



Sen. Iris Y. Martinez

Filed: 4/3/2014

09800SB0223sam001

LRB098 05386 OMW 58196 a

1 AMENDMENT TO SENATE BILL 223

2 AMENDMENT NO. _____. Amend Senate Bill 223 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 Access Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds:

8 (1) language barriers continue to impede limited
9 English proficient persons in this State from fully
10 participating in State programs and services;

11 (2) 22.7% of the population in this State speak a
12 language other than English at home;

13 (3) more than half of those who speak a language other
14 than English at home are Spanish language speakers; and

15 (4) of the 22.7% of Illinoisans who reportedly speak a
16 language other than English at home, 22% speak English

1 either "not well" or "not at all".

2 (b) It is the intent of the General Assembly to:

3 (1) ensure that limited English proficient persons in
4 this State are provided meaningful access to State
5 programs, services, and information;

6 (2) ensure that every agency and recipient of State
7 funds provides linguistic access to limited English
8 proficient individuals;

9 (3) ensure that State-conducted and funded programs,
10 services, and activities provide limited English
11 proficient persons with equitable access;

12 (4) increase access to State benefits and programs;

13 (5) improve efficiency in the provision of benefits and
14 services;

15 (6) enhance and ensure appropriate resource
16 utilization; and

17 (7) improve access to State benefits, programs, and
18 services to vulnerable populations.

19 Section 10. Definitions. As used in this Act:

20 "Agency" means all State government agencies,
21 constitutional offices, boards, and commissions, and all
22 recipients of State general revenue funds, including, but not
23 limited to, all agencies, organizations, and persons receiving
24 State funding in order to provide a program or service and lead
25 an activity.

1 "Bilingual" means a person who has some degree of
2 proficiency in 2 languages.

3 "Customer" or "client" means any person seeking to access
4 agency programs, services, activities, or information.

5 "Interpreter" means an individual who renders a message
6 spoken or signed in one language into a second language and who
7 abides by a code of professional ethics. "Interpreter" includes
8 any of the following:

9 (1) "Ad hoc interpreter" means an untrained individual
10 who is called upon to interpret, such as a family member
11 interpreting for his or her parents, a bilingual staff
12 member pulled away from other duties to interpret, or a
13 self-declared bilingual who volunteers to interpret. "Ad
14 hoc interpreter" may also be referred to as a chance
15 interpreter or lay interpreter.

16 (2) "Bilingual worker/employee" means an employee who
17 is a proficient speaker of two languages and who may
18 provide direct services in both languages but who, without
19 additional training, is not qualified to serve as an
20 interpreter.

21 (3) "Dual-role interpreter" means a bilingual employee
22 who has been tested for language skills and trained as an
23 interpreter and who assumes the task of part-time
24 interpreting willingly.

25 "Interpreting" means any of the following:

26 (1) "Community interpreting" means interpreting that

1 takes place in the course of communication in the local
2 community among speakers of different languages. A
3 "community interpreter" may or may not be a trained
4 interpreter. "Community" settings include schools, social
5 service agencies, clinics, legal services, and businesses
6 that serve a diverse clientele.

7 (2) "Face-to-face interpreting" means interpreting in
8 which the interpreter is present, in person, and with both,
9 or a least one, of the persons for whom interpreting is
10 provided.

11 (3) "Telephone interpreting" or "telephonic
12 interpreting" means interpreting carried out remotely,
13 with the interpreter providing the service connected by
14 telephone to the principal parties, typically provided
15 through a speaker phone or headsets.

16 "Language" means a manner of communication utilized by one
17 person to communicate with another person.

18 "Language access services" (LAS) means mechanisms used to
19 facilitate communication with individuals who do not speak
20 English, those who have limited English proficiency, and those
21 who are deaf or hard of hearing. These services may include,
22 but are not limited to, in-person interpreters, bilingual
23 staff, or remote interpreting systems, such as telephone or
24 video interpreting. "Language access services" also refer to
25 processes in place to provide translation of written materials
26 or signage, sign language, or Braille materials.

1 "Limited English proficient" (LEP) means a level of English
2 proficiency that is insufficient to ensure equal access to
3 public services without language assistance with respect to a
4 particular type of service, benefit, or encounter. An LEP
5 person does not speak English as his or her primary language
6 and has limited ability to read, write, speak, or understand
7 English.

8 "Meaningful access" means when agencies and their
9 contractors and subcontractors take reasonable steps to ensure
10 programs and services normally provided in English are
11 accessible to LEP persons and thus do not discriminate on the
12 basis of national origin in violation of the prohibition
13 against national origin discrimination under Title VI of the
14 Civil Rights Act of 1964. Compliance involves the balancing of
15 4 factors: (1) the number and proportion of eligible LEP
16 customers; (2) the frequency of contact with LEP customers; (3)
17 the importance or impact of the contact upon the lives of the
18 person served; and (4) the resources available to the
19 organization. This 4-factor LEP analysis may be applied to the
20 different types of programs or activities that each agency
21 provides to determine the level of language assistance measures
22 sufficient to assure full compliance or to demonstrate
23 reasonable efforts.

24 "Person" means any individual, corporation, partnership,
25 firm, organization, or association acting individually or as a
26 group.

1 "Reasonable steps" means steps taken to provide language
2 access to LEP persons in agreement with this Act and in
3 compliance with Title VI of the Civil Rights Act of 1964.

4 "Staff" means the group of individuals formally affiliated
5 with an institution, including paid employees, contractors,
6 sub-contractors, and unpaid volunteers.

7 "State" means the State of Illinois.

8 "Translation services" means the conversion of a written
9 text into a corresponding written text in a different language.

