



Language Access in Colorado State Agencies

Existing Efforts and Opportunities for Expansion

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Executive Summary

More than 300,000 Coloradans have limited proficiency in English, the large majority of whom are immigrants. Providing language access in programs administered by the state government is thus a key concern for advancing the equitable delivery of public services and information, supporting the successful integration of immigrants in Colorado communities, and improving the effectiveness of government programs. Language access is also a federal civil rights requirement that applies to recipients and subrecipients of federal funding, which includes many state agencies and other entities to which they provide grants, contracts, or otherwise pass along federal funds.

In late 2023 and early 2024, the Migration Policy Institute (MPI) National Center on Immigrant Integration Policy worked together with the Colorado Office of New Americans to assess the state of language access measures in Colorado state agencies. MPI subsequently analyzed the results of this assessment and developed recommendations designed to improve consistency, efficiency, and coordination in the provision of language assistance across state agencies. This research also identified additional forms of support that state agencies might need to expand access to their programs for Limited English Proficient (LEP) Coloradans and considered the feasibility, utility, and key features of a potential statewide language access policy.

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The principal findings of this study are:

- ▶ **Colorado state agencies were already taking steps to address LEP Coloradans' access to their services and information.** The exact measures differed by agency, but all 12 of the state agencies that participated in this study's survey and interviews had taken at least basic steps to provide language access in their public-facing activities and materials.
- ▶ **Efforts around language access in Colorado state agencies varied widely and were not coordinated across agencies.** Most state agencies examined for this report were not addressing language access in a systematic manner. Efforts also remained largely siloed within individual agencies' service programs or sectors, and the level of attention and resources dedicated to providing access to LEP individuals differed both across and within agencies.
- ▶ **Nearly all state agencies were interested in receiving additional support from the state to address language access needs.** All but one of the examined agencies indicated a desire for additional support from the state and/or federal government to address language access needs. Additional funding for expanded language services, greater technical assistance or guidance, and dedicated staff focused on language access at each agency were most commonly selected as potentially helpful approaches.

These and other findings point to a variety of actions the state can take to better coordinate and support agencies in providing language access in a consistent and efficient manner. Key areas include providing technical assistance and coordination to expand and enhance agency language access efforts and establishing requirements, standards, and accountability for these efforts. To move forward in developing, designing, and implementing such measures in ways that build on agency strengths, are responsive to their needs, and ultimately achieve consistency and efficiency across state agencies, MPI recommends that the state take the following steps:

- ▶ **Convene a working group and identify lead actors to guide cross-agency language access efforts.** To guide statewide efforts on language access, the state should convene a cross-agency working group and designate an existing office or entity to lead working group efforts and provide general coordination and guidance to agencies' existing efforts on language access. Participating agencies should appoint official language access liaisons to represent them in this working group. While an entity or individual would be designated to steer the working group in the short term, the state should eventually appoint a language access coordinator to more broadly support language access efforts across the state government. This language access coordinator could, for example, be responsible for future efforts such as developing technical assistance and guidance for agencies, providing feedback on agency efforts, engaging with immigrant and LEP communities, and other associated duties.
- ▶ **Develop a framework to guide the state's design of an effective and sustainable statewide language access policy, based on working group activities and deliberations.** To develop a framework for supporting and improving language access across state agencies, the working group should lead a detailed, internal assessment of current language access efforts as well as specific agency needs related to language access. The findings of this assessment should inform the development of the framework, including in terms of core goals and substantive areas, key actions associated with each area, and the timeline for implementing them and learning from their results.
- ▶ **Develop and issue a statewide language access policy, informed by learnings from the working group and building on the framework it has produced.** In the long term, efforts begun by the working group and furthered by its framework will be most effective and sustainable if reinforced by a statewide language access policy. At a minimum, such a policy should establish a rubric for all agencies to provide LEP individuals with meaningful access to their programs. Broadly speaking, the policy should also reflect a balance between the need to provide clear guidance and expectations for agencies with recognition that blanket requirements, such as the translation of large caches of documents and online materials, are often not a strategic use of agency resources. Instead, the policy and the implementation framework it rests upon should set out standards for language assistance, a mechanism for reviewing and monitoring agency efforts, and a structure to help departments, offices, and divisions implement the policy. To do so, the policy should:
 - Designate and empower a statewide office or entity to set standards and expectations for agency language access efforts, including review and approval of language access plans and/or reports as well as setting standards for interpretation services, the certification of bilingual staff, and the quality of translated materials;

- Set forth responsibilities of the office such as providing oversight, coordination, and technical assistance for agency efforts; and
 - Delineate covered agencies and the planning and reporting processes or mechanisms that will guide the implementation of the policy.
- **Focus implementation efforts on integrating language access measures into the design of agency and program service delivery, with a focus on public touchpoints.** Efforts to coordinate and strengthen state agencies' provision of language access should consider, prioritize, and target embedding language assistance into the public-facing elements of an agency's programs or services, whether they are provided online, in person, or via grantees. Such an approach would require that practical guidance and standards are provided to agencies and their staff and that key operational staff (such as communications or contracting personnel) are involved in the implementation of language access measures.

Taken together, these steps will allow Colorado to develop more coherent, coordinated, and effective approaches for managing the provision of language access across state agencies, which in turn can provide the foundation for an effective and sustainable language access policy—one built upon ongoing cross-agency collaboration and coordination—as well as the strategic integration of requirements, guidance, and resources into state programs. This approach will also assist the state in ensuring that its language access efforts focus on practical solutions that result in meaningful access to its programs for all Coloradans.

With many other states and localities facing similar language access implementation challenges to those described by Colorado state agencies, the relevance of this research extends beyond Colorado. In particular, the assessment process used and actions recommended in this study will likely be pertinent to the numerous policymakers, government agency staff, and community leaders interested in understanding and improving language access in their jurisdictions.

1 Introduction

As of 2022, more than 300,000 individuals in Colorado had limited proficiency in English, more than three-quarters of whom were immigrants.¹ For this population, which includes both recent immigrants as well as long-term residents and naturalized citizens, language barriers can prevent or hinder access to critical public services such as education, health care, public assistance programs, emergency services, and the legal system. Language barriers can also limit the ability of state agencies and their local partners to conduct outreach and effectively disseminate information to the state's linguistically diverse communities.² Consequently, providing access to state programs and public information for LEP Coloradans is essential for advancing the well-being, economic mobility, and successful integration of the state's immigrants as well as their families. Overcoming language barriers is also necessary to ensure the effectiveness of state agency

1 Limited English proficiency is measured through responses to the U.S. Census Bureau's American Community Survey (ACS). The survey asks respondents if they speak a language other than English at home. If yes, the survey asks them to self-assess their spoken English proficiency. Persons who report speaking English less than "very well" (that is, "well," "not well," or "not at all") are considered Limited English Proficient (LEP).

2 This report uses the term "agencies" to refer to state departments as well as their component offices and divisions.

programs as well as the efficient use of state resources. Without multilingual service delivery and outreach, programs will not equitably reach all communities in the state, undermining their own impact and leaving some Coloradans excluded from critical assistance and information.

Providing language access—that is, ensuring that language barriers do not impede access to government information and services—is also a longstanding obligation rooted in federal civil rights law, which applies to many, if not all, Colorado state agencies. At a basic level, ensuring language access means that government programs are prepared to communicate with Limited English Proficient (LEP) individuals in languages other than English, whether via the use of remote or in-person interpreters for spoken language or the translation of written and online content. Government programs may also leverage their own multilingual staff to deliver services directly in a language other than English and to assist with interpreting and translation. Integrating language access into the many contexts in which state and local agencies interact with the public also requires effective planning, coordination, budgeting, contracting, and monitoring within and across government programs.

Recognizing the critical importance of this issue as well as the growing momentum to increase language access both in Colorado as well as in other states and localities across the country, the state of Colorado has sought to better understand current efforts related to language access in Colorado state agencies and to examine what new or expanded policy and operational infrastructure might be needed to provide a more coordinated, expanded response to language access in state programs. To answer these questions, the Colorado Office of New Americans and the Migration Policy Institute (MPI) National Center on Immigrant Integration Policy worked together to conduct an assessment of language access measures in a select group of key state agencies and to garner agency staff feedback on language access in the state (see Box 1). This report presents the results of this assessment and offers MPI's analysis and recommendations for how Colorado's state government should move forward in addressing language access via strategic and coordinated cross-agency processes, and potentially a statewide language access policy. The findings of this report are not solely relevant for Colorado, however; they also offer important questions, considerations, and lessons for other state and local governments seeking to better understand their own language access measures and potential strategies for building on those efforts.

BOX 1

About This Project

This research project, conducted by the Migration Policy Institute (MPI) National Center on Immigrant Integration Policy in coordination with the Colorado Office of New Americans, aimed to assess the state of language access in select major public-serving Colorado state departments, offices, and divisions. It also sought to develop an initial framework for how the state can provide a more strategic, coordinated response or policy to expand language access in its programs.

To do so, the authors developed and administered a survey to 12 Colorado state agencies and then conducted follow-up interviews with staff from all 12 agencies between November 2023 and February 2024. State agencies also provided comments on the findings of the analysis during a March 2024 convening. The findings and recommendations presented in this report are those of its authors and should not be construed as the views of the Colorado Office of New Americans, the Colorado state government, or any other entity.

2 An Overview of Colorado's LEP Population and Federal Language Access Requirements

Colorado has grown as a destination for immigrants in recent decades.³ It has the twentieth largest immigrant population of any state in the country, with roughly one-in-ten (9.5 percent) of its residents having been born outside of the United States as of 2022.⁴ Many, but not all, of these 558,000 immigrants need or prefer to communicate in a language other than English. At a practical level, numerous state and local programs—including K-12 schools, emergency services, and public assistance programs—have had to respond to these needs for language access. Most state agencies are also bound by federal civil rights requirements to ensure that individuals are not denied access to state programs for which they are otherwise eligible solely due to limited proficiency in English. This section provides more background on Colorado's LEP population as well as existing civil rights requirements to provide language access in federally supported programs.

