



OFFICE of EQUITY
COUNTY OF SONOMA

LANGUAGE ACCESS POLICY

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*County of Sonoma and County-Controlled Agency
Language Access & Language Justice Project
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ADMINISTRATIVE ENTITY

County of Sonoma, Office of Equity

RELATED REGULATORY REFERENCES

1. Presidential Executive Order 13166
2. 45 CFR 92.101
3. Americans With Disabilities Act
4. Dymally-Alatorre Bilingual Services Act, Cal. Gov't Code §§ 7290–7299.8
5. Cal. Code Regs. tit. 9, § 3610(b)(1)
6. Cal. Code Regs. tit. 9, § 3620(h)(A)(2)
7. Cal. Code Regs. tit. 9, § 3650 (a)(1); (a)(5)(A)(B)
8. Cal. Gov't Code §§ 11018, 11410.60(c)(3)
9. Cal. Gov't Code § 11135(a)(d)

TABLE OF CONTENTS

Document Information	2
Administrative Entity.....	2
Related Regulatory References.....	2
Language Access Policy of the County of Sonoma.....	4
Policy Statement.....	4

Policy Directives.....	5
Procedures.....	5
1. Provision of Language Services.....	5
Document Translations.....	6
Interpreting.....	7
Minor Children, Family Members, and Community Members as Informal Interpreters:.....	8
Website Translation.....	8
2. Bilingual staff.....	9
3. Employee Training and Technical Assistance.....	9
Employee Training.....	9
Technical Assistance.....	10
4. Notification of language services.....	10
5. Accountability and Evaluation.....	11

LANGUAGE ACCESS POLICY OF THE COUNTY OF SONOMA

POLICY STATEMENT¹

It is the policy of the County of Sonoma² to provide language access to residents and visitors to the County in the languages in which they prefer to communicate with their local County Government.

The purpose of this policy is to improve access to County services for those residents who do not speak English as their primary language, or who do not speak any English.³ This Policy 1) establishes procedures for providing language access to County services and programs to residents who do not speak English as their primary language or who do not speak English; 2) establishes procedures for evaluation of this Policy; and 3) establishes procedures for accountability in the provision of language access in the County of Sonoma.

This Policy meets the State of California requirements under the California Dymally-Alatorre Bilingual Services Act, Government Code §7290 et seq., which requires California State and local public agencies serving a substantial number of limited English-speaking people to provide services and materials in the language(s) spoken by those persons. It also meets the requirements of Title VI of the Civil Rights Act of 1964 with respect to language access, as elaborated in Presidential Executive Order 13166, which requires recipients of Federal funding to provide meaningful language access to Limited English Proficient (LEP) or Linguistically Diverse (LD) individuals whom they serve. This Policy also recognizes and incorporates the federal Plain Writing Act of 2010, which requires government communication which the public can understand and use. The County of Sonoma

¹ For the full statement of Values of the Office of Equity of the County of Sonoma, see <https://sonomacounty.ca.gov/administrative-support-and-fiscal-services/office-of-equity/vision-mission-and-values>

² For purposes of this Policy, “County of Sonoma” shall collectively refer to the County of Sonoma, a political subdivision of the State of California, and the three separately staffed legal entities under the control of the County of Sonoma Board of Supervisors, which include the Sonoma County Water Agency, the Sonoma County Agricultural Preservation and Open Space District, and the Sonoma County Community Development Commission.

³ Language access rights, procedures, and enforcement for individuals who are Deaf or Hard of hearing are covered by Title II of the Americans with Disabilities Act. The County of Sonoma’s Department of Human Resources also publishes an ADA Toolkit as guidance for County departments regarding accommodations requirement.

Language Access Policy recognizes that all communication, interpretation, and translation of documents, websites and other materials is done in a manner so users can understand it in their preferred languages.

Within this Policy, the terms non-English speakers, or Linguistically Diverse (LD) individuals will be used instead of LEP.

POLICY DIRECTIVES

1. The County will make reasonable efforts to provide language access to County services, through interpreting, translation, and localization, as appropriate, for non-English speaking residents.
2. The County will follow [Plain Language guidance](#) including: writing in short sections; using short, simple words; writing in short sentences; avoiding technical jargon; and designing documents for easy reading.
3. The County will make efforts to notify the public about the County's language access policy for department programs and services, and how County residents can access language assistance services. These notices will be provided through departmental websites, translated documents, and community-focused outreach.
4. The County will establish a central focal point to assist all County departments and agencies in providing and tracking language access.

