

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.

4 In this Act:

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

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 in, termination of, or exclusion from
8 program services or benefits.

9 Section 15. Statewide Language Equity and Access.

10 This Act is created to ensure meaningful access to
11 State programs and resources for persons with limited English
12 proficiency. This Act requires the State to, at a minimum:

13 (1) compile a Language Needs Assessment Report based
14 on available U.S. Census data that identifies the
15 languages spoken throughout the State as described in
16 Section 30 of this Act;

17 (2) prepare a language access plan as detailed in
18 Section 35 of this Act;

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

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

25 (5) establish requirements for the availability of

1 interpretation and translation services;

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

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

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

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

21 Section 20. Division of Language Equity and Access.

22 The Division of Language Equity and Access is hereby
23 created within the Governor's Office of New Americans to lead
24 statewide efforts in the implementation of the State's
25 language equity and access policy for Limited English

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

9 (1) providing oversight, central coordination, and
10 technical assistance to State agencies and covered
11 entities in the implementation of language access
12 requirements under this Act or under any other law,
13 regulation, or guidance related to 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, the
17 Language Equity and Access Advisory Council, and State
18 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;

11 (9) working with the Language Equity and Access
12 Advisory Council to engage external stakeholders in policy
13 and implementation discussions; and

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

17 The DLEA shall adopt administrative rules as necessary to
18 implement and administer this Act.

19 Section 25. Language Equity and Access Advisory Council.

20 (a) The Language Equity and Access Advisory Council is
21 hereby established for the purposes of advising the Office of
22 Language Equity and Access on:

23 (1) the development and implementation of language
24 equity and access policies and procedures;

25 (2) the quality of language services provided by State

1 agencies and covered entities; and

2 (3) the overall State competency in working with
3 persons with limited English proficiency.

4 (b) The Language Equity and Access Advisory Council shall
5 consist of the following 18 members:

6 (1) one member of the Senate, appointed by the
7 President of the Senate;

8 (2) one member of the Senate, appointed by the
9 Minority Leader of the Senate;

10 (3) one member of the House of Representatives,
11 appointed by the Speaker of the House of Representatives;

12 (4) one member of the House of Representatives,
13 appointed by the Minority Leader of the House of
14 Representatives;

15 (5) three members representing the non-profit sector,
16 appointed by the President of the Senate, upon the
17 recommendation of the Asian American, Black, and Latino
18 Legislative Caucuses;

19 (6) three members representing the non-profit sector,
20 appointed by the Speaker of the House, upon the
21 recommendation of the Asian American, Black, and Latino
22 Legislative Caucuses;

23 (7) six members, appointed by the Governor upon the
24 recommendation of non-profit organizations that serve or
25 advocate on behalf of immigrant and refugee communities;
26 and

1 (8) two members who are consumers of State services,
2 appointed by the Governor upon the recommendation of
3 non-profit organizations that serve or advocate on behalf
4 of immigrant and refugee communities.

5 (c) Appointments to the Language Equity and Access
6 Advisory Council shall maximize representation of individuals
7 from diverse language groups, diverse geographic areas of the
8 State, and diverse professional backgrounds, and at least
9 one-third of the persons appointed to the Language Equity and
10 Access Advisory Council shall be individuals who reside in
11 areas of the State outside of Cook County.

12 (d) Appointments to the Language Equity and Access
13 Advisory Council are for 2-year terms, and the Language Equity
14 and Access Advisory Council shall meet at least 4 times per
15 year. Members of the Language Equity and Access Advisory
16 Council shall appoint co-chairs at the Advisory Council's
17 first meeting.

18 Section 30. Statewide Language Use Needs Assessment.

19 The DLEA shall work with State agencies and covered
20 entities and shall use other available State resources, such
21 as the Office of New Americans, the Office of Equity, and the
22 Department of Human Services Bureau of Refugee and Immigrant
23 Services, to ensure the State compiles available U.S. Census
24 data on languages used across the State, including the
25 identification of geographic patterns and trend data. The

1 report shall be compiled at least every 10 years in
2 conjunction with the decennial federal Census but may be
3 updated periodically using other Census data reports.

