



FEDERATION FOR CHILDREN
WITH SPECIAL NEEDS

Family **FACTS** on Education

A publication of the Massachusetts Center for Family and Community Engagement

Volume 4

Educational Rights All Families Need to Know



What are my child's educational rights?

In the United States, schools are responsible for the education of all children—be they black, brown, white, poor, rich, female, male, disabled, non-disabled, documented or undocumented, English-speaking or not. This issue of *Family FACTS* provides a summary of key educational rights, especially as they apply to special groups of students.

Today, equal access to a free, public school education from primary through secondary school is a right of all children in the United States. Key national education and civil rights laws require that when a state provides public education for *some* children, it must provide the same educational opportunities to *all* children in the state. Federal laws also ensure that specific groups, such as students with disabilities and English learners, among others, have equal access to school programs and activities.

In the U.S., each state has its own laws granting educational rights. Each state also has laws requiring all children to attend school between certain ages. In Massachusetts, children between the ages of 6 and 16 *must* attend school. Students may attend school through grade 12, or until they receive a regular education diploma or turn age 22 if they receive special education. The following is a list of rights that apply to all Massachusetts public-school students.

All children in Massachusetts have the right to a free public education, including the rights to:

Access the full range of education programs. Regardless of their race, ethnicity, sex, religion, sexual preference, national origin, disability, immigration status, or residency status all children have a right to equal access to the general education program. This right means that all eligible students have the opportunity to participate in the full range of any occupational/vocational education programs offered by the district.

Immigrant Students Without Documentation

Undocumented children and youth have the same educational rights as all other children in the United States. Public schools may not:

- Deny admission to a student because of undocumented status.
- Treat a student differently to verify residency.
- Do anything to hinder students' right to attend school.
- Require students or parents to show documents or prove their immigration status.
- Ask students or parents questions that might reveal their undocumented status.
- Require Social Security numbers from all students to be admitted to school.

Students without Social Security numbers should be given an identification number by the school. Adults who are applying for a free breakfast or lunch program need only state they have no Social Security number.

From: "School Opening Alert,"
National Coalition of Advocates for Students (2010).
www.idra.org/IDRA_Newsletter/September_2000_Leadership_in_Diversity/Immigrant_Students%27_Rights_to_Attend_Public_Schools/

High-quality education. All children have a right to receive a high-quality education, based on state educational standards. Barriers to their meaningful participation in education must be addressed by public schools and districts. Students

who are learning English for the first time have a right to receive English-language instruction (also known as English as a Second Language, or ESL). At the same time they are learning English, these students have a right to be taught academic subjects at the same level expected of other students. Students with disabilities must be given the supports and accommodations they need to participate meaningfully in the general education curriculum.

Highly-qualified teachers. All students are entitled to teachers who are highly qualified to teach in core academic subjects, such as English language arts, math, science, social studies, and history. Teachers must have a Bachelor's degree and a Massachusetts teaching license. They must also pass a test to show that they have mastered the subject they teach. Special education teachers must have a Massachusetts Special Education license. Teachers of English learners must be trained in Sheltered English Instruction and be licensed to teach English as a Second Language (ESL).

Comparable services. All students must be given an equal opportunity to participate in all the school's programs, services, and activities, including, for example, tutoring, MCAS remediation homework assistance, school supplies, referrals to counseling or medical services, and school nutrition programs. Eligible students with disabilities, English language learners, and members of racial minority groups, may participate as all other students in vocational or technical programs, and gifted and talented programs.

Extracurricular activities. All students must have equal opportunities to participate in sports programs and other extracurricular activities.

Privacy and Access to Records. The Family Educational Rights and Privacy Act (FERPA) requires all public schools to give parent/guardians and students 18 years of age the right to review their educational records. Parents and students may request to have records corrected, and to control, to some extent, who has access to the records. This law prohibits schools from providing any outside agency, including the Immigration and Naturalization Service, with any information from a child's file without first getting written consent from the student's parents/guardian. This Act also limits the disclosure of Social Security numbers.

Inclusive, non-segregated services. Education laws specifically state that groups of students should not be segregated based on their personal characteristics, such as immigrant status, homelessness, national origin, or disability.

Students Experiencing Homelessness

In addition to the rights listed in this Bulletin, the McKinney-Vento Homeless Assistance Act adds rights to ensure homeless students' access to equitable educational services, including the right to:

- Be immediately enrolled in school even if required documents such as medical, academic, proof of residence, or immunization records are not available.
- Choose either to remain in their school of origin or attend school where they are temporarily residing.
- Remain in their school of origin until the end of the school year in which they get permanent housing.
- Receive transportation to their school of origin.
- Not be segregated from other children just because they are homeless.

For more on rights of homeless students, please see www.doe.mass.edu/mv

Parental involvement. Federal and state laws explicitly recognize that parents have rights and are expected to be engaged in their children's education. Title I of the Elementary and Secondary Education Act (ESEA), the largest federal program funding education, includes specific provisions for low-income parents to participate in improving their child's program and school. The Individuals with Disabilities Education Act (IDEA), the Federal special education law, sets out in great detail how parents of students with disabilities shall participate in all aspects of their child's educational program. Under these laws, school information and documents that are distributed to all parents must be translated into the major languages spoken by parents with limited English skills. Districts must have a system of oral interpretation for parents with limited English skills, including those who speak low-incidence languages.

Sources/Resources for Educational Rights of Students:

Federal website explaining the Elementary and Secondary Education Law (ESEA) www.ed.gov/esea

Resource for all Massachusetts educational laws on website of state Department of Elementary and Secondary Education www.doe.mass.edu/lawsregs

Explanation of educational programs available to students on a useful website about resources in Massachusetts www.massresources.org/education.html



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This article was originally written by Janet R. Vohs, Director of Publications and Curriculum, Mass PIRC, as a Parents' PLACE Bulletin. It was funded by the U.S. Department of Education, Office of Innovation and Improvement, Grant #U310A050001. The views and opinions herein do not necessarily reflect the views or policies of the U.S. Department of Education.

This article was updated by Janet Sauer, Ed.D., for the Federation for Children with Special Needs, July, 2013. For more information about this article, please call the Federation at 1-800-331-0688. Permission is granted to copy or reprint this article in whole or in part. Please credit the Federation for Children with Special Needs. Readers are encouraged to contact their local school administration as part of any and all discussions regarding a child's education.