



Massachusetts Department of Elementary and Secondary Education

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Commissioner

Massachusetts Department of Elementary and Secondary Education Language Access Plan November 2010

A. Introduction and Purpose

The Massachusetts Department of Elementary and Secondary Education (ESE) has prepared this Language Access Plan ("LAP" or "Plan") regarding access to agency services, programs, and activities for persons who have limited English proficiency. In accordance with ANF Administrative Bulletin #16, a limited English proficient ("LEP") person is someone who is not able to speak, read, write, or understand the English language at a level that allows him/her to interact effectively with English-speaking individuals.

The Plan is consistent with the requirements of Administrative Bulletin #16 as promulgated by the Executive Office of Administration and Finance (ANF). The ESE will review and update, on a biannual basis, this LAP Plan in order to ensure continued responsiveness to and compliance with the Executive Office for Administration and Finance Administrative Bulletin #16.

ESE Client Population

In keeping with ESE's statutory responsibilities, the agency's prime client population is public school educators. By statute, public school educators are required to be literate and fluent in English (G.L. c. 71A, Section 2, as amended by Chapter 386 of the Acts of 2002). Therefore, these individuals have access to all of ESE's information, services, programs and activities designed for public school educators.

Public schools and school districts, including charter schools and vocational technical schools, have independent legal duties under state and federal law to provide to the parents and guardians of students with limited English proficiency access to important documents relevant to their children's education. The sources of law for the school districts' duties include Title VI of the federal Civil Rights Act; EEOA:20 U.S.C. 1703 (f); M.G.L. c. 76, s. 5; and 603 CMR 26.02 (2). As a service to school districts, the ESE has provided translated documents that the districts may use in providing information to families. In addition, approved special education day and residential schools serving publicly-funded students are required to provide translated documents. These schools also avail themselves of the translated technical assistance materials provided by the ESE.

Some examples of important documents include information about special education and nutrition services, MCAS test results for students and retest opportunities, parent surveys, and parent notices and school district report cards under the federal *No Child Left Behind Act*. In addition, the ESE has provided translations for key documents for adult basic education (ABE) programs serving individuals who have limited English proficiency. As with public K-12 schools, the responsibility for access to ABE services, programs, and activities remains with the local ABE programs.

B. Agency Description

The Board of Elementary and Secondary Education establishes statewide policies and regulations relating to the education of students in public elementary, secondary, and vocational-technical schools. M.G.L. c. 69, s. 1B. The Board also has authority over adult basic education programs. G.L. c. 69, s. 1H. The Department of Elementary and Secondary Education carries out the policies adopted by the Board and an array of responsibilities under state and federal education laws to improve teaching and learning in all of the Commonwealth's public schools, including charter schools and vocational technical schools.

In keeping with ESE's federal and state statutory requirements, the agency's prime client population is public school educators. It is public school educators who serve and interact directly with students and their families, including those who may have limited English proficiency.

Main activities of the ESE include:

- providing technical assistance and professional development to educators
- implementing the curriculum standards adopted by the Board of ESE
- administering the Massachusetts Comprehensive Assessment System (MCAS)
- licensing educators as required by G.L. c. 71, s. 38G
- reviewing and recommending to the Board of ESE new charter schools and charter renewals
- approving private special education schools serving publicly-funded students with disabilities
- monitoring education programs and school and district compliance with state and federal laws through coordinated program reviews
- operating a problem resolution system to review and resolve concerns about education programs and services
- collecting and analyzing data from schools and school districts
- administering the system of school and district accountability and assistance adopted by the Board of ESE
- administering state aid under G.L. c., 70 and awarding and monitoring state and federal grants to municipalities and school districts

C. Language Access Plan

The ESE Language Access Plan will be implemented subject to the availability of fiscal

resources. This Language Access Plan represents ESE's administrative blueprint to assist school districts in providing access for limited English proficient individuals to information on school and district services, programs, and activities. This Language Access Plan outlines the tasks the ESE will undertake to meet this objective.

1) ESE Language Access Coordinator:

Carole Thomson, Chief Operating Officer
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148
781-338-6201 cthomson@doe.mass.edu

2) Agency Language Access Needs Assessment:

- a. Prioritize and describe the steps the agency will take to ensure such information on services, programs, and activities provide access to the populations whose language meet or exceed the 5 percent threshold.

The ESE has translated a number of important documents for school districts to use to provide information for parents and guardians who may have limited English proficiency. This has been done as a service for the districts. In addition, the ESE Language Access coordinator will survey agency administrators on an annual basis to collect information on new or additional documents, designed for parents, that should be translated. In consultation with the ESE deputy commissioners, the coordinator will prioritize which new documents should be made available for parents and guardians in at least the threshold language of Spanish (see 2 b. for determination of the 5 percent threshold). The coordinator will assess the funding that is available for the translation and will establish timelines and procedures.

