



OFFICE OF EQUITY  
COUNTY OF SONOMA

**DEMOGRAPHIC ANALYSIS OF LINGUISTICALLY DIVERSE  
COMMUNITIES IN SONOMA COUNTY  
AND  
STATE OF CALIFORNIA, COUNTY, AND MUNICIPAL LANGUAGE  
ACCESS LAWS AND REGULATIONS**

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# PREAMBLE

Providing equitable access to services with regards to one's English proficiency is a core tenet of non-discriminatory public policy, yet the optimal methods for ensuring equitable access are not always apparent to or made available by the government institutions required to be responsive to community members for the provision of equitable language access. Since the 1960s, various US federal, state, and local entities have endeavored to address gaps in service by crafting policies that ensure *meaningful access*<sup>1</sup> to public services and benefits to all constituents.

Such policies are especially critical in counties and states experiencing rapid growth of immigrant communities such as Sonoma County, which is experiencing significant growth among its Latino Communities,<sup>2</sup> and California, which holds the largest immigrant population in the United States.<sup>3</sup> Given that many immigrants are monolingual speakers of their native languages, and government agencies lack the resources and protocols to meaningfully engage those communities in the languages in which they are proficient, immigrant communities often experience barriers that prevent full participation in civic and public life. These barriers can interfere with one's ability to obtain and use public services, communicate their concerns in local government meetings, or understand information pertinent to their health, safety, and legal rights.

Local agencies must ensure that community members who are Deaf or Hard of Hearing, have a visual impairment, or speak languages other than English, have access to public benefits and services and an equitable opportunity to participate in public life. The following is an analysis of the language demographics of the County of Sonoma, based on the available data. Additionally, the Department of Justice uses the term, "Limited English Proficient" to describe individuals who have a limited ability to read, write, speak, or understand English, they are limited English proficient. However, the County of Sonoma, Office of Equity has chosen to use the term linguistically diverse (LD) to describe these individuals. The use of this term recognizes the richness of language, cultures, and identities among these communities and does not exclusively define them in terms of their ability to speak English. This report will use that term throughout as an equivalent to LEP where it makes sense.

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<sup>1</sup> "Meaningful access" is defined as language assistance that results in accurate, timely, and effective communication at no cost to the individual who is limited English proficient.

<sup>2</sup> <https://www.pressdemocrat.com/article/news/with-growth-in-diversity-in-latest-census-this-is-a-new-sonoma-county/>

<sup>3</sup> [Migration Policy Institute, U.S. Immigrant Population by State and County](#)

# PART A: ANALYSIS OF THE LANGUAGE DEMOGRAPHICS OF THE COUNTY OF SONOMA

The County of Sonoma is increasingly diverse in terms of the linguistic, ethnic, and cultural makeup of its residents. The increase in diversity in the County parallels the broader demographic trends of the past thirty years at the national and state levels.

## DATA SOURCES

Available data sources provide an incomplete picture and have very significant limitations. The Census data are the most comprehensive, but the most recent detailed county-level data are from 2013, and smaller populations may not appear in the Census data, even if they are present in the County. The less-detailed 2020 Census data are included as well, as they provide a high-level snapshot of the overall numbers of Limited English Proficient residents of the County of Sonoma, but do not provide detailed language data. Finally, the 2021 Public Use Microdata Set (PUMS) data are included as well. The PUMS data derive from the American Community Survey (ACS), a sample of approximately 1 in 480 households, conducted annually by the US Census Bureau. ACS data are aggregated over a five-year period and published in a variety of formats. The PUMS dataset allows for county and municipal level disaggregation, bearing in mind that the PUMS geographical areas are designed to contain roughly 100,000 residents.

Historically, undocumented residents and people experiencing homelessness are under-represented in the data of the Census Bureau, despite efforts to count and represent these individuals. The data from the Department of Education can serve as a proxy for overall demographics, but they include only school-age children. These data also have limitations, as some parents may choose not to identify their children as Multilingual Learners, out of concern that they will be tracked into less academically challenging classes. Moreover, migrant farmworker children can be hard to track in educational datasets, as they frequently move among schools, districts, and jurisdictions. Finally, while qualitative data tell us that indigenous languages are spoken within the County, those are also not reflected in any of these quantitative datasets.<sup>4</sup>

The data presented here come from several sources:

- Reports on linguistic diversity from the United States Bureau of the Census.
  - This revised report includes the top-level data on language use, released by the Bureau of the Census, based on the American Community Survey data, which span 2017-2021. These data do not provide a detailed breakdown of languages.

