1660.01 Meaningful Language Access to State Services

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PURPOSE

To provide guidance to Executive Branch Departments and Sub-units with regard to ensuring that individuals with Limited English Proficiency (LEP) have meaningful access to public services, programs, and activities offered by the State of Michigan (SOM).

APPLICATION

Executive Branch Departments and Sub-units.

CONTACT AGENCY

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SUMMARY

Departments and agencies must ensure that individuals with LEP have meaningful access to services, programs, and activities in compliance with Title VI of the Civil Rights Act of 1964 and other applicable laws, regulations, and guidelines[1]. This policy also seeks to clarify standards for fulfilling obligations of departments and agencies as laid out in Michigan laws, 2023 Public Acts (PA) 241 Meaningful Language Access to State Services Act (MCL 37.21 - 37.24) and 242 Statewide Meaningful Language Access Coordination Act (MCL 37.11 - 37.14). Hereafter in this policy, these Michigan laws will be referred to as “2023 PA 241” and “2023 PA 242,” respectively.

These standards are presented below in three major sections:

1. Meaningful Language Access to Public Services Offered by the State
2. Responsibilities of Covered Entities
3. Responsibilities of the Office of Global Michigan (OGM)

APPLICABLE FORMS

None.

[1]This policy is offered only as guidance and not a “rule,” and does not have the independent force and effect of law. MCL 24.207(h).

DEFINITIONS

Covered Entity – any State of Michigan department, agency, or entity.

Coordinating Entity – refers to the Office of Global Michigan as the entity assigned to coordinate the efforts of SOM departments and agencies to provide meaningful language access to individuals with LEP in accordance with federal and state requirements.

Interpretation – the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. See also oral language services.

Four-Factor Analysis – a framework intended to aid recipients of federal financial assistance with conducting an individualized assessment of their programs and activities to help them prioritize language access services. Four factor analysis includes assessing:

1. the number or proportion of LEP individuals that could be served by or could encounter covered entity's services;
2. the frequency with which LEP individuals come into contact with the covered entity;
3. the nature and importance of the program, activity, or service provided by covered entity; and
4. the resources available, as well as the cost associated with providing needed language assistance services.

Limited English Proficiency (LEP) – the inability to understand or to effectively express oneself in spoken or written English as a result of one's national origin and the individual has not developed fluency in the English language.

Language Access Plan – a management document and roadmap that outlines the tasks and priorities to be implemented to ensure the covered entity will meet compliance standards set forth in the policy.

Language Services – Professional services that enable communication across different languages, such as translation and interpretation.

Meaningful Language Access – the ability to receive information in one's spoken or used language and to participate in and benefit from public services offered by a covered entity.

Oral Language Services – includes various methods to provide verbal information and interpretation, such as staff interpreters, bilingual staff, telephone interpreter programs, virtual interpretation services, and private interpreter programs. See also "interpretation," as defined above.

State Funded Entity – any contractor, subcontractor, grantee, subgrantee, recipient and subrecipient that receives financial assistance from the covered entity for the purpose of delivering programs, activities, or services to the public.

Translation – the replacement of written text from one language (source language) into an equivalent written text in another language (target language).

Vital Documents – printed or electronic documents that provide important information necessary to access or participate in services, programs, and activities of a covered entity, including, but not limited to, applications, outreach materials, and written notices of rights, denials, losses, or decreases in benefits or services.

PROCEDURES

1. Meaningful Language Access to Public Services Offered by the State

1.1 Authority

As a recipient of federal financial assistance, the SOM is bound by Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulation, 45 C.F.R. Part 80, which prohibits discrimination based on race, color, or national origin, including discriminations against individuals with limited English proficiency.

The SOM demonstrated its commitment to advancing the goals of Title VI of the Civil Rights Act of 1964 and Executive Order 13166 by enacting the 2023 PA 241 Meaningful Language Public Access to State Services Act and the 2023 PA 242 Statewide Meaningful Language Access Coordination Act.