10 Section 15. State-conducted programs and activities.

11 (a) Each agency shall prepare an LAS Plan that shall
12 improve access to its State-conducted programs and activities
13 for eligible LEP persons.

14 (b) Each agency LAS Plan shall include the steps the agency
15 will take to ensure eligible LEP persons can meaningfully
16 access the agency's programs and activities.

17 (c) Agencies shall develop and begin to implement LAS Plans
18 within 120 days of the effective date of this Act and shall
19 send copies of their LAS Plans to the Illinois Latino Family
20 Commission, which shall serve as the central repository of the
21 agencies' LAS Plans.

22 (d) Each agency that already has developed a LAS Plan shall
23 examine their existing guidelines, as well as their programs
24 and activities, to determine if additional guidelines are
25 necessary to comply with this Act. The Illinois Latino Family

1 Commission shall consult with the agencies in creating their
2 guidelines. Within 120 days of the effective date of this Act,
3 each agency shall submit its specific guidelines to the
4 Illinois Latino Family Commission for review and approval.

5 (e) Agency LAS Plans shall provide:

6 (1) A 4-factor meaningful access assessment that shall
7 include:

8 (A) the number or proportion of LEP persons
9 eligible to be served or likely to be encountered by
10 the program or agency;

11 (B) the frequency with which LEP individuals come
12 into contact with the program;

13 (C) the nature and importance of the program,
14 activity, or service provided by the recipient to its
15 beneficiaries; and

16 (D) the resources available to the agency and the
17 costs of interpretation and translation services.

18 (2) A language needs assessment tool based on the
19 4-factor analysis to establish:

20 (A) a systemic protocol of data collection; and

21 (B) tracking of languages served and eligible to be
22 served.

23 (3) All print materials, Internet website language,
24 and other mechanisms or forms that shall be used by the
25 agency to provide notice to persons of the agency's LAS
26 Plan.

1 (4) Agency compliance with Sections 25 and 30 of this
2 Act.

3 (f) Each agency shall file its LAS Plan Status Report with
4 the Illinois Latino Family Commission on an annual basis. The
5 first Status Report shall be filed by each agency on or before
6 May 31, 2015, and on or before every May 31 thereafter.

7 Section 20. State-assisted programs and activities.

8 (a) Each agency providing State financial assistance and
9 each agency contracted by the State to provide services shall
10 prepare an LAS Plan that shall be specifically tailored to its
11 LEP clients and is consistent with the LEP Guidelines in this
12 Act, as well as with rules adopted pursuant to this Act.

13 (b) Each agency LAS Plan shall include the steps the agency
14 will take to ensure eligible LEP persons can meaningfully
15 access the agency's programs and activities.

16 (c) Each agency shall develop and begin to implement their
17 LAS Plans within 120 days of the effective date of this Act and
18 shall send copies of their LAS Plans to the Illinois Latino
19 Family Commission, which shall serve as the central repository
20 of the agencies' LAS Plans.

21 (d) Agency LAS Plans shall include:

22 (1) the number or proportion of LEP persons eligible to
23 be served or likely to be encountered by the program or
24 grantee;

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

1 contact with the program;

2 (3) the nature and importance of the program, activity,
3 or service provided by the recipient to its beneficiaries;

4 (4) the resources available to the grantee or recipient
5 and the costs of interpretation and translation services;

6 (5) a language needs assessment tool based on the
7 4-factor analysis to establish a systemic protocol of data
8 collection and tracking of languages served and eligible to
9 be served; and

10 (6) all print materials, Internet website language,
11 and other mechanisms or forms that shall be used by the
12 agency to provide notice to persons of the agency's LAS
13 Plan.

14 (e) Each agency shall file its LAS Plan Status Report with
15 the Illinois Latino Family Commission on an annual basis. The
16 first Status Report shall be filed by each agency on or before
17 May 31, 2015, and on or before every May 31 thereafter.

18 Section 25. Staffing of State-conducted programs.

19 (a) Agencies shall have minimum bilingual staffing levels
20 and requirements.

21 (1) For agency staff with a 15% or more LEP person
22 caseload, the position shall be designated "bilingual". A
23 position designated "bilingual" shall not be filled by a
24 monolingual staff person. A reclassification of staff
25 positions from "bilingual" to "monolingual" shall require

1 the approval of the Governor's Office of New Americans.

2 (2) Each agency shall assess language proficiency
3 using a formal written and oral examination. The staff
4 person's score in the examination shall determine
5 qualified bilingual persons that can offer direct
6 conversations to the LEP client.

7 (b) State agencies shall provide interpreters who have
8 received a minimum of 100 hours of interpreter training on
9 techniques and professional standards of practice. Each State
10 agency shall:

11 (1) create an internal pool of trained and qualified
12 interpreters using a 100-hour curriculum;

13 (2) develop and make accessible to all agency staff a
14 complete and up-to-date directory of qualified
15 interpreters utilized by the agency; and

16 (3) assess and build current LAS resources and provide
17 a reliable method of communicating these resources to state
18 agencies.

19 Section 30. Language Assistance Protocol.

20 (a) Each agency shall conduct at least one annual staff
21 training on the following:

22 (1) the agency's existing LAS Plans;

23 (2) the agency's need to provide qualified
24 interpreters to LEP clients; and

25 (3) interpreter use, including, but not limited to,

1 interpreter competencies, professional standards of
2 practice, interpreter code of ethics, and quality of
3 service.

4 (b) Each agency shall assign a senior-level staff person to
5 oversee implementation of the agency's LAS Plan and to monitor
6 internal LAS initiatives, programs, filings, and
7 communications.

8 Section 99. Effective date. This Act takes effect January
9 1, 2015."