A. Colorado's LEP Population

There were approximately 303,000 LEP individuals in Colorado in 2022.⁵ These individuals comprised 5.5 percent of the state's population ages 5 and older.⁶ The LEP population has grown over the past two decades, increasing in size by 20.8 percent between 2000 and 2022.⁷ A large majority of LEP Coloradans are immigrants (77 percent in 2022), a population including both naturalized citizens as well as noncitizens with a variety of permanent, temporary, or unauthorized immigration statuses.⁸

Colorado's LEP population exhibits significant linguistic diversity, though Spanish is by far the most common language spoken by LEP individuals in the state. As Table 1 shows, 70 percent of the state's LEP population spoke Spanish in 2022. While this means that roughly one-in-three LEP individuals spoke a language other than Spanish, none of those other linguistic communities accounted for more than 4 percent of the state's LEP population. Speakers of these lower incidence languages are also not evenly distributed across the state; many, if not most, likely reside in the state's larger urban areas such as Denver and on the Front Range.⁹ Thus, the composition and distribution of Colorado's LEP population mean that policymakers and

3 Colorado's foreign-born population increased by 159.7 percent between 1990 and 2000 and by 50.7 percent between 2000 and 2022. The foreign-born share of the overall state population has also grown, from 4.3 percent in 1990 to 9.5 percent in 2022. See Migration Policy Institute (MPI) Data Hub, "State Immigration Data Profiles—Colorado: Demographics & Social," accessed May 7, 2024.

4 MPI Data Hub, "State Immigration Data Profiles—Colorado: Demographics & Social"; Colorado Office of New Americans, *Office of New Americans: Annual Report 2023* (Denver: Colorado Department of Labor and Employment, 2023).

5 Tabulated from MPI Data Hub, "State Immigration Data Profiles—Language and Education," accessed February 26, 2024.

6 As of 2022, 895,000 or 16.2 percent of Colorado's population spoke a language other than English, but this number includes not only LEP individuals but also English proficient individuals who speak another language. Tabulated from MPI Data Hub, "State Immigration Data Profiles—Language and Education," accessed February 26, 2024.

7 Tabulated from MPI Data Hub, "State Immigration Data Profiles—Language and Education."

8 Tabulated from MPI Data Hub, "State Immigration Data Profiles—Language and Education."

9 George Mason University, Institute for Immigration Research, *Immigrants in Colorado and Select Metropolitan Areas* (Fairfax, VA: George Mason University, n.d.).

service providers need the capacity to serve a large number of Spanish speakers while also maintaining the flexibility to respond to numerous other, smaller linguistic groups.

LEP data from the U.S. Census Bureau's American Community Survey (ACS) provide a useful starting point for understanding the extent and nature of language access needs, but language barriers are likely greater than shown in these data. For one, proficiency in English is self-reported in the ACS, meaning that these data do not capture precise levels of respondents' abilities to communicate in or understand English. In addition, even if an individual is proficient in English, they may require language services such as interpreting or translated materials in order to fully understand and access complex information related to government programs or processes. For example, although an individual may be able to communicate with a government staff person in English regarding basic details of their situation or need, they may require an interpreter or translated materials for a complex administrative hearing or application process.

The composition and distribution of Colorado's LEP population mean that policymakers and service providers need the capacity to serve a large number of Spanish speakers while also maintaining the flexibility to respond to numerous other, smaller linguistic groups.

TABLE 1
Top Languages Spoken by LEP Individuals (ages 5 and older) in Colorado, 2022

Language(s)	Number of LEP Individuals	Share of Statewide LEP Population
Spanish	213,000	70%
Chinese (including Mandarin, Cantonese)	10,600	3%
Amharic, Somali, or other Afro-Asiatic languages	10,400	3%
Vietnamese	9,600	3%
Korean	8,000	3%
French (including Cajun)	5,900	2%
Russian	5,700	2%
Arabic	3,400	1%
Other Slavic languages*	3,000	1%
German	2,700	1%
Persian (including Farsi, Dari)	2,600	1%
Tagalog (including Filipino)	2,600	1%

Notes: English proficiency is self-reported in the American Community Survey (ACS). Limited English proficient (LEP) individuals are those who report speaking English less than "very well" but represent a range of proficiency levels—"well," "not well," and "not at all." Languages are grouped in this table according to ACS categories. The number of LEP speakers for each language has been rounded to the nearest hundred, and all percentages have been rounded to the nearest whole number.

*"Other Slavic languages" is a category in ACS data that encompasses Slavic languages other than Russian and Polish. This includes languages such as Ukrainian, Czech, and Bulgarian.

Source: Migration Policy Institute (MPI) tabulation of 2022 ACS data.

B. *Language Access as a Federal Civil Rights Requirement*

Not providing language access to government programs and public information risks denying otherwise eligible LEP individuals and their families access to critical services, solely due to the language they need to use to communicate. Recognizing the potential harm of such situations, Title VI of the *Civil Rights Act of 1964* as well as subsequent Supreme Court rulings, federal regulations, and executive orders have established the requirement for federally funded programs to offer “meaningful access” to LEP individuals.¹⁰ Title VI requirements around language access apply to both recipients of federal funding as well as subrecipients (i.e., subgrantees) of those funds. Some federal programs such as the Supplemental Nutrition Assistance Program, Head Start, and entities covered by the *Affordable Care Act* have additional requirements around language access as well.¹¹

The reach of these requirements means that many Colorado state agencies as well as the entities to which they grant funding, such as county agencies or nonprofit organizations, must provide language access to their programs. Under federal civil rights regulations, funding recipients are also responsible for monitoring the compliance of their grantees.¹² Failure to provide language access can lead to administrative civil rights investigations of recipients and subrecipients by federal civil rights offices. If such investigations find that violations have occurred, they often lead to agreements under which recipients and subrecipients must take proscribed steps to improve language access in their programs. Federal funding can also be terminated if the investigated entity does not comply.¹³

Despite the relatively strong standard established by federal civil rights regulations, the implementation of language access requirements remains a challenge. The reach of federal funding and sheer number of recipients and subrecipients across the country have meant that compliance with language access requirements may not always be prioritized or closely monitored.¹⁴ In addition, the federal framework intended to enforce language access in programs delivered by funding recipients and subrecipients suffers from serious gaps and limitations.¹⁵ To better comply with federal requirements and to more equitably include LEP residents in their programs, many state, county, and local governments have developed their own formal policies or laws around language access, particularly in recent years. These laws and policies often have common features related to both agency responsibilities for serving LEP individuals and the administration of their requirements across agencies and programs.¹⁶

10 Jacob Hofstetter and Margie McHugh, *Expanding Language Access in Federally Supported Programs: Practical Solutions for Persistent Problems* (Washington, DC: MPI, 2024). See also LEP.gov, “Commonly Asked Questions,” accessed October 18, 2024.

11 See, for example, Gabrielle Lessard, “Section 1557 Regulations Clarify Nondiscrimination Protections and Access to Language Assistance” (issue brief, National Immigration Law Center, May 2024).

12 U.S. Department of Justice (DOJ) Civil Rights Division, *Title VI Legal Manual* (Washington, DC: DOJ, n.d.), 14.

13 DOJ, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons,” *Federal Register* 67, no. 117 (2002): 41466.

14 Hofstetter and McHugh, *Expanding Language Access in Federally Supported Programs*.

15 Hofstetter and McHugh, *Expanding Language Access in Federally Supported Programs*.

16 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* (Washington, DC: MPI, 2021).

3 Language Access in Colorado State Agency Programs

Improving access to state programs for LEP Coloradans starts with understanding the extent and nature of state agencies' existing efforts to provide language access. In addition, it is important to consider what key government stakeholders believe would be the most effective ways the state could support expansion of language access in its programs. Answering both of these questions is essential to the design and implementation of any new measures or policies related to language access in the state. This approach can also help policymakers and agencies to avoid duplicative efforts, build on existing infrastructure, and ensure relevant and effective solutions.

This section presents the results of the MPI National Center on Immigrant Integration Policy analysis of the state of language access in Colorado's state agencies. This analysis leverages data from survey responses and interviews with agency staff (see Box 1 in the introduction for more details on the methods used for this project). The first two subsections describe current efforts by Colorado state agencies that participated in this study to address language access as well as gaps and opportunities for improvement in these efforts. The final two subsections explore state agency staff perspectives on the supports needed to expand language access as well as the utility of a potential statewide language access policy.

A. Existing Agency Language Access Efforts

The Colorado state agencies examined for this report were all taking at least basic steps to provide access to their services and information for LEP Coloradans, though the extent and nature of those steps differed between agencies. Some agencies had taken extensive steps to design and operationalize language access measures while others had more limited infrastructure in place to serve LEP individuals.

Understanding How Agencies Interact with LEP Individuals

Of critical importance to mapping out existing language access measures and their sufficiency is understanding the contexts and circumstances in which government programs interact with the public and, in particular, LEP individuals. These public touchpoints vary in size and scope. For example, some agencies may only interact with the public via smaller public information campaigns and their web content, while others may have large public-serving programs that they themselves deliver. Each of these contexts has distinct considerations and requires its own strategies and tools to effectively include LEP individuals. For instance, in the first example above, agencies would likely focus on translating public-facing materials, while agencies in the latter situation would need to focus more intently on having qualified interpreters or certified multilingual staff in place to interact with LEP members of the public.

Some agencies may only interact with the public via smaller public information campaigns and their web content, while others may have large public-serving programs that they themselves deliver.

The Colorado state agencies examined for this report all delivered services and information to the public in different ways, which fit into three primary areas:

- ▶ **Services delivered directly to the public by the agency.** Several participating state agencies had direct contact with LEP customers and/or clients and, consequently, were required to integrate language services and/or multilingual staff into their public-facing programming. These direct interactions included both contact via select events (such as public events or career fairs) as well as ongoing programs that provided services via call centers, walk-in locations, and government offices. In a few cases, agencies also provided emergency services directly to the public.
- ▶ **Services delivered to the public by an organization or other entity that the agency supported, funded, or had oversight over.** In many cases, state agencies were not directly delivering services or programs to the public but instead funding, supporting, or overseeing other entities that interacted with the public, including LEP individuals. These entities included county agencies, contractors, and other grantees such as community organizations. These situations presented unique challenges related to providing language access since state agencies did not have direct control over the delivery of services to the public. Instead, agencies could take monitoring measures to confirm that these entities were providing access to LEP individuals. Some agencies also offered guidance and resources to these entities (particularly county agencies) such as pre-translated standardized forms or access to statewide call centers and the interpreting services available through them.
- ▶ **Public materials and information developed by the agency.** All of the agencies examined for this report developed and published written and web materials for the public. In such cases, agencies sought to transmit information to the public on a variety of topics, such as eligibility for services, available programs, or critical guidance related to public health or safety. These efforts also included broader efforts to conduct outreach to communities. Providing language access in these contexts generally requires the translation of written and online materials, including social media content.

