



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5794

by Rep. Elizabeth Hernandez

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Language Assistance Services Act. Sets forth the General Assembly's findings and purpose. Requires each agency to prepare a language assistance services plan that will improve access for limited English proficient persons to the agency's State-conducted and State-assisted programs and activities. Sets forth guidelines regarding the contents of agency language assistance services plans. Requires each agency to file its language assistance services plan with the Illinois Latino Family Commission on or before May 31, 2015, and on or before every May 31 thereafter. Requires that agencies have minimum bilingual staffing levels. Requires each agency to conduct at least one annual staff training regarding the agency's existing language assistance services plan, the agency's need to provide qualified interpreters to limited English proficient persons, and interpreter use. Requires each agency to assign a senior-level staff person to oversee the implementation of the agency's language assistance services plan. Effective January 1, 2015.

LRB098 18371 OMW 53508 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning State government.

2 WHEREAS, It is the intent of the State of Illinois that the  
3 provision of State services and benefits comply with Title VI  
4 of the Civil Rights Act of 1965, Executive Order 13166, and  
5 succeeding provisions of federal law, regulation, or guidance;  
6 therefore,

7 **Be it enacted by the People of the State of Illinois,**  
8 **represented in the General Assembly:**

9 Section 1. Short title. This Act may be cited as the  
10 Language Assistance Services Act.

11 Section 5. Findings and purpose.

12 (a) The General Assembly finds:

13 (1) language barriers continue to impede limited  
14 English proficient persons in this State from fully  
15 participating in State programs and services;

16 (2) 22.7% of the population in this State speak a  
17 language other than English at home;

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

20 (4) of the 22.7% of Illinoisans who reportedly speak a  
21 language other than English at home, 22% speak English  
22 either "not well" or "not at all".

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

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

5 (2) ensure that every agency and recipient of State  
6 funds provide language assistance services to limited  
7 English proficient individuals;

8 (3) ensure that State-conducted and funded programs,  
9 services, and activities provide limited English  
10 proficient persons appropriate language assistance  
11 services;

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 assistance services" (LAS) means mechanisms used  
19 to 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 assistance services" also refer  
25 to processes in place to provide translation of written  
26 materials 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.

5 "Meaningful access" means when agencies and their  
6 contractors and subcontractors take reasonable steps to ensure  
7 their services and programs are accessible to LEP persons.  
8 Compliance involves the balancing of 4 factors: (1) the number  
9 and proportion of eligible LEP customers; (2) the frequency of  
10 contact with LEP customers; (3) the importance or impact of the  
11 contact upon the lives of the person served; and (4) the  
12 resources available to the organization. This 4-factor LEP  
13 analysis may be applied to the different types of programs or  
14 activities that each agency provides to determine the level of  
15 language assistance measures sufficient to assure full  
16 compliance or to demonstrate reasonable efforts.

17 "Person" means any individual, corporation, partnership,  
18 firm, organization, or association acting individually or as a  
19 group.

20 "Reasonable steps" means steps taken to provide language  
21 assistance services to LEP persons in agreement with this Act  
22 and in compliance with Title VI of the Civil Rights Act of  
23 1964.

24 "Staff" means the group of individuals formally affiliated  
25 with an institution, including paid employees, contractors,  
26 sub-contractors, and unpaid volunteers.

1 "State" means the State of Illinois.

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

4 Section 15. State-conducted programs and activities.

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

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

11 (c) Agencies shall develop and begin to implement LAS Plans  
12 within 120 days of the effective date of this Act and shall  
13 send copies of their LAS Plans to the Illinois Latino Family  
14 Commission, which shall serve as the central repository of the  
15 agencies' LAS Plans.

16 (d) Each agency that already has developed a LAS Plan shall  
17 examine their existing guidelines, as well as their programs  
18 and activities, to determine if additional guidelines are  
19 necessary to comply with this Act. The Illinois Latino Family  
20 Commission shall consult with the agencies in creating their  
21 guidelines. Within 120 days of the effective date of this Act,  
22 each agency shall submit its specific guidelines to the  
23 Illinois Latino Family Commission for review and approval.

24 (e) Agency LAS Plans shall provide:

25 (1) A 4-factor meaningful access assessment that shall

1 include:

2 (A) the number or proportion of LEP persons  
3 eligible to be served or likely to be encountered by  
4 the program or agency;

5 (B) the frequency with which LEP individuals come  
6 into contact with the program;

7 (C) the nature and importance of the program,  
8 activity, or service provided by the recipient to its  
9 beneficiaries; and

10 (D) the resources available to the agency and the  
11 costs of interpretation and translation services.

12 (2) A language needs assessment tool based on the  
13 4-factor analysis to establish:

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

15 (B) tracking of languages served and eligible to be  
16 served.

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

21 (4) Agency compliance with Sections 25 and 30 of this  
22 Act.

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



1 Section 20. State-assisted programs and activities.

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

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

10 (c) Each agency shall develop and begin to implement their  
11 LAS Plans within 120 days of the effective date of this Act and  
12 shall send copies of their LAS Plans to the Illinois Latino  
13 Family Commission, which shall serve as the central repository  
14 of the agencies' LAS Plans.

15 (d) Agency LAS Plans shall include:

16 (1) the number or proportion of LEP persons eligible to  
17 be served or likely to be encountered by the program or  
18 grantee;

19 (2) the frequency with which LEP persons come into  
20 contact with the program;

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

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

25 (5) a language needs assessment tool based on the

1 4-factor analysis to establish a systemic protocol of data  
2 collection and tracking of languages served and eligible to  
3 be served; and

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

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

12 Section 25. Staffing of State-conducted programs.

13 (a) Agencies shall have minimum bilingual staffing levels  
14 and requirements.

15 (1) For agency staff with a 15% or more LEP person  
16 caseload, the position shall be designated "bilingual". A  
17 position designated "bilingual" shall not be filled by a  
18 monolingual staff person. A reclassification of staff  
19 positions from "bilingual" to "monolingual" shall require  
20 the approval of the Governor's Office of New Americans.

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

1 (b) State agencies shall provide interpreters who have  
2 received a minimum of 100 hours of interpreter training on  
3 techniques and professional standards of practice. Each State  
4 agency shall:

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

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

10 (3) assess and build current LAS resources and provide  
11 a reliable method of communicating these resources to state  
12 agencies.

13 Section 30. Language Assistance Protocol.

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

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

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

19 (3) interpreter use, including, but not limited to,  
20 interpreter competencies, professional standards of  
21 practice, interpreter code of ethics, and quality of  
22 service.

23 (b) Each agency shall assign a senior-level staff person to  
24 oversee implementation of the agency's LAS Plan and to monitor  
25 internal LAS initiatives, programs, filings, and

1 communications.

2 Section 99. Effective date. This Act takes effect January  
3 1, 2015.