



Rep. Dagmara Avelar

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LRB103 30288 DTM 59756 a

1 AMENDMENT TO HOUSE BILL 3222

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3222, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Language Equity and Access Act.

7 Section 5. Legislative purpose. The purpose of this Act is  
8 to ensure that all residents of the State have equal access to  
9 State services and, in particular, to remove language as a  
10 barrier for persons who have limited English proficiency and  
11 who may, therefore, be excluded from equitable access to State  
12 information, programs, services, and activities. It is the  
13 intent of the General Assembly that the State adopt a language  
14 equity and access policy that incorporates federal guidance  
15 for ensuring meaningful access for persons with limited  
16 English proficiency as provided by Title VI of the Civil

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

11 Section 10. Definitions.

12 In this Act:

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

16 "Division of Language Equity and Access" or "DLEA" means  
17 the Division of Language Equity and Access within the  
18 Governor's Office of New Americans.

19 "Interpretation services" means listening to a  
20 communication in one language and orally converting it to  
21 another language in a manner that preserves the intent and  
22 meaning of the original message.

23 "Limited English proficient person" means a person, or the  
24 family member, caregiver, or decision maker of a person, who  
25 does not speak English as their primary language and who may

1 have a limited ability to read, write, speak, or understand  
2 English.

3 "Meaningful access" means the provision of services in a  
4 manner that is equally accessible, without delay, denial or  
5 difference, and is meaningful to all individuals seeking  
6 services, regardless of their ability to speak or understand  
7 English.

8 "State Agency" means executive agencies, departments,  
9 boards, commissions, and authorities directly responsible to  
10 the Governor.

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

14 "Vital documents" means documents that affect a person's  
15 access to, retention in, termination of, or exclusion from  
16 program services or benefits.

17 Section 15. Statewide Language Equity and Access.

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

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

25 (2) prepare a language access plan as detailed in

1 Section 35 of this Act;

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

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

8 (5) establish requirements for the availability of  
9 interpretation and translation services;

10 (6) set standards for adequate staffing of bilingual  
11 employees at State agencies and other covered entities,  
12 including a methodology for monitoring implementation and  
13 updating the State Services Assurance Act and the  
14 Bilingual Employment Plan, based on current Language Needs  
15 Use Assessment Report conducted under Section 30 of this  
16 Act;

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

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

25 (9) create the Division of Language Equity and Access  
26 within the Governor's Office of New Americans to monitor

1 and provide expertise to ensure the implementation of this  
2 Act.

3 Section 20. Division of Language Equity and Access.

4 The Division of Language Equity and Access is hereby  
5 created within the Governor's Office of New Americans to lead  
6 statewide efforts in the implementation of the State's  
7 language equity and access policy for Limited English  
8 Proficient persons and to ensure meaningful access to  
9 information, services, programs, and activities offered by  
10 State agencies and other covered entities, including  
11 departments, offices, commissions, boards, or other agencies,  
12 for Limited English Proficient persons. DLEA shall have a  
13 full-time Director who is bilingual and has experience in  
14 serving immigrant populations. The role of DLEA is to advance  
15 and monitor implementation of and compliance with this Act by:

16 (1) providing oversight, central coordination, and  
17 technical assistance to State agencies and covered  
18 entities in the implementation of language access  
19 requirements under this Act or under any other law,  
20 regulation, or guidance related to language access;

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

23 (3) consulting with language access coordinators, the  
24 Language Equity and Access Advisory Council, and State  
25 agency directors or their equivalent;

1           (4) creating, distributing, and making available to  
2 State agencies multilingual signage in the more frequently  
3 encountered languages in the State, and other languages as  
4 needed, informing individuals of the individual's right to  
5 free interpretation services and how to request language  
6 services;

7           (5) creating the complaint and investigation process  
8 for Limited English Proficient persons to report Language  
9 Equity and Access violations;

10           (6) developing recommendations for a statewide policy  
11 and draft a corresponding plan for the utilization of  
12 interpreters and translators, including standards for  
13 certification and qualifications;

14           (7) developing multilingual websites with information  
15 about DLEA and information about relevant policies,  
16 standards, plans, and complaint processes;

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

19           (9) working with the Language Equity and Access  
20 Advisory Council to engage external stakeholders in policy  
21 and implementation discussions; and

22           (10) addressing other issues as necessary to ensure  
23 equity and meaningful participation for persons with  
24 limited English proficiency.

25           The DLEA shall adopt administrative rules as necessary to  
26 implement and administer this Act.

1 Section 25. Language Equity and Access Advisory Council.

2 (a) The Language Equity and Access Advisory Council is  
3 hereby established for the purposes of advising the Office of  
4 Language Equity and Access on:

5 (1) the development and implementation of language  
6 equity and access policies and procedures;

7 (2) the quality of language services provided by State  
8 agencies and covered entities; and

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

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

13 (1) one member of the Senate, appointed by the  
14 President of the Senate;

15 (2) one member of the Senate, appointed by the  
16 Minority Leader of the Senate;

17 (3) one member of the House of Representatives,  
18 appointed by the Speaker of the House of Representatives;

19 (4) one member of the House of Representatives,  
20 appointed by the Minority Leader of the House of  
21 Representatives;

22 (5) three members representing the non-profit sector,  
23 appointed by the President of the Senate, upon the  
24 recommendation of the Asian American, Black, and Latino  
25 Legislative Caucuses;

1           (6) three members representing the non-profit sector,  
2           appointed by the Speaker of the House, upon the  
3           recommendation of the Asian American, Black, and Latino  
4           Legislative Caucuses;

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

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

13          (c) Appointments to the Language Equity and Access  
14          Advisory Council shall maximize representation of individuals  
15          from diverse language groups, diverse geographic areas of the  
16          State, and diverse professional backgrounds, and at least  
17          one-third of the persons appointed to the Language Equity and  
18          Access Advisory Council shall be individuals who reside in  
19          areas of the State outside of Cook County.

