



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3762

Introduced 2/9/2024, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Language Equity and Access Act. Requires the Governor's Office of New Americans, in partnership with the Department of Human Services, to: prepare a Language Needs Assessment Report that identifies the languages spoken throughout the State; assist State agencies in the creation of language access plans; provide oversight and central coordination to State agencies in the implementation of language access requirements under this Act; ensure that each State agency develops an internal complaint and review process specific to the provision of language assistance services in addressing complaints in a timely manner; and perform other duties. Requires the Office and Department to work with State agencies to compile available United States Census data on language used across the State to inform the Language Needs Assessment Report. Provides that the report shall be updated every 10 years in conjunction with the decennial federal census. Requires each State agency to prepare and submit a language access plan to the Governor's Office of New Americans.

LRB103 38804 JRC 68941 b

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 1. Short title. This Act may be cited as the  
5 Language Equity and Access Act.

6 Section 5. Legislative purpose. The purpose of this Act is  
7 to ensure that all residents of the State have equal access to  
8 State services and, in particular, to remove language as a  
9 barrier for persons who have limited English proficiency and  
10 who may, therefore, be excluded from equitable access to State  
11 information, programs, services, and activities. It is the  
12 intent of the General Assembly that the State adopt a language  
13 equity and access framework that incorporates federal guidance  
14 for ensuring meaningful access for persons with limited  
15 English proficiency as provided by the Illinois Human Rights  
16 Act, the Illinois Civil Rights Act of 2003, Title VI of the  
17 Civil Rights Act of 1964, U.S. Presidential Executive Order  
18 No. 13166 (Improving Access to Services for Persons with  
19 Limited English Proficiency), U.S. Presidential Executive  
20 Order 13985 (Strengthen Racial Equity and Support for  
21 Underserved Communities Through the Federal Government), U.S.  
22 Presidential Executive Order 14091 (Further Advancing Racial  
23 Equity and Support for Underserved Communities Through the

1 Federal Government), other non-discrimination provisions in  
2 federal or State statutes, and any succeeding provisions of  
3 federal or State law, regulation, or guidance.

4 Section 10. Definitions. In this Act:

5 "Interpretation services" means listening to a  
6 communication in one language and orally converting it to  
7 another language in a manner that preserves the intent and  
8 meaning of the original message.

9 "Limited English proficient person" means an individual  
10 who does not speak English as his or her primary language and  
11 who has a limited ability to read, speak, write, or understand  
12 English.

13 "Meaningful access" means language assistance that results  
14 in accurate, timely, and effective communication at no cost to  
15 limited English proficient persons. For limited English  
16 proficient persons, meaningful access denotes access that is  
17 not unreasonably restricted, delayed, or inferior as compared  
18 to access to programs or activities provided to English  
19 proficient individuals.

20 "State agency" means executive agencies, departments,  
21 boards, commissions, and authorities directly responsible to  
22 the Governor.

23 "Translation services" means the conversion of text from  
24 one language to another in a written form to convey the intent  
25 and essential meaning of the original text.

1 "Vital documents" means documents that affect a person's  
2 access to, retention of, termination of, or exclusion from  
3 program services or benefits or is required by law.

4 Section 15. Statewide Language Equity and Access.

5 (a) This Act is created to ensure meaningful access to  
6 State programs and resources for limited English proficient  
7 persons. This Act requires the Governor's Office of New  
8 Americans, in partnership with the Department of Human  
9 Services, to, at a minimum:

10 (1) prepare, based on available U.S. Census data, a  
11 Language Needs Assessment Report that identifies the  
12 languages spoken throughout the State as described in  
13 Section 25 of this Act;

14 (2) assist State agencies in the creation of language  
15 access plans as detailed in Section 30 of this Act;

16 (3) develop standards and a compliance framework to  
17 assess progress by State agencies, including both key  
18 performance indicators and mechanisms to track them;

19 (4) provide annual reporting on State agency  
20 compliance and progress to the Governor and the General  
21 Assembly;

22 (5) establish requirements for the availability of  
23 interpretation and translation services;

24 (6) set standards for adequate staffing of bilingual  
25 employees at State agencies, including a methodology for

1 monitoring implementation and updating the State Services  
2 Assurance Act and the Bilingual Employment Plan, based on  
3 the Language Needs Assessment Report;

4 (7) incorporate language equity compliance provisions  
5 in State contracts with vendors, grantees and purchase of  
6 care entities; and

7 (8) ensure that whenever an emergency, weather,  
8 health, or other crisis situation has been declared, the  
9 State's limited English person population is adequately  
10 notified of the emergency, information, any actions  
11 required, and has equitable access to emergency resources.

