



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2968

Introduced 1/31/2024, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

20 ILCS 65/20-15

Amends the Data Governance and Organization to Support Equity and Racial Justice Act. Provides that, when the State Board of Education and specified Departments report demographic data, they shall use the same classifications as the Governor's Office of Equity, or other classifications as designated by the Governor, to develop a common set of racial and ethnic classifications for use by the Board and Department. Provides that the demographic classifications established shall be reviewed and updated as necessary every 5 years. Provides for exemptions from this reporting requirement. Provides that the Governor's Office of Equity shall establish a project implementation team to oversee the implementation of the Act. Provides that the Governor's Office of Equity or other entity as the Governor may designate shall work in conjunction with the Department of Innovation and Technology to identify and provide advice on common technological processes and procedures. Makes other changes.

LRB103 38116 SPS 68248 b

1 AN ACT concerning State government.

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

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

7 (20 ILCS 65/20-15)

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

10 (a) By September 30 of each year ~~On or before July 1, 2022~~  
11 ~~and each July 1 thereafter~~, the Board and the Department shall  
12 issue a report, for the prior State fiscal year, that sets out  
13 statistical data related to ~~on~~ the racial, ethnic, age, sex,  
14 disability status, sexual orientation, gender identity, and  
15 primary or preferred language demographics of program  
16 participants for each major program administered by the Board  
17 or the Department, except as provided in subsection (a-5).  
18 Except as provided in subsection (b), when reporting the data  
19 required under this Section, the Board or the Department shall  
20 use for each program the same racial, ~~and~~ ethnic, age, sex,  
21 disability status, sexual orientation, gender identity, and  
22 primary or preferred language demographic classifications  
23 established by the Governor's Office of Equity, or other

1 classifications as designated by the Governor, to develop a  
2 common set or racial and ethnic classifications for use by the  
3 Board and Department. ~~classifications for each program, which~~  
4 ~~shall include, but not be limited to, the following:~~

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

6 ~~(2) Asian alone.~~

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

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

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

10 ~~(6) White alone.~~

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

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

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

14 The demographic classifications established by the  
15 Governor's Office of Equity or other classifications as  
16 designated by the Governor shall be reviewed and shall be  
17 updated, if necessary, every 5 years after the effective date  
18 of this amendatory Act of the 103rd General Assembly. The  
19 demographic classifications may be reviewed and updated at  
20 other times as directed by the Governor. ~~The Board and the~~  
21 ~~Department may further define, by rule, the racial and ethnic~~  
22 ~~classifications, including, if necessary, a classification of~~  
23 ~~"No Race Specified".~~

24 (a-5) In relation to major program participants, the Board  
25 shall not be required to collect personally identifiable  
26 information and report statistical data on the categories of

1 sex, sexual orientation, and gender identity unless required  
2 for federal reporting. The Board shall make available reports  
3 on its ~~Internet~~ website, posted where other mandated reports  
4 are posted, of statistical data on sex, sexual orientation,  
5 and gender identity demographics through anonymous surveys or  
6 other methods as age and developmentally appropriate.

7 (b) If a program administered by the Board or the  
8 Department is funded in whole or in part by federal funds and  
9 is subject to federal reporting requirements that include the  
10 collection and public reporting of statistical data on the  
11 racial and ethnic, age, sex, disability status, sexual  
12 orientation, gender identity, or primary or preferred language  
13 demographic classifications, then the program is exempt from  
14 the demographic collection requirements ~~demographics of~~  
15 ~~program participants, the Department may maintain the same~~  
16 ~~racial and ethnic classifications used under the federal~~  
17 ~~requirements if such classifications differ from the~~  
18 ~~classifications listed in subsection (a)~~ only for those  
19 classifications that are federally reportable.

20 (b-5) If a program administered by the Board or the  
21 Department serves and collects data from individuals younger  
22 than 18 years old, the program is exempt from the sexual  
23 orientation and gender identity demographic collection  
24 requirements described in subsection (a). Nothing in this  
25 Section shall prohibit the Board or Department from collecting  
26 data on sexual orientation or gender identity of persons

1 younger than 18 years old if the data is collected  
2 anonymously, is necessary to make determinations on  
3 eligibility for the program, or is required by the program to  
4 provide services.

5 (b-6) If a program administered by the Board or the  
6 Department serves and collects data from individuals younger  
7 than 18 years old or adults who are receiving services due to  
8 having been victims of domestic violence, are receiving  
9 services from the Department of Children and Family Services,  
10 or are under investigation by the Department of Children and  
11 Family Services, the program is exempt from the sexual  
12 orientation and gender identity demographic collection  
13 requirements described in subsection (a). Nothing in this  
14 Section shall prohibit the Board or Department from collecting  
15 data on sexual orientation or gender of the persons described  
16 in this subsection if the data is collected anonymously, is  
17 necessary to make determinations on eligibility for the  
18 program, or is required by the program to provide services.

19 (b-7) The Governor's Office of Equity shall establish a  
20 project implementation team to oversee the implementation of  
21 this Act consisting of one representative from each of the  
22 following:

23 (1) the Governor's Office;

24 (2) the Department of Innovation and Technology; and

25 (3) the Governor's Office of Management and Budget.

26 (c) The Department of Innovation and Technology, in

1 conjunction with the Governor's Office of Equity or other  
2 entity as the Governor may designate, shall assist the Board  
3 and the Department by identifying and providing advice on  
4 ~~establishing~~ common technological processes and procedures for  
5 the Board and the Department to:

6 (1) Catalogue relevant demographic Catalog data and  
7 share described resultant metadata.

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

9 (3) Manage data requests.

10 (4) Share data.

11 (5) Collect data.

12 (6) Improve and clean data.

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

14 (8) Develop research and analytic agendas.

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

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

19 (11) Define common roles for data management.

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

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

1 (d) If the Board or the Department is unable to begin  
2 reporting the data required by subsection (a) by September 30  
3 immediately following the effective date of this amendatory  
4 Act of the 103rd General Assembly July 1, 2022, the Board or  
5 the Department shall state the reasons for the delay under the  
6 reporting requirements of subsection (e). If the Board or  
7 Department is unable to report all data required by subsection  
8 (a) by the succeeding September 30, the Board or the  
9 Department shall provide all available data and shall state  
10 the reasons for the delay in reporting the remaining data. By  
11 September 30, 2026, the Board or the Department shall file a  
12 report containing the data required by subsection (a).

13 (e) By no later than March 31, 2022, the Board and the  
14 Department shall provide a progress report to the General  
15 Assembly to disclose: (i) the programs and data sets ~~datasets~~  
16 that have been cataloged for which race, ethnicity, age, sex,  
17 disability status, sexual orientation, gender identity, and  
18 primary or preferred language have been standardized; and (ii)  
19 to the extent possible, the data sets ~~datasets~~ and programs  
20 that are outstanding for each agency and the data sets  
21 ~~datasets~~ that are planned for the upcoming year. On or before  
22 March 31, 2023, and, again, on or before March 31, 2024 ~~each~~  
23 ~~year thereafter~~, the Board and the Department shall provide an  
24 updated report to the General Assembly. Beginning in calendar  
25 year 2025, the Board and the Department shall provide an  
26 updated progress report to the General Assembly on or before

1 April 30 of each year.

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

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

13 (Source: P.A. 102-543, eff. 8-20-21; 103-154, eff. 6-30-23;  
14 103-175, eff. 6-30-23; 103-414, eff. 1-1-24; revised  
15 12-12-23.)