PROCEDURES

1. PROVISION OF LANGUAGE SERVICES

The County of Sonoma and its departments and agencies will provide language access to non-English speaking individuals who receive services, benefits, or information from the County.⁴

The County and its departments and agencies will identify the languages spoken or used by County residents at the point and time of service using language identification guides and “I speak” charts, as well as using other appropriate methods of determining the language

⁴ Deaf and Hard of Hearing individuals are covered under the Americans with Disabilities Act, and as such, this document focuses on language access policies for LEP individuals. Information about the County's accessibility for these populations is located here:

<https://sonomacounty.ca.gov/accessibility-information#:~:text=The%20County%20has%20adopted%20an,level%20with%20a%20simple%20inquiry>.

spoken or used by a resident, such as over the phone or video remote interpreting language identification protocols.⁵

The County of Sonoma will: 1) continue to use multi-lingual County employees to provide language access, in compliance with current County Memoranda of Understanding and Collective Bargaining Agreements for unrepresented and represented; 2) maintain contracts with appropriate language service companies (LSCs) for the Countywide provision of the following language access services, to include document translation, website localization, and interpreting for spoken and signed languages.

DOCUMENT TRANSLATIONS

The County must provide translations of vital documents into the languages of each group that represents a Substantial Number of Limited English-Speaking Individuals. Vital documents include, but are not limited to:⁶

- Applications for services
- Forms or questionnaires (including consent and complaint forms)
- Notices of rights
- Probation department
- Notices advising linguistically diverse persons of the availability of free language assistance
- Written tests for services that do not assess English language competency, but rather competency for a particular license, job, or skill for which English competency is not required
- Letters or notices that require a response from the beneficiary
- Materials that provide information about services, programs, or benefits
- Materials that affect or may affect an individual's rights, duties, or privileges regarding that agency's services or benefits.

⁵ Language identification guides and remote protocols are readily available from language services companies as well as the US Bureau of the Census.

⁶ See www.lep.gov for federal guidance on vital documents. Additionally, the Dymally-Alatorre Act defines "vital documents" as

- 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.

Original content should apply Plain Language Guidance (<https://www.plainlanguage.gov/guidelines/>).

Spanish Requirement: Spanish is currently the sole non-English language that meets the threshold criteria described in both federal and state legislation regulations. Given the number of Linguistically Diverse residents who speak Spanish and the frequency of encounters County employees have with individuals from that group, the County must proactively translate vital documents into Spanish.

Other Languages: For non-English speaking individuals who speak other languages, the County must provide access to vital documents, but may choose to provide sight translations rather than proactively translate vital content. The determination of whether to proactively translate vital documents into other languages should be made based on the frequency of encounters with individuals from that language group, the impact of not translating the document on the individual's life outcomes, the need for positive community relations, and budgetary considerations, among other factors.

An individual County department or office that serves a non-English speaking group whose population differs substantially from the County-wide population may elect to proactively translate vital documents into languages other than Spanish if they have reason to believe that said Group meets the threshold of a Substantial Number of LD Individuals, or to achieve departmental outreach objectives.

The County shall take efforts to provide vital documents to LD individuals in a timely manner to ensure meaningful access to all benefits and services. The County shall ensure that any LSCs it contracts with are able to provide translations of vital documents with as little delay as possible from the English-language publication of said documents.

INTERPRETING

Qualified interpreters shall be provided for encounters with non-English Speaking individuals that affect or have the potential to affect the non-English Speaking individual's rights, health, safety, benefits or services for which an individual is entitled.

In fulfilling its obligation to provide interpreting services, the County may choose among qualified bilingual employees, in-person interpreters, over-the-phone (OPI) interpretation or video remote (VRI) interpretation services in accordance with the needs of the non-English speaking individual and the type of encounter.

County Departments that respond in exigent circumstances involving non-English speaking individuals must provide interpreting services with as little delay as possible. The County will take measures to contract with LSCs that are able to provide OPI or VRI interpreters at very-short notice in exigent circumstances in alignment with industry standards.