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<sup>4</sup> <http://www.indigenousfarmworkers.org/settlementCA.shtml>

- The latest detailed language data for the County from the Census come from the 2013 American Community Surveys and are therefore ten years out of date. They are included as part of the historical record, and as a baseline for the demographic changes since 2013.
- The 2021 Public Use Microdata Set (PUMS) data are included as well. The PUMS data, as noted above, derive from the last five years of the American Community Survey, and are aggregated into PUM areas (PUMAs) of approximately 100,000 residents. There are three PUMAs areas for the County of Sonoma (the phrasing below reflects the definitions used by the US Census Bureau):
  - Sonoma County (North) — Windsor Town, Healdsburg, and Sonoma Cities PUMA
  - Sonoma County (South) — Petaluma, Rohnert Park, and Cotati Cities PUMA
  - Sonoma County (Central) — Santa Rosa City Puma

There are two important limitations to the PUMS data:

- First, the PUMS data do not cover the whole County of Sonoma. Smaller municipalities and rural areas are generally not included in PUMS, as the sampling in these areas does not allow for statistically valid estimates;
  - Second, the PUMS data are *estimates*, not enumerations (as the Census data are). The Bureau of the Census projects total numbers in various categories based on the available samples. For smaller groups within a geographic area, this can mean significant variations may exist between the estimates and the actual numbers of speakers of a particular language.
- Prior to the 2020 Census, the language codes used by the Bureau of the Census had not ever been comprehensively updated. Certain of the language codes (e.g., Cantonese) refer to exonyms - the labels used by non-Native speakers for those languages - for languages in use when the code was added to the Census, between 1910 and 2010, and may not reflect the name of the language as used by the community of speakers, and/or may reflect outdated linguistic classifications.
- Some speakers of Indigenous languages of Central and South America may list Spanish as their language, even if they are more proficient in their native language.
- Very small communities of speakers may be absent from the Census data for reasons. These include the need to preserve anonymity of Census respondents, as the Census generally does not report data which might be used to identify individual residents. Some communities may be reluctant to engage with the government, regardless of assurances from the Census that their individual data is never released to other agencies. Some communities are so small that the

sampling procedures used for detailed Census data may not include them, making them statistically invisible.

- Reports on linguistic diversity within the schools of the County of Sonoma, from the County’s Department of Education. The collection of these data is required under Title III of the Elementary and Secondary Education Act of 1965, as amended.<sup>5</sup>
- The Portrait of Sonoma County, 2021 Update data.
- The Migration Policy Institute, a non-profit, non-partisan research institute in Washington, DC.

However incomplete these data are, they serve two critical functions with respect to planning for language access, assuming English as the dominant language:

- First, they allow identification of language groups whose populations meet the legislative and regulatory thresholds for the translation of vital documents, and an indication of languages in which the use of staff interpreters or bilingual staff may be the most effective method of providing language access.
- Second, they serve as a framework for planning language access to less commonly spoken languages, and for the significant number of residents who collectively speak a large and diverse number of languages. This is important to consider for how the County of Sonoma provides the resources for language access, which will be detailed in subsequent deliverables for the language access project.

## DEMOGRAPHICS

**Table 1**, below, presents an overview of languages other than English spoken in 2021 by residents aged 5 and older in the County of Sonoma from the 2020 Census data. The Census has not yet released detailed language data for 2020. Note that the terms “Limited English Proficient” and “Limited English Proficiency” are those used by the US Census. We repeat them here in order to maintain consistency with the terminology used by the Census while acknowledging the deficit framework implied by these labels.

