

1 pupils under the immediate supervision of a teacher holding
2 a valid certificate, directly engaged in teaching subject
3 matter or conducting activities; provided that the teacher
4 shall be continuously aware of the non-certificated
5 persons' activities and shall be able to control or modify
6 them. The general superintendent shall determine
7 qualifications of such personnel and shall prescribe rules
8 for determining the duties and activities to be assigned to
9 such personnel;

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

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

1 school district; and to maintain and operate not to exceed
2 one school radio transmitting station and provide programs
3 for educational purposes;

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

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

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

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

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

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

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

11 (b) If a student or his or her parent or guardian
12 submits a signed, written request to the high school before
13 the end of the student's sophomore year (or if the student
14 is a transfer student, by another time set by the high
15 school) that indicates that the student or his or her
16 parent or guardian does not want the student's directory
17 information to be provided to official recruiting
18 representatives under subsection (a) of this Section, the
19 high school may not provide access to the student's
20 directory information to these recruiting representatives.
21 The high school shall notify its students and their parents
22 or guardians of the provisions of this subsection (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 district
13 or through the utilization of the school district resources
14 or facilities. The employee who developed the computer
15 program shall be entitled to share in the proceeds of such
16 sale or marketing of the computer program. The distribution
17 of such proceeds between the employee and the school
18 district shall be as agreed upon by the employee and the
19 school district, except that neither the employee nor the
20 school district may receive more than 90% of such proceeds.
21 The negotiation for an employee who is represented by an
22 exclusive bargaining representative may be conducted by
23 such bargaining representative at the employee's request.

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

25 (1) "Computer" means an internally programmed,
26 general purpose digital device capable of

1 automatically accepting data, processing data and
2 supplying the results of the operation.

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

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

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

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

23 19a. Upon receipt of notice from the comptroller of a
24 municipality with a population of 500,000 or more, a county
25 with a population of 3,000,000 or more, the Cook County
26 Forest Preserve District, the Chicago Park District, the

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

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

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

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

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

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

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

25 (d) Hispanic or Latino (a person of Cuban, Mexican,
26 Puerto Rican, South or Central American, or other Spanish

1 culture or origin, regardless of race).

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

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

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

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

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

18 Counseling days shall not be in lieu of regular school
19 days;

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

24 23. Except as otherwise provided in the Abused and
25 Neglected Child Reporting Act or other applicable State or
26 federal law, to permit school officials to withhold, from

1 any person, information on the whereabouts of any child
2 removed from school premises when the child has been taken
3 into protective custody as a victim of suspected child
4 abuse. School officials shall direct such person to the
5 Department of Children and Family Services, or to the local
6 law enforcement agency if appropriate;

7 24. To develop a policy, based on the current state of
8 existing school facilities, projected enrollment and
9 efficient utilization of available resources, for capital
10 improvement of schools and school buildings within the
11 district, addressing in that policy both the relative
12 priority for major repairs, renovations and additions to
13 school facilities, and the advisability or necessity of
14 building new school facilities or closing existing schools
15 to meet current or projected demographic patterns within
16 the district;

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

21 26. To encourage mid-career changes into the teaching
22 profession, whereby qualified professionals become
23 certified teachers, by allowing credit for professional
24 employment in related fields when determining point of
25 entry on teacher pay scale;

26 27. To provide or contract out training programs for

1 administrative personnel and principals with revised or
2 expanded duties pursuant to this Act in order to assure
3 they have the knowledge and skills to perform their duties;

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

10 29. (Blank);

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

22 31. To promulgate rules establishing procedures
23 governing the layoff or reduction in force of employees and
24 the recall of such employees, including, but not limited
25 to, criteria for such layoffs, reductions in force or
26 recall rights of such employees and the weight to be given

1 to any particular criterion. Such criteria shall take into
2 account factors including, but not be limited to,
3 qualifications, certifications, experience, performance
4 ratings or evaluations, and any other factors relating to
5 an employee's job performance;

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

8 33. To enter into a partnership agreement, as required
9 by Section 34-3.5 of this Code, and, notwithstanding any
10 other provision of law to the contrary, to promulgate
11 policies, enter into contracts, and take any other action
12 necessary to accomplish the objectives and implement the
13 requirements of that agreement; and

14 34. To establish a Labor Management Council to the
15 board comprised of representatives of the board, the chief
16 executive officer, and those labor organizations that are
17 the exclusive representatives of employees of the board and
18 to promulgate policies and procedures for the operation of
19 the Council.

