



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3222

Introduced 2/17/2023, by Rep. Dagmara Avelar

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Office of Language Equity and Access Act. Provides that the Office of Language Equity and Access is created in the Governor's Office of New Americans to ensure equitable and meaningful access to State information, services, programs, and activities for persons who have limited English proficiency. Provides that the Director of the Office shall work with State agencies and use available resources within the Office of New Americans and Office of Equity to ensure that, among other things, each State agency takes reasonable steps to ensure meaningful access to services, programs, and activities by persons with limited English proficiency. Provides that the Office shall have a full-time Director who is bilingual and has experience in serving immigrant populations. Describes the duties and responsibilities of the Director. Provides that there shall be a bilingual employment plan, which would require designations of positions as bilingual and result in the hiring of qualified personnel who are bilingual. Provides that the Director shall comply with specified requirements concerning the need for interpreters and translators. Provides that the Director shall develop a template and mechanism for collecting, storing, and analyzing language access plans.

LRB103 30288 DTM 56716 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 1. Short title. This Act may be cited as the Office  
5 of 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 are, therefore, excluded from equitable access to State  
11 information, programs, services, and activities. The purpose  
12 of the Office of Language Equity and Access is to lead  
13 statewide efforts to address language equity for residents  
14 with limited English proficiency and to ensure meaningful  
15 access to information, services, programs, and activities  
16 offered by State agencies, including departments, offices,  
17 commissions, boards, or other agencies, and all covered  
18 entities for persons who have limited English proficiency. It  
19 is the intent of the General Assembly for the State's work in  
20 ensuring meaningful access for persons with limited English  
21 proficiency to be guided by Executive Order No. 13166 and any  
22 succeeding provisions of federal law, regulation, or guidance.

1           Section 10. Office of Language Equity and Access;  
2 creation. The Office of Language Equity and Access is created  
3 in the Governor's Office of New Americans to ensure equitable  
4 and meaningful access to State information, services,  
5 programs, and activities.

6           Section 15. Statewide language equity policies.

7           (a) The Office of Language Equity and Access shall develop  
8 comprehensive and consistent policies advancing meaningful  
9 access to State programs and resources for persons with  
10 limited English proficiency.

11           (b) The Office of Language Equity and Access shall monitor  
12 implementation of and compliance with the policies it develops  
13 under subsection (a).

14           (c) The policies developed by the Office of Language  
15 Equity and Access shall, at a minimum:

16           (1) establish requirements for the availability of  
17 interpretation and translation services at State agencies;

18           (2) set standards for adequate staffing of bilingual  
19 employees at State agencies, including standards for  
20 monitoring implementation of the standards and standards  
21 for updating the State Services Assurance Act, based on  
22 current limited English population assessments conducted  
23 under Section 20 of this Act;

24           (3) set standards for State agency language access  
25 plan development and compliance; and

1           (4) address other issues related to ensuring equity  
2           for persons with limited English proficiency.

3           Section 20. Assessment of oral and written language  
4           services. The Director of the Office of Language Equity and  
5           Access shall work with State agencies and use available  
6           resources within the Office of New Americans and the Office of  
7           Equity to ensure the following:

8           (1) Each State agency and all covered entities shall  
9           take reasonable steps to ensure meaningful access to  
10          services, programs, and activities by persons with limited  
11          English proficiency, which will be determined by the  
12          totality of the circumstances, including the following  
13          factors:

14                 (A) the number or proportion of persons with  
15                 limited English proficiency served or encountered in  
16                 the eligible service population;

17                 (B) the frequency with which persons with limited  
18                 English proficiency come in contact with the services,  
19                 programs, or activities;

20                 (C) the nature and importance of the services,  
21                 programs, or activities; and

22                 (D) the resources available to the State or  
23                 covered entity and the costs.

24          (2) Subject to subsection (a), each State agency and  
25          covered entity shall provide competent, timely oral

1 language services to persons with limited English  
2 proficiency who seek to access information, services,  
3 programs, or activities.