MINOR CHILDREN, FAMILY MEMBERS, AND COMMUNITY MEMBERS AS INFORMAL INTERPRETERS:

The County shall take all due measures to ensure that minor children or other family members of the non-English speaking individual are not used as interpreters in any situations that meet the criteria described in the previous paragraph. Should non-English speaking individuals indicate that a minor child, family member, or community member who is not a qualified interpreter can serve as an interpreter in situations that do not concern rights, benefits, or health and safety, County staff shall:

- Inform the non-English speaking individual, in their language, that the County can provide an interpreter at no cost, and in a reasonable amount of time;
- Affirmatively obtain consent from the non-English speaking individual themselves that they do not want an interpreter supplied by the County;
- Document the complete circumstances at the time of refusal (including but not limited to: County department, non-English speaking individual's identifying data, identifying data of the preferred interpreter); and
- If feasible in the situation, assess the qualifications of the proposed interpreter.

The County reserves the right to provide its own interpreter if, in the judgment of the County, doing so would be in the best interest of the County, the non-English speaking individual, the individual's proposed interpreter, or the broader community.

Special care is required in such an instance, as family and community members may have conflicts of interest and/or may not be sufficiently skilled as interpreters. In addition, the use of minor children as interpreters must be avoided if at all possible, due to the potential trauma of providing language access in possibly consequential situations.

WEBSITE TRANSLATION

The County may elect to use various automated or machine-translation technologies to translate website content that does not meet the standard of vital documents, so long as the County ensures that a qualified human translator is available to answer any questions about the translation or need for clarification of the translation.

Vital documents – including vital sections of web pages that may contain incidental non-vital content – must be translated by a qualified translator.

2. BILINGUAL STAFF

The County may choose to employ qualified bilingual staff who are proficient in languages spoken by a Substantial Number of non-English speaking Individuals to ensure that meaningful access to benefits and services is provided to said non-English speaking Individuals.

Bilingual staff members who serve as interpreters or translators will receive regular training as needed on proper interpreting and translation techniques, specialized terminology, and other topics as needed to ensure that they are sufficiently qualified to interpret in the situations in which they are called on to do so.

If Bilingual staff who interpret in situations that concern a non-English speaking individual's legal rights, health, safety, or benefits express concerns about their qualifications about their ability to interpret in the subject domain in question (medical, legal, etc.), a professional interpreter should be utilized.

Bilingual staff who have not demonstrated professional competency in translation shall not translate vital documents; however, they may be employed to translate informal, community outreach content.

Managerial staff should consider whether bilingual staff are able to provide translations of sufficient quality and in a timely manner, as well as whether time spent translating content may hinder staff from performing their core duties when deciding which translation resources to utilize for informal content.

County departments may pay a “bilingual staff premium” to bilingual staff, as outlined in the applicable memorandum of understanding or the Salary Resolution.

3. EMPLOYEE TRAINING AND TECHNICAL ASSISTANCE

EMPLOYEE TRAINING

The County shall ensure that staff members who interact with non-English speaking individuals directly and management responsible for ensuring the effective implementation of this policy receive training in the following areas:

- Understanding the legal basis for language access as a civil right in the United States and California
- Determining what documents are considered “vital documents” under EO 13166
- Notifying County residents of the availability of language access
- Determining that an individual is non-English speaking and offering assistance
- Understanding what Language Service Companies (LSCs) the County has current contracts with and what services each provides
- Arranging for language services, including:
 - Contacting bilingual staff for in-person interpreting
 - Contacting LSCs for over-the-phone Interpretation (OPI), video remote interpretation (VRI), and sight-translation services
 - Arranging for professional in-person interpreters for meetings or other live events
 - Contacting LSCs for vital document translations
- Responding in situations where an individual requests to use a minor child, family member, or community member as an interpreter
- Responding to complaints about language access services

The County shall provide employee training on an annual basis, at minimum.

TECHNICAL ASSISTANCE

The County shall provide technical assistance to County of Sonoma departments and agencies on best practices in providing language access, including consultations on community outreach, determinations of vital documents, assessment of the effectiveness of language access, and other matters.

