

DIVISION OF ADMINISTRATIVE LAW APPEALS

Language Access Plan

2013-2014

I. Introduction

The Division of Administrative Law Appeals (the "Division") has prepared this Language Access Plan ("LAP" or "Plan"), to describe the actions to be taken by the Division to ensure meaningful access to agency services, programs and activities on the part of persons who have limited English proficiency. The Division will review and update, on a biannual basis, this LAP in order to ensure continued responsiveness to community needs and compliance with the Executive Office for Administration and Finance ("ANF") Administrative Bulletin #16.

II. Purpose

The purpose of this plan is to ensure clients of the Division meaningful access to services, programs and activities although they may be limited in their English language proficiency.

The Division is committed to this Language Access Plan as the appropriate response to meeting our clients' needs. The Plan is consistent with the requirements of Administrative Bulletin #16 as promulgated by the Executive Office of Administration and Finance.

Consistent with the guidance of 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 Agency staff. A client maintains the right to self-identify as a LEP person.

III. Agency Description

The Division of Administrative Law Appeals ("DALA") is an independent agency established pursuant to Section 4H of chapter 7 of the General Laws. It has two relatively independent subdivisions, the Bureau of Special Education Appeals ("BSEA") and the division for general administrative hearings. The BSEA conducts mediations, advisory opinions and hearings to resolve disputes among parents, school districts, private schools and state agencies concerning eligibility, evaluation, placement, individualized education programs (IEPs), special education services and procedural protections for students with disabilities. The general administrative hearings subdivision conducts adjudicatory due process hearings for other Massachusetts state administrative agencies and hears appeals in certain benefit cases. Currently, DALA conducts hearings for approximately 20 state agencies in addition to its hearings by the BSEA.

Hearings are held at the Division offices located at 98 North Washington Street, Boston, at the Bureau's offices in Malden, Massachusetts or in other venues as ordered by the magistrate/hearing officer.

V. Language Access Plan:

1) Agency Language Access Coordinator:
Richard C. Heidlage, Chief Administrative Magistrate, Division of Administrative Law Appeals, One Congress Street, Boston, MA 02114; (617) 626-7210 richard.heidlage@massmail.state.ma.us.

2) Agency Language Access Needs Assessment:

- a. The Division has not identified any language that has met or exceeded the 5% threshold contained in ANF Administrative Bulletin #16.
- b. Language Makeup of Client Population: the vast majority of parties before the Division are 100% English speaking.
- c. Points of Contact between Agency and Client Population
Division of Administrative Law Appeals, One Congress Street, Boston, MA 02114;

3) Language Resources Assessment:

- a. Spanish speaking Hearing Officer.

4) Language Service Protocols:

The BSEA has a contract with Catholic Charities for foreign language interpretation. The Bureau provides interpretation services through this contract where required;

With regard to non-BSEA matters, the Division does not provide interpreter services for agency enforcement matters; rather, where interpreters are required, the service is the responsibility of the agency. In benefit cases, we have had a couple of instances in which a party requested an interpreter. Parties are permitted to have interpreters but the Division does not pay for them.

5) Vital Document Translation:

The BSEA has a contract with JTG, Inc., for foreign language translation of Bureau materials. Bureau materials are sent to any party in the applicable foreign language where needed.

With regard to non-BSEA matters, the Division does not provide foreign translation services for issued orders or other case materials.

6) **Stakeholder Consultations:** Not applicable.

7) **Staff Training:**

a. At this time, the Division has no need for staff with proficiency in a language other than English.

8) **Notice to Public:** Not applicable.

9) **Agency Monitoring:**

The Division will monitor interactions over the next six months and will amend the LAP if necessary. An amendment will be necessary if such monitoring reveals that a particular language meets or exceeds the 5% threshold as established per ANF Administrative Bulletin #16.

10) **Complaints:**

Complaints may be filed with the Language Access Coordinator or with the Office of Access and Opportunity.

Richard C. Heidlage
Chief Administrative Magistrate

February 6, 2013

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Secretary

February __, 2013

Language Access Complaint Procedure

(To be included as an attachment to LAP)

You may file a complaint with the Agency Language Access Coordinator or the Office of Access and Opportunity if you believe you have been denied the benefits of this Plan. You must file your complaint within 6 months of the alleged denial. You must file a written complaint. To file a complaint with the Language Access Coordinator, submit the written complaint to:

Richard C. Heidlage
Chief Administrative Magistrate
Division of Administrative Law Appeals
Boston, MA 02114
richard.heidlage@massmail.state.ma.us.

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