DEMOGRAPHIC	NUMBER OF SPEAKERS	PERCENTAGE OF 2021 POPULATION OF COUNTY	SPEAK ENGLISH LESS THAN "VERY WELL"	% OF LIMITED ENGLISH PROFICIENCY IN GROUP
Population 5 years and over	463,676	100%	54,847	11.8%
Speak only English at home	341,113	73.6%	N/A	N/A
Speak a language other than English at home	122,563	26.4%	54,847	44.5%

<sup>5</sup> <https://www.ed-data.org/county/sonoma/>

<b>DEMOGRAPHIC</b>	<b>NUMBER OF SPEAKERS</b>	<b>PERCENTAGE OF 2021 POPULATION OF COUNTY</b>	<b>SPEAK ENGLISH LESS THAN "VERY WELL"</b>	<b>% OF LIMITED ENGLISH PROFICIENCY IN GROUP</b>
<b>Spanish</b>	89,575	19.3%	42,727	47.7%
<b>ASIAN AND PACIFIC ISLAND LANGUAGES</b>	14,812	3.2%	7,297	49.3%
<b>ALL OTHER LANGUAGES</b>	4,966	1.1%	1,517	30.5%

In comparing these figures to 2013 data, we see that the overall number of speakers of languages other than English increased by more than 5,000. The percentage of residents of the County of Sonoma who speak a language other than English at home increased slightly.

**Table 2**, below, presents the American Community Survey Data on languages spoken in 2013 by residents aged 5 and older in the County of Sonoma.

DEMOGRAPHIC	NUMBER OF SPEAKERS	PERCENTAGE OF 2013 POPULATION OF COUNTY	SPEAK ENGLISH LESS THAN "VERY WELL"	% OF LIMITED ENGLISH PROFICIENCY IN GROUP
<b>Population 5 years and over</b>	459,962	100.00%	49,856	11%
<b>Speak only English at home</b>	342,615	74.49%	<b>N/A</b>	<b>N/A</b>
<b>Speak a language other than English at home</b>	117,347	25.5%	49,856	42%
Spanish	89,065	19.36%	40,655	46%
<b>ASIAN AND PACIFIC ISLAND LANGUAGES</b>	12,856	2.80%	5,529	43%
<b>ALL OTHER LANGUAGES</b>	2,660	0.58%	554	21%
Tagalog	2,574	0.56%	961	37%
Chinese (including Cantonese, Mandarin, other Chinese languages)	2,537	0.55%	1,290	51%
German	2,035	0.44%	220	11%
French	2,015	0.44%	280	14%
Vietnamese	2,010	0.44%	1,034	51%
African languages	1,763	0.38%	373	21%
Chinese	1,365	0.30%	670	49%
Portuguese (incl Portuguese Creole)	1,300	0.28%	528	41%
Italian	1,272	0.28%	226	18%
Amharic	1,195	0.26%	300	25%
Other Pacific Island languages	1,172	0.25%	304	26%
Russian	969	0.21%	244	25%
Laotian	933	0.20%	429	46%
Other languages	873	0.19%	372	43%
Japanese	856	0.19%	230	27%

DEMOGRAPHIC	NUMBER OF SPEAKERS	PERCENTAGE OF 2013 POPULATION OF COUNTY	SPEAK ENGLISH LESS THAN "VERY WELL"	% OF LIMITED ENGLISH PROFICIENCY IN GROUP
Korean	848	0.18%	471	56%
Mon-Khmer, Cambodian	803	0.17%	395	49%
Persian	727	0.16%	237	33%
Thai	674	0.15%	257	38%
Cantonese	530	0.12%	325	61%
Hindi	527	0.11%	139	26%
Arabic	479	0.10%	132	28%
Fijian	475	0.10%	70	15%
Mandarin	465	0.10%	180	39%
Panjabi	430	0.09%	180	42%
Other West Germanic languages	427	0.09%	93	22%
Scandinavian languages	417	0.09%	26	6%
Dutch	380	0.08%	95	25%
Other Slavic languages	375	0.08%	110	29%
Urdu	358	0.08%	197	55%
Other Asian languages	353	0.08%	92	26%
Gujarati	347	0.08%	126	36%
Bantu	345	0.08%		unknown
Nepali	315	0.07%	135	43%
Greek	265	0.06%	13	5%
Tongan	250	0.05%		unknown
Swahili	220	0.05%		unknown
Formosan	175	0.04%	115	66%
Serbo-Croatian languages	174	0.04%	11	6%
Polish	172	0.04%	91	53%
Other Indo-European languages	169	0.04%	81	48%