4. NOTIFICATION OF LANGUAGE SERVICES

In order to ensure that non-English speaking individuals are provided with meaningful access to County benefits and services, the County may elect to employ certain means to proactively notify individuals that language services are available. Such notification may include, but is not limited to:

- Phone menus that offer to connect users to OPI interpreters;
 - because of the proportion LD residents who speak Spanish, a Spanish option must be present
- Multilingual posters in County offices that notify residents that interpreters are available;

- Multilingual notices on vital documents alerting recipients that translations are available;
- Email, social media campaigns, and other advertising campaigns;
- Website posts;
- “I speak” cards in multiple languages that County residents can print before appointments at County offices, or pick up in office, to alert staff of their language preference and ensure that staff are aware of their obligation to provide an interpreter;
- Use of community ambassadors to foster civic engagement with non-English speaking groups.

Notices for public meetings shall contain a sentence alerting residents that spoken-language or interpreters for the non-English speaking can be arranged with 48-hours advance notice.

5. ACCOUNTABILITY AND EVALUATION

The following are the County’s processes for accountability and evaluation of the LAPP.

First, the County shall ensure the effective implementation of this Policy. The County shall:

- Track data concerning the County non-English speaking population numbers and frequency of encounters with County staff. The County shall refer to language data provided by the U.S. Bureau of the Census, the Sonoma County Office of Education, as well as usage data from any other contractors the County engages with for providing language access. This data will be used to evaluate the number and proportion of non-English speaking individuals and use this information in assessing the sufficiency of the County’s language access services. The County shall review demographic data from other local organizations (city governments, community organizations, legal aid entities, etc.). This data shall be compiled and reviewed at least once every two years.
- Investigate and respond to any complaints the County receives regarding the provision of language access services.
- Conduct a Countywide language access needs assessment every two years by interviewing and/or surveying county employees who interact with non-English speaking individuals, as well as interviewing and/or surveying LD community members.

- Examine any Title VI assurance letters or other instruments between a County department and a federal agency, to ensure that language access requirements in such instruments are met.
- Update this policy as needed in response to any findings revealed while conducting the above-mentioned exercises.
- Work with local Community-Based Organizations who serve non-English speaking individuals and communities to provide information about the County's policy and procedures, and to seek feedback on the way in which the program is working.

Second, the following is the County's procedure for residents to notify the County department or agency related to a challenge to provide meaningful and effective language access. This shall include:

- Posting a Language Access form on the County website and all of the County departments and agencies' websites, allowing non-English speaking to notify the County department or agency of a challenge experienced with the provision of language access. A form will be available in English and Spanish. This form shall:
 - Be posted on an area of the website that non-English speaking individuals can locate without difficulty;
 - Be translated into Spanish;
 - Be made available, on request, in languages other than Spanish, including through the provision of a sight-translator to assist the non-English speaking individual in filling out the English-version of the form, as needed.
 - The County and its departments shall also post translations of the Language Access form into other languages, as needed.
- Investigating and resolving challenges
- Reporting to the County Board of Supervisors on an annual basis regarding complaints received, investigations, resolutions, and any resultant recommendations.

Third, County staff will report to the Board of Supervisors on an annual basis regarding the implementation of this policy and plan, and the provision of language access in the County. This report shall be made publicly available and translated into Spanish. It may be translated or summarized in other languages upon community request. This report shall include, at a minimum:

- The total number of language access encounters in the preceding year, broken down by:
 - Language
 - Modality (interpreting, translation)

- Location
- County agency
- The total number of residents to whom language access was provided, broken down by:
 - Language
 - Modality
 - Location
 - Agency
- The resources required to provide language access in the previous year, broken down by:
 - Language
 - County bilingual employees
 - Language Services Companies, Community Based Organizations, and other entities located within the County
 - Language Services Companies, Community Based Organizations, and other entities located outside of the County
 - Location
 - Agency
- Level and nature of community engagement regarding the language access plan.
- Privacy: County staff, in reporting on language access, will take steps to ensure that specific individuals cannot be identified from the data presented in the report.
 - For example, the report may exclude data which might allow identification of specific individuals, for example, if only a very small number of speakers of a particular language are resident in the county.
- Any trends or recommendations to the County government regarding improvement of the provision of language access.
- An analysis of how the LAPP meets the values of the County.