Although the nature of their public touchpoints differed, all of the agencies examined at least provided public materials and information, while several had one or more program that interacted with the public in all three ways.

Agency Approaches and Tools for Providing Language Access

The Colorado state agencies involved in this study described using several strategies and tools to provide access to LEP individuals to their programs. Most had also taken steps to plan, coordinate, and monitor the effectiveness of their efforts to provide language access. There were notable differences in the mix of planning, coordination, and monitoring steps undertaken, but all of the agencies examined were taking at least basic actions to ensure language access. Given that some of the offices and divisions were part of the same department, it is also clear that there were differences in language access efforts within departments and not solely between them.

In the survey distributed to agencies, respondents were asked to detail the strategies their agencies were using to provide language access in their programs and services. These strategies comprise the basic actions

that government programs should take in order to provide LEP individuals access to their services and information. It is important to note that agency responses illustrate which measures were in place, not the frequency and consistency of their use.

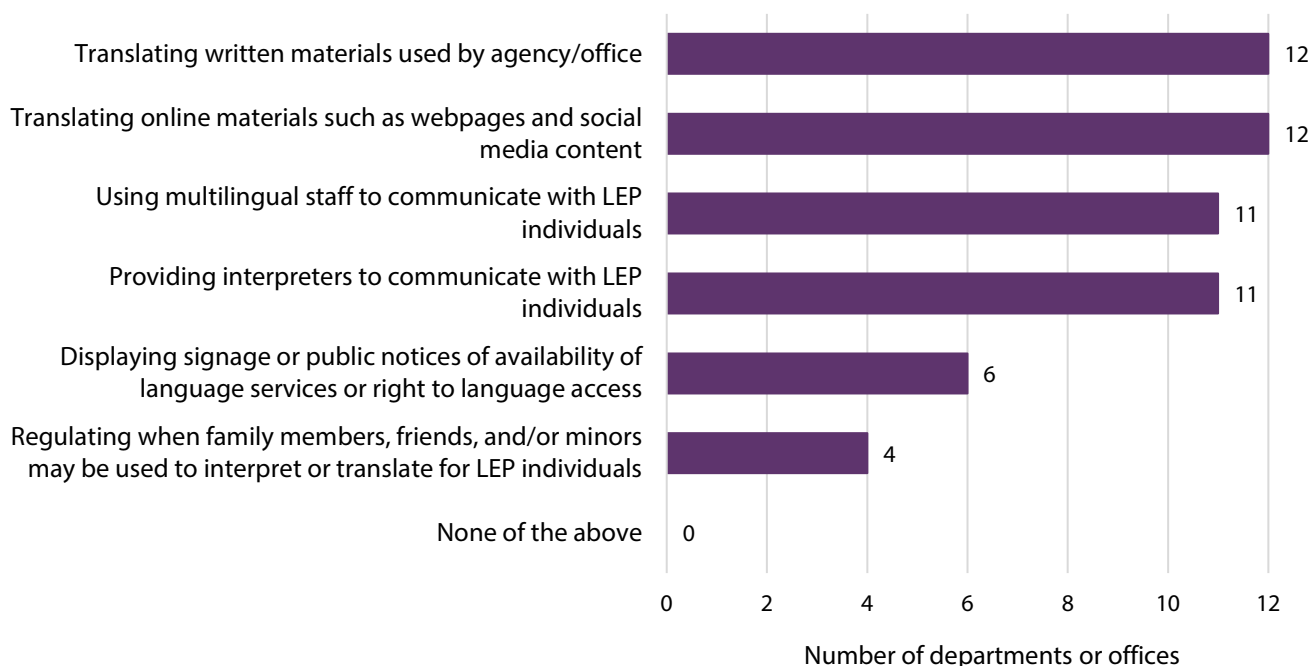
As Figure 1 shows, all 12 of the agencies surveyed were taking some steps to provide language access to their programs. All agencies reported translating written materials as well as web content, and all but one agency reported having multilingual staff or interpreters to facilitate communication with LEP individuals. Half of the agencies surveyed said they displayed public notices of the availability of language services, though some of those not taking this step did not directly deliver services to the public—the context in which signage or public notices would be most useful.

A common issue in efforts to overcome language barriers is the use of friends and family members, sometimes even minors, to help provide interpreting or translation for LEP individuals—a practice that can lead to poor communication and raise ethical and privacy concerns. Only four of the agencies surveyed regulated when such individuals could be used to provide language assistance to LEP individuals.¹⁷

FIGURE 1

Language Access Strategies Used by Surveyed Colorado State Agencies, 2024

Which of the following strategies to provide language access does your department/office utilize? Check all that apply.



Note: Representatives from a total of 12 agencies responded to this survey.
Source: Responses to MPI survey of Colorado state agencies, 2024.

¹⁷ Although the use of friends and family members to provide language assistance to LEP individuals is discouraged, there are limited cases in which it may be allowable or acceptable, such as communicating low-stakes, simple, and/or logistical information. In some cases, LEP individuals may also request that their friends or family members interpret or translate for them; while understandable, such requests must be weighed by government staff against the nature and implications of the interaction.

In interviews, state agency staff provided further context for these responses. For public-facing programs, interviewees said agencies generally had language services available for their staff to use to communicate with LEP individuals or leveraged multilingual staff to do this. In many cases, agencies used contracted remote interpreting services to provide language assistance to LEP individuals. This was the case both for interactions with the public that occurred at walk-in locations and government offices (where remote interpreting was often used in addition to multilingual staff) as well as for interactions online or by phone. Several interviewees described their agencies managing call centers that interfaced directly with the public, including some that operated on a 24/7 basis. In these contexts, staff could access contract-based remote interpreting for a variety of languages and be placed into a three-way call with the LEP individual and an interpreter. Several agency representatives also reported having Spanish-speaking staff working fulltime in the call centers, given the large number of Spanish-speaking callers they interacted with. In one case, a state agency reported using handheld automatic translation devices in service centers.¹⁸

Agencies provided translations of both web and written materials for LEP individuals. For most web content, agencies reported using Google Translate or another software to provide machine translation of their webpages, tools that are convenient but have considerable limitations in terms of accuracy.¹⁹ A few agencies also professionally translated a limited number of key webpages as well as social media content. Agencies had generally not translated web portals or online applications for program benefits, given the expense of doing so. For written materials, translation included both documents and standardized forms distributed by agencies as well as correspondence with individual LEP customers. Interviewees reported that the large majority of agency translation efforts focused on Spanish, with only a handful of agencies proactively translating materials into other languages (with the exception of the machine translation of their websites).

To provide language assistance, all surveyed agencies reported relying at least in part on contracted vendors that offered remote interpreting and/or translation services, as displayed in Figure 2. In some cases, an entire department was covered by one or more contracts, while in other cases offices and divisions within a department had their own contracts. In one case, an agency's use of language services contracts

This reliance on contractors reflects the reality that agencies could not meet their language assistance needs through multilingual staff alone.

was part of a larger, centralized language access program, as will be discussed later in this section. This reliance on contractors reflects the reality that agencies could not meet their language assistance needs through multilingual staff alone. In interviews, agency representatives reported that this was due both to having a limited number of multilingual staff

as well as to the fact that such staff were generally not hired as trained interpreters or translators and are being asked to serve LEP individuals in addition to their other duties. In cases where multilingual staff had

18 Although such devices hold some promise for a cost-effective solution to serving LEP individuals, the accuracy of their translations needs to be evaluated closely and carefully before broader adoption.

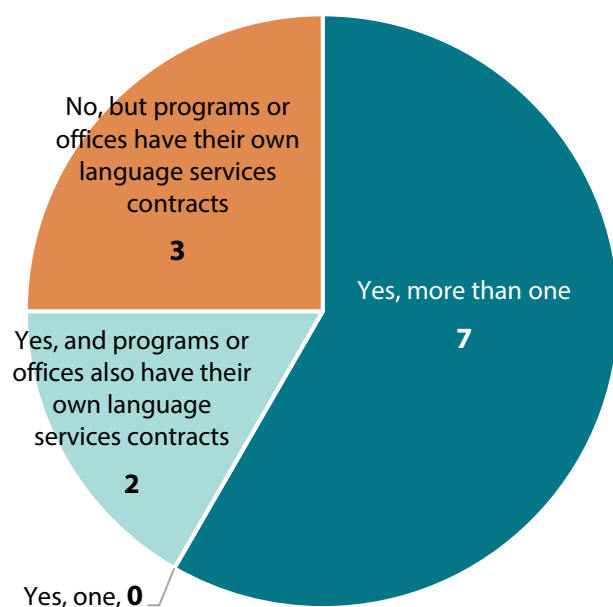
19 On the limitations of machine translation, see Sofia Quaglia, "Death by Machine Translation," *Slate*, September 21, 2022; Elaine C. Khoong, Eric Steinbrook, Cortlyn Brown, and Alicia Fernandez, "Assessing the Use of Google Translate for Spanish and Chinese Translations of Emergency Department Discharge Instructions," *JAMA Internal Medicine* 179, no. 4 (2019): 580–582; Breena R. Taira, Vanessa Kreger, Aristides Orue, and Lisa C. Diamond, "A Pragmatic Assessment of Google Translate for Emergency Department Instructions," *Journal of General Internal Medicine* 36, no. 11 (2021): 3361–3365; Jessica Sperling, *Communicating More for Less: Using Translation and Interpretation Technology to Serve Limited English Proficient Individuals* (Washington, DC: MPI, 2011), 13–14.

been hired at least in part due to their language skills or were being compensated to serve LEP members of the public, interviewees reported more extensive reliance on them.

FIGURE 2

Use of Language Services Contracts by Surveyed Colorado State Agencies, 2024

Does your department/office have a contract with a company that provides language services like interpreting and translation?



Note: The total number of respondents to the survey was 12.

Source: Responses to MPI survey of Colorado state agencies, 2024.