- b. Language Makeup of Client Population

As noted above, in keeping with ESE's statutory responsibilities, the agency's prime client population is public school educators. By statute, public school educators are required to be literate and fluent in English (G.L. c. 71A, Section 2, as amended by Chapter 386 of the Acts of 2002).

Public schools and school districts, including charter schools and vocational technical schools, have independent legal duties under state and federal law to provide to the parents and guardians of students with limited English proficiency access to important documents relevant to their children's education. The sources of law for the school districts' duties include federal Title VI of the federal Civil Rights Act; EEOA:20 U.S.C. 1703 (f); M.G.L. c. 76, s. 5; and 603 CMR 26.02 (2).

The ESE monitors districts for compliance with the translation requirement. See ESE's Coordinated Program Review Procedures: Civil Rights and Other General Education Requirements, *Criterion number 7, Information to be translated into languages other than English*; and Approved Day and Residential Special Education School Programs: Program and Mid-cycle Review Procedures, *Criterion number 15.3, Information to be translated into languages other than English*.

In addition, individuals may file a complaint with ESE's Problem Resolution System if they believe that a district is not meeting its obligations to provide translated materials. To assist individuals in filing complaints, the ESE has Spanish translations of the intake information form and correspondence with the district and parents. Translation into other languages is provided as needed.

As a service to school districts, the ESE has provided a number of translated documents for their use. To guide the ESE in determining which language(s) would meet the 5 percent threshold it should plan for when translating documents for parents, the ESE reviewed the language groups served in Massachusetts public schools. The most recent data indicate that 84 percent of the students are native English speakers and 16 percent have a first language other than English. The 16 percent represent 150 plus languages other than English spoken by more than 149,000 students, out of a total of approximately 957,000 students. Of the 149,000 students whose first language is not English, approximately 59,000 (6 percent of the total Massachusetts student population) are considered English language learners.

The number of students statewide with a first language other than English ranges from 1 student in each of 17 languages to a high of 75,000 in Spanish. Spanish represents 7.87 percent of the total first language not English student population. The next highest language group is Portuguese with 12,950 or 1.35 percent.

Therefore, in accordance with the 5 percent threshold guideline established in ANF Administrative Bulletin 16, Spanish is the language that the ESE will address, at a minimum, for the constituent group of families who may have limited English proficiency. The ESE in fact goes beyond this language group in a number of its program areas which have available federal or state funding. (See Attachment 1.)

c. Points of Contact between Agency and Client Population

The Department of Elementary and Secondary Education is located at 75 Pleasant Street, Malden, MA 02148-4906. Web: <http://www.doe.mass.edu>

Voice: 781-338-3000 TTY: 800-439-2370

3) Language Resources Assessment:

- a. Identification of existing staff who are linguistically, culturally, and technically able to deliver services in a language other than English and/or to serve as interpreters. (Actual staff need not be identified; languages spoken should be identified.)

While the ESE has staff who speak a number of languages other than English, these staff were not hired to deliver services in a language other than English and/or to serve as interpreters. Therefore, their fluency in the non-English language and their competency to be interpreters have not been evaluated. On an infrequent and informal basis as needed, these ESE staff who speak a language besides English provide interpretation services to callers or to individuals who arrive at the office in order to direct their inquiry appropriately.

- b. Community-based resources available to be deployed to assist agency in meeting language access needs

Not applicable.

4) Language Service Protocols:

- a. Which language services are required to implement the Language Access Plan?

On an as needed basis, and primarily for the translation of documents for parents, the ESE makes use of the foreign language interpretation (in-person) and translation services available under the Commonwealth's Statewide Contract. (See OSD Update #08-12A, dated 4/10/09.)

- b. Define and describe Agency's language access protocols for providing interpretation services.

On an as needed basis, the ESE makes use of the foreign language interpretation (in-person) and translation services available under the Commonwealth's Statewide Contract.

- a. Define how a client will be able to access and utilize the resources identified in paragraphs (a) and (b).

Please see responses in paragraphs (a) and (b).

5) Vital Document Translation:

- a. Agency to identify, by list, the name of vital documents, in whole or in part, to translate including timeframe for translation

See Attachment 1 for information on ESE documents that have been translated.

- b. Agency website content, by list, to translate including timeframe for translation

The current translated documents that are appropriate for placement on the ESE website are placed at <http://www.doe.mass.edu/>. As additional documents, appropriate for posting, are translated, they will be placed on the website.

6) Staff Training:

(Describe the Agency's plan to implement staff training activities.)

In addition to posting the LAP on its website, the ESE will post the LAP on its internal Sharepoint webpage where other ESE policies, procedures, and plans are placed. Staff will be informed of this through an all staff email from the commissioner's office, and unit administrators will be asked to discuss the Plan at one of their staff meetings to identify other documents for families that would be useful to have translated for district use. The Plan will be part of the orientation package for new employees.