Glossary

ADA (Americans with Disabilities Act) – The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. In the context of this study, the ADA applies to the provision of ASL (American Sign Language) interpretation.

Bilingual Employee – A County employee who is proficient in the English language and a language other than English that is spoken by non-English speakers who are residents of

the County of Sonoma. The County of Sonoma maintains policies and procedures to determine the ability of Bilingual Employees (e.g., Basic or Fluent) to provide language access. Employees may receive a premium for using bilingual skills as outlined in the applicable memorandum of understanding or the Salary Resolution.

Certified Deaf Interpreter (CDI) – Holders of this certification are deaf or hard of hearing and have demonstrated knowledge and understanding of interpreting, deafness, the Deaf community, and Deaf culture. Holders have specialized training and/or experience in the use of gesture, mime, props, drawings and other tools to enhance communication. Holders possess native or near-native fluency in American Sign Language and are recommended for a broad range of assignments where an interpreter who is deaf or hard-of-hearing would be beneficial. (Source: Registry of Interpreters for the Deaf)

County – the County of Sonoma. For purposes of this Policy, “County of Sonoma” shall also collectively refer to the County of Sonoma, a political subdivision of the State of California, and the three separately staffed legal entities under the control of the County of Sonoma Board of Supervisors, which include the Sonoma County Water Agency, the Sonoma County Agricultural Preservation and Open Space District, and the Sonoma County Community Development Commission.

Dymally–Alatorre Bilingual Services Act (California Government Code Section 7290 et. Seq.) – An act signed into law in 1973 to eliminate language barriers that prevent non-English speaking individuals from having equal access to public services. This Act mandates that state and local agencies directly involved in the furnishing of information or the rendering of services to the public utilize language services to enable access to any non-English speaking population that meets the threshold of 5% or more of the total population.

Deaf or Hard-of-Hearing Individual (DHH Individual) – Someone who is limited in their ability to communicate due to total or partial hearing loss. Deaf and Hard of Hearing individuals may use American Sign Language as their native language, but Deaf and Hard of Hearing individuals from outside the United States will likely use another signed language. In the context of language access, Deaf individuals may require an American Sign Language (ASL) interpreter and/or Certified Deaf Interpreter (CDI), or an interpreter of another signed language.

EO 13166 – An executive order issued in August 2000 by President William J. Clinton that clarifies the requirements for LEP individuals under Title VI of the Civil Rights Act. Specifically, EO 13166 clarifies the prohibition on national origin discrimination in Title VI as extending to discrimination based on the language status of the individual. The order

requires federal agencies and any recipients of federal aid to implement policies and procedures to ensure non-English speaking individuals can meaningfully access the services of said agencies, at no cost to the non-English speaking individual.

Interpreting – Oral language assistance provided by an interpreter either in-person or via a telephone interpretation service.

Relay Interpreting – Interpreting from language A into language B, and then from language B into language C. For example, for many Indigenous Languages of Mexico and Central America, there are very few interpreters capable of rendering the interpreting into English. In such cases, Relay Interpreting is required, where one interpreter will work from Chatino (for example) into Spanish, and a second interpreter from Spanish into English. Relay interpreting may also be required with Deaf and Hard of Hearing individuals, when 1) the Deaf or Hard of Hearing individual signs in a language other than American Sign Language, such as Nicaraguan or Mexican Sign Language; 2) the Deaf or Hard of Hearing Individual does not have sufficient proficiency in American Sign Language (ASL) to communicate through an ASL interpreter. In these cases, the best practice is to engage a Certified Deaf Interpreter, who interprets to and from ASL, and an ASL interpreter, who provides interpreting into and out of English.

Qualified Interpreter – For spoken languages, a Qualified Interpreter for a non-English speaking individual means an interpreter who via a remote interpreting service or an on-site appearance:

1. Has demonstrated proficiency in speaking and understanding both spoken English and at least one other spoken language;
2. Is able to interpret effectively, accurately, and impartially to and from such language(s) and English (or another language, in the case of Relay Interpreting), using any necessary specialized vocabulary or terms without changes, omissions, or additions and while preserving the tone, sentiment, and emotional level of the original oral statement; and
3. Adheres to generally accepted interpreter ethics principles, including client confidentiality.