Even if language services and multilingual staff are in place, government programs also need standards, policies, and practices to ensure quality, timely, and cost-effective services to LEP individuals. Planning and coordination are thus essential to the success of efforts to better serve LEP individuals. In addition, programs should have budgeted resources to pay for contracted language services, and they should utilize population data to understand what non-English languages they are most likely to encounter. Program staff and managers also should be properly trained and equipped to use tools related to language access (for example, how to effectively work with an interpreter) and understand how to serve individuals of diverse linguistic and cultural backgrounds. Most of the Colorado state agencies examined for this report had planning and coordination measures in place related to language access, though their extent differed.

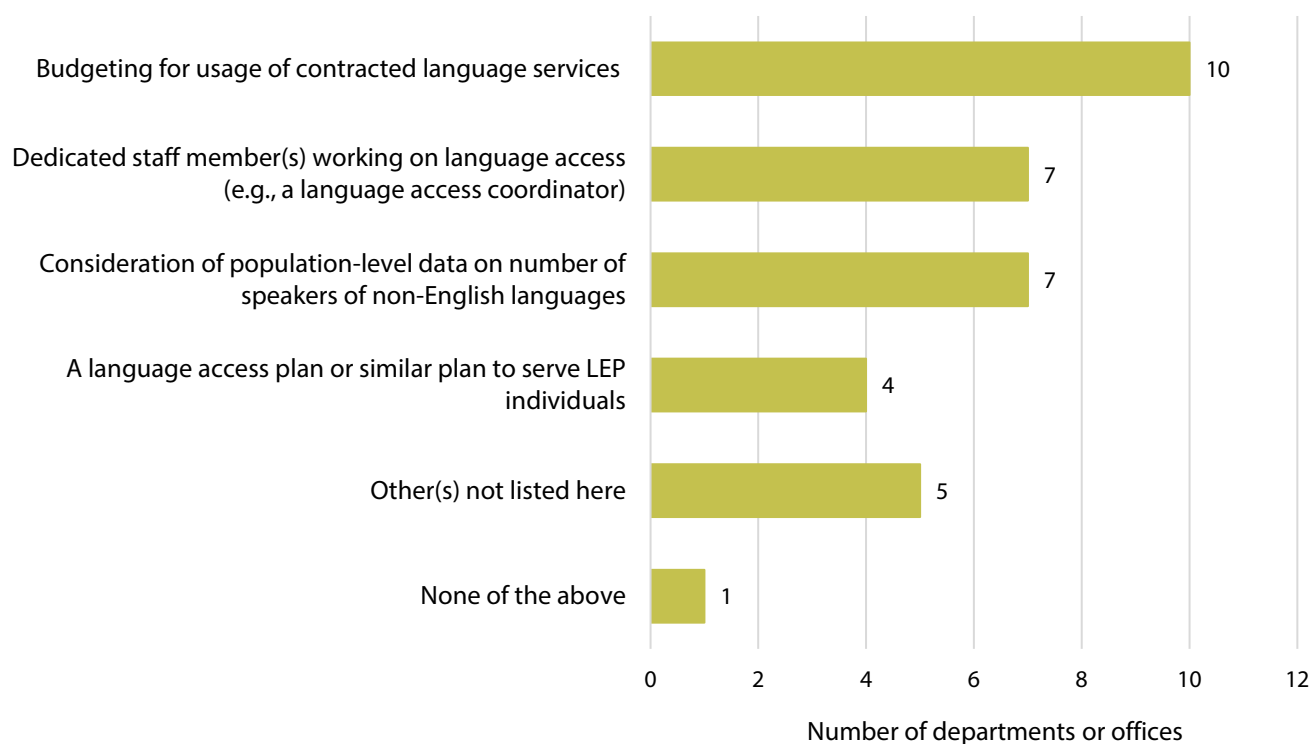
As illustrated by Figure 3, 10 of the 12 agencies surveyed reported having budgets for the use of language services in place, while slightly more than half had a dedicated staffer working on

language access or considered data related to the number of speakers of languages other than English they were likely to encounter. Only 4 of the 12 agencies reported having a plan in place for how their agency would approach language access or serve LEP individuals. However, as was the case for the survey responses shown in Figure 1, these responses indicate whether or not agencies had these items in place, not the extent or sufficiency of these efforts.

FIGURE 3

Language Access Planning and Coordination Strategies Used by Surveyed Colorado State Agencies, 2024

Which of the following tools (if any) does your department/office use to plan for providing language access for LEP individuals? Check all that apply.



Note: The total number of respondents to the survey was 12.

Source: Responses to MPI survey of Colorado state agencies, 2024.

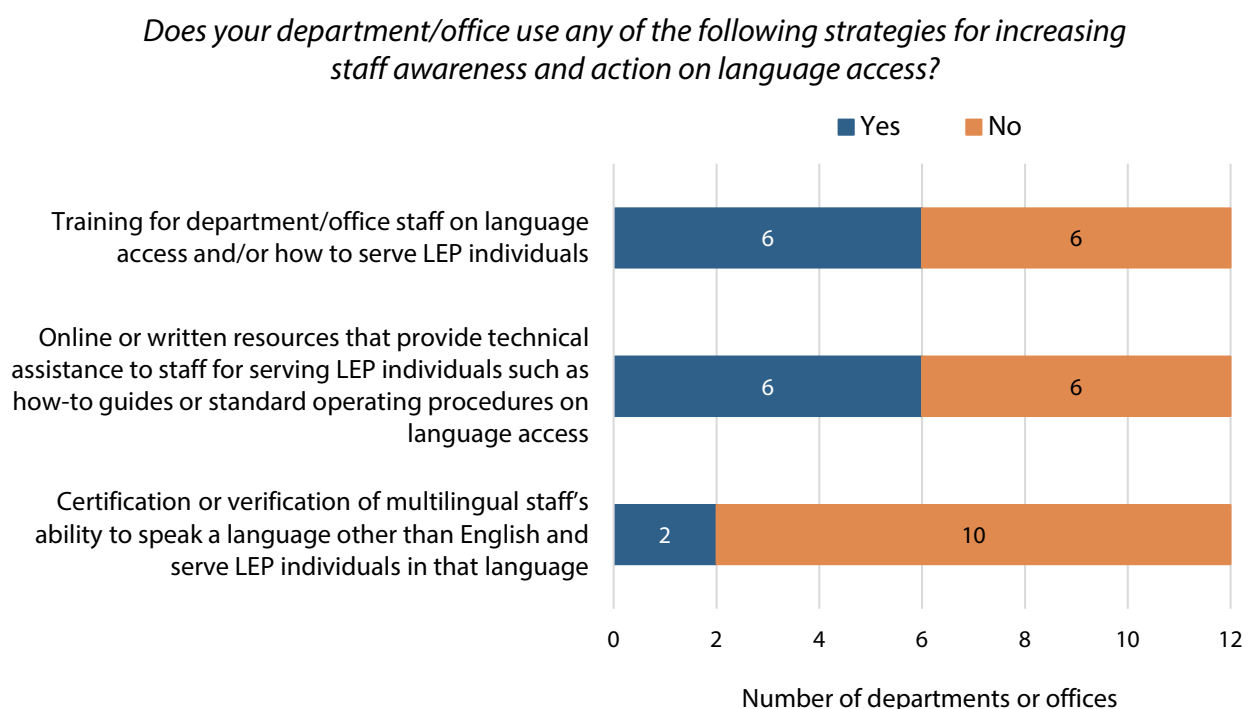
In interviews, agency representatives provided more detail on the use of both dedicated staff (i.e., language access coordinators) as well as formal plans developed to govern language access in their agency's programs (i.e., language access plans). In agencies with dedicated staff working on language access, these responsibilities were often part of the staff members' other duties, such as promoting equity and inclusion. In terms of language access plans, some agencies reportedly addressed language access as part of broader plans to ensure accessibility or equity in their programs, with only a few having plans solely focused on language access. Generally speaking, these plans provided standards, procedures, and practices related to language access. In some cases, the plans acted as mandates or official policies for agencies. Several interviewees also noted that their agencies were in the initial stages of either developing language access plans or hiring language access coordinators.

Some agencies reportedly addressed language access as part of broader plans to ensure accessibility or equity in their programs, with only a few having plans solely focused on language access.

Providing technical assistance is critical for ensuring that agency staff, managers, and leadership understand what language access is, why it is a civil rights obligation, and how they can provide language assistance to LEP individuals. For example, frontline staff may need to be trained on how to access remote interpreting, while managers may need guidance on how to account for language access in their budgeting. This technical assistance can take the form of training for staff as well as written resources or guides on how to provide language access. As Figure 4 shows, half of all agencies surveyed said they provided either training or online or written resources related to language access. In interviews, agency staff revealed that such training could be either informal or formal, and part of onboarding or regular staff training. One key consideration in equipping staff to provide language access is determining and certifying which multilingual staff are able to effectively provide services in languages other than English. However, only two of the agencies surveyed reported having processes in place to provide such certification of multilingual staff.

FIGURE 4

Language Access Training and Technical Assistance Provided by Surveyed Colorado State Agencies, 2024



Note: The total number of respondents to the survey was 12.

Source: Responses to MPI survey of Colorado state agencies, 2024.