20 The specifications of the powers herein granted are not to
21 be construed as exclusive but the board shall also exercise all
22 other powers that they may be requisite or proper for the
23 maintenance and the development of a public school system, not
24 inconsistent with the other provisions of this Article or
25 provisions of this Code which apply to all school districts.

26 In addition to the powers herein granted and authorized to

1 be exercised by the board, it shall be the duty of the board to
2 review or to direct independent reviews of special education
3 expenditures and services. The board shall file a report of
4 such review with the General Assembly on or before May 1, 1990.
5 (Source: P.A. 96-105, eff. 7-30-09.)

6 Section 45. The Board of Higher Education Act is amended by
7 changing Section 9.16 as follows:

8 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

9 Sec. 9.16. Underrepresentation of certain groups in higher
10 education. To require public institutions of higher education
11 to develop and implement methods and strategies to increase the
12 participation of minorities, women and handicapped individuals
13 who are traditionally underrepresented in education programs
14 and activities. For the purpose of this Section, minorities
15 shall mean persons who are citizens of the United States or
16 lawful permanent resident aliens of the United States and who
17 are 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,

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

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

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

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

13 ~~having origins in any of the black racial groups in~~

14 ~~Africa); ~~(b) Hispanic (a person of Spanish or Portuguese~~~~

15 ~~culture with origins in Mexico, South or Central America,~~

16 ~~or the Caribbean, regardless of race); ~~(c) Asian American~~~~

17 ~~(a person having origins in any of the original people of~~

18 ~~the Far East, Southeast Asia, the Indian Subcontinent or~~

19 ~~the Pacific Islands); or ~~(d) American Indian or Alaskan~~~~

20 ~~Native (a person having origins in any of the original~~

21 ~~people of North America).~~

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

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

1 b) conduct periodic review of public institutions of higher
2 education to determine compliance with this Section; and if the
3 Board finds that a public institution of higher education is
4 not in compliance with this Section, it shall notify the
5 institution of steps to take to attain compliance;

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

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

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

1 experiencing difficulties in enrolling minority students in
2 four-year colleges and universities;

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

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

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

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

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

8 (110 ILCS 925/3.07) (from Ch. 144, par. 1503.07)

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

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

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

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

24 (4) Hispanic or Latino (a person of Cuban, Mexican,

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

3 (5) Native Hawaiian or Other Pacific Islander (a person
4 having origins in any of the original peoples of Hawaii,
5 Guam, Samoa, or other Pacific Islands). ~~(a) Black (a person~~
6 ~~having origins in any of the black racial groups in~~
7 ~~Africa);~~

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

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

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

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

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

19 (110 ILCS 930/2) (from Ch. 144, par. 2302)

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

22 "Board" means the Board of Higher Education.

23 "DFI" means the Diversifying Higher Education Faculty in
24 Illinois Program of financial assistance to minorities who are

1 traditionally underrepresented as participants in
2 postsecondary education. The program shall assist them in
3 pursuing a graduate or professional degree and shall also
4 assist program graduates to find employment at an Illinois
5 institution of higher education, including a community
6 college, in a faculty or staff position.

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

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

16 "Racial minority" means a person who is a citizen of the
17 United States or a lawful permanent resident alien of the
18 United States and who is any of 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
25 Indian subcontinent, including, but not limited to,
26 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,

1 the Philippine Islands, Thailand, and Vietnam).

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

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

9 (5) Native Hawaiian or Other Pacific Islander (a person
10 having origins in any of the original peoples of Hawaii,
11 Guam, Samoa, or other Pacific Islands). ~~(1) Black (a person~~
12 ~~having origins in any of the black racial groups in~~
13 ~~Africa);~~

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

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

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

22 (Source: P.A. 93-862, eff. 8-4-04.)

