

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2253

Introduced by Assembly Member Ting

February 21, 2014

An act to amend ~~Section~~ *Sections 7295.4, 7296.2, 7296.4, and 7299.4* of, and to add *Section 7299.3* to, the Government Code, relating to bilingual services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2253, as amended, Ting. Bilingual services: implementation plans.

The Dymally-Alatorre Bilingual Services Act requires each state agency to conduct a survey, related to its bilingual services, of each of its local offices every two years to determine specified information, and to report results and any additional information requested to the Department of Human Resources. The act requires each agency that serves a substantial number of non-English-speaking people who comprise 5% or more of the people served to develop an implementation plan, as specified, in every odd-numbered year, and to submit the implementation plan to the department for its review. The act authorizes the department, if it determines that a state agency has not made reasonable progress toward complying with the act, to issue orders that it deems appropriate to effectuate the purposes of the act.

This bill would instead require the department, if it determines that a state agency has not made reasonable progress toward complying with the act, to issue orders that it deems appropriate to effectuate the purposes of the act. *The bill would require specified state agencies to, by January 1, 2015, translate and make accessible on the homepage of*

their Internet Web sites, forms and processes for submitting complaints of alleged violations of these provisions, and to make translated copies of these forms available, as provided. The bill would also require each state agency to conduct a survey, related to its bilingual services, of each of its statewide offices to determine specified information.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7295.4 of the Government Code is
 2 amended to read:

3 7295.4. Whenever a state agency finds that the factors listed
 4 in both subdivisions (a) and (c) or (b) and (c) exist, it shall
 5 distribute the applicable written materials in the appropriate
 6 non-English language through its *statewide and* local offices or
 7 facilities to non-English-speaking persons, or, as an alternative,
 8 the state agency may instead elect to furnish translation aids,
 9 translation guides, or provide assistance, through use of a qualified
 10 bilingual person, at its *statewide and* local offices or facilities in
 11 completing English forms or questionnaires and in understanding
 12 English forms, letters, or notices:

13 (a) The written materials, whether forms, applications,
 14 questionnaires, letters, or notices solicit or require the furnishing
 15 of information from an individual or provide that individual with
 16 information.

17 (b) The information solicited, required, or furnished affects or
 18 may affect the individual’s rights, duties, or privileges with regard
 19 to that agency’s services or benefits.

20 (c) The *statewide or* local office or facility of the agency with
 21 which the individual is dealing, serves a substantial number of
 22 non-English-speaking persons.

23 SEC. 2. Section 7296.2 of the Government Code is amended
 24 to read:

25 7296.2. As used in Sections 7292 ~~and~~, 7295.2, 7295.4, 7299.3,
 26 and 7299.4, a “substantial number of non-English-speaking people”
 27 are members of a group who either do not speak English, or who
 28 are unable to effectively communicate in English because it is not
 29 their native language, and who comprise 5 percent or more of the

1 people served by *the statewide* or any local office or facility of a
2 state agency.

3 *SEC. 3. Section 7296.4 of the Government Code is amended*
4 *to read:*

5 7296.4. As used in Section 7292, “a sufficient number of
6 qualified bilingual persons in public contact positions” is the
7 number required to provide the same level of services to
8 non-English-speaking persons as is available to English-speaking
9 persons seeking these services. However, where the *statewide* or
10 local office or facility of the state employs the equivalent of 25 or
11 fewer regular, full-time employees, it shall constitute compliance
12 with the requirements of this chapter if a sufficient number of
13 qualified bilingual persons are employed in public contact
14 positions, or as qualified interpreters to assist those in those
15 positions, to provide the same level of services to
16 non-English-speaking persons as is available to English-speaking
17 persons seeking the services from the office or facility.

18 *SEC. 4. Section 7299.3 is added to the Government Code, to*
19 *read:*

20 7299.3. *Notwithstanding any other provision of this chapter,*
21 *by July 1, 2015, a state agency subject to the requirements of this*
22 *chapter shall translate and make accessible on the homepage of*
23 *its Internet Web site, forms and processes for submitting complaints*
24 *of alleged violations of this chapter, as referenced in paragraph*
25 *(15) of subdivision (b) of Section 7299.4. The forms and processes*
26 *shall be translated into all languages spoken by a substantial*
27 *number of non-English-speaking people served by the state agency.*
28 *Translated copies of the forms shall be printed and made available*
29 *in the statewide office and any local office or facility of the state*
30 *agency.*

31 **SECTION 1.**

32 *SEC. 5. Section 7299.4 of the Government Code is amended*
33 *to read:*

34 7299.4. (a) Notwithstanding any other provision in this chapter,
35 each state agency shall conduct a language survey and develop
36 and update an implementation plan that complies with the
37 requirements of this chapter.