One department examined for this report also utilized an advanced, centralized model for providing language access across its programs. In this structure, an office within the department was responsible for managing a language access program that supported offices, divisions, and staff across the department with providing language assistance. The centralized office and its dedicated staff managed language services contracts for the department, connecting programs and staff with interpreting and translation services as the need for their use arose. The department also used a formalized language justice policy

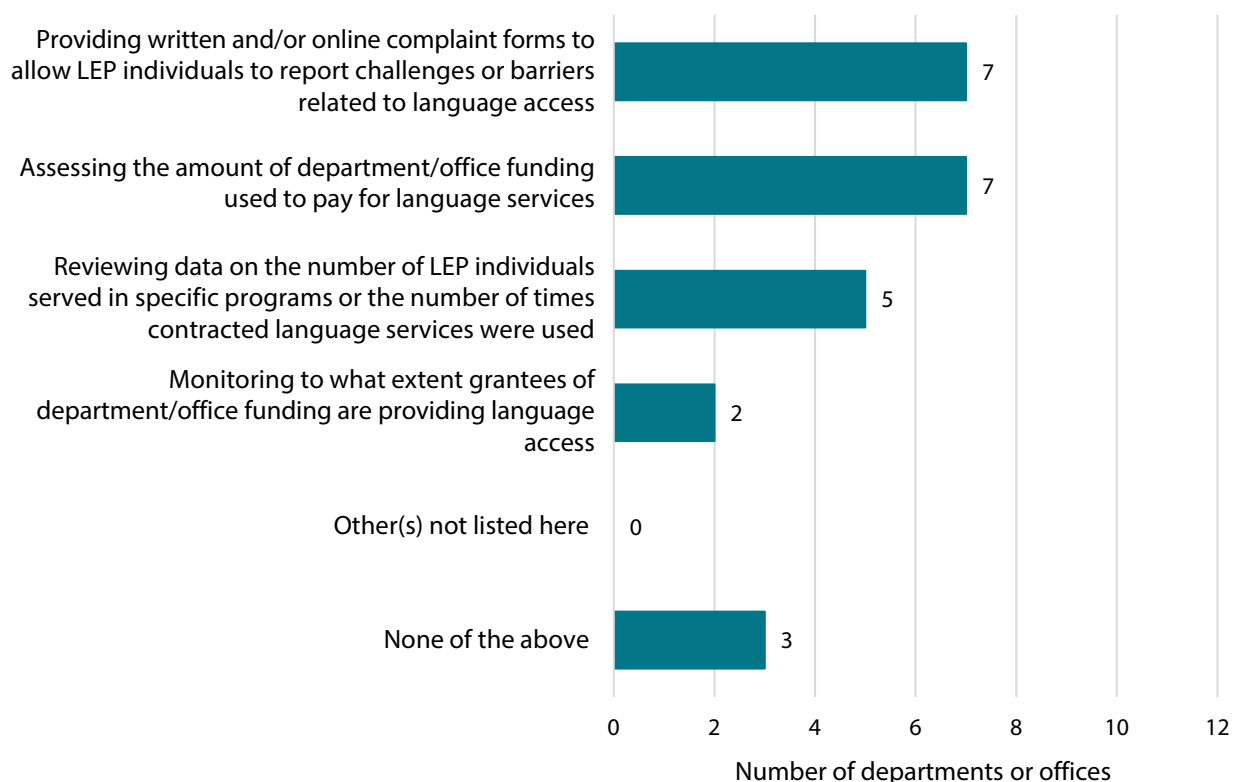
that provided a mandate to embed language access into the work of offices and divisions and that laid out procedures that fed into the department's centralized structure. As part of these efforts, a dedicated coordinator for the agency also regularly met with public-facing components of the department to support them in folding language access into their programming. The department's centralized language access program also provided extensive formal and informal training to staff, including a pre-recorded training for new staff on language access as well as bimonthly lunch-and-learn sessions to share best practices and discuss related issues. Key elements of the training included instructing staff on how to request language services and a practical discussion of how to effectively deliver those services for LEP individuals.

Beyond planning and coordinating, state agencies must also be prepared to monitor and evaluate the implementation of language access efforts, both in their own services as well as in those delivered by their grantees. Generally speaking, the Colorado state agencies examined for this report had relatively limited monitoring mechanisms in place for both their and their grantees' programming. Slightly more than half of surveyed agencies reported having complaint processes through which LEP individuals or advocates could report challenges or barriers related to language access (see Figure 5). Similarly, slightly more than half said they had a practice of assessing the amount of funding the agency spends on language services. Just 5 of

FIGURE 5

Language Access Monitoring Strategies Used by Surveyed Colorado State Agencies, 2024

Which if any of the following strategies do you use to monitor if LEP individuals are being served in your department's/office's programs? Check all that apply.



Note: The total number of respondents to the survey was 12.

Source: Responses to MPI survey of Colorado state agencies, 2024.

the 12 agencies reported reviewing the number of LEP individuals they served (or the number of times they used contracted language services), and only 2 agencies reported monitoring the extent to which their grantees were providing language access in public-facing programs. Notably, 3 agencies reported not using any of the listed monitoring mechanisms.

Considerations and challenges related to monitoring grantees were common themes in interviews. As noted in the previous subsection, many of the agencies surveyed did not deliver services directly to the public but instead supported, funded, or oversaw other entities that directly interacted with the public.²⁰ Most commonly, these were county agencies in Colorado. Interviewees noted that their agencies took steps to promote language access in programming delivered by county partners. In some cases, state agencies provided technical assistance to counties to support them in effectively serving LEP individuals. For example, one agency provided translated templates of forms in common non-English languages to county partners, while another incorporated language access into its training of county agencies. A couple of interviewees described their agencies having some form of compliance or civil rights reviews that allowed them to prompt county agencies to provide more language access, but others reported their agency had limited abilities to require county partners to change practices related to language access, with the exception of some elements of the contracting process. In general, interviewees who worked with county agencies commented that the responsibility for serving LEP individuals ultimately fell to those local partners, which could be challenging for languages other than Spanish as well as in counties outside of the most-populous parts of Colorado.

Overall, it appears that efforts to improve language access in Colorado are a work in progress. Several interviewees described their agencies' overall approach and actions to provide language access as "figuring it out." Advances and successes, some said, had largely come due to trying out different approaches and learning what was and what was not effective. For example, one interviewee described having used funding to translate a number of forms into Spanish, but then finding out that very few individuals used the translated forms. This experience made the agency reflect on why the forms were not used more

Overall, it appears that efforts to improve language access in Colorado are a work in progress.

widely—whether because individuals did not need the translated forms, agency outreach had not been sufficient, or the Spanish-speaking community was not aware that they could receive services in their own language.²¹ Another interviewee described their agency's experience of working on language access

thus far as "throwing darts at the wall and seeing what sticks."²² Some agency representatives described having to navigate language access issues without many resources or guidance, and in contexts in which they had to respond quickly to unexpected demands. Finally, many agencies were facing the challenge of charting a course for language access in a variety of contexts in which it was needed, each with its own considerations and related strategies.

²⁰ If the funds being passed to grantees are from federal grants or formula funding, then the civil rights requirement to provide language access covers both the Colorado state agency as well as the grantee's programs.

²¹ Author interview with staff from a Colorado state agency, February 9, 2024.

²² Author interview with staff from a Colorado state agency, February 9, 2024.

B. *Gaps and Limitations in Agency Language Access Efforts*

While all of the Colorado state agencies examined for this project were taking steps to provide language access in their programs, there were some clear gaps and limitations in these efforts. In particular, the wide variation in the extent and nature of agencies' work on language access revealed a need for greater focus and coordination on these issues within many agencies as well as additional infusions of resources. On a cross-agency level, survey responses and interviews also illustrated the lack of a coordinated statewide response to language access issues.

Agency efforts to address language access varied widely both between state departments and at times within them. Each agency largely took its own approach to providing access to LEP individuals, focusing mostly on integrating language assistance into their services and programs, as described in the previous subsection. In some cases, agencies rolled this work into broader efforts to increase program accessibility or equity, while others addressed language access as a standalone initiative. These varied approaches provided agencies with flexibility to create language access measures that fit their needs and capacities.

At the same time, this wide variation suggests some potential weaknesses in agencies' ability to provide and sustain meaningful language access in their services. For example, only one-third of agencies surveyed had formal plans for addressing language access (see Figure 3). Similarly, not all survey respondents reported their agencies were using data to determine what non-English languages they were most likely to encounter, and just slightly more than half had a staff position to coordinate planning, training, and other key implementation steps. There was similar variation in agency monitoring and evaluation of language access. Several agencies reported a lack of any monitoring mechanisms, and only two reported monitoring the language access efforts or practices of their grantees, which is of particular concern in cases where funds are passed through state agencies to entities providing direct services to LEP Coloradans (see Figure 5).

Information shared in interviews also illustrated the varying levels of infrastructure agencies had to support language access. Agencies had not only developed and implemented different tools and strategies to advance language access, but were also at different stages of this work—from one agency's advanced, centralized program for handling training, technical assistance, and language service requests, to agencies just beginning to consider hiring a language access coordinator or developing a language access plan. In general, these less-developed efforts did not reflect a limited desire to address language access needs, but rather the reality that many agency staff and leaders were trying to develop practical solutions to serving LEP individuals on the fly and in resource-constrained environments with competing priorities and mandates.

Agencies had not only developed and implemented different tools and strategies to advance language access, but were also at different stages of this work.

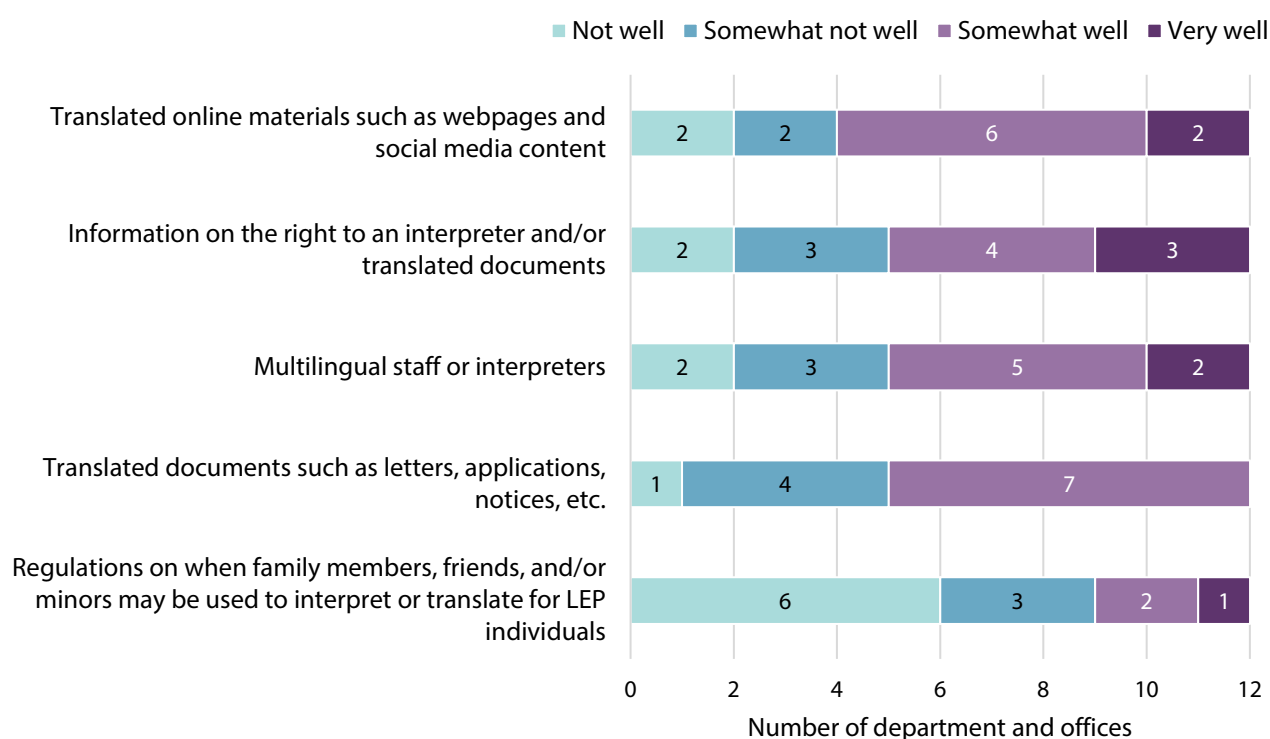
When prompted to rate the performance of both their own agency and its grantees on critical areas of work for language access, survey respondents indicated recognition of some of these limitations. In terms of providing interpreters, multilingual staff, and translated written and online materials, most agencies rated