23 Section 60. The Higher Education Student Assistance Act is
24 amended by changing Sections 50 and 65.30 as follows:

1 (110 ILCS 947/50)

2 Sec. 50. Minority Teachers of Illinois scholarship
3 program.

4 (a) As used in this Section:

5 "Eligible applicant" means a minority student who has
6 graduated from high school or has received a General
7 Educational Development Certification and has maintained a
8 cumulative grade point average of no less than 2.5 on a 4.0
9 scale, and who by reason thereof is entitled to apply for
10 scholarships to be awarded under this Section.

11 "Minority student" means a student who is any of the
12 following:

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

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

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

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

4 (5) Native Hawaiian or Other Pacific Islander (a
5 person having origins in any of the original peoples of
6 Hawaii, Guam, Samoa, or other Pacific Islands). ~~either~~
7 ~~(i) Black (a person having origins in any of the black~~
8 ~~racial groups in Africa); (ii) Hispanic (a person of~~
9 ~~Spanish or Portuguese culture with origins in Mexico,~~
10 ~~South or Central America, or the Caribbean islands,~~
11 ~~regardless of race); (iii) Asian American (a person~~
12 ~~with origins in any of the original peoples of the Far~~
13 ~~East, Southeast Asia, the Indian subcontinent,~~
14 ~~including Pakistan, and the Pacific Islands,~~
15 ~~including, among others, Hawaii, Melanesia, Micronesia~~
16 ~~and Polynesia); or (iv) Native American (a person who~~
17 ~~is a member of a federally or state recognized Indian~~
18 ~~tribe, or whose parents or grandparents have such~~
19 ~~membership) and to include the native people of Alaska.~~

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

1 Illinois institution of higher learning; (v) who is
2 enrolled in a course of study leading to teacher
3 certification, including alternative teacher
4 certification; (vi) who maintains a grade point average of
5 no less than 2.5 on a 4.0 scale; and (vii) who continues to
6 advance satisfactorily toward the attainment of a degree.

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

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

23 (d) The total amount of minority teacher scholarship
24 assistance awarded by the Commission under this Section to an
25 individual in any given fiscal year, when added to other
26 financial assistance awarded to that individual for that year,

1 shall not exceed the cost of attendance at the institution at
2 which the student is enrolled. If the amount of minority
3 teacher scholarship to be awarded to a qualified student as
4 provided in subsection (c) of this Section exceeds the cost of
5 attendance at the institution at which the student is enrolled,
6 the minority teacher scholarship shall be reduced by an amount
7 equal to the amount by which the combined financial assistance
8 available to the student exceeds the cost of attendance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (110 ILCS 947/65.30)

22 Sec. 65.30. Equal opportunity scholarships.

23 (a) The Commission may annually award a number of
24 scholarships to students who are interested in pursuing studies
25 in educational administration. Such scholarships shall be

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

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

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

23 (d) The Commission may make tuition payments directly to
24 the qualified institution of higher learning which the student
25 attends for the courses prescribed or may make payments to the
26 student. Any student who receives payments and who fails to

1 enroll in the courses prescribed shall refund the payments to
2 the Commission.

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

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

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

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

6 (h) For purposes of this Section:

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

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

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

1 maintains 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
4 the Indian subcontinent, including, but not limited
5 to, Cambodia, China, India, Japan, Korea, Malaysia,
6 Pakistan, the Philippine Islands, Thailand, and
7 Vietnam).

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

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

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

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

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

1 ~~or~~

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

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

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

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

9 (215 ILCS 5/500-50)

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

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

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

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

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

1 Examinee. "Examinee" means a person who takes an
2 examination.

3 Part. "Part" means a portion of an examination for which a
4 score is calculated.

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

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

9 Pretest item. "Pretest item" means a prospective test
10 question that is included in a test form in order to assess its
11 performance, but is not considered in determining an examinee's
12 score.

13 Minority group or examinees. "Minority group" or "minority
14 examinees" means examinees who are American Indian or Alaska
15 Native, Asian, Black or African American, Hispanic or Latino,
16 or Native Hawaiian or Other Pacific Islander. ~~African American,~~
17 ~~American Indian, Asian, and Hispanic examinees.~~

18 Correct-answer rate. "Correct-answer rate" for an item
19 means the number of examinees who provided the correct answer
20 on an item divided by the number of examinees who answered the
21 item.

