

AN ACT concerning State government.

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

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

(20 ILCS 65/20-15)

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

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

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

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

- ~~(1) American Indian and Alaska Native alone.~~
- ~~(2) Asian alone.~~
- ~~(3) Black or African American alone.~~
- ~~(4) Hispanic or Latino of any race.~~
- ~~(5) Native Hawaiian and Other Pacific Islander alone.~~
- ~~(6) White alone.~~
- ~~(7) Middle Eastern or North African.~~
- ~~(8) Some other race alone.~~
- ~~(9) Two or more races.~~

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

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

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

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

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

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

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

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

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

- (1) the Office of the Governor;
- (2) the Department of Innovation and Technology;
- (3) the Department of Human Services; and
- (4) the Governor's Office of Management and Budget.

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

- (1) Catalog relevant demographic data and share the resultant metadata.
- (2) Identify similar fields in data sets ~~datasets~~.
- (3) Manage data requests.
- (4) Share data.
- (5) Collect data.
- (6) Improve and clean data.
- (7) Match data across the Board and Departments.
- (8) Develop research and analytic agendas.

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

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

(11) Define common roles for data management.

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

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

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

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

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

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

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

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