



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5387

Introduced 2/9/2024, by Rep. Dagmara Avelar

SYNOPSIS AS INTRODUCED:

New Act

Creates the Language Equity and Access Act. Creates the Division of Language Equity and Access within the Governor's Office of New Americans to lead statewide efforts in the implementation of the State's language equity and access policy for limited English proficient persons and to ensure meaningful access to information, services, programs, and activities offered by State agencies and other covered entities, including departments, offices, commissions, boards, or other agencies, for limited English proficient persons. Provides that the Division shall provide expertise and monitor implementation of the Act. Provides that the Division shall work with State agencies and covered entities and use other available State resources, such as the Office of New Americans, the Office of Equity, and the Department of Human Services Bureau of Refugee and Immigrant Services, to ensure that the State compiles available U.S. Census data on languages used across the State, including the identification of geographic patterns and trend data. Provides that each State agency and covered entity shall prepare a language access plan that will describe its limited English proficient service population, the policy and programmatic actions it will implement and the metrics that will be used to measure compliance. Provides that the Division will prepare and submit a Language Equity and Access Compliance Report to the General Assembly by January 1, 2026 and annually thereafter. Provides that the Governor's Office shall provide administrative and other support to the Governor's Office of New Americans and its Division of Language Equity and Access. Defines terms. Effective July 1, 2025.

LRB103 38827 JRC 68964 b

A BILL FOR

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
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 Title VI of the Civil
16 Rights Act of 1964, U.S. Presidential Executive Order No.
17 13166 (Improving Access to Services for Persons with Limited
18 English Proficiency), U.S. Presidential Executive Order 13985
19 (Strengthen Racial Equity and Support for Underserved
20 Communities Through the Federal Government), U.S. Presidential
21 Executive Order 14091 (Further Advancing Racial Equity and
22 Support for Underserved Communities Through the Federal
23 Government), other non-discrimination provisions in federal

1 statute, and any succeeding provisions of federal or state
2 law, regulation, or guidance.

3 Section 10. Definitions. In this Act:

4 "Covered entity" means any office, commission, board,
5 authority, or other body that is directly responsible to an
6 executive branch constitutional officer other than the
7 Governor.

8 "Division of Language Equity and Access" or "DLEA" means
9 the Division of Language Equity and Access within the
10 Governor's Office of New Americans.

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

15 "Limited English proficient person" means a person, or the
16 family member, caregiver, or decision maker of a person, who
17 does not speak English as their primary language and who may
18 have a limited ability to read, write, speak, or understand
19 English.

20 "Meaningful access" means the provision of services in a
21 manner that is equally accessible, without delay, denial or
22 difference, and is meaningful to all individuals seeking
23 services, regardless of their ability to speak or understand
24 English.

25 "State agency" means executive agencies, departments,

1 boards, commissions, and authorities directly responsible to
2 the Governor.

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

6 "Vital documents" means documents that affect a person's
7 access to, retention of, termination of, or exclusion from
8 program services or benefits.

9 Section 15. Statewide language equity and access. This Act
10 is created to ensure meaningful access to State programs and
11 resources for limited English proficient persons. This Act
12 requires the Division of Language Equity and Access to, at a
13 minimum:

14 (1) compile, based on available U.S. Census data, a
15 Language Needs Assessment Report that identifies the
16 languages spoken throughout the State as described in
17 Section 25 of this Act;

18 (2) prepare a language access plan as detailed in
19 Section 30 of this Act;

20 (3) develop a rating and compliance framework to
21 assess progress by State agencies and covered entities,
22 including key performance indicators;

23 (4) prepare a compliance and progress report to be
24 submitted on an annual basis to the Governor and the
25 General Assembly by January 1 of every year;

1 (5) establish requirements for the availability of
2 interpretation and translation services;

3 (6) set standards for adequate staffing of bilingual
4 employees at State agencies and other covered entities,
5 including a methodology for monitoring implementation and
6 updating the State Services Assurance Act and the
7 Bilingual Employment Plan, based on current Language Needs
8 Use Assessment Report conducted under Section 30 of this
9 Act;

10 (7) incorporate language equity compliance provisions
11 in State contracts with vendors, grantees and purchase of
12 care entities;

13 (8) ensure that whenever an emergency, weather, health
14 or other crisis situation has been declared, the State's
15 Limited English Person population is adequately notified
16 of the emergency, information and any actions required,
17 and has equitable access to emergency resources; and

18 (9) create the Division of Language Equity and Access
19 within the Governor's Office of New Americans to monitor
20 and provide expertise to ensure the implementation of this
21 Act.