22 Correlation. "Correlation" means a statistical measure of
23 the relationship between performance on an item and performance
24 on a part of the examination.

25 (c) The Director shall ask each examinee to self-report on
26 a voluntary basis on the answer sheet, application form, or by

1 other appropriate means, the following information:

2 (1) race or ethnicity (American Indian or Alaska
3 Native, Asian, Black or African American, Hispanic or
4 Latino, Native Hawaiian or Other Pacific Islander, or White
5 ~~African American; white; American Indian; Asian; Hispanic;~~
6 ~~or other~~);

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

10 (3) gender (male or female).

11 The Director must advise all examinees that they are not
12 required to provide this information, that they will not be
13 penalized for not doing so, and that the Director will use the
14 information provided exclusively for research and statistical
15 purposes and to improve the quality and fairness of the
16 examinations.

17 (d) No later than May 1 of each year, the Director must
18 prepare, publicly announce, and publish an Examination Report
19 of summary statistical information relating to each
20 examination administered during the preceding calendar year.
21 Each Examination Report shall show with respect to each
22 examination:

23 (1) For all examinees combined and separately by race
24 or ethnicity, by educational level, by gender, by
25 educational level within race or ethnicity, by education
26 level within gender, and by race or ethnicity within

1 gender:

2 (A) number of examinees;

3 (B) percentage and number of examinees who passed
4 each part;

5 (C) percentage and number of examinees who passed
6 all parts;

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

8 (E) standard deviation of scaled scores on each
9 part.

10 (2) For male examinees, female examinees, Black or
11 African American examinees, white examinees, American
12 Indian or Alaska Native examinees, Asian examinees, ~~and~~
13 Hispanic or Latino examinees, and Native Hawaiian or Other
14 Pacific Islander, respectively, with a high school diploma
15 or G.E.D., the distribution of scaled scores on each part.

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

26 The Director is not required to report separate statistical

1 information for any group or subgroup comprising fewer than 50
2 examinees.

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

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

24 (g) No later than May 1, 2003 and no later than May 1 of
25 every fourth year thereafter, the Director must release to the
26 public and make generally available one representative test

1 form and set of answer keys for each part of each examination.

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

11 (i) In administering the examinations, the Director must
12 make such accommodations for disabled examinees as are
13 reasonably warranted by the particular disability involved,
14 including the provision of additional time if necessary to
15 complete an examination or special assistance in taking an
16 examination.

17 (j) For the purposes of this Section:

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

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

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

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

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

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

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

17 (305 ILCS 5/4-23)

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

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

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

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

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

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

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

20 (6) White (a person having origins in any of the
21 original peoples of Europe, the Middle East, or North
22 Africa). ~~(i) White, not of Hispanic origin, (ii) Black, not~~
23 ~~of Hispanic origin, (iii) Asian or Pacific Islander, (iv)~~
24 ~~Hispanic (includes Mexican, Puerto Rican, Cuban,~~
25 ~~Dominican, or other South or Central American culture,~~
26 ~~regardless of race), (v) other, or (vi) racial or ethnic~~

1 ~~group not available.~~

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

4 (1) who are receiving TANF assistance;

5 (2) whose 60-month lifetime limit on receiving
6 assistance has expired;

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

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

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

12 (6) who have returned to TANF 6 months after leaving
13 due to earned income;

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

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

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

21 (10) who are participating in post-secondary education
22 activities.

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

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

1 (625 ILCS 5/11-212)

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

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

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

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

16 (2) the alleged traffic violation that led to the stop
17 of the motorist;

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

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

22 (5) the location of the traffic stop;

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

1 given or denied;

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

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

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

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

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

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

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

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

5 (5) the location of the traffic stop;

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

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

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

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

18 (c) The Illinois Department of Transportation shall
19 provide a standardized law enforcement data compilation form on
20 its website.

21 (d) Every law enforcement agency shall, by March 1 with
22 regard to data collected during July through December of the
23 previous calendar year and by August 1 with regard to data
24 collected during January through June of the current calendar
25 year, compile the data described in subsections (a) and (b) on
26 the standardized law enforcement data compilation form

1 provided by the Illinois Department of Transportation and
2 transmit the data to the Department.