DEMOGRAPHIC	NUMBER OF SPEAKERS	PERCENTAGE OF 2013 POPULATION OF COUNTY	SPEAK ENGLISH LESS THAN "VERY WELL"	% OF LIMITED ENGLISH PROFICIENCY IN GROUP
French Creole	165	0.04%	107	65%
Danish	160	0.03%		unknown
Bulgarian	150	0.03%	60	40%
Other and unspecified languages	144	0.03%	28	19%
Norwegian	135	0.03%		unknown
Armenian	132	0.03%	17	13%
Marathi	125	0.03%		unknown
Croatian	120	0.03%		unknown
Hebrew	115	0.03%		unknown
Hungarian	101	0.02%	17	17%
Swedish	100	0.02%		unknown
Telugu	100	0.02%		unknown
Hmong	96	0.02%	66	69%
Samoan	95	0.02%		unknown
Tamil	90	0.02%	25	28%
Czech	85	0.02%	30	35%
Macedonian	75	0.02%		unknown
Indonesian	60	0.01%		unknown
Syriac	60	0.01%		unknown
Chamorro	55	0.01%		unknown
Lithuanian	50	0.01%	35	70%
Pashto	50	0.01%		unknown
Turkish	50	0.01%		unknown
Other Native North American languages	43	0.01%	4	9%
Yiddish	41	0.01%		unknown
Hawaiian	40	0.01%		unknown

DEMOGRAPHIC	NUMBER OF SPEAKERS	PERCENTAGE OF 2013 POPULATION OF COUNTY	SPEAK ENGLISH LESS THAN "VERY WELL"	% OF LIMITED ENGLISH PROFICIENCY IN GROUP
Romanian	35	0.01%	25	71%
Cebuano	35	0.01%	25	71%
Ukrainian	30	0.01%		unknown
Slovak	25	0.01%		unknown
Pidgin	25	0.01%		unknown
Burmese	25	0.01%	20	80%
Navajo	15	<0.01%		unknown
Pomo	15	<0.01%		unknown

Note 2 to Table 2: In addition to the languages listed in Table 2, there were less than 10 speakers of the following languages: Cajun French, Afrikaans, Frisian, Icelandic, Serbian, Slovenian, Krio, Kannada, Karen, Mien, Bisayan, Ilocano, Pangasinan, Pampangan, Karok, Dakota, Hopi, Finnish, Basque, Quechua, and Oto-Manguean languages.

Note 2 to Table 2: Blank entries in the column "Speak English less than 'very well', indicates that the sample size was too small to permit the Bureau of the Census to report the number. This is typically due to the need to protect respondents' identity.

Note 3 to Table 2: The language names and categories in Table 2 are those used by the Bureau of the Census in the 2013 American Community Survey. They may not all conform to standard spellings of these languages in English, as established by the International Standardization Organization in ISO 639-3:2007.

**A cautionary note on indigenous languages of Mexico and Central America:** the Migration Policy Institute [reports](#) that more than 27,000 undocumented immigrants from Mexico and Central America resided in the County in 2019; of these, at least 4,000 spoke a language other than Spanish, presumably one of the more than 100 Indigenous languages of Mexico and Central America.

The Census has historically been inaccurate in counting speakers of Indigenous languages of Mexico and Central America, such as: Zapoteco languages, Mixteco, Chatino, Triqui, Purepecha, Kaqchikel, Kanjobal, K'iche, and others. The reasons for this are complex, ranging from unfamiliarity with Indigenous cultures and languages to assumptions about national origin and language spoken, to reluctance on the part of speakers of Indigenous languages to claim

their native language as their primary language on the Census due to fear of negative repercussions.

Comunidades Indígenas en Liderazgo (CIELO) [reports](#) a significant population of Indigenous immigrants in Sonoma County, with 90% of the population living and working in grape producing areas of the county, and the remainder in the greater Santa Rosa area. The Nimdzi Insights team is working with the Office of Equity to develop a better understanding of these communities in the County.

**Figure 2**, below, presents the data from the County of Sonoma Department of Education, based on 2021 enrollments. The proportion of languages among the student body in the County differs somewhat from the Census data, as the County’s Multilingual Learners are overwhelmingly Spanish speakers. As with the Census data, it is highly probable that there are a significant number of speakers of Indigenous languages among the students (mis)labeled as Spanish speakers.

