



Sen. Karina Villa

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1 AMENDMENT TO SENATE BILL 3762

2 AMENDMENT NO. _____. Amend Senate Bill 3762 by replacing
3 everything after the enacting clause with the following:

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 policy 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

1 Civil Rights Act of 1964, U.S. Presidential Executive Order
2 No. 13166 (Improving Access to Services for Persons with
3 Limited English Proficiency), U.S. Presidential Executive
4 Order 13985 (Advancing Racial Equity and Support for
5 Underserved Communities Through the Federal Government), U.S.
6 Presidential Executive Order 14091 (Further Advancing Racial
7 Equity and Support for Underserved Communities Through the
8 Federal Government), other non-discrimination provisions in
9 federal or State statutes, and any succeeding provisions of
10 federal or State law, regulation, or guidance.

11 Section 10. Definitions. In this Act:

12 "Interpretation" means listening to a communication in one
13 language and orally converting it to another language in a
14 manner that preserves the intent and meaning of the original
15 message.

16 "Language assistance services" means oral and written
17 language services needed to assist LEP individuals to
18 communicate effectively with staff, and to provide LEP
19 individuals with meaningful access to, and equal opportunity
20 to participate fully in, the services, activities, or other
21 programs administered by the State.

22 "Limited English proficient (LEP) person" means an
23 individual who does not speak English as his or her primary
24 language and who has a limited ability to read, speak, write,
25 or understand English.

1 "Meaningful access" means language assistance that results
2 in accurate, timely, and effective communication at no cost to
3 limited English proficient persons. For LEP persons,
4 meaningful access denotes access that is not unreasonably
5 restricted, delayed, or inferior as compared to access to
6 programs or activities provided to English proficient
7 individuals.

8 "State agency" means an executive agency, department,
9 board, commission, or authority directly responsible to the
10 Governor.

11 "Translation" means the conversion of text from one
12 language to another in a written form to convey the intent and
13 essential meaning of the original text.

14 "Vital documents" means paper or electronic written
15 material that contains information that affects a person's
16 access to, retention of, termination of, or exclusion from
17 program services or benefits or is required by law.

18 Section 15. Statewide Language Equity and Access.

19 (a) This Act is created to ensure meaningful access to
20 State programs and resources for limited proficient (LEP)
21 persons. This Act requires the Governor's Office of New
22 Americans, with the support of the Department of Human
23 Services and any other relevant agencies to, at a minimum:

24 (1) prepare, based on available U.S. Census data, a
25 Language Needs Assessment Report that identifies the

1 languages spoken throughout the State as described in
2 Section 25 of this Act;

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

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

8 (4) provide annual reporting on State agency
9 compliance and progress to the Governor and the General
10 Assembly by December 31 of every year starting in 2026;

11 (5) establish requirements for the availability of
12 interpretation and translation services;

13 (6) set standards for adequate staffing of bilingual
14 employees at State agencies, including a methodology for
15 monitoring implementation and updating the State Services
16 Assurance Act and the Bilingual Employment Plan, based on
17 the Language Needs Assessment Report;

18 (7) incorporate language equity compliance provisions
19 in State contracts with vendors, grantees and purchase of
20 care entities; and

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

26 (b) The Governor's Office of New Americans, with the

1 support of the Department of Human Services and any other
2 relevant agencies, shall lead statewide efforts in the
3 implementation of the State's language equity and access
4 policy for LEP persons and to ensure meaningful access to
5 information, services, programs, and activities offered by
6 State agencies for LEP persons. The role of the Governor's
7 Office of New Americans in this work is to advance and monitor
8 implementation of and compliance with this Act by:

9 (1) providing oversight, central coordination, and
10 technical assistance to State agencies in the
11 implementation of language access requirements under this
12 Act or under any other law, rule, or guidance related to
13 language access;

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

16 (3) consulting with Language Access Coordinators and
17 State agency directors or their equivalent;

18 (4) creating, distributing, and making available to
19 State agencies multilingual signage in the more frequently
20 encountered languages in the State and other languages as
21 needed, informing individuals of the individual's right to
22 free interpretation services and how to request language
23 services;

24 (5) ensuring that each State agency develops an
25 internal complaint and review process specific to the
26 provision of language assistance services and supporting

1 agencies in addressing complaints in a timely manner;

2 (6) developing recommendations for the use of
3 interpreters and translators, including standards for
4 certification and qualifications;

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

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

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

13 (10) addressing other issues as necessary to ensure
14 equity and meaningful participation for persons with
15 limited English proficiency.