For signed languages, a Qualified Interpreter means an interpreter possessing a valid certification from the Registry of Interpreters for the Deaf as an ASL Interpreter or a Certified Deaf Interpreter.

LAPP (Language Access Plan and Policy) – The Language Access Plan and Policy provides a set of standard language justice and access operating guidelines for the County of Sonoma,

or “best practices,” and standards to ensure that local partners shall provide culturally and linguistically responsive language services and may be used by County staff to close language and accessibility gaps in services.

LEP Individual – Someone who does not speak English as their primary language and is limited in their ability to read, write, speak or understand English. LEP status is defined in Presidential Executive Order 13166.⁷ Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently. LEP status may be context specific; for example, an individual who has sufficient English skills for daily communication may need language access during a medical appointment, or at a disaster recovery center, among other contexts. An individual may have sufficient language skills to communicate basic information (name, address, etc.) but may not have sufficient skills to communicate detailed information in English.

LSC (language services company) and LSP (language services provider) – A company that provides professional language services including translation, interpretation, localization, etc. (Source: ASTM F3130-2018, Standard Practice for Language Service Companies).

Localization – the process whereby a website, service, or product is adapted to a specific culture and language.

Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to the individual who is limited English proficient. Meaningful access means access that is not significantly restricted, delayed or inferior as compared to programs or services provided to persons who are proficient in the English language.

OPI (Over the Phone Interpretation, otherwise known as telephonic interpreting or OPI for short) – A 3-way conference call among an interpreter, a non-English speaking individual, and an English-speaking second party.

Plain Writing Act of 2010 – The Plain Writing Act of 2010 requires federal agencies to write clear government communication which the public can understand and use. Details of the Act can be found [here](#).

Sight-Translation – The oral rendering of what is written in one (source) language into another (target) language without adding, omitting, or distorting meaning. For example, an interpreter might be asked to provide sight-translation of a form or notice from a County agency.

⁷ See <https://www.justice.gov/crt/executive-order-13166>

Signed Language – A language where information is conveyed through the use of physical signs, through the use of the hands, facial expression, body position, and other non-verbal means. Signed languages include American Sign Language (ASL), and its dialects, which are the primary signed language among American Deaf and Hard of Hearing individuals. Other signed languages, such as British Sign Language (BSL), Nicaraguan Sign Language (NSL), are linguistically distinct languages and are not mutually intelligible with ASL.

Substantial Number of LEP Individuals – A group of non-English speaking County residents who speak a shared language other than English and numbers at least 5% of the total County population (in accordance with State language threshold standards) and/or numbers at least 10,000 individuals (in accordance with federal language threshold guidance).

Translation – Written language assistance provided by a translator.

Qualified Translator – Qualified translator means a translator who:

1. Has demonstrated proficiency in writing and understanding both written English and at least one other written non-English language;
2. Is able to translate effectively, accurately, and impartially to and from such language(s) and English, using any necessary specialized vocabulary or terms without changes, omissions, or additions and while preserving the tone, sentiment, and emotional level of the original written statement; and,
3. Adheres to generally accepted translator ethics principles, including client confidentiality.

Vital Documents – Any document that is critical for ensuring meaningful access to the recipients' major activities and programs by beneficiaries generally and non-English speaking persons specifically. Whether or not a document (or the information it solicits) is “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the non-English speaking person if the information in question is not provided accurately or in a timely manner.

Examples of vital documents include applications for services and benefits, consent and complaint forms; notices of rights ; notices advising non-English speaking persons of the availability of free language assistance; and letters or notices that require a response from the beneficiary or client.

“Vital document” is a term used in federal regulation, including EO 13166 and 45 CFR 92.101. While California state legislation establishing the state right to language access (the Dymally-Alatorre Bilingual Services Act) does not use this exact term, it requires state and local agencies to provide meaningful access to the same types of content (i.e., information that affects rights, duties, or privileges) and applies a slightly broader scope to include any written materials that solicit information from the non-English speaking individual or provide them with information. In this document, the term “vital documents” will refer to any document that meets either the federal or state standard for content that the county is required to provide to non-English speaking individuals in a non-English language.

VRI - Video Remote Interpreting (VRI) is a video telecommunication service that uses devices such as web cameras or videophones to provide sign language or spoken language interpreting services.