22 Section 20. Division of Language Equity and Access. The
23 Division of Language Equity and Access is hereby created
24 within the Governor's Office of New Americans to lead
25 statewide efforts in the implementation of the State's

1 language equity and access policy for limited English
2 proficient persons and to ensure meaningful access to
3 information, services, programs, and activities offered by
4 State agencies and other covered entities, including
5 departments, offices, commissions, boards, or other agencies,
6 for limited English proficient persons. DLEA shall have a
7 full-time director who is bilingual and has experience in
8 serving immigrant populations. The role of DLEA is to advance
9 and monitor implementation of and compliance with this Act by:

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

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

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

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

25 (5) creating the complaint and investigation process
26 for limited English proficient persons to report language

1 equity and access violations;

2 (6) developing recommendations for a statewide policy
3 and draft a corresponding plan for the utilization of
4 interpreters and translators, including standards for
5 certification and qualifications;

6 (7) developing multilingual websites with information
7 about DLEA and information about relevant policies,
8 standards, plans, and complaint processes;

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

11 (9) addressing other issues as necessary to ensure
12 equity and meaningful participation for persons with
13 limited English proficiency.

14 The DLEA shall adopt administrative rules as necessary to
15 implement and administer this Act.

16 Section 25. Statewide language use needs assessment. The
17 DLEA shall work with State agencies and covered entities and
18 shall use other available State resources, such as the Office
19 of New Americans, the Office of Equity, and the Department of
20 Human Services Bureau of Refugee and Immigrant Services, to
21 ensure the State compiles available U.S. Census data on
22 languages used across the State, including the identification
23 of geographic patterns and trend data. The Language Use and
24 Needs Report shall be compiled at least every 10 years in
25 conjunction with the decennial federal Census but may be

1 updated periodically using other Census data reports.

2 This Report will be made available to State agencies and
3 covered entities for the development of their language access
4 plans and overall improvement in service provision to limited
5 English proficient persons.

6 Section 30. Language access plans.

7 (a) Each State agency and all covered entities shall take
8 reasonable steps to ensure meaningful access to services,
9 programs, and activities by limited English proficient
10 persons. Therefore, each State agency and covered entity shall
11 prepare a language access plan, which will describe the
12 population of limited English proficient persons it serves,
13 the policy and programmatic actions it will implement, and the
14 metrics it will use to measure compliance with this Act.

15 (b) Each State agency and covered entity shall designate a
16 language access coordinator who is responsible for the
17 language access plan and plan activities.

18 (c) The adequacy of State agencies and covered entities'
19 plans are determined by the totality of the circumstances,
20 including the following 4 factors listed by federal guidance.
21 Therefore, each language access plan must begin with a
22 language needs assessment that includes the following
23 information:

24 (1) the number or proportion of limited English
25 proficient persons who are served or encountered in the

1 eligible service population of the State agency or covered
2 entity;

3 (2) the frequency with which limited English
4 proficient persons come in contact with the services,
5 programs, or activities provided by the State agency or
6 covered entity;

7 (3) the nature and importance of the services,
8 programs, or activities provided by the State agency or
9 covered entity; and

10 (4) the resources available to the State or covered
11 entity and the costs.