38 (b) Each agency shall conduct a language survey of each of its
39 *statewide* and local offices every two years to determine and
40 provide all of the following:

- 1 (1) The name, position, and contact information of the employee
2 designated by the agency responsible for complying with this
3 chapter.
- 4 (2) The number of public contact positions in each *statewide*
5 *and* local office.
- 6 (3) The number of qualified bilingual employees in public
7 contact positions in each *statewide and* local office, and the
8 languages they speak, other than English.
- 9 (4) The number and percentage of non-English-speaking people
10 served by each *statewide and* local office, broken down by native
11 language.
- 12 (5) The number of anticipated vacancies in public contact
13 positions.
- 14 (6) Whether the use of other available options, including
15 contracted telephone-based interpretation services, in addition to
16 qualified bilingual persons in public contact positions, is serving
17 the language needs of the people served by the agency.
- 18 (7) A list of all written materials that are required to be translated
19 or otherwise made accessible to non- or limited-English-speaking
20 individuals by Sections 7295.2 and 7295.4.
- 21 (8) A list of materials identified in paragraph (7) that have been
22 translated and languages into which they have been translated.
- 23 (9) The number of additional qualified bilingual public contact
24 staff, if any, needed at each *statewide and* local office to comply
25 with this chapter.
- 26 (10) A detailed description of the agency's procedures for
27 identifying written materials that are required to be translated.
- 28 (11) Each agency shall calculate the percentage of
29 non-English-speaking people served by each *statewide and* local
30 office by rounding the percentage arrived at to the nearest whole
31 percentage point.
- 32 (12) A detailed description of the agency's procedures for
33 identifying language needs at *statewide and* local offices and
34 assigning qualified bilingual staff to those offices.
- 35 (13) A detailed description of how the agency recruits qualified
36 bilingual staff in *statewide and* local offices.
- 37 (14) A detailed description of any training the agency provides
38 to its staff on the provision of services to non- or
39 limited-English-speaking individuals, frequency of training, and
40 date of most recent training.

1 (15) A detailed description of *complaints regarding language*
2 *access received by the agency and* the agency's procedures for
3 accepting and resolving complaints of an alleged violation due to
4 failure to make available translated documents or provide
5 interpreter service through bilingual staff or contract services.

6 (16) A detailed description of how the agency complies with
7 any federal or other state laws that require the provision of
8 linguistically accessible services to the public.

9 (17) Any other relevant information requested by the Department
10 of Human Resources.

11 (c) The language survey results and any additional information
12 requested shall be reported in the form and at the time required by
13 the Department of Human Resources, and delivered to the
14 department not later than October 1 of every even-numbered year.

15 (d) Every odd-numbered year, each agency that served a
16 substantial number of non-English-speaking people ~~who comprise~~
17 ~~5 percent or more of the people served~~ shall develop an
18 implementation plan that provides a detailed description of how
19 the agency plans to address any deficiencies in meeting the
20 requirements of this chapter, including, but not limited to, the
21 failure to translate written materials or employ sufficient numbers
22 of qualified bilingual employees in public contact positions at
23 *statewide and* local offices, the proposed actions to be taken to
24 address the deficiencies, and the proposed dates by when the
25 deficiencies will be remedied.

26 (e) In developing its implementation plan, each state agency
27 may rely upon data gathered from its most recent language survey.

28 (f) Each state agency shall submit its implementation plan to
29 the Department of Human Resources no later than October 1 of
30 each applicable year. The Department of Human Resources shall
31 review each implementation plan, and, if it determines that the
32 implementation plan fails to address the identified deficiencies,
33 shall order the agency to supplement or make changes to its plan.
34 A state agency that has been determined to be deficient shall report
35 to the Department of Human Resources every six months on its
36 progress in addressing the identified deficiencies.

37 (g) If the Department of Human Resources determines that a
38 state agency has not made reasonable progress toward complying

- 1 with this chapter, the department shall issue orders that it deems
- 2 appropriate to effectuate the purposes of this chapter.

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