7) Notice to Public:

(Describe the Agency's plan to notify clients of free language assistance and how a client may access such assistance.)

The ESE will post the LAP on its website. Copies will be made available upon request via a link to the website or in hard copy form consistent with the state public records law.

8) Agency Monitoring:

(Describe the agency's monitoring plan.)

The ESE Language Access Plan coordinator will be responsible for periodically monitoring compliance with the Commonwealth's Language Access Policy and Guidelines. The monitoring will include assessing the needs for any changes in the LAP and its protocols. An aspect of the monitoring will include an annual discussion of the Plan's implementation at a Senior Staff meeting of the commissioner, deputy commissioners, associate commissioners, and others. Also, the LAP coordinator will meet with the ESE human resources/diversity director to discuss distribution of the Plan to new employees to determine if additional information is needed. The LAP coordinator will meet annually with the chief information officer of the Executive Office of Education on the status of translated documents on the agency's website. In addition, the LAP coordinator will participate, as appropriate, in discussions of major new ESE initiatives as they may pertain to the agency's LAP.

The coordinator will take the lead in the review and update, on a biannual basis, of the LAP Plan in order to ensure continued responsiveness to and compliance with the Executive Office for Administration and Finance Administrative Bulletin #16.

- 9) Complaints regarding the ESE Language Access Plan:
(Agency should identify the process by which a client or client representative may file a complaint with either the Language Access Coordinator or the Office of Access and Opportunity.)

Language Access Complaint Procedure

Individuals may file a complaint with the ESE Language Access coordinator or the Office of Access and Opportunity if they believe they have been denied the benefits of this Plan. Written complaints must be filed within 6 months of the alleged denial. To file a complaint with the Language Access coordinator, submit the written complaint to:

Carole Thomson, ESE Language Access Coordinator
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148-4906
Email Address: cthomson@doe.mass.edu

To file a complaint with the Office of Access and Opportunity, please submit the written complaint to the attention of:

Office of Access and Opportunity
Executive Office of Administration and Finance
State House, Room 373
Boston, MA 02133
Email Address: Ronald.Marlow@state.ma.us

Mitchell D. Chester, Ed.D.
Commissioner of Elementary and Secondary
Education

Date

Paul Reville
Secretary of Education

Date

Attachment 1

Massachusetts Department of Elementary and Secondary Education Translated Documents November 2010

1. Adult Basic Education Learner Consent Form and Translations

The ABE Learner Consent Form is translated into the ten languages identified by ABE programs as most frequently spoken by their learners. Teachers may download the form in the student's native language, or, if the student is not literate in his/her native language, the teacher may play an audio translation for the student and have the student sign the consent form.

ABE Learner Consent Form	ABE Learner Consent Form
Arabic Bosnian Cape Verdean Creole Chinese (Mandarin) French	Haitian Creole Portuguese Russian Spanish Vietnamese

American Disabilities Act Information for ABE Programs: Translations

Public Notice and Grievance Procedure	Public Notice and Grievance Procedure
Albanian Arabic Cambodian Cantonese Cape Verdean	Korean Mandarin Polish Portuguese Spanish Vietnamese

Note: Russian and Chinese versions are available from ACLS by postal mail.

2. Massachusetts Comprehensive Assessment System (MCAS)

2010 MCAS Parent/Guardian Report Templates

These reports are designed to assist parents in reviewing their children's MCAS results and in understanding how MCAS scores are reported.

Language	Language
Arabic Grades 3-8 and 10	Korean Grades 3-8 and 10
Arabic High School Science	Korean High School Science
Cape Verdean Grades 3-8 and 10	Portuguese Grades 3-8 and 10
Cape Verdean High School Science	Portuguese High School Science
Chinese (Traditional) Grades 3-8 and 10	Russian Grades 3-8 and 10
Chinese (Traditional) High School Science	Russian High School Science
Haitian Creole Grades 3-8 and 10	Spanish Grades 3-8 and 10
Haitian Creole High School Science	Spanish High School Science
Khmer Grades 3-8 and 10	Vietnamese Grades 3-8 and 10
Khmer High School Science	Vietnamese High School Science

ESE's test vendor for the MCAS program, Measured Progress, arranges for the parent/guardian reports templates to be translated into 10 languages. It also prepares Spanish translations of the grade 10 MCAS mathematics test and retests, mathematics reference sheet, answer booklet, practice test, and instructional scripts (in the Test Administrator's Manual that are read aloud to students). In addition, a letter to parents of students who have failed the grade 10 test(s) has been translated into 10 languages, along with a form that they sign if they do not want their child to participate in an optional retest. The ESE makes these translated letters available to schools to use in order to document their efforts to encourage students who have not earned their Competency Determination by passing the high school MCAS tests to participate in retests.

