



To: Members of the House Government Operations Committee

From: Monique Stanton, President & CEO, Michigan League for Public Policy

Date: October 11, 2023

RE: Support for House Bills 4720 and 4721– Equal Language Access to State Services

The Michigan League for Public Policy is pleased to express our support for House Bills 4720 and 4721. We thank Rep. Ranjeev Puri and Rep. John Fitzgerald for sponsoring this important legislation to ensure equal language access at state agencies and entities that provide direct services to the public, which will create a more welcoming Michigan where all residents can thrive.

The League is a nonpartisan research and advocacy organization that promotes economic opportunity for all and analyzes the impact of public policy on the lives of Michiganders who have been systemically left out of prosperity. The League is also the state's Kids Count organization, working as a part of a national effort to measure the well-being of children at the state and local levels and to shape efforts that improve the lives of Michigan children.

Everyone in Michigan should be able to easily access state services (especially those they qualify for under state and federal laws), engage with agency staff and get questions answered, regardless of English language proficiency. In fact, the right to language access is grounded in Title VI of the *Civil Rights Act of 1964*, which prohibits discrimination based on race, color or national origin by recipients of federal funds, and is further bolstered by former President Bill Clinton's Executive Order 13166 ("Improving Access to Services for Persons with Limited English Proficiency").

Currently, Michigan does not have statewide language access standards. Without sufficient protocols in place, hundreds of thousands of Michigan residents may experience barriers to access and inclusion. According to 2015-2019 American Community Survey data, out of the 900,000 Michiganders who speak a language other than English, over 300,000 people are considered "limited English proficient" (LEP), meaning they self-identify as speaking English, but less than "very well" on a scale of "not at all," "not well," "well," or "very well." What's more, 11 percent of those who are LEP do not speak English at all (35,000 people). Most of these individuals are immigrants or a part of immigrant families.

These bills will facilitate equal access to state departmental and agency services for those who are LEP, bringing Michigan into compliance with federal guidelines while requiring accessibility extends even more broadly to covered entities that do not receive federal funding but provide direct services to the public. Along with the Office of Global Michigan's simultaneous efforts to develop and implement a language access plan program, these bills address key language access-related issues and needs. In fact, the approaches outlined in this legislation are modeled after, and align with, myriad best practices from other states' language access policies that the League and others have researched.¹

¹ Jacob Hofstetter, Margie McHugh, and Anna O'Toole, "A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies," Migration Policy Institute, October 2021, https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf

We hear from direct service partners and community members that relatives are often inappropriately asked to provide interpretation for those interacting with agency staff. SB 382 is explicit that oral language services provided by a relative, friend or bystander would not meet language access requirements and would not substitute for the agency's duty to provide reasonable access to equal language services. This policy would take the important step of prohibiting the use of interpreters that could create ethical concerns or hinder an individual's ability to provide or receive entirely truthful or accurate information (in the case of sensitive health information, for example).

These bills identify metrics to ensure that appropriate services (oral language in addition to the translation of vital documents) are based on reliable data about the LEP population within the geographic area that the state agency or entity may serve. Outlining these criteria and tracking data trends are critical to ensuring that a state agency or entity is prepared to provide equal access to services in the given locality.

Specifically, the proposed regional population threshold for translation – that is, requiring vital document translation for a LEP group that constitutes 3% of residents in the geographic region the entity serves, or 500 individuals in this region (whichever is less) – is among the highest standards taken up by states and localities across the country.

This legislation will also support implementation of agency-specific plans by both designating a liaison to work with and report to the Office of Global Michigan as well as establishing monitoring and evaluation protocols. In addition, the requirement to report on staff training plans is an integral component of implementation; all levels of staff, and particularly front-facing staff, must understand their agency's language access plan and entity-specific protocols and procedures for delivering equal language services.

Lastly, HB 4720 facilitates agency-level compliance and creates an individual complaints process with the ability to seek a remedy. These accountability mechanisms will help ensure Michiganders' right to meaningful language access is not violated and agencies are obligated to resolve complaints and make necessary changes.

We support HB 4720 and 4721 and urge the Committee's passage. These bills will not only reduce systemic barriers to accessing state services solely because of the language one speaks, but will also provide staff with guidance and training on implementing language access protocols. State entities provide wide-ranging services and these bills ensure that all Michiganders, regardless of where they were born and the language they speak, will be fully included in state-level communications across health, economic and safety issues, among others. At a time when our state's population decline is top of mind, robust policies that expand language access and ensure equal access to essential public services, particularly for immigrant and LEP communities, are forward-thinking and create a stronger and more welcoming state.