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

16 (1) The percentage of minority drivers or passengers
17 being stopped in a given area is substantially higher than
18 the proportion of the overall population in or traveling
19 through the area that the minority constitutes.

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

23 (3) A disparity between the proportion of citations
24 issued to minorities and proportion of minorities in the
25 population.

26 (4) A disparity among the officers of the same law

1 enforcement agency with regard to the number of minority
2 drivers or passengers being stopped in a given area.

3 (5) A disparity between the frequency of searches
4 performed on minority drivers and the frequency of searches
5 performed on non-minority drivers.

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

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

23 (h) The Illinois Department of Transportation, in
24 consultation with law enforcement agencies, officials, and
25 organizations, including Illinois chiefs of police, the
26 Department of State Police, the Illinois Sheriffs Association,

1 and the Chicago Police Department, and community groups and
2 other experts, shall undertake a study to determine the best
3 use of technology to collect, compile, and analyze the traffic
4 stop statistical study data required by this Section. The
5 Department shall report its findings and recommendations to the
6 Governor and the General Assembly by March 1, 2004.

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

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

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

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

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

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

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

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

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

8 (720 ILCS 5/17-29)

9 Sec. 17-29. Businesses owned by minorities, females, and
10 persons with disabilities; fraudulent contracts with
11 governmental units.

12 (a) In this Section:

13 "Minority person" means a person who is any of the
14 following:

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

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

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

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

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

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

10 ~~(1) African American (a person having origins in any of~~
11 ~~the black racial groups in Africa); (2) Hispanic (a person~~
12 ~~of Spanish or Portuguese culture with origins in Mexico,~~
13 ~~South or Central America, or the Caribbean Islands,~~
14 ~~regardless of race); (3) Asian American (a person having~~
15 ~~origins in any of the original peoples of the Far East,~~
16 ~~Southeast Asia, the Indian Subcontinent or the Pacific~~
17 ~~Islands); or (4) Native American or Alaskan Native (a~~
18 ~~person having origins in any of the original peoples of~~
19 ~~North America).~~

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

21 "Person with a disability" means a person who is a
22 person qualifying as being disabled.

23 "Disabled" means a severe physical or mental
24 disability that: (1) results from: amputation, arthritis,
25 autism, blindness, burn injury, cancer, cerebral palsy,
26 cystic fibrosis, deafness, head injury, heart disease,

1 hemiplegia, hemophilia, respiratory or pulmonary
2 dysfunction, mental retardation, mental illness, multiple
3 sclerosis, muscular dystrophy, musculoskeletal disorders,
4 neurological disorders, including stroke and epilepsy,
5 paraplegia, quadriplegia and other spinal cord conditions,
6 sickle cell anemia, specific learning disabilities, or end
7 stage renal failure disease; and (2) substantially limits
8 one or more of the person's major life activities.

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

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

22 "Business owned by a person with a disability" means a
23 business concern that is at least 51% owned by one or more
24 persons with a disability and the management and daily
25 business operations of which are controlled by one or more
26 of the persons with disabilities who own it. A

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

5 "Governmental unit" means the State, a unit of local
6 government, or school district.

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

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

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

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

4 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

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

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

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

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

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

20 (4) Have written sexual harassment policies that shall
21 include, at a minimum, the following information: (i) the
22 illegality of sexual harassment; (ii) the definition of
23 sexual harassment under State law; (iii) a description of
24 sexual harassment, utilizing examples; (iv) the vendor's

1 internal complaint process including penalties; (v) the
2 legal recourse, investigative and complaint process
3 available through the Department and the Commission; (vi)
4 directions on how to contact the Department and Commission;
5 and (vii) protection against retaliation as provided by
6 Section 6-101 of this Act. A copy of the policies shall be
7 provided to the Department upon request.

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

10 (1) Comply with the procedures and requirements of the
11 Department's regulations concerning equal employment
12 opportunities and affirmative action;

13 (2) Provide such information and assistance as the
14 Department may request.