LANGUAGE NAME	STUDENTS SPEAKERS	PERCENT OF MULTILINGUAL LEARNERS
Spanish	11,588	93.66%
Other non-English languages not listed here	116	0.94%
Vietnamese	116	0.94%
Khmer (Cambodian)	53	0.43%
Mandarin (Putonghua)	50	0.40%
Arabic	49	0.40%
Portuguese	47	0.38%
Filipino (Pilipino or Tagalog)	42	0.34%
French	40	0.32%
Punjabi	32	0.26%
Tigrinya	28	0.23%
Lao	23	0.19%
Russian	17	0.14%

<b>LANGUAGE NAME</b>	<b>STUDENTS SPEAKERS</b>	<b>PERCENT OF MULTILINGUAL LEARNERS</b>
Japanese	16	0.13%
Farsi (Persian)	16	0.13%
Cantonese	16	0.13%
Hindi	15	0.12%
Urdu	12	0.10%
Korean	12	0.10%
Thai	9	0.07%
Taiwanese	5	0.04%
Italian	5	0.04%
Haitian (Haitian Creole)	5	0.04%
Nepali	4	0.03%
Hebrew	4	0.03%
Indonesian	4	0.03%
German	4	0.03%
Gujarati	3	0.02%
Mixteco	3	0.02%
Serbo-Croatian (Bosnian, Croatian, Serbian)	3	0.02%
Polish	3	0.02%
Hungarian	3	0.02%
Amharic	3	0.02%
Burmese	3	0.02%
Tamil	3	0.02%

LANGUAGE NAME	STUDENTS SPEAKERS	PERCENT OF MULTILINGUAL LEARNERS
Telugu	3	0.02%
Cebuano (Visayan)	3	0.02%
Bengali	2	0.02%
Tongan	2	0.02%
Swahili	2	0.02%
Fijian	1	0.01%
Creoles and pidgins, French-based	1	0.01%
Ukrainian	1	0.01%
Marshallese	1	0.01%
Hmong	1	0.01%
Marathi	1	0.01%
Ilocano	1	0.01%
Kikuyu (Gikuyu)	1	0.01%

Additionally, the California Office of Environmental Health Hazard Assessment maintains a [map](#) of linguistic isolation - essentially, Limited English Proficient status - based on the 2020 Census data. It shows that linguistically isolated populations in the County of Sonoma are concentrated in Santa Rosa, Rohnert Park, just north of Sonoma, Healdsburg, and Cloverdale, as well as in the major agricultural areas of the County.

## PART B: LANGUAGE ACCESS LAWS & REGULATIONS

The following section presents language access laws and regulations at the Federal and California level.

## FEDERAL LEGISLATION

Title VI of the Civil Rights Act of 1964, which derives from the 14th Amendment requirement of equal treatment before the law, include the prohibition of discrimination against individuals based on their national origin. This has been interpreted by the US Supreme Court to encompass a prohibition of discrimination against those with a limited ability to communicate in English.<sup>6</sup> This interpretation was first decided by the Supreme Court in the 1974 case *Lau v. Nichols*, in which the Supreme Court unanimously decided that a lack of supplemental language instruction for non-English-speaking Chinese students in the San Francisco Unified School District violated the Civil Rights Act of 1964.

### *TITLE VI OF THE CIVIL RIGHTS ACT (1964)*

Title VI prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance. Providing equal access to services regardless of one's English proficiency is a core tenant of non-discriminatory public policy, yet the optimal methods for ensuring equal access are not always apparent to those in positions of service. Since the 1960s, various US federal, state, and local entities have endeavored to address gaps in service by crafting policies that ensure *meaningful access*<sup>7</sup> to public services and benefits to all constituents.

Such policies are especially critical in states experiencing rapid growth of immigrant communities such as California, which holds the largest non-native population in the United States.<sup>8</sup> Given that many immigrants lack full proficiency in English, they may experience barriers that prevent full participation in civic and public life. These barriers can interfere with one's ability to use public services, communicate their concerns at council meetings, or understand information pertinent to their health, safety, and legal rights.

