



Sen. Karina Villa

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LRB103 30288 DTM 62407 a

1 AMENDMENT TO HOUSE BILL 3222

2 AMENDMENT NO. _____. Amend House Bill 3222 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 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.

1 13166 (Improving Access to Services for Persons with Limited
2 English Proficiency), U.S. Presidential Executive Order 13985
3 (Strengthen Racial Equity and Support for Underserved
4 Communities Through the Federal Government), U.S. Presidential
5 Executive Order 14091 (Further Advancing Racial Equity and
6 Support for Underserved Communities Through the Federal
7 Government), other non-discrimination provisions in federal
8 statute, and any succeeding provisions of federal or state
9 law, regulation, or guidance.

10 Section 10. Definitions.

11 In this Act:

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

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 of, 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 Limited English Proficient
20 Persons. This Act requires the Division of Language Equity and
21 Access to, at a minimum:

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

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

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

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

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

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

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

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

26 (9) create the Division of Language Equity and Access

1 within the Governor's Office of New Americans to monitor
2 and provide expertise to ensure the implementation of this
3 Act.

4 Section 20. Division of Language Equity and Access.

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

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

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

24 (3) consulting with language access coordinators and
25 State 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; and

19 (9) addressing other issues as necessary to ensure
20 equity and meaningful participation for persons with
21 limited English proficiency.

22 The DLEA shall adopt administrative rules as necessary to
23 implement and administer this Act.

24 Section 25. Statewide Language Use Needs Assessment.

25 The DLEA shall work with State agencies and covered

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

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

15 Section 30. Language Access Plans.

16 (a) Each State agency and all covered entities shall take
17 reasonable steps to ensure meaningful access to services,
18 programs, and activities by Limited English Proficient
19 Persons. Therefore, each State agency and covered entity shall
20 prepare a language access plan, which will describe the
21 population of Limited English Proficient Persons it serves,
22 the policy and programmatic actions it will implement, and the
23 metrics it will use to measure compliance with this Act.

24 (b) Each State agency and covered entity shall designate a
25 Language Access Coordinator who is responsible for the

1 language access plan and plan activities.

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

8 (1) the number or proportion of Limited English
9 Proficient Persons who are served or encountered in the
10 eligible service population of the State agency or covered
11 entity;

12 (2) the frequency with which Limited English
13 Proficient Persons come in contact with the services,
14 programs, or activities provided by the State agency or
15 covered entity;

16 (3) the nature and importance of the services,
17 programs, or activities provided by the State agency or
18 covered entity; and

19 (4) the resources available to the State or covered
20 entity and the costs.

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

24 (1) competent, timely translation services to Limited
25 English Proficient Persons who are seeking access to
26 information, services, programs, or activities provided by

1 the State agency or covered entity; and

2 (2) vital document translation services for Limited
3 English Proficient Persons who are seeking access to
4 information, services, programs, or activities provided by
5 the State agency or covered entity, as follows:

6 (A) if there are more than 1,000 Limited English
7 Proficient Persons in the population of persons served
8 by the State agency or covered entity or if Limited
9 English Proficient Persons comprise more than 5% of
10 the population of persons served by the State agency
11 or covered entity; or

12 (B) if there are fewer than 50 persons served by
13 the State agency or covered entity that reach the 5%
14 threshold in subsection (a), the State agency or
15 covered entity shall provide written notice in the
16 primary language to the Limited English Proficient
17 persons of the right to receive competent oral
18 interpretation of those written materials free of
19 cost.

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

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

25 (g) Following completion of the assessment, the DLEA shall
26 provide guidance and feedback to each State agency and covered

1 entity, including any corrective action recommendations to
2 ensure compliance with the language access plans.

3 (h) Language access plans and evaluations shall be made
4 publicly accessible.

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

7 Section 35. Compliance and Accountability.

8 (a) By January 1, 2025, and every January 1 thereafter,
9 the DLEA shall submit a Language Equity and Access Compliance
10 Report to the General Assembly. The Compliance Report shall be
11 based on information collected during the preceding fiscal
12 year and shall, at minimum, include:

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

14 (2) the following information for each State agency
15 and covered entity:

16 (A) the language access plan, including language
17 access services offered;

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

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

1 (D) the name and contact information of the
2 language access coordinator for each State agency and
3 covered entity;

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

10 (F) a description of the:

11 (i) telephone requests for translation or
12 interpretation services;

13 (ii) in-person requests for translation or
14 interpretation services; and

15 (iii) electronic requests for translation or
16 interpretations services;

17 (G) public notices of the availability of
18 translation or interpretation services upon request;

19 (H) an ongoing employee development and training
20 strategy to maintain well-trained bilingual employees
21 and general staff;

22 (I) a list and description of all written
23 translated materials provided, including the total
24 number, languages, and services requested; and

25 (J) a list and description of all complaints
26 received, including information on the number of

1 complaints, the method received, the breakdown of
2 affected languages, the written response to each
3 complaint, and the time frame within which each
4 complaint was handled.

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

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

14 (d) If, after an investigation and attempt to resolve an
15 incidence of Department noncompliance, the DLEA is unable to
16 resolve the matter, the DLEA may transmit a written finding of
17 noncompliance, specifying the nature of the noncompliance and
18 the recommended corrective measures, to the Governor, and it
19 may transmit the same information in the annual compliance
20 report to the General Assembly.

21 Section 40. Administrative support. The Governor's
22 Office shall provide administrative and other support to the
23 Division of Language Equity and Access.

24 Section 99. Effective date. This Act takes effect on July

1 1, 2023.".