1.2 Guiding Principles

To ensure all individuals can access critical services and participate fully in programs, the SOM is committed to:

1. Serving all individuals who speak a language other than English and providing free, timely, culturally competent, and high-quality language access services;
2. Ensuring that SOM departments/agencies develop and implement comprehensive language access plans and take concrete steps towards meeting the administrative and language service standards set in federal and state laws;
3. Closely monitoring progress and supporting statewide efforts to meet compliance standards across its departments, agencies, and funded entities; and
4. Proactively building the skills of staff throughout state departments and agencies to ensure they are equipped to communicate with and serve individuals who speak a language other than English, and understand language access to be an essential component of culturally competent and responsive service delivery.

2. Responsibilities of Covered Entities

2.1 Language Access Staffing

Covered entities are required to ensure adequate staffing or contracted language service providers to support the development, management, and ongoing oversight of language access activities and services as follows:

1. Designating a Language Access Coordinator (LAC). The role of the LAC shall include, at minimum:
    a. Leading development of covered entity's Language Access Plan.
    b. Ensuring Language Access Plan is submitted to the coordinating entity at least every 2 years.
    c. Coordinating and overseeing of Language Access Plan implementation within the covered entity in accordance with this procedure, ensuring all relevant members in the covered entity are consulted regarding their work areas language access needs and implementation practices are taken into consideration.
    d. Serving as a liaison to the OGM and fulfilling reporting responsibilities.
    e. Tracking the participation of available bilingual staff in delivery of language assistance services, and assessing the need for bilingual staff for languages most widely spoken by individuals with LEP served or likely to be served by the covered entity.
    f. Developing and implementing a staff training plan for language access training.
    g. Ensuring the covered entity maintains an account with established DTMB vendors for language services and has the resources to meet the needs of individuals with LEP.
    h. Collecting and reporting data on language access implementation activities, implementation costs, individuals with LEP individuals encountered by the covered entity, usage and demand for language assistance services.
    i. Monitoring and addressing the quality of language assistance services provided by the covered entity.
    j. Monitoring and addressing language assistance complaints.
2. Identifying available bilingual staff based on programmatic needs. Ensuring that bilingual staff have demonstrated proficiency levels and that all staff receive requisite language access training pertaining to their roles and responsibilities.
3. Documenting the language access responsibilities of all designated positions through formal written job descriptions and work plans.

2.2 Budgeting for Language Access Services and Needs

1. The budget for language access services shall be determined and procured by each individual covered entity based on programmatic needs.
2. Annual budget line items may include:

a. Staffing: to cover the salaries and benefits of part-time and full-time program staff, which may include a Language Access Manager, Language Access Coordinator, and/or a Language Access Liaison.

b. Language Access Services: to cover the costs associated with providing language services to individuals with LEP, including interpretation services, translation services, and other language assistance services. The services may be provided via a contract with a Language Service Provider.

c. Signage: to cover the costs associated with development and dissemination of multilingual signage and other visual notices to assist individuals with LEP.

d. Training: to cover the costs associated with providing language access training to state staff including language access policy training, cultural competency training, plain language training, and other relevant training.

e. Technology: to cover the costs associated with procuring and maintaining technology solutions to facilitate language access services, including over-the-phone interpreting and video remote interpreting.

f. Compliance Monitoring & Evaluation: to cover the costs associated with monitoring compliance with language access policies and procedures, including conducting language access audits, focus groups, and survey assessment processes.

2.3 Language Access Plan Development and Dissemination

1. After initial implementation, covered entities shall update the Language Access Plan at least every 2 years in accordance with applicable federal and state requirements, and ensure the Language Access Plan contains:

    a. Information on the covered entity's designated LAC, and any other staff with an assigned role in the covered entity's language access implementation activities.

    b. Process plan for engaging the appropriate divisions/units within the covered entity in language access delivery, and identification of responsible parties within those divisions/units.

    c. A language access training plan outlining how covered entity's staff will receive language access training.

    d. A bilingual staff plan outlining the covered entity's goals with regard to training available bilingual staff.

    e. An outreach and notification plan to increase public awareness of the language access services provided by the covered entity.

f. Identification of vital documents that will be translated by the covered entity and the languages that will be prioritized during the Language Access Plan implementation period.