4 The Language Use and Needs Assessment report will be made
5 available to State agencies and covered entities for the
6 development of their Language Access Plans and overall
7 improvement in service provision to Limited English
8 Proficient.

9 Section 35. Language Access Plans.

10 (a) Each State agency and all covered entities shall take
11 reasonable steps to ensure meaningful access to services,
12 programs, and activities by persons with limited English
13 proficiency. Therefore, each State agency and covered entity
14 shall prepare a language access plan, which will describe its
15 Limited English Proficient service population, the policy and
16 programmatic actions they will implement, and the metrics that
17 will be used to measure compliance.

18 (b) State agencies and covered entities shall designate a
19 Language Access Coordinator that is responsible for the plan
20 and language access plan activities.

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

1 (1) the number or proportion of persons with limited
2 English proficiency served or encountered in the eligible
3 service population;

4 (2) the frequency with which persons with limited
5 English proficiency come in contact with the services,
6 programs, or activities;

7 (3) the nature and importance of the services,
8 programs, or activities; and

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

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

14 (1) Subject to subsection (a), each State agency and
15 covered entity shall provide competent, timely translation
16 services to persons with limited English proficiency who
17 seek to access information, services programs, or
18 activities.

19 (2) Subject to subsection (a), each State agency and
20 covered entity shall provide translation services of vital
21 documents to limited English proficient persons who seek
22 to access information, services, programs, or activities,
23 as follows:

24 (A) translation services of vital documents for
25 each eligible limited English proficient group that
26 constitutes 5% or 1,000 members, whichever is less, of

1 the population of persons eligible to be served or
2 likely to be affected or encountered; or

3 (B) if there are fewer than 50 persons in a limited
4 English proficient group that reaches the 5% threshold
5 in paragraph (1), written notice in the primary
6 language to the limited English proficient language
7 group of the right to receive competent oral
8 interpretation of those written materials free of
9 cost.

10 (e) The DLEA shall develop a template and mechanism for
11 collecting, storing, and analyzing Language Access Plans.

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

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

19 (h) Language access plans and evaluations shall be made
20 public and accessible.

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

23 Section 40. Compliance and Accountability.

24 (a) By January 1, 2024, and every January 1 thereafter,
25 the DLEA shall submit a Language Equity and Access Compliance

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

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

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

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

9 (B) the number and percentage of people who are
10 Limited English Proficient Persons who use the
11 services of the State agency or covered entity, listed
12 by language other than English;

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

17 (D) the name and contact information of the
18 language access coordinator;

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

25 (F) a description of the:

26 (i) telephone requests for translation or

1 interpretation services;

2 (ii) in-person requests for translation or

3 interpretation services; and

4 (iii) electronic requests for translation or

5 interpretations services;

6 (G) public notices of the availability of

7 translation or interpretation services upon request;

8 (H) an ongoing employee development and training

9 strategy to maintain well trained bilingual employees

10 and general staff;

11 (I) a list and description of all written

12 translated materials provided, including the total

13 number, languages, and services requested; and

14 (J) a list and description of all complaints

15 received, including information on the number of

16 complaints, the method received, the breakdown of

17 affected languages, the written response to each

18 complaint, and the time frame within which each

19 complaint was handled.

20 (b) State agencies shall respond to language access

21 complaints, in writing, within 30 days after their receipt.

22 All complaints and responses shall be recorded in each

23 agency's respective annual report.

24 (c) The DLEA may investigate potential violations of this

25 Act if not resolved by the State agency or covered entity. The

26 DLEA may attempt to resolve non-compliance with this Act by

1 any State agency or covered party through informal processes,
2 including mediation and conference and conciliation.

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

11 Section 45. Administrative support. The Governor's
12 Office shall provide administrative and other support to the
13 Division of Language Equity and Access.

14 Section 99. Effective date. This Act takes effect on July
15 1, 2023.