15 (3) Establish, maintain, and carry out a continuing
16 affirmative action plan consistent with this Act and the
17 regulations of the Department designed to promote equal
18 opportunity for all State residents in every aspect of
19 agency personnel policy and practice. For purposes of these
20 affirmative action plans, the race and national origin
21 categories to be included in the plans are: American Indian
22 or Alaska Native, Asian, Black or African American,
23 Hispanic or Latino, Native Hawaiian or Other Pacific
24 Islander. ~~African American, Hispanic or Latino, Native~~
25 ~~American, Asian, and any other category as required by~~
26 ~~Department rule.~~

1 This plan shall include a current detailed status
2 report:

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

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

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

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

24 (e) establishing a numerical hiring goal for the
25 employment of qualified persons with disabilities in
26 the agency as a whole, to be based on the proportion of

1 people with work disabilities in the Illinois labor
2 force as reflected in the most recent decennial Census.

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

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

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

20 (c) Making changes in recruitment, training and
21 promotion programs and in hiring and promotion
22 procedures designed to eliminate discriminatory
23 practices when authorized.

24 (d) Evaluating tests, employment policies,
25 practices and qualifications and reporting to the head
26 of the agency and to the Department any policies,

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

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

11 In any meeting, investigation, negotiation,
12 conference, or other proceeding between a State
13 employee and an Equal Employment Opportunity officer,
14 a State employee (1) who is not covered by a collective
15 bargaining agreement and (2) who is the complaining
16 party or the subject of such proceeding may be
17 accompanied, advised and represented by (1) an
18 attorney licensed to practice law in the State of
19 Illinois or (2) a representative of an employee
20 organization whose membership is composed of employees
21 of the State and of which the employee is a member. A
22 representative of an employee, other than an attorney,
23 may observe but may not actively participate, or advise
24 the State employee during the course of such meeting,
25 investigation, negotiation, conference or other
26 proceeding. Nothing in this Section shall be construed

1 to permit any person who is not licensed to practice
2 law in Illinois to deliver any legal services or
3 otherwise engage in any activities that would
4 constitute the unauthorized practice of law. Any
5 representative of an employee who is present with the
6 consent of the employee, shall not, during or after
7 termination of the relationship permitted by this
8 Section with the State employee, use or reveal any
9 information obtained during the course of the meeting,
10 investigation, negotiation, conference or other
11 proceeding without the consent of the complaining
12 party and any State employee who is the subject of the
13 proceeding and pursuant to rules and regulations
14 governing confidentiality of such information as
15 promulgated by the appropriate State agency.
16 Intentional or reckless disclosure of information in
17 violation of these confidentiality requirements shall
18 constitute a Class B misdemeanor.

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

22 (a) Develop a written sexual harassment policy
23 that includes at a minimum the following information:
24 (i) the illegality of sexual harassment; (ii) the
25 definition of sexual harassment under State law; (iii)
26 a description of sexual harassment, utilizing

1 examples; (iv) the agency's internal complaint process
2 including penalties; (v) the legal recourse,
3 investigative and complaint process available through
4 the Department and the Commission; (vi) directions on
5 how to contact the Department and Commission; and (vii)
6 protection against retaliation as provided by Section
7 6-101 of this Act. The policy shall be reviewed
8 annually.

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

17 (c) Provide training on sexual harassment
18 prevention and the agency's sexual harassment policy
19 as a component of all ongoing or new employee training
20 programs.

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

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

26 (b) The State executive department, State agency,

1 board, commission, or instrumentality in which the
2 layoffs are to occur must notify each employee targeted
3 for layoff, the employee's union representative (if
4 applicable), and the State Dislocated Worker Unit at
5 the Department of Commerce and Economic Opportunity.

6 (c) The State executive department, State agency,
7 board, commission, or instrumentality in which the
8 layoffs are to occur must conform to applicable
9 collective bargaining agreements.

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

20 As used in this subsection (B), "disability" shall be
21 defined in rules promulgated under the Illinois Administrative
22 Procedure Act.

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

25 (1) fail to comply with the public contractor's or
26 eligible bidder's duty to refrain from unlawful

1 discrimination and discrimination based on citizenship
2 status in employment under subsection (A)(1) of this
3 Section; or

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

14 (D) As used in this Section:

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

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

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

1 "Black or African American".

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

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

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