2. Covered entities shall report annually to the coordinating entity on forms provided by the coordinating entity and ensure the report contains the following information:
    a. An update on the covered entity's progress with implementation of goals and action steps outlined in the Language Access Plan.
    b. The number of bilingual staff who are available to facilitate meaningful language access and the languages they facilitate.
    c. The number of bilingual staff determined to be needed for each language to provide meaningful language access for the population with LEP it serves.
    d. A plan to address any insufficiency in its ability to provide meaningful language access.
    e. A list of vital documents that it has had translated and the language of the translation.
    f. Updated information of its language access coordinator.
    g. A staff training plan related to meaningful language access and its progress with implementation.
    h. A plan to increase public awareness of the services provided to facilitate meaningful language access.
    i. A plan to address identified gaps in the Language Access Plan implementation period.
    j. The number of LEP individuals that come into contact with the covered entity and require language assistance services in languages other than English.
3. Covered entities shall develop an internal communication and dissemination plan to distribute a final copy of the covered entity's Language Access Plan and any modifications to the Language Access Plan to staff and ensure staff are aware of available resources and of the department's obligation to provide meaningful access for individuals with LEP.
4. A plan to increase public awareness of the services provided to facilitate meaningful language access.
5. Covered entities shall post a summary of the final version of the Language Access Plan and subsequent modifications to the public website.
6. A summary of the final version of the Language Access Plan and subsequent modifications shall be posted to the public website and be translated into the identified languages in item 1. of section "2.4-A. Translation Services" of this procedure.

2.4 Language Assistance Services

In accordance with federal and state requirements and needs assessment findings, covered entities are required to deliver a range of language assistance services to support meaningful communication and participation in department's programs and services for individuals with LEP. Language assistance services covered entities are required to provide include translation services, interpretation services, quality assurance, and alignment with plain language standards, public notification, and public outreach.

2.4-A. Translation Services

Covered entities shall ensure that individuals with LEP have equal access to vital documents and services. To meet this requirement, covered entities shall:

1. Translate vital documents ordinarily provided to the public into all of the following languages and provide those translated documents to local offices as necessary:
    a. Every language spoken by a population with LEP that, based on reliable data, constitutes 3% or more of the overall population within the geographic area of the covered entity.
    b. Every language spoken by a population with LEP that, based on reliable data, constitutes either of the following:
        i. 3% or more of those served by a local office of a covered entity; or
        ii. Even if less than 3%, 500 or more of those served by a local office of a covered entity.
            1. Local offices are encouraged but not required to translate vital documents into other languages for populations of less than the 3% or 500 thresholds described in this subparagraph, based on knowledge of the local community served.
2. By October 1, 2025, translate and post the following types of vital documents into the identified languages in item 1. of section "2.4-A. Translation Services" of this procedure:
    a. Signage informing individuals with LEP of their rights to language access and steps to take to request language assistance; and
    b. Summary of services, benefits, programs offered by the covered entity, and key contact information.
3. Ensure vital documents are translated accurately, completely, and in a timely manner.
    a. If a covered entity uses bilingual staff to translate vital documents, the staff must have been hired with the additional language proficiency requirement. The covered entity must also ensure that these bilingual staff members' proficiency and

translation skills are verified and certified by a third-party contractor.

4. Create multilingual content that can lead to receiving services in formats that effectively reach communities with LEP. Formats may include audio public services announcements and messages; short online videos; and social media content.

2.4-B. Interpretation Services

Covered entities shall ensure that individuals with LEP have quality interpretation services when interacting with their staff, programs, and services. These include:

1. On-Demand Over-the-Phone Interpretation Service: Covered entities shall obtain an on-demand over-the-phone interpretation service provider to ensure frontline and outreach staff can access an interpreter at any time. This must be done in compliance with the state's procurement and IT policies and procedures. Covered entities should ensure that staff have access to appropriate tools such as dual handset phones, instructions, and language identification instructions. Furthermore, staff should be trained on using over-the-phone interpretation services and effective use of interpreters, and a mechanism should be established to track and report the quality of interpreters/services.
2. In-Person Interpretation Services (face-to-face onsite oral interpretation): Covered entities shall use qualified and trained in-person interpreters via vetted language service providers for specific types of encounters with individuals with LEP. Covered entities should clearly define when staff need in-person interpreters or video remote interpretation (VRI) services and distinguish and prioritize encounters needing in-person or VRI interpretation during planning.
3. Prohibition of Minors, Family, and Friends as Interpreters: Using minors, family, and friends as interpreters is prohibited. However, if an individual with LEP requests to use a family member or friend over the age of 18 after being offered a trained interpreter by the covered entity, the staff of the covered entity's staff shall obtain a signed waiver from the individual with LEP who requested to use their own interpreter and allow the request. The covered entities should ensure that frontline staff can access waivers available in the identified languages in item 1. of section "2.4-A. Translation Services" of this procedure. Staff should be trained on the use of waivers and procedures for obtaining and reporting signed waivers. Additionally, frontline staff should be trained on how to identify the language spoken by individuals with LEP and offer interpretation services, even when not requested.
4. Covered entities with staff who have bilingual requirements and interpretation duties in their position descriptions shall formalize the role of these available bilingual staff in delivering interpretation services. To qualify as interpreters, available bilingual staff need to be formally evaluated, their language proficiency and interpretation skills

need to be assessed, and they need to receive interpretation training. If someone is hired for the purpose of offering translation and/or interpretation services, they should be properly vetted before they are offered a position.

2.4-C. Quality Assurance and Plain Language

Covered entities shall develop and adopt quality assurance procedures to ensure the quality and accessibility of translation and interpretation services and follow plain language guidelines.

1. Covered entities shall follow plain language standards in content creation to improve the quality and accessibility of translated documents.
    a. Covered entities shall conduct plain language training for identified staff.
2. Covered entities shall implement quality assurance strategies that include:
    a. Documenting and tracking the quality of interpretation and translation services provided by vendors, including quality measures such as accuracy, timeliness, and client satisfaction. Additionally, equipping staff with skills and tools to regularly evaluate and monitor these services, using established criteria like consistency, cultural appropriateness, and effectiveness in communication.
    b. Offering a public complaint process, made available online and in at least the identified languages in item 1. of section “2.4-A. Translation Services” of this procedure.
    c. Ensuring that language service provider contracts contain stringent quality assurance requirements and require providers to offer methods by which the covered entity can configure tools or technology to improve the accuracy of translated content.
    d. Conducting annual testing of translated documents and interpretation services across languages in their agency.

2.4-D. Public Notification

Covered entities shall ensure that the general public and individuals with LEP know of the language assistance services available and have information on how to request such services. Additionally, covered entities shall provide multilingual notification of services in various formats that are fully integrated into information shared digitally through email, social media or the covered entity’s websites, as well as printed documents mailed or distributed at covered entity’s physical locations. The communication of available language assistance services will assist LEP individuals in understanding the services provided by covered entities, which can increase the general public’s use of covered entities' overall services and support public trust and confidence.

1. Covered entities shall prominently display signs in the identified languages in item 1. of section “2.4-A. Translation Services” of this

procedure, notifying individuals with LEP of their right to request interpretation and translation services. Notifications should be placed in visible areas and indicate that language services are available free of charge.

2. Covered entities should annually review and update their public notices to ensure they are accurate and up-to-date and meet the needs of their populations with LEP.

2.4-E. Public Outreach

Covered entities shall conduct direct outreach and develop culturally and linguistically targeted communications strategies to reach individuals with LEP.

2.5 Training Plan and Implementation

Covered entities need to develop a language access training plan and deliver language access training for all staff who will or may come into contact with limited English proficient individuals, and those who play a role in the design and delivery of programs, services, resources, or information intended for the public.

The training should be provided as an initial training for all identified staff and should be provided as refresher training on an annual basis. Training should include an overview of the federal and state legal requirements related to language access. Training should also include the specific language assistance services staff should provide, including:

1. How to obtain language services internally or from vendors.
2. Protocols for responding to callers with LEP.
3. Protocols for responding to written communications from individuals with LEP.
4. Protocols for responding to individuals with LEP who have in-person contact with staff.
5. Ensuring competency of interpreters and translation services.
6. Collecting preferred language data for all unique public encounters.
7. Indicating LEP status in data and information systems.
8. Communicating information to the LAC about perceived changes in language services needed by the population served and when that information will be communicated.