16 Section 20. Statewide Language Needs Assessment. The
17 Governor's Office of New Americans, with the support of the
18 Department of Human Services and any other relevant State
19 agencies, shall compile available United States Census data on
20 languages used across the State, including the identification
21 of geographic patterns and trend data, to inform the Language
22 Needs Assessment Report. The report shall be updated at least
23 every 10 years in conjunction with the decennial federal
24 Census but may be updated more frequently using other Census
25 data reports.

1 The Language Needs Assessment report shall be made
2 available to State agencies for the development of their
3 language access plans and overall improvement in service
4 provision to LEP persons.

5 Section 25. Language access plans.

6 (a) Each State agency shall take reasonable steps to
7 ensure meaningful access to services, programs, and activities
8 by LEP persons. Therefore, each State agency shall prepare and
9 submit a language access plan to the Governor's Office of New
10 Americans. Each language access plan should describe the
11 population of LEP persons the agency serves, the policy and
12 programmatic actions the agency will implement to ensure
13 meaningful access, and the metrics the agency will use to
14 measure compliance with this Act.

15 (b) Each State agency shall designate a Language Access
16 Coordinator who is responsible for overseeing the development
17 and implementation of the agency's language access plan.

18 (c) The adequacy of a State agency's language access plan
19 shall be determined by the totality of the circumstances,
20 including an individualized assessment that balances the
21 following factors:

22 (1) the number or proportion of LEP persons who are
23 served or encountered in the eligible service population
24 of the State agency;

25 (2) the frequency with which LEP persons come in

1 contact with the services, programs, or activities
2 provided by the State agency;

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

5 (4) the resources available to the State agency and
6 the costs.

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

9 (1) competent, timely translation and interpretation
10 services to LEP persons who are seeking access to
11 information, services, programs, or activities provided by
12 the State agency; and

13 (2) vital document translation services for LEP
14 persons who are seeking access to information, services,
15 programs, or activities provided by the State agency, as
16 follows:

17 (A) if there are more than 1,000 LEP persons in the
18 population of persons served by the State agency or if
19 LEP persons comprise more than 5% of the population of
20 persons served by the State agency; or

21 (B) if there are fewer than 50 persons served by
22 the State agency that reach the 5% threshold in
23 subparagraph (A), the State agency shall provide
24 written notice in the primary language to the LEP
25 persons of the right to receive competent oral
26 interpretation of those written materials free of

1 cost.

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

5 (e) The Governor's Office of New Americans, with the
6 support of the Department of Human Services and any other
7 relevant State agencies, shall develop a template and
8 mechanism for collecting and analyzing State agency language
9 access plans.

10 (f) Following completion of the assessment, the Governor's
11 Office of New Americans, with the support of the Department of
12 Human Services and any other relevant State agencies, shall
13 provide guidance and feedback to each State agency, including
14 any recommendations to ensure compliance with this Act.

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

17 Section 30. Compliance and accountability.

18 (a) No later than July 1, 2025, the Governor's Office of
19 New Americans shall prepare and submit to the General Assembly
20 a Language Equity and Access Status Report detailing the
21 progress made by State agencies in the implementation of this
22 Act, including the development of Language Access Plans.

23 (b) By December 31, 2026, and every December 31
24 thereafter, the Governor's Office of New Americans shall
25 submit a Language Equity and Access Compliance Report to the

1 General Assembly. The Compliance Report shall be based on
2 information collected during the preceding fiscal year and
3 shall, at a minimum, include:

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

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

6 (A) a high-level summary of the language access
7 plan, including language access services offered;

8 (B) as applicable, the number and percentage of
9 LEP persons who use the services of the State agency,
10 listed by language other than English;

11 (C) aggregate data on the number of bilingual
12 employees, by title, who are in roles designated as
13 requiring a person employed in that position to speak
14 or write in a language other than English, including
15 the languages that the persons are required to speak
16 in that role, and whether the employees are certified
17 as bilingual in those languages;

18 (D) the name and contact information of the
19 Language Access Coordinator for each State agency;

20 (E) an ongoing employee development and training
21 strategy to maintain well-trained bilingual employees
22 and general staff;

23 (F) data on the use of any interpretation or
24 translation vendor services such as number and type of
25 language services requested, languages requested, and
26 any other relevant data; and

1 (G) aggregate data on the number of complaints
2 filed and the status or resolution of the complaints.

3 (c) The Governor's Office of New Americans shall attempt
4 to resolve a language access complaint received by a State
5 agency if the agency does not resolve the complaint in a timely
6 manner or the resolution is inadequate. Upon referral of a
7 complaint, the Governor's Office of New Americans may engage
8 in informal processes, including mediation, conference, and
9 conciliation, to resolve the complaint.

10 Section 35. Implementation. The Governor's Office of New
11 Americans may work in collaboration with the Department of
12 Human Services and any other relevant State agency to
13 implement this Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."