themselves as either doing “somewhat well” or “very well” (see Figure 6). At the same time, at least four agencies rated themselves as doing either “somewhat not well” or “not well” in these key areas. A majority of agencies rated themselves as either doing “somewhat not well” or “not well” when it came to regulating when family members, friends, and/or minors could be used to interpret or translate for LEP individuals. These responses, combined with those in the prior subsection, indicate that while many agencies had in place the building blocks of providing language access, there was room for improvement, including in the extent and consistency with which tools such as language services contracts are leveraged.

FIGURE 6

Surveyed Colorado State Agencies’ Rating of Own Language Access Efforts, 2024

In its own programs, how well do you think your department/office does overall in providing each of the following services to LEP individuals when they need it?



Note: The total number of respondents to the survey was 12.

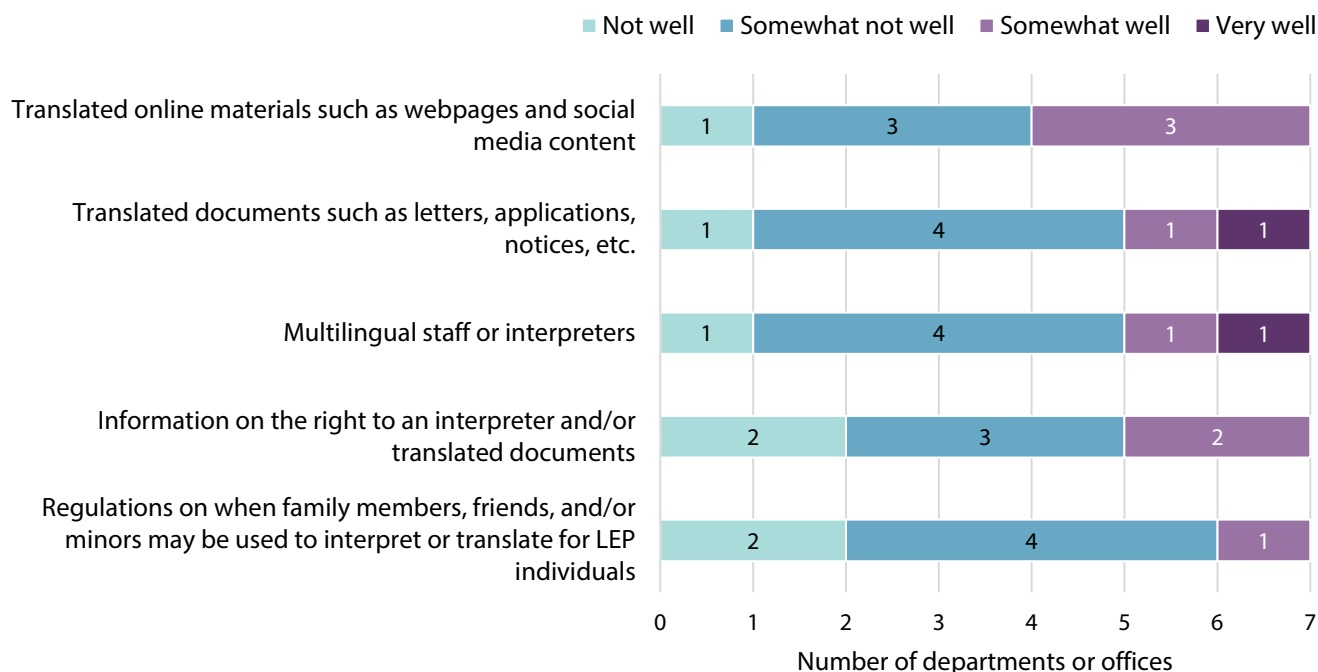
Source: Responses to MPI survey of Colorado state agencies, 2024.

Limitations were also identified in efforts to ensure that LEP individuals have access to programming and services delivered by agencies’ grantees, as Figure 7 shows. More than half of the surveyed agencies that had grantees described the grantees as doing either “somewhat not well” or “not well” when it came to delivering basic language assistance such as interpreting, translation of written materials and online content, or having multilingual staff. These results are especially significant given that in many public assistance programs, services are not delivered by Colorado state agencies themselves but rather by local grantees such as county agencies or community organizations. These results also reinforce the state agency perspectives, detailed in the previous section, on the difficulties of monitoring or ensuring compliance with language access requirements in grantee-delivered programs.

FIGURE 7

Surveyed Colorado State Agencies' Rating of Their Grantees' Language Access Efforts, 2024

In the programs provided by grantees of your department/office (e.g., county/local government offices or nonprofits), how well do you think grantees perform overall in providing each of the following services to LEP individuals when they need it?



Note: Agencies were only asked to respond to this question if they had grantees that administer programs or deliver services and/or information to the public. A total of 7 of 12 agencies responded.

Source: Responses to MPI survey of Colorado state agencies, 2024.

One way in which the limitations of state agencies' language access work can be clearly seen is in their capacity to serve speakers of different languages. In interviews, agency staff commented that the bulk of their agencies' efforts were spent on providing language assistance to Spanish speakers, whether by hiring Spanish-speaking staff or translating materials into Spanish. This focus is understandable, given that 70 percent of LEP individuals in Colorado speak Spanish and that Spanish speakers are more evenly distributed across the state than speakers of other non-English languages. At the same time, roughly one-third of LEP individuals in the state speak a language other than Spanish, and there are no dominant language groups among that segment of the LEP population (see Table 1). This means that to effectively provide language access, state agencies should be prepared to serve an extremely linguistically diverse LEP population comprised of many relatively small language groups, many of which are primarily concentrated in the Denver metropolitan area and on the Front Range. Language services contracts generally provide access to interpreting and translation for a larger number of languages, and some agencies reported successfully using call centers to deliver services in languages other than English and Spanish.

Other important limitations mentioned by agency staff in interviews were the lack of consistency and coordination in language access efforts at the state level. For example, some noted that there was no centralized state office or staff to which agencies could turn with questions or requests related to language

access, leaving most agencies to develop and implement policies on their own—a sentiment reflected in agencies’ description of their experiences of having to “figure out” language access on their own. Agency representatives also did not report speaking to other individuals working on language access in peer agencies, pointing to missed opportunities for cross-agency learning and collaboration.

C. *Agency Perspectives on Needed Statewide Supports*

There are clear opportunities for improvement in the efforts of Colorado state agencies to provide language access, and there is also a significant need for greater coordination and support for agencies from the state government. To help determine what types of statewide supports are most needed, the agencies participating in this project were asked to comment on what would be most useful to expanding their efforts on language access. These perspectives are extremely valuable for ensuring that statewide language access efforts in Colorado are grounded in and informed by the experiences and needs of those administering state programs.

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Broadly speaking, state agencies expressed a need for more funding to support language access; dedicated staff to coordinate their agency’s language access work; and more technical assistance, guidance, and/or coordination from a statewide office or entity focused on the issue (see Figure 8). All but one of the surveyed state agencies indicated that additional state and/or federal support would help them provide and sustain

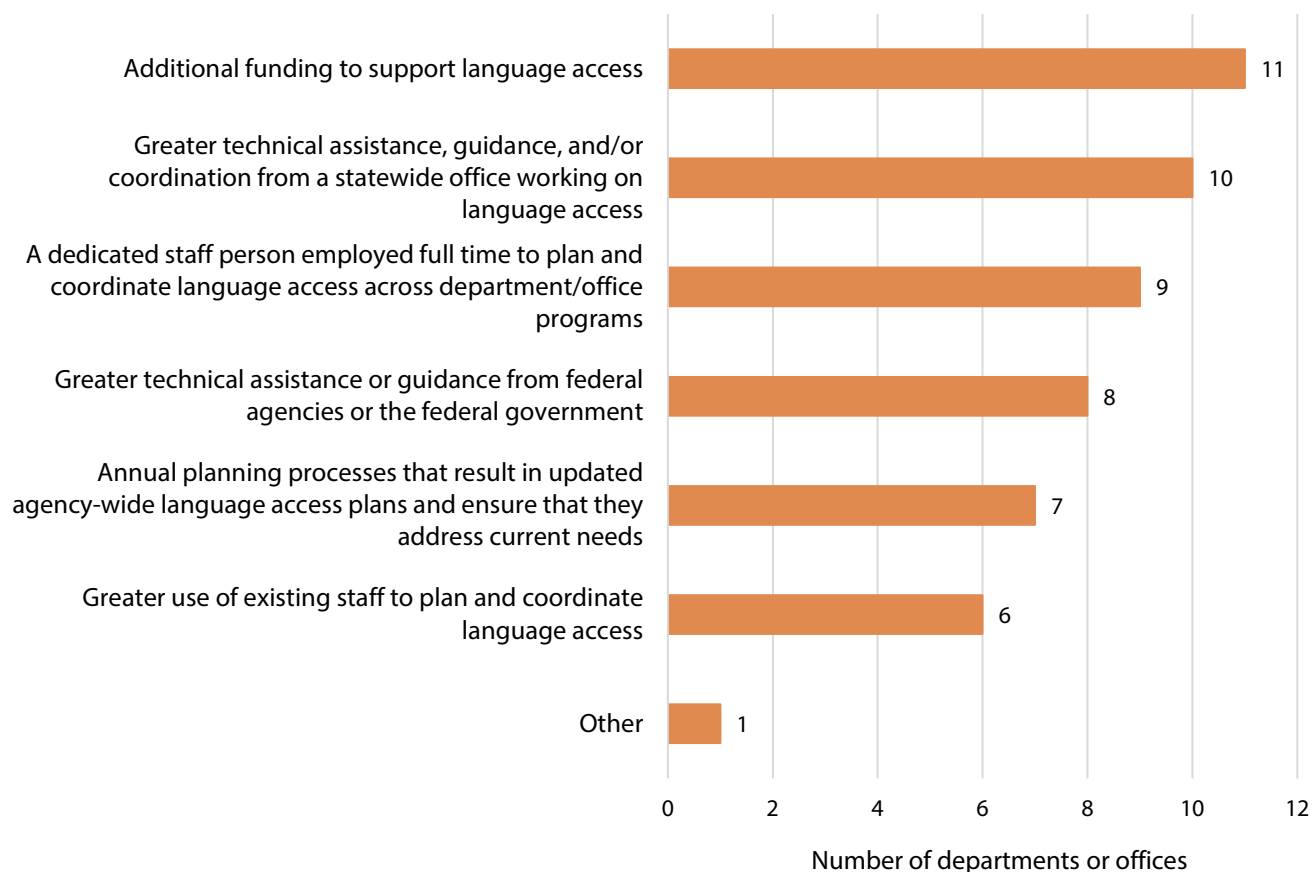
language access services. Fewer agencies—about or slightly more than half of those surveyed—favored supports involving either greater use of existing staff or annual processes to develop agency language access plans. These responses were likely informed by the limitations and challenges agencies mentioned, described in the previous subsection. In particular, the desire for more guidance and support from a statewide office and for a dedicated agency-level staffer to manage language access work echo the hope for more coordinated, strategic efforts rather than being forced to “figure it out.”