As part of their language access training plans, covered entities will:

1. Evaluate training efforts on an ongoing basis and determine if additional or new training components should be added based on changes in language access needs, emerging languages, or changes in policies or protocols.
2. Ensure that all new staff receive training on language access policies, protocols, and service delivery upon hire.

3. Review tracking list of training participation to ensure compliance for all staff and those who may come into contact with LEP individuals.

2.6 Noncompliance Complaint Process

The OGM will create a complaint form and a process for members of the public to use to report and pursue a remedy for instances of noncompliance with the 2023 Meaningful Access to State Services Act. Covered entities shall:

1. Ensure that members of the public interacting with their services are provided with the OGM's complaint form and informed about the correct procedures to follow.
2. Track, address, and report all forwarded complaints from the OGM that were filed against the covered entity and be responsible for:
    a. Taking proactive steps to collaborate with relevant staff to address concerns associated with complaints and respond within specified timelines.
    b. Confirming that covered entity is in compliance with 2023 PA 241.
    c. Reporting monthly on their status and resolution to the OGM and relevant members of the covered entity's leadership team.

2.7 Complaint Process based on National Origin

Covered entities will direct members of the public who believe they have been the victim of unlawful discrimination due to national origin to the Michigan Department of Civil Rights (MDCR), who investigates complaints of unlawful discrimination in employment, education, housing, and public accommodations or services.

3. Responsibilities of the Office of Global Michigan (OGM)

The OGM shall serve as the coordinating entity appointed by the 2023 Statewide Meaningful Language Access Coordination Act to coordinate the efforts of covered entities across the SOM to meet the requirements of the 2023 Meaningful Language Access to State Services Act.

The OGM shall:

1. Provide technical assistance and support to covered entities by developing the tools and resources they need to provide meaningful access to individuals with LEP and meet federal and state language access compliance requirements.
2. Monitor and evaluate compliance of covered entities with 2023 PA 241 and this Policy.
3. Work in collaboration with covered entities and the MDCR to ensure a linguistically accessible complaint process is available for individuals who wish to file a complaint and seek a remedy against a covered entity for noncompliance with the 2023 Meaningful Language Access to State Services

Act and/or believe that they have been denied full and equal access to a covered entity because of their national origin.

4. Work with covered entities for them to conduct public outreach and engagement to ensure individuals with LEP in the SOM are aware of available language services and how to utilize the services.

3.1 Technical Assistance

The OGM shall:

1. Develop tools and resources that advance language access implementation and facilitate resource-sharing among covered entities, including the development and implementation of:
    a. Basic language access training for SOM employees.
    b. Training on how to obtain language services from state-contracted vendors.
    c. A one-stop online resource for LACs.
2. In partnership with DTMB, coordinate efforts to negotiate and oversee a competitive statewide contract(s) for language assistance services provider(s).
3. Convene LACs on a regular basis to facilitate sharing of tools and best practices across departments and agencies.

3.2 Compliance Monitoring

The OGM shall:

1. Monitor and evaluate statewide implementation of federal and state requirements and provision of meaningful access for individuals with LEP.
2. Annually track and share statewide and local LEP data, as well as population changes and information on new or emerging language needs to determine needed changes or modifications to statewide language assistance services.
3. Provide support and ensure covered entities designate a LAC assigned to coordinate and lead department/agency's implementation.
4. Provide support and ensure covered entities develop a draft comprehensive Language Access Plan by October 1, 2024, and update the Language Access Plan at least every 2 years.
5. Review collected data and implementation update reports submitted by covered entities on an annual basis, and ensure any gaps, needs, and priorities identified in the annual report are used to generate and revise action steps in covered entities' Language Access Plan.

3.3 Public Education

The OGM shall work with covered entities for them to conduct campaigns and initiatives to increase public awareness about language assistance services,

multilingual resources, and compliant mechanisms available for individuals with LEP.

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