Local agencies must ensure that limited English-proficient residents have access to public benefits and services, and an opportunity to participate in public life. The following is a summary of the key legislation and guidelines that recipients of federal and state funding must adhere to when considering the needs of the individuals they serve who are limited in English proficiency (hereafter referred to as LEP individuals).

Title VI prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance. The inclusion of "national origin" as a protected category has consistently been interpreted to be included.

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<sup>6</sup> One of the more recent regulations based on Title VI with broad-ranging implications is section 1557 of the Patient Protection and Affordable Care Act, which prohibits discrimination with respect to health programs and activities that receive federal financial assistance from the Department of Health and Human Services (HHS).

<sup>7</sup> "Meaningful access" is defined as language assistance that results in accurate, timely, and effective communication at no cost to the individual who is limited English proficient.

<sup>8</sup> [Migration Policy Institute, U.S. Immigrant Population by State and County](#)

*EXECUTIVE ORDER 13166 "IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY"*

**Executive Order** (EO) 13166, issued by President Bill Clinton in 2000, provides for the *consistent and effective implementation* of the national origin clause of Title VI of the Civil Rights Act of 1964. This order requires federal agencies and programs receiving federal financial assistance to take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities. Each federal agency was directed to write its own language access plan, as well as issue tailored guidance for recipients of aid from their individual agencies.

The EO is accompanied by a guidance document<sup>9</sup> issued by the Department of Justice (DOJ) to assist *individual agencies* in crafting their language access policies. This initial guidance was later supplanted by a subsequent DOJ guidance document to *recipients* of federal financial assistance<sup>10</sup>. The core guidance of both documents consists of a four-factor analysis that recipients of federal aid should conduct prior to drafting their own language access policies. These four factors are:

1. Number or Proportion of LEP Individuals
2. Frequency of Contact with the Program
3. Nature and Importance of the Program
4. Resources Available

In acknowledgment of the fact that these four factors vary considerably by geographic location, the nature of work that individual agencies conduct, and myriad other factors, the EO 13166 guidance does not include specific requirements regarding language thresholds, documents that must be translated, or situations in which an interpreter must be present.<sup>11</sup> Rather, it is a general framework by which agencies can determine when LEP assistance is required in their federally-assisted programs and activities and what the nature of that assistance should be.

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<sup>9</sup> [Federal Register / Vol. 65, No. 159 / Wednesday, August 16, 2000](#)

<sup>10</sup> [Federal Register / Vol. 67, No. 117 / Tuesday, June 18, 2002](#). See also [The Institute for Local Government, Language Access Laws and Legal Issues: A Local Official's Guide](#): "For purposes of Title VI and Executive Order 13166, a program receives federal funds if it receives any form of federal financial assistance, including grants, training, use of equipment, donations of surplus property, and so on. If a recipient passes federal financial assistance on to another entity, Title VI's requirements apply to that entity as well." Furthermore, [www.LEP.gov](http://www.LEP.gov), which is a unit of the Division of Civil Rights of the US Department of Justice, maintains extensive guidance resources on language access.

<sup>11</sup> It should be noted, however, that the guidance does include "safe harbor" actions that provide strong evidence of compliance with Title VI and gives multiple clarifying examples to aid recipients in determining which scenarios indicate that language assistance is warranted to ensure the provision of meaningful access.

## STATE LEGISLATION

### *CALIFORNIA GOVERNMENT CODE SECTION 11135*

California Government Code Section 11135, originally added to the California code in 1977, parallels Title VI of the US Civil Rights Act of 1964. It prohibits the denial of access to benefits of state programs or any program receiving state of California funds, on the “basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation.” (California Government Code 11135(a)). In addition, the subsequent sections explicitly cover conduct by state and municipal contractors (California Code 11136). The California code is broader than Title VI of the Civil Rights Act of 1964, as it covers more protected groups. Moreover, 11135 does not distinguish between disparate treatment (the active denial of a civil right based on a specific, protected identity category) and disparate impact (the more pervasive, passive denial of civil rights through exclusionary policies not specifically targeted at a protected group). <sup>12</sup>California Government Code 17.5 Use of a Foreign Language in Public Services (also referred to as the Dymally-Alatorre Bilingual Services Act).