12 (b) The Governor's Office of New Americans, in partnership  
13 with the Department of Human Services, shall lead statewide  
14 efforts in the implementation of the State's language equity  
15 and access efforts for limited English proficient persons and  
16 to ensure meaningful access to information, services,  
17 programs, and activities offered by State agencies for limited  
18 English proficient persons. The role of the Governor's Office  
19 of New Americans and the Department of Human Services in this  
20 work is to advance and monitor implementation of and  
21 compliance with this Act by:

22 (1) providing oversight, central coordination, and  
23 technical assistance to State agencies in the  
24 implementation of language access requirements under this  
25 Act or under any other law, regulation, or guidance  
26 related to language access;

1           (2) reviewing and monitoring each State agency's  
2 language access plan for compliance with this Act;

3           (3) consulting with language access coordinators and  
4 State agency directors or their equivalent;

5           (4) creating, distributing, and making available to  
6 State agencies multilingual signage in the more frequently  
7 encountered languages in the State and other languages as  
8 needed informing individuals of the individual's right to  
9 free interpretation services and how to request language  
10 services;

11           (5) ensuring that each State agency develops an  
12 internal complaint and review process specific to the  
13 provision of language assistance services and supporting  
14 agencies in addressing complaints in a timely manner;

15           (6) developing recommendations for the use of  
16 interpreters and translators, including standards for  
17 certification and qualifications;

18           (7) assisting State agencies in developing  
19 multilingual websites with information about relevant  
20 policies, standards, plans, and complaint processes;

21           (8) assisting State agencies in preparing public  
22 notices of the availability of translation or  
23 interpretation services upon request;

24           (9) preparing an annual compliance report to be  
25 submitted to the Governor and the General Assembly; and

26           (10) addressing other issues as necessary to ensure

1 equity and meaningful participation for persons with  
2 limited English proficiency. The Department of Human  
3 Services shall adopt administrative rules as it deems  
4 necessary to implement this Act.

5 Section 20. Statewide Language Use Needs Assessment. The  
6 Governor's Office of New Americans, in partnership with the  
7 Department of Human Services, shall work with State agencies  
8 to ensure that the State compiles available United States  
9 Census data on languages used across the State, including the  
10 identification of geographic patterns and trend data, to  
11 inform the Language Needs Assessment report. The report shall  
12 be updated at least every 10 years in conjunction with the  
13 decennial federal Census but may be updated more frequently  
14 using other Census data reports.

15 The Language Needs Assessment report shall be made  
16 available to State agencies for the development of their  
17 language access plans and overall improvement in service  
18 provision to limited English proficient persons.

19 Section 25. Language Access Plans.

20 (a) Each State agency shall take reasonable steps to  
21 ensure meaningful access to services, programs, and activities  
22 by limited English proficient persons. Therefore, each State  
23 agency shall prepare and submit a language access plan to the  
24 Governor's Office of New Americans. Each language access plan

1 should describe the population of limited English proficient  
2 persons the agency serves, the policy and programmatic actions  
3 the agency will implement to ensure meaningful access, and the  
4 metrics the agency will use to measure compliance with this  
5 Act.

6 (b) Each State agency shall designate a language access  
7 coordinator who is responsible for overseeing the development  
8 and implementation of the agency's language access plan.

9 (c) The adequacy of a State agency's language access plan  
10 shall be determined by the totality of the circumstances,  
11 including an individualized assessment that balances the  
12 following 4 factors:

13 (1) the number or proportion of limited English  
14 proficient persons who are served or encountered in the  
15 eligible service population of the State agency;

16 (2) the frequency with which limited English  
17 proficient persons come in contact with the services,  
18 programs, or activities provided by the State agency;

19 (3) the nature and importance of the services,  
20 programs, or activities provided by the State agency; and

21 (4) the resources available to the State agency and  
22 the costs.