4 (3) Subject to subsection (a), each State agency and  
5 covered entity shall provide written translations of vital  
6 documents to limited English proficient persons who seek  
7 to access information, services, programs, or activities,  
8 as follows:

9 (A) written translations of vital documents for  
10 each eligible limited English proficient group that  
11 constitutes 5% or 1,000 members, whichever is less, of  
12 the population of persons eligible to be served or  
13 likely to be affected or encountered; or

14 (B) if there are fewer than 50 persons in a limited  
15 English proficient group that reaches the 5% threshold  
16 in paragraph (1), written notice in the primary  
17 language to the limited English proficient language  
18 group of the right to receive competent oral  
19 interpretation of those written materials free of  
20 cost.

21 Section 25. Duties and responsibilities.

22 (a) The Office of Language Equity and Access shall have a  
23 full-time Director who is bilingual and has experience in  
24 serving immigrant populations.

25 (b) The Director shall:

1           (1) provide oversight, central coordination, and  
2 technical assistance to State agencies in the State  
3 agencies' implementation of language access requirements  
4 under this Act or under any other law, regulation, or  
5 guidance;

6           (2) provide technical assistance to covered entities  
7 in the covered entities' implementation of this Act;

8           (3) review and monitor each State agency's language  
9 access plan for compliance with this Act;

10          (4) consult with language access coordinators, the  
11 language access advisory council, and State agency  
12 directors or their equivalent;

13          (5) create, distribute, and make available to State  
14 agencies multilingual signage in the more frequently  
15 encountered languages in the State, and other languages as  
16 needed, informing individuals of the individual's right to  
17 free oral language services and how to request language  
18 services; and

19          (6) create multilingual websites with information  
20 about the Office of Language Equity and Access and  
21 information about the policies, standards, plans, and  
22 complaint processes developed and used by the Office of  
23 Language Equity and Access.

24          (c) The Office of Language Equity and Access shall adopt  
25 administrative rules as necessary to implement this Act.

1 Section 30. Bilingual employment plan.

2 (a) The Director shall prepare a bilingual employment  
3 plan.

4 (b) The Director shall coordinate with the Directors of  
5 other State agencies to designate specified positions in State  
6 agencies as bilingual positions.

7 (c) The Director shall work directly with State agencies  
8 to ensure appropriate levels of bilingual staff.

9 Section 35. Interpreters and translators. The Director  
10 shall also:

11 (1) identify or create a plan for certification of  
12 qualified interpreters and translators;

13 (2) use certified qualified interpreters for legal,  
14 administrative hearings, appeals, and health services;

15 (3) continue working with community partners who  
16 provide navigation and advocacy in multiple languages,  
17 without the need of certification;

18 (4) maintain a roster, or a method of accessing,  
19 qualified interpreters and translators;

20 (5) maintain a procedure for accessing interpreters  
21 and translators and train State agencies on how to utilize  
22 the procedure; and

23 (6) monitor usage and provide oversight of the State's  
24 language line vendor and make any necessary  
25 recommendations for improving efficiency.

1 Section 40. Language access plans.

2 (a) The Director shall develop a template and mechanism  
3 for collecting, storing, and analyzing language access plans.  
4 Language access plans are a key component of the Office of New  
5 Americans plans.

6 (b) Subsequent to the first submitted plan, language  
7 access plans shall include an assessment of performance  
8 metrics for the previous year.

9 (c) Upon review, the Director is responsible for providing  
10 feedback to each State agencies with corrective action  
11 recommendations to ensure compliance with the language access  
12 plans.

13 (d) Each State Agency designates a language access  
14 coordinator.

15 (e) Language access plans and evaluations are made public  
16 and accessible.

17 (f) The Director shall develop a rating framework for  
18 evaluation of language access plans and implementation.

19 Section 45. Administrative support. The Governor's Office  
20 of New Americans shall provide administrative and other  
21 support to the Office of Language Equity and Access.