Agency interviewees widely agreed that greater funding was a primary support needed for any efforts to expand language access. A common perspective among interviewees was that their agency already had infrastructure in place to serve LEP individuals, but their efforts were limited by a lack of resources to address the full scope and scale of language assistance needs they saw. This could include limited funding to pay for language services—in particular, the translation of vital written materials and online content. In addition to the initial translation of materials, interviewees also reported needing to be able to cover the costs involved in adjusting forms, templates, and information that had already been translated but needed to be updated due to changes in the corresponding English content. A few interviewees also noted that this would include having flexibility to request more funding for contracted language services in their budgetary processes.

FIGURE 8

Types of Support Identified as Helpful for Strengthening Language Access by Surveyed Colorado State Agencies, 2024

Which of the following approaches do you think would help your department/office to improve language access throughout its programs? Check all that apply.



Note: The total number of respondents to the survey was 12.

Source: Responses to MPI survey of Colorado state agencies, 2024.

For agencies that did not already have a staffer in place to work on language access, hiring or appointing a language access coordinator was also a key support mentioned in interviews. Agency staff described how having a staff member to provide guidance, oversight, and coordination would enable their agency to more effectively operationalize language access measures since the responsibility would not have to be balanced against other duties, as is often the case for existing staff. One interviewee described this as having a staffer to help with the “hodgepodge” of work and concerns that came up around language access.²³ In addition to language access coordinators or similar positions, a few interviewees explained that their agencies had hired full-time Spanish interpreters or translators for their programs. One agency representative noted that hiring a full-time staffer to complete translations had actually led to greater cost savings and efficiencies, and that additional funding to hire more staff to perform such tasks would be a useful statewide support.²⁴

²³ Author interview with staff from a Colorado state agency, February 1, 2024.

²⁴ Author interview with staff from a Colorado state agency, February 8, 2024.

Mirroring survey responses, interviewees also commented that their agencies would benefit from having a centralized, state-level office or team that could assist with their language access efforts and coordinate responses to common needs across agencies. Several interviewees described other important unmet needs, including for updated, high-quality data from the state on the most common language groups they were likely to encounter as well as guidance on expectations and standards for language access across state programs. Also mentioned in several interviews was that agencies would benefit from having opportunities for cross-agency conversations to better understand language access best practices, connect with peers, and facilitate standardization of efforts where necessary. Representatives from a large majority of the agencies examined also noted that greater training and technical support—such as training on how and when to use language services or a centralized, statewide hub of language access resources—would be useful in creating greater staff awareness and action around serving LEP individuals. One interviewee described the core question behind this desire for standards, activities, and measures succinctly: “What should we be doing?”²⁵

Interviewees also commented that their agencies would benefit from having a centralized, state-level office or team that could assist with their language access efforts and coordinate responses to common needs across agencies.

Finally, several interviewees commented that a statewide contract for language services would be a useful support for their efforts. Under such an arrangement, the state of Colorado would develop a series of contracts with language services companies that would allow for lower pricing since they would be negotiated for the entire state. Agencies would then use these vendors and pay the lower rate for interpreting and translation services.

D. Agency Perspectives on the Utility of a Statewide Language Access Policy

An important component of formalizing coordination, planning, expectations, and standards for language access among state and local governments is the development of an official policy governing language access across agencies. Colorado does not currently have such a policy in place, but enacting one could help provide many of the types of support requested by agencies, including by improving coordination between and within agencies, creating a centralized office working on language access, and identifying potential sources of funding or other resources for agencies.

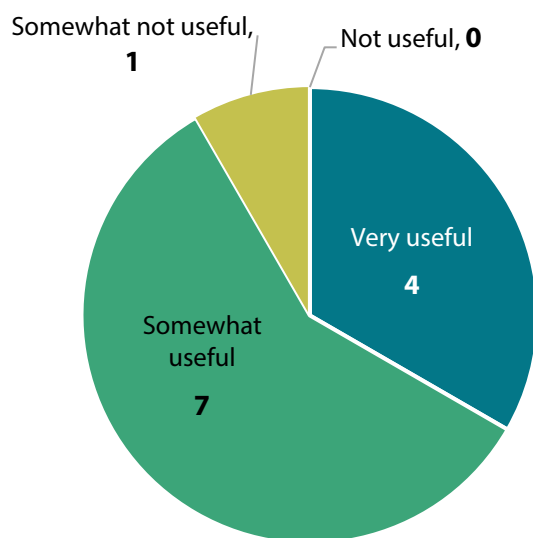
As Figure 9 shows, state agencies surveyed for this report mostly agreed that a statewide language access policy would be useful for creating greater policy clarity and support for implementing language access services across state agencies. All but one agency responded that such a policy would be useful, with four agencies saying it would be “very useful.”

25 Author interview with staff from a Colorado state agency, February 1, 2024.

FIGURE 9

Views on the Usefulness of a Statewide Language Access Policy among Surveyed Colorado State Agencies, 2024

How useful do you think it would be for Colorado to have a statewide language access law or policy that created greater policy clarity and support for implementing language access services across state agencies, offices, and programs?



Note: The total number of respondents to the survey was 12.
Source: Responses to MPI survey of Colorado state agencies, 2024.

In terms of its utility, several interviewees expressed the view that having a mandate or requirement would be helpful in moving the needle on the issue and prompting additional efforts to expand access for LEP individuals. Interviewees also said that a statewide policy would improve coordination. As one interviewee noted, state agencies “have good pockets of policy and protocol but don’t have a larger statewide umbrella” to organize their work.²⁶ Interviewees also commented that a policy providing actionable items an agency could work on would be helpful in directing efforts so long as the policy provided “movement, flexibility, and freedom of thought.”²⁷

Interview participants also shared concerns around a potential state language access policy, including about:

- ▶ **Instituting an unfunded mandate for departments and offices.** A common concern about a potential statewide language access law or policy was that it might place additional requirements on agencies without providing adequate resources to help agencies adhere to them. In particular, interviewed agency staff expressed concerns about potential new requirements to translate large caches of documents or other materials into new languages without additional funding from the state to do so. One interviewee expressed doubt that a policy could ever possibly provide enough resources to cover adequate levels of translation of written and web materials, and that translation requirements should not be incorporated into any cross-agency policy. Many interviewees noted that their agencies’ capacity to work on the issue of language access—in addition to other statewide initiatives and their statutory responsibilities—was not at the level needed to comply with a wide range of new language access requirements without additional staff.
- ▶ **Losing flexibility and undermining existing language access efforts.** As discussed previously, several state agencies were already fairly advanced in their implementation of language access measures. Several interviewees expressed concern that a new statewide law or policy on language access might disrupt these efforts, requiring them to undo or change infrastructure they had

²⁶ Author interview with staff from a Colorado state agency, February 8, 2024.

²⁷ Author interview with staff from a Colorado state agency, February 2, 2024.

already developed or were in the process of developing. For example, some agencies had already addressed language access in broader plans focused on improving equity and/or accountability in agency operations and expressed concern that they might have to develop entirely new language access plans to comply with a statewide policy. Similarly, one interviewee managing a large federally governed program commented that new translation requirements could be challenging to implement in a timely manner since their agency had to have many of their notices and documents approved by a federal office before use.

- ▶ **Creating “initiative fatigue.”** Although interviewees readily acknowledged the importance of providing language access, several noted that the issue was one of many they felt pressed to work on in addition to their normal agency responsibilities. Staff experiences of fatigue, and in some cases frustration, in implementing other statewide initiatives that require agency attention, dedicated staff, and resources were described as potentially compounding these stresses. As a result, some interviewees expressed concern that a language access policy might require their agency to participate in a resource-intensive process that would not necessarily yield the support they needed to expand services or information to LEP Coloradans. Some emphasized that a policy ultimately would need to be grounded in the needs of agencies and communities and prioritize practical solutions to ongoing challenges to avoid this potential pitfall.

Taken together, these agency perspectives demonstrate the potential utility of a statewide policy on language access, particularly if it were grounded in agency needs, supported with appropriate resources, and paired with technical assistance to guide agencies in implementing its goals and requirements. These findings suggest that any language access policy should provide an effective mandate and standards for agencies while also creating flexibility and space to build on existing efforts.