20          (d) Appointments to the Language Equity and Access  
21          Advisory Council are for 2-year terms, and the Language Equity  
22          and Access Advisory Council shall meet at least 4 times per  
23          year. Members of the Language Equity and Access Advisory  
24          Council shall appoint co-chairs at the Advisory Council's  
25          first meeting.



1 Section 30. Statewide Language Use Needs Assessment.

2 The DLEA shall work with State agencies and covered  
3 entities and shall use other available State resources, such  
4 as the Office of New Americans, the Office of Equity, and the  
5 Department of Human Services Bureau of Refugee and Immigrant  
6 Services, to ensure the State compiles available U.S. Census  
7 data on languages used across the State, including the  
8 identification of geographic patterns and trend data. The  
9 report shall be compiled at least every 10 years in  
10 conjunction with the decennial federal Census but may be  
11 updated periodically using other Census data reports.

12 The Language Use and Needs Assessment report will be made  
13 available to State agencies and covered entities for the  
14 development of their Language Access Plans and overall  
15 improvement in service provision to Limited English  
16 Proficient.

17 Section 35. Language Access Plans.

18 (a) Each State agency and all covered entities shall take  
19 reasonable steps to ensure meaningful access to services,  
20 programs, and activities by persons with limited English  
21 proficiency. Therefore, each State agency and covered entity  
22 shall prepare a language access plan, which will describe its  
23 Limited English Proficient service population, the policy and  
24 programmatic actions they will implement, and the metrics that  
25 will be used to measure compliance.

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

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

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

12           (2) the frequency with which persons with limited  
13 English proficiency come in contact with the services,  
14 programs, or activities;

15           (3) the nature and importance of the services,  
16 programs, or activities; and

17           (4) the resources available to the State or covered  
18 entity and the costs.

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

22           (1) Subject to subsection (a), each State agency and  
23 covered entity shall provide competent, timely translation  
24 services to persons with limited English proficiency who  
25 seek to access information, services programs, or  
26 activities.

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

6           (A) translation services of vital documents for  
7 each eligible limited English proficient group that  
8 constitutes 5% or 1,000 members, whichever is less, of  
9 the population of persons eligible to be served or  
10 likely to be affected or encountered; or

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

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

20           (f) Following the first submitted plan, language access  
21 plans shall include an assessment of performance metrics for  
22 the previous year.

23           (g) Upon review, the DLEA shall provide guidance and  
24 feedback to each State agency and covered entity, including  
25 any corrective action recommendations to ensure compliance  
26 with the language access plans.

1 (h) Language access plans and evaluations shall be made  
2 public and accessible.

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

5 Section 40. Compliance and Accountability.

6 (a) By January 1, 2024, and every January 1 thereafter,  
7 the DLEA shall submit a Language Equity and Access Compliance  
8 Report to the General Assembly. The Compliance Report shall be  
9 based on information collected during the preceding fiscal  
10 year and shall, at minimum, include:

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

12 (2) the following information for each State agency  
13 and covered entity:

14 (A) the language access plan, including language  
15 access services offered;

16 (B) the number and percentage of people who are  
17 Limited English Proficient Persons who use the  
18 services of the State agency or covered entity, listed  
19 by language other than English;

20 (C) a roster of bilingual employees, their titles,  
21 office locations, the languages other than English  
22 that the persons speak, and whether or not the  
23 employees are certified as bilingual in that language;

24 (D) the name and contact information of the  
25 language access coordinator;

1 (E) a description of any use of telephone-based  
2 interpretation services, including the number of times  
3 telephone-based interpretation services were used, the  
4 languages for which they were used, and the number of  
5 times bilingual employees provided in-person  
6 interpretation services;

7 (F) a description of the:

8 (i) telephone requests for translation or  
9 interpretation services;

10 (ii) in-person requests for translation or  
11 interpretation services; and

12 (iii) electronic requests for translation or  
13 interpretations services;

14 (G) public notices of the availability of  
15 translation or interpretation services upon request;

16 (H) an ongoing employee development and training  
17 strategy to maintain well trained bilingual employees  
18 and general staff;

19 (I) a list and description of all written  
20 translated materials provided, including the total  
21 number, languages, and services requested; and

22 (J) a list and description of all complaints  
23 received, including information on the number of  
24 complaints, the method received, the breakdown of  
25 affected languages, the written response to each  
26 complaint, and the time frame within which each

1 complaint was handled.

2 (b) State agencies shall respond to language access  
3 complaints, in writing, within 30 days after their receipt.  
4 All complaints and responses shall be recorded in each  
5 agency's respective annual report.

6 (c) The DLEA may investigate potential violations of this  
7 Act if not resolved by the State agency or covered entity. The  
8 DLEA may attempt to resolve non-compliance with this Act by  
9 any State agency or covered party through informal processes,  
10 including mediation and conference and conciliation.

11 (d) If, after an investigation and attempt to resolve an  
12 incidence of Department non-compliance, the DLEA is unable to  
13 resolve the matter, the DLEA may transmit a written finding of  
14 non-compliance, specifying the nature of the non-compliance  
15 and the recommended corrective measures, to the Governor, the  
16 Language Equity and Access Advisory Council, and it may  
17 transmit the same information in the annual compliance report  
18 to the General Assembly.

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

22 Section 99. Effective date. This Act takes effect on July  
23 1, 2023."