23 (d) Each State agency shall describe in its plans how it  
24 will provide all of the following:

25 (1) competent, timely translation and interpretation  
26 services to limited English proficient persons who are



1 seeking access to information, services, programs, or  
2 activities provided by the State agency; and

3 (2) vital document translation services for limited  
4 English proficient persons who are seeking access to  
5 information, services, programs, or activities provided by  
6 the State agency, as follows:

7 (A) if there are more than 1,000 limited English  
8 proficient persons in the population of persons served  
9 by the State agency or if limited English proficient  
10 persons comprise more than 5% of the population of  
11 persons served by the State agency; or

12 (B) if there are fewer than 50 persons served by  
13 the State agency that reach the 5% threshold in  
14 subparagraph (A), the State agency shall provide  
15 written notice in the primary language to the limited  
16 English proficient persons of the right to receive  
17 competent oral interpretation of those written  
18 materials free of cost.

19 (3) Following the first submitted plan, language  
20 access plans shall include an assessment of performance  
21 metrics for the previous State fiscal year.

22 (e) The Governor's Office of New Americans, in partnership  
23 with the Department of Human Services, shall develop a  
24 template and mechanism for collecting and analyzing State  
25 agency language access plans.

26 (f) Following completion of the assessment, the Governor's

1 Office of New Americans, in partnership with the Department of  
2 Human Services, shall provide guidance and feedback to each  
3 State agency, including any recommendations to ensure  
4 compliance with this Act.

5 (g) Language access plans shall be made publicly  
6 accessible by each State agency.

7 Section 30. Compliance and Accountability.

8 (a) By January 1, 2027, and every January 1 thereafter,  
9 the Governor's Office of New Americans shall submit a Language  
10 Equity and Access Compliance Report to the General Assembly.  
11 The Compliance Report shall be based on information collected  
12 during the preceding fiscal year and shall, at minimum,  
13 include:

14 (1) key performance metrics for the previous year;

15 (2) the following information for each State agency:

16 (A) the language access plan, including language  
17 access services offered;

18 (B) the number and percentage of people who are  
19 limited English proficient persons who use the  
20 services of the State agency, listed by language other  
21 than English;

22 (C) a roster of bilingual employees, their titles,  
23 office locations, the languages other than English  
24 that the persons speak, and whether or not the  
25 employees are certified as bilingual in that language;

1 (D) the name and contact information of the  
2 language access coordinator for each State agency;

3 (E) a description of any use of telephone-based  
4 interpretation services, including the number of times  
5 telephone-based interpretation services were used, the  
6 languages for which they were used, and the number of  
7 times bilingual employees provided in-person  
8 interpretation services;

9 (F) a description of the:

10 (i) telephone requests for translation or  
11 interpretation services;

12 (ii) in-person requests for translation or  
13 interpretation services; and

14 (iii) electronic requests for translation or  
15 interpretations services;

16 (G) public notices of the availability of  
17 translation or interpretation services upon request;

18 (H) an ongoing employee development and training  
19 strategy to maintain well-trained bilingual employees  
20 and general staff;

21 (I) a list and description of all written  
22 translated materials provided, including the total  
23 number, languages, and services requested; and

24 (J) a list and description of all complaints  
25 received, including information on the number of  
26 complaints, the method received, the breakdown of

1 affected languages, the written response to each  
2 complaint, and the time frame within which each  
3 complaint was handled.

4 (b) State agencies shall respond to language access  
5 complaints, in writing, within 30 days after their receipt.  
6 All complaints and responses shall be recorded in each  
7 agency's respective annual report.

8 (c) The Governor's Office of New Americans may investigate  
9 potential violations of this Act if not resolved by the State  
10 agency. The Governor's Office of New Americans may attempt to  
11 resolve noncompliance with this Act by any State agency  
12 through informal processes, including mediation, conference,  
13 and conciliation.

14 (d) If, after an investigation and attempt to resolve an  
15 incidence of noncompliance, the Governor's Office of New  
16 Americans is unable to resolve the matter, the Governor's  
17 Office of New Americans may transmit a written finding of  
18 noncompliance, specifying the nature of the noncompliance and  
19 the recommended corrective measures to the Governor, and it  
20 may transmit the same information in the annual compliance  
21 report to the General Assembly.

22 Section 35. Administrative support. The Governor's Office  
23 shall provide administrative and other support to carry out  
24 this Act.