4 Recommendations for Next Steps

The insights shared by Colorado state agency staff in this study’s survey and interviews indicate a need for greater coordination, technical assistance, guidance, and the strategic injection of additional resources to support and expand efforts to address language access in state agencies. Participation by all state agencies in centralized, ideally streamlined, processes related to language access would also help ensure the success and sustainability of these efforts. New state language access efforts should seek to build on existing work in this area, be designed to understand and respond to agency and community needs, and provide solutions that focus on practical support for agencies and their staff along with meaningful outcomes for LEP Coloradans.

To better organize efforts across state agencies and assure consistency, efficiency, and effectiveness of language access provision, a statewide framework should be developed that delineates language access goals, standards, supports, and implementation measures. Key elements of this framework should eventually take the form of an official policy in order to establish, govern, and maintain language access measures and standards for state agencies and programs. Since many state agencies receive or pass along federal funds that require compliance with federal language access mandates, new state efforts in this

arena should also take account of and learn from existing efforts driven by federal mandates and past enforcement actions in the state.

Implemented effectively and strategically, new cross-agency language access measures in Colorado could foster opportunities for ongoing cross-agency learning and develop a web of interconnected staff working to effectively integrate language access into state programs and their major public touchpoints, while maximizing the impact of any resources devoted to these efforts. The following series of recommendations offers a path for initiating processes and developing mechanisms for cross-agency collaboration and coordination that can lead to the design of an effective and sustainable language access policy and implementation plan. The recommendations fit into two overarching categories: first, the design and initial efforts of a process to inform and establish cross-agency work on language access, and second, the scope and goals of an eventual statewide policy on language access.

Design and develop a process to guide and implement statewide language access efforts. To lay the groundwork for expanding meaningful access in its programs, the state government of Colorado should develop a cross-agency working group focused on language access that will engage key agency experts and leverage their knowledge to guide short- and medium-term state efforts as well as the longer-term development of a statewide language access policy. To initiate the working group and its efforts, the state government should take the following actions:

- ▶ **Develop a statewide working group on language access comprised of representatives from major state agencies.** The language access working group (LAWG) should be comprised of official agency liaisons, agency staff responsible for key functions related to language access (e.g., communications, grant/contract processes), and, as needed, other members of agency leadership teams. The entities prioritized for participation should include state departments, offices, and divisions with major public contact (including those managing large programs administered at the local level) along with administrative agencies with duties relevant to language access (e.g., personnel administration). The LAWG should initially be tasked with conducting a detailed, internal assessment of current agency efforts on language access (described below), followed by compilation of recommendations for creating and sustaining meaningful language access in state agencies. Over the longer term, the LAWG should also provide ongoing opportunities for agencies and their staff to discuss their respective efforts, develop cross-agency learning mechanisms, and build greater coordination, awareness, and momentum around language access improvement efforts.
- ▶ **Appoint a statewide language access coordinator or similar position with appropriate resources.** To steer the LAWG, the state should appoint a statewide language access coordinator. This role should eventually be established as a permanent, full-time position. In the initial stages of the LAWG, however, this role may need to be held by an individual as part of their other duties or be filled by an external actor such as a consultant. In the long term, the language access coordinator should be based in a statewide office or entity; have responsibility for managing, coordinating, and monitoring cross-agency efforts on language access; and be provided with appropriate support staff.
- ▶ **Conduct an internal assessment of agency needs and existing practices/efforts.** Building on the analysis presented in this report, the LAWG should conduct an assessment of current language access

practices and agency needs. As part of documenting existing efforts, the LAWG could collect relevant materials from agencies such as language access plans, position descriptions for roles related to language access, procedures related to language access, and technical assistance or training materials. Information on language services contracts that agencies are using as well as expenditures and funding sources related to language access could also be collected and analyzed. The LAWG could also solicit information on agencies' needs to meet basic standards of language access (e.g., the translation of vital online content) and their requests for guidance, training, and technical assistance. Insights from agency experts regarding opportunities for efficiencies, coordination, and cost savings (e.g., master contract terms or hiring interpreters and translators) as well as for future LAWG efforts could also be solicited. This assessment would help identify agency strengths and existing efforts while also mapping out the complexities facing different service sectors and their public touchpoints.

- ▶ **Develop an implementation framework to guide agency efforts as well as an eventual statewide language access policy.** This framework should be developed by the language access coordinator with the support of liaisons and agency experts with key operational responsibilities related to the provision of language assistance (e.g., staff working on contracting, communications, and other administrative functions). The framework should define standards for meaningful access, how adherence with standards can be demonstrated, timelines and potential stages for implementation, and technical assistance and other capacity-building supports available to guide and coordinate agency efforts.

Consolidate learnings from LAWG processes and adopt a statewide language access policy. In the long term, efforts initiated by the LAWG and the implementation framework it develops will be most effective when reinforced and sustained by a statewide language access policy. Such a policy would be in line with other laws and policies that have been developed by dozens of states, counties, and municipalities in recent decades.²⁸ The policy's key elements should aim to memorialize standards and agency responsibilities while also designating an official entity to coordinate, support, and monitor Colorado agency efforts. Such elements should include:

- ▶ **Powers and responsibilities of a centralized office or entity dedicated to language access.** The state's efforts will be most effective if overseen by a centralized office that is empowered to monitor agency efforts and help departments, offices, and divisions implement the statewide language access policy. The policy should delineate the powers and responsibilities of this office and its staff as well as where it would be situated within the state government structure. As for its powers, such an office should have the ability to interpret standards for agencies such as what content should be proactively translated and into what languages, which certifications are required for multilingual employees, and how agencies should report and/or provide evidence of policy implementation. The policy should also address agency responsibilities to respond to requests from this centralized office. As for its responsibilities, this office should provide technical assistance and guidance to support agencies with meeting the standards and taking implementation steps required by the statewide policy. The office should also be responsible for managing the ongoing work of the LAWG and coordinating

²⁸ For an overview of these state and local policies and their common features, see Hofstetter, McHugh, and O'Toole, *A Framework for Language Access*.

cross-agency language access efforts. Ideally, this office would be part of an existing department with administrative powers that reach across state agencies. It should also coordinate with the Office of New Americans to ensure the perspectives and needs of the state's immigrant communities are accounted for in statewide processes on language access.

- ▶ **Agencies covered by the policy.** A language access policy does not necessarily need to cover every state agency in Colorado, particularly those with low levels of contact with the public. All departments should be prompted to respond to statewide processes, though the policy may allow for exemptions for departments that do not have any significant contact with the public. At the same time, it may be necessary to specify which language access requirements and/or efforts extend to the divisions and offices within a department that administer or deliver public-facing programs. Ultimately, it may be most effective to empower the centralized office to determine which departments may need less or more extensive requirements related to language access.
- ▶ **Reporting and compliance by covered agencies.** Many state and local language access policies require departments to develop language access plans, but Colorado's statewide policy could also, or instead, require agencies to regularly report on their efforts to expand language access. In this approach, departments (and any other covered divisions or offices) would be required to develop regular reports that show evidence of their implementation of language access measures. Such reports could include data related to the use of language services contracts, the amount of funding spent on language services, the number of staff trained on language access, the number of multilingual employees, special projects completed related to expanding service access for LEP individuals, as well as other metrics.²⁹ Departments, offices, and divisions could still develop language access plans as internal tools, but they do not necessarily have to be required to do so on an annual basis. The centralized office should review these reports, solicit agency responses to issues raised during the review process, and prompt agencies to take corrective action if necessary. As part of this review, the centralized office would also provide a public, annual report on the state of language access and progress toward implementing the statewide language access policy to the Colorado Governor's Office and covered agencies.
- ▶ **Nature and extent of requirements related to the translation of written materials and online content.** Many state and local language access policies set translation thresholds that require agencies to translate all vital documents into a certain number of non-English languages.³⁰ Such a requirement can lead to considerable costs for agencies as it may require the translation of a large amount of infrequently accessed content into many languages. The state should carefully consider if translation requirements and/or a translation threshold are necessary to include in its policy. Alternatively, the policy could empower the centralized office overseeing language access to set translation requirements and/or thresholds across state agencies and programs, providing more flexibility and allowing for the gradual expansion of requirements as warranted and as implementation progresses. This requirement should also be informed by the LAWG assessment processes, which will provide

29 See, for example, the compliance summary reports available on City and County of San Francisco, "[Language Access and Rights](#)," accessed October 8, 2024.

30 Hofstetter, McHugh, and O'Toole, *A Framework for Language Access*, 11–13.

more detail on operational considerations and potential resources agencies would require to meet a requirement to translate additional materials.

► **Resources to sustain statewide coordination and for strategic agency or program efforts.**

The two types of resources that will likely be needed by agencies to effectively implement a cross-agency language access policy are staff to coordinate and oversee its implementation and resources to support agency or program efforts to reduce language barriers (largely related to the expanded use of contracted language services). Dedicated funding for language access could be expected to serve two purposes, with details to be informed by the LAWG processes. First, this funding could be leveraged to hire a statewide language access coordinator and supporting staff, as described earlier in this section. Second, the state could consider developing a centralized fund related to language access, to be managed by the language access coordinator. This fund could support discrete projects to improve language access in agency programs and would require agencies to apply for such project funding. The fund could be designed so that projects would only be eligible if they have the potential to significantly reduce language barriers. For example, an agency might apply for funds to pay for the translation of an online application portal into Spanish or to update a series of standard forms into Colorado's most common non-English languages. Funding for expenses related to integrating language assistance into a program's normal operations, such as paying for remote interpretation for a call center or translating letters or public notices, generally should be paid through agencies' budgets. Agencies could also seek additional funding through their budget requests, should they wish to hire full-time staff for functions related to language access, as some agencies in the state have already done.

Colorado's efforts to increase language access should focus on integrating language access measures into agency and program service delivery and public touchpoints, while also building on existing efforts. The nature and structure of agency and program service delivery can vary greatly, and language access efforts should be tailored to these different contexts and related needs. Whether via working group processes or a statewide policy, coordinated statewide efforts to expand language access should prioritize embedding measures, standards, and guidance into agencies' public-facing programs and prominent public touchpoints. Wherever possible, the state's approaches should also endeavor to build on agency language access infrastructure and efforts that already exist, assuming they meet the standards ultimately set by the state. This approach will allow the state to more purposefully and strategically design its language access processes and policies before implementing them, ultimately improving state agencies' ability to serve LEP Coloradans and maximizing the impact of state programs.

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