12 (d) Furthermore, each State agency and covered entity
13 shall describe in its plans how it will provide all of the
14 following:

15 (1) competent, timely translation services to limited
16 English proficient persons who are seeking access to
17 information, services, programs, or activities provided by
18 the State agency or covered entity; and

19 (2) vital document translation services for limited
20 English proficient persons who are seeking access to
21 information, services, programs, or activities provided by
22 the State agency or covered entity, as follows:

23 (A) if there are more than 1,000 limited English
24 proficient persons in the population of persons served
25 by the State agency or covered entity or if limited
26 English proficient persons comprise more than 5% of

1 the population of persons served by the State agency
2 or covered entity; or

3 (B) if there are fewer than 50 persons served by
4 the State agency or covered entity that reach the 5%
5 threshold in subsection (a), the State agency or
6 covered entity shall provide written notice in the
7 primary language to the limited English proficient
8 persons of the right to receive competent oral
9 interpretation of those written materials free of
10 cost.

11 (e) The DLEA shall develop a template and mechanism for
12 collecting, storing, and analyzing language access plans.

13 (f) Following the first submitted plan, language access
14 plans shall include an assessment of performance metrics for
15 the previous year.

16 (g) Following completion of the assessment, the DLEA shall
17 provide guidance and feedback to each State agency and covered
18 entity, including any corrective action recommendations to
19 ensure compliance with the language access plans.

20 (h) Language access plans and evaluations shall be made
21 publicly accessible.

22 (i) The DLEA shall develop a rating framework for
23 evaluation of language access plans and implementation.

24 Section 35. Compliance and accountability.

25 (a) By January 1, 2026, and every January 1 thereafter,

1 the DLEA shall submit a Language Equity and Access Compliance
2 Report to the General Assembly. The Compliance Report shall be
3 based on information collected during the preceding fiscal
4 year and shall, at minimum, include:

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

6 (2) the following information for each State agency
7 and covered entity:

8 (A) the language access plan, including language
9 access services offered;

10 (B) the number and percentage of people who are
11 limited English proficient persons who use the
12 services of the State agency or covered entity, listed
13 by language other than English;

14 (C) a roster of bilingual employees, their titles,
15 office locations, the languages other than English
16 that the persons speak, and whether or not the
17 employees are certified as bilingual in that language;

18 (D) the name and contact information of the
19 language access coordinator for each State agency and
20 covered entity;

21 (E) a description of any use of telephone-based
22 interpretation services, including the number of times
23 telephone-based interpretation services were used, the
24 languages for which they were used, and the number of
25 times bilingual employees provided in-person
26 interpretation services;

- 1 (F) a description of the:
- 2 (i) telephone requests for translation or
- 3 interpretation services;
- 4 (ii) in-person requests for translation or
- 5 interpretation services; and
- 6 (iii) electronic requests for translation or
- 7 interpretations services;
- 8 (G) public notices of the availability of
- 9 translation or interpretation services upon request;
- 10 (H) an ongoing employee development and training
- 11 strategy to maintain well-trained bilingual employees
- 12 and general staff;
- 13 (I) a list and description of all written
- 14 translated materials provided, including the total
- 15 number, languages, and services requested; and
- 16 (J) a list and description of all complaints
- 17 received, including information on the number of
- 18 complaints, the method received, the breakdown of
- 19 affected languages, the written response to each
- 20 complaint, and the time frame within which each
- 21 complaint was handled.
- 22 (b) State agencies shall respond to language access
- 23 complaints, in writing, within 30 days after their receipt.
- 24 All complaints and responses shall be recorded in each
- 25 agency's respective annual report.
- 26 (c) The DLEA may investigate potential violations of this

1 Act if not resolved by the State agency or covered entity. The
2 DLEA may attempt to resolve noncompliance with this Act by any
3 State agency or covered party through informal processes,
4 including mediation and conference and conciliation.

5 (d) If, after an investigation and attempt to resolve an
6 incidence of Department noncompliance, the DLEA is unable to
7 resolve the matter, the DLEA may transmit a written finding of
8 noncompliance, specifying the nature of the noncompliance and
9 the recommended corrective measures, to the Governor, and it
10 may transmit the same information in the annual compliance
11 report to the General Assembly.

12 Section 40. Administrative support. The Governor's Office
13 shall provide administrative and other support to the Division
14 of Language Equity and Access.

15 Section 99. Effective date. This Act takes effect on July
16 1, 2025.