The Dymally-Alatorre Act (California Government Code 7290 et seq.) requires California state and local agencies<sup>13</sup> that serve a substantial number of LEP individuals to provide qualified<sup>14</sup> bilingual staff and translated materials to facilitate meaningful access to programs, services, and benefits. It defines the threshold at which agencies are required to provide these services as 5% of the total population serviced by the agency. Notably, the 5% threshold relates to the total percentage of LEP individuals who speak a given language in relation to the total population served by the given office, agency etc. (as opposed to a 5% threshold for the entire population in the County of a given language group).

The Act provides agencies substantial discretion in how they meet the obligation to provide language access services. While it requires local public agencies to employ a sufficient<sup>15</sup> number of qualified bilingual persons or professional interpreters in public contact positions, over-the-phone interpreting is considered a reasonable substitute. Additionally, in cases where providing full translations of documents proves too resource intensive, agencies may elect to include notices in the languages of LEP individuals stating that translations are available on

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<sup>12</sup> Examples include the imposition of minimum height requirements for certain jobs, when such heights exceed the average height of adult females, or a blanket refusal to provide any language access, which would not target any one specific national origin).

<sup>13</sup> “Local agency” here references CGA Code section 54951 to include a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

<sup>14</sup> The Act provides guidance on the definition of a “qualified” bilingual employee or interpreter, but ultimately leaves the determination of qualifications up to the local agency.

<sup>15</sup> See [section 7293](#) clarification on “sufficient”: “The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency”

request. For example, a mass mailing sent in English may include a page in several languages that states how to obtain a translated copy.

The Act defines three broad types of written material that should be distributed in the appropriate non-English languages of the local population:

- Materials that require an individual to supply information (such as forms, applications, questionnaires, or notices).
- Materials that provide information about services, programs, or benefits
- Materials that affect or may affect an individual's rights, duties, or privileges with regard to that agency's services or benefits.

Such material may include information on public safety, protection, prevention, state or local benefits, public programs, public resources or facilities, public hearings, or other activities that involve contact with the general public.

## STATEWIDE LANGUAGE ACCESS POLICIES

Following EO13166 and the Dymally-Alatorre Bilingual Services Act, several California state agencies have published their own language access policies with guidance tailored to the benefits and services they offer. However, it should be noted that most of the 236 California state agencies listed on ca.gov have not published comprehensive language access policies. This may be due to the nature of the services they provide (which don't concern vital rights or privileges), or they may serve fewer LEP individuals.<sup>16</sup>

A selection of state agencies that have published comprehensive plans includes the Employment Development Department and the Judicial Council of California. These agencies score high on the aforementioned four-factor analysis that the DOJ guidance recommends conducting: the number or proportion of LEP individuals they serve is high, contact with their programs is frequent, their programs serve a central role in the life, health or wellbeing of the community, and resources have been allocated accordingly to serve those communities.

For example, it's clear that the Employment Development Division has contact with a very wide range of LEP language groups, as seven languages currently meet the threshold of 5% (of department contacts) that triggers the translation of a vital document.<sup>17</sup> The division maintains a bilingual services directory that numbers 2,000 employees providing services in 60 languages.

Similarly, the Judicial Council of California and Department issued an access plan tailored to the broad range of scenarios they encounter with multiple LEP language groups. The plan details

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<sup>16</sup> For example, the [California Department of Food and Agriculture](#)'s website contains a language access page that states that "translation aids" are available in languages that meet the 5% population threshold (currently Spanish), contains a downloadable "I speak" chart for use in its offices and grievance procedures, but does not contain a comprehensive access policy.

<sup>17</sup> Employment Development Department, State of California, 2018-2021 Language Access Plan

eight strategic goals and accompanying recommendations to ensure that language needs are accommodated through every stage of judicial proceedings.<sup>18</sup>

## FOR MORE INFORMATION



The County of Sonoma Office of Equity is undergoing a comprehensive review of County-wide language access processes in an effort to better deliver to the needs of our linguistically diverse communities regardless of English proficiency or language(s) spoken. For more information on this initiative, please reach out to the Office of Equity at (707) 565-8980 or email [equity@sonoma-county.org](mailto:equity@sonoma-county.org) or [equidad@sonoma-county.org](mailto:equidad@sonoma-county.org).

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<sup>18</sup> Judicial Council of California Court Language Access Support Program, Strategic Plan for Language Access in the California Courts