3. *No Child Left Behind (NCLB) Report Cards*

School and district report cards are critical tools for promoting accountability for schools, districts, and states by publicizing data about student performance and program effectiveness for parents, policy makers, and other stakeholders. Report cards help parents/guardians and the general public see where schools and districts are succeeding and where there is still work to do. States and districts receiving federal Title I funds must prepare and disseminate annual report cards. It is each district's responsibility to prepare and disseminate report cards to all parents/guardians. The ESE has provided sample Parent/Guardian Notification notices in: English, Cambodian, Chinese, Haitian Creole, Portuguese, Spanish, and Vietnamese. In addition, the ESE has added statements in Spanish and Portuguese to a number of the other sample NCLB/Adequate Yearly Progress related family notices encouraging families needing translation services to contact a school district administrator.

In addition, for information on NCLB School Choice and Supplemental Educational Services, the ESE has links to:

- The U.S. Department of Education's Quick Reference for Parents in [English](#) and [Spanish](#).
- [Parents' PLACE](#) (Parents Learning About Children's Education) is a Massachusetts-based Parent Information and Resource Center funded by the U.S. Department of Education to improve parental outreach. The organization offers brochures entitled

"Public School Choice Under NCLB" and "Supplemental Educational Services" in three languages:  [English](#), [Spanish](#), and [Portuguese](#).

A link to the U.S. Department of Education's website is provided for access to a Spanish version of [No Child Left Behind: A Parents Guide](#)-An overview of the NCLB Act, answers to common questions, and resources.

4. Nutrition Materials

The Free and Reduced Price Meal Application for the schools is translated into Spanish. It is available in several additional languages through USDA:

<http://www.fns.usda.gov/cnd/frp/frp.process.htm>.

Training materials for food safety have been translated with the MA Partnership for Food Safety Education into Bosnian, Chinese, Greek, Haitian, Khmer, Portuguese, Russian, Spanish, and Vietnamese. Promotional materials supporting outreach for the School Breakfast and Summer Food Service Programs are translated into Chinese, Haitian-Creole, Khmer, Portuguese, Russian, Spanish, and Vietnamese.

5. Program Monitoring/Problem Resolution System Materials

The ESE is responsible for monitoring through its Coordinated Program Review (CPR) system compliance with special education, civil rights, and English language learner services in public school districts, charter schools, and special education approved private schools. As part of the special education review, parent surveys, letters, interview forms, and other monitoring documents are translated into Arabic, Chinese, Haitian-Creole, Italian, Korean, Portuguese, Russian, and Spanish. For English language learner reviews, the materials are translated for parents in Arabic, Chinese, Haitian-Creole, Portuguese, Spanish, Swahili, and Vietnamese.

As noted in the ESE Language Access Plan, it is school districts' responsibility to ensure access to services, programs, activities, and information for students who have limited English proficiency and their families. To ensure that this access is being provided, the ESE monitors on a 6 year cycle the more than 400 public school districts, charter schools, and approved private special education schools serving publicly-funded students for compliance with translating important information and documents into the major languages spoken in the district. This includes having a system of oral interpretation for families who may have limited English proficiency.

Also, the ESE manages a Problem Resolution System (PRS) which receives, reviews, and resolves concerns from the public regarding students who allegedly are not receiving educational services to which they are entitled and related issues. Materials associated with the Problem Resolution System including the PRS brochure, intake information form, and correspondence with the district and parents are translated into Spanish. Translations into additional languages are made on an as needed basis.

6. Special Education Materials

As a service for school districts, the ESE has translated the special education Individualized Education Program (IEP) related forms/notices into the sixteen languages listed below. These and other translated materials are on the special education page of the ESE website.

<http://www.doe.mass.edu/sped/>

•Albanian	•French	•Khmer	•Russian
•Arabic	•Haitian Creole	•Korean	•Somali
•Cape Verdean	•Hmong	•Laotian	•Spanish
•Chinese	•Japanese	•Portuguese	•Vietnamese

The Special Education Parents' Rights Brochure is translated into Spanish and Portuguese.

Special Education Translation Glossaries

To further assist school districts in providing translated information to parents, a translation glossary of common special education terms is available in each of the above listed languages. Each translation glossary lists seventy-nine (79) English terms and their foreign language equivalents as used throughout the translated documents. Examples of the terms are: accommodation, developmental delay, general curriculum, initial evaluation, positive behavioral supports, and agency names such as Department of Elementary and Secondary Education and Bureau of Transitional Planning. By providing these glossaries to individuals completing district-level translations, school districts can ensure that parents receive documents translated in a consistent manner.

7. "Your Plan to College.org"

The ESE home page (<http://www.doe.mass.edu/>) hosts "Your Plan to College.org" which provides information in Spanish and English on "everything you need to get ready for life after high school."