

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3826

By: Alonso-Sandoval

AS INTRODUCED

An Act relating to translation and interpretation services; enacting the Equal Language Access to State Services Act; defining terms; prescribing requirements for state government entities related to translation services; prescribing reasonable steps; prohibiting imposition of charges; requiring submission of report; prescribing content of report; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 401 of Title 25, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Equal Language Access to State Services Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 402 of Title 25, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1 1. "Covered entity" means a state department, agency, or
2 entity;

3 2. "Equal language access" means the ability to receive
4 information and to participate in and benefit from public services
5 offered by a covered entity at a level equal to English-proficient
6 individuals;

7 3. "Limited English proficiency" means the inability to
8 understand or to effectively express oneself in spoken or written
9 English as a result of one's national origin and the individual has
10 not developed fluency in the English language;

11 4. "Oral language services" includes various methods to provide
12 verbal information and interpretation, such as staff interpreters,
13 bilingual staff, telephone interpreter programs, televideo
14 interpretation services, and private interpreter programs; and

15 5. "Vital documents" means printed or electronic documents that
16 provide important information necessary to access or participate in
17 services, programs, and activities of a covered entity, including,
18 but not limited to, applications, outreach materials, and written
19 notices of rights, denials, losses, or decreases in benefits or
20 services.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 403 of Title 25, unless there is
23 created a duplication in numbering, reads as follows:

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1 A. Each covered entity shall take reasonable steps to provide
2 equal language access to public services for individuals with
3 limited English proficiency.

4 B. Reasonable steps include all of the following:

5 1. Providing oral language services for individuals with
6 limited English proficiency through face-to-face, in-house or
7 telephonic oral language services. Oral language services provided
8 under this act must be provided by individuals and through means
9 with demonstrated competency in the appropriate language. Oral
10 language services provided by a relative, friend, or bystander do
11 not meet the requirements of this act and do not substitute for the
12 duty to provide access to oral language services. However, the
13 individual with limited English proficiency may choose to use an
14 interpreter of the individual's choice, at the individual's expense,
15 in place of or as a supplement to the oral language services the
16 covered entity is required to provide;

17 2. Having available sufficient, appropriate oral language
18 services to provide equal language access, based on reliable data
19 documenting the proportion of individuals with limited English
20 proficiency eligible to be served or encountered by the agency and
21 the frequency of encounters within the geographic area served, and
22 taking into consideration the nature and importance of the program,
23 activity, or service provided;

1 3. Translating vital documents ordinarily provided to the
2 public into all of the following languages and providing those
3 translated documents to local offices as necessary:

4 a. every language spoken by a population with limited
5 English proficiency that, based on reliable data,
6 constitutes three percent (3%) or more of the overall
7 population within the geographic area of the covered
8 entity,

9 b. every language spoken by a population with limited
10 English proficiency that, based on reliable data,
11 constitutes either of the following:

12 (1) three percent (3%) or more of those served by a
13 local office of a covered entity,

14 (2) even if less than three percent (3%), five
15 hundred (500) or more of those served by a local
16 office of a covered entity. Local offices are
17 encouraged but not required to translate vital
18 documents into other languages for populations of
19 less than the three percent (3%) or five hundred
20 (500) thresholds described in this subparagraph,
21 based on knowledge of the local community served;

22 4. Designating a language access liaison who will report to the
23 officer or employee designated by the Oklahoma Department of
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1 Commerce as responsible for statewide language access coordination;
2 and

3 5. Any additional means necessary to achieve equal language
4 access to public services.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 404 of Title 25, unless there is
7 created a duplication in numbering, reads as follows:

8 A covered entity shall not charge individuals with limited
9 English proficiency for the use of oral language services or
10 translation.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 405 of Title 25, unless there is
13 created a duplication in numbering, reads as follows:

14 Not less than every two (2) years, each covered entity shall
15 develop and submit to the Oklahoma Department of Commerce a report
16 with information and plans concerning implementation of equal
17 language access to its services. The report must include, but is
18 not limited to, all of the following:

19 1. The number of bilingual staff who are available to
20 facilitate equal language access and the languages they facilitate;

21 2. The number of bilingual staff determined to be needed for
22 each language to provide equal language access for the population
23 with limited English proficiency it serves;

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1 3. A plan to address any insufficiency in its ability to
2 provide equal language access;

3 4. A list of vital documents that it has had translated and the
4 language of the translation;

5 5. Designation of an employee as its language access
6 coordinator;

7 6. A staff training plan related to equal language access. The
8 staff training plan must include specific information regarding
9 implementation, including the specific types of language services
10 available and how the covered entity will do all of the following:

- 11 a. obtain language services internally or from vendors,
- 12 b. respond to callers with limited English proficiency,
- 13 c. respond to written communications from individuals
14 with limited English proficiency,
- 15 d. respond to individuals with limited English
16 proficiency who have in-person contact with staff,
- 17 e. ensure competency of interpreters and translation
18 services,
- 19 f. collect preferred language data for all unique public
20 encounters,
- 21 g. indicate limited English proficiency status in data
22 and information systems, and
- 23 h. communicate information to the language access
24 coordinator about perceived changes in language
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1 services needed by the population served and when that
2 information will be communicated; and

3 7. A plan to increase public awareness of the services provided
4 to facilitate equal language access.

5 SECTION 6. This act shall become effective November 1, 2024.

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