

Parents Rights & Their Child's School

How can families understand their rights concerning their children's schooling?

The public school system in the United States is supposed to serve all children. And, according to civil rights laws, children should be served equally. It often falls to parents and communities, however, to be sure that this happens. One important tool is knowing and understanding the law. There are some basic rights and legal protections that all children and parents have in the United States. There are also specific laws that give you rights as a parent in the schooling of your children. Some are national laws and court decisions that apply everywhere; many are state or local school district – so they are different from place to place.

Some important rights include:

- The right to not be discriminated against or barred from access to schools on the basis of race, gender, national origin. (For information about this right, or to file a complaint, contact: Office of Civil Rights, U. S. Department of Education)
- All immigrant students and their parents have a right to participate in the public schools and their programs regardless of immigration status – under federal law

(Plyler v. Doe, US Supreme Court). The means that you and your child cannot be denied these rights even if you are not documented. – **YOU DO NOT NEED TO DISCLOSE YOUR IMMIGRATION STATUS OR HAVE A SOCIAL SECURITY CARD TO ENROLL YOUR CHILD IN A PUBLIC SCHOOL.**

English Learners –

US law requires schools to help students with any language barriers to their education. Schools must address the needs of students with limited English. They must help students learn what other students are learning – without language being a barrier. They also have to take steps to teach your child to read, write and speak English well. Title VI of the Civil Rights Act of 1964 and the Equal Education Opportunities Act of 1974 are federal laws that require schools to help students keep up with their English speaking classmates while they learn to speak, read and write English.

Schools must talk and write to parents in a language they understand – if parents want more help, you may ask for an interpreter.

In a democratic society like the US, people have the general right to help shape things that affect their lives, although it is not a legal right. Many parents do not feel they know enough about the schools to question what is happening at schools, but they do not realize that it is their right to visit school sites, to ask questions and speak their opinions.

School Records

Schools keep many records on students – about their achievement, attendance, health, discipline, etc. the information written in the file is sent each year to the next teacher and school, forming a permanent record. Because this information is used to make decisions about your child, it is important to know what is being said and written there.

You have a right to access your child's entire school record – and the school must make your child's file available to you as soon as possible; they have up to 45 days to comply. The Federal Educational Rights and Privacy Act (FERPA) gives you the right to amend or contest any derogatory information in your child's school records. You can add comments in the file -- send complaints to The Family Policy Compliance Office at the U.S. Department of Education.

The right to special education services:

If your child has a learning or physical disability that creates a barrier to learning, you have a right to insist that your child receives the supports and services needed to access the curriculum and school. This right is protected in federal law and legislation called IDEA (Individuals with Disabilities Education Act).

Rights regarding suspension:

Your child has a right to be in school unless s/he has been officially suspended – and unless their attendance in school presents a danger to themselves or others

