



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.



KNOW YOUR RIGHTS

A Resource for
Students, Parents
and Guardians

Know Your Rights: A resource for students, parents and guardians

Federal law requires that every child have the right to attend public schools, from kindergarten through 12th grade, at no cost and regardless of race, gender, religion or immigration status. School policies should not deny a child access to education. State and local districts have the responsibility to afford access to all children, and provide them with a safe learning environment free from discrimination, harassment or violence.



You are entitled to equal educational opportunities and to feel safe while on school grounds or in any school-connected activity (e.g., school trips). It is also important for you to understand your rights so that you can tell someone who can help when something is not right.

- Federal law prohibits school officials from unlawfully discriminating against you. This means that school officials cannot prevent you from participating in school activities because of your race, religion, gender, disability, or immigration status.
- Schools cannot require proof of immigration status or ask for information that could disclose your immigration status.
- The First Amendment gives you the right to freely express yourself. This expression include wearing religious articles — for example, a hijab, crucifix, turban, or yarmulke. Freedom of expression also includes wearing indigenous clothing and artistic or natural hairstyles. You should comply with your school's dress codes, but such rules should not violate your rights.
- You have the right to feel safe from bullying, harassment or violence from other students, teachers and paraprofessionals. For example, students or teachers cannot physically harm you, destroy your property or make fun of you because you wear a religious headwear or are from another country.
- If English is not your primary language, you have the right to get help from your teachers or other school staff to make learning less difficult. English as Second Language (ESL) or integrated services for refugees are examples of school programs to ensure you have fair educational opportunities.
- If you have a disability, federal law requires schools to make special arrangements and provide services that support your learning according to your unique needs.



What are my rights as a parent/guardian about my child's education?

Federal law establishes certain rights for parents or guardians related to their children's education. These rights apply to anyone regardless of race, gender, religion or immigration status.

- As a parent or guardian, you have the right to review your child's school records, such as class schedule, grades or any information kept in your child's file at school.
- Unless you give written permission or the law requires it, schools should not give out information in your child's file to anyone.
- You have the right to receive communication from your child's school in your primary language. For example, if your primary language is Spanish, the school should send you a letter about a parent-teacher conference in Spanish. Information about registration, school policies and reports should be available in your primary language.
- You may be able to specify how you prefer to receive information from your child's school, for example, in writing, verbally, or otherwise. Ask the school staff about available options.



What should I do if I don't feel safe at school?

- Always tell your parent or guardian about any incident you experienced at school that made you feel unsafe.
- If another student is bullying or harassing you, tell a teacher, counselor or other school staff about it.
- Tell your principal or school counselor if the harassment or discrimination is coming from a teacher. Some staff members are required to report incidents to the school administration. If you prefer to speak to someone in a confidential manner first, ask what options are available to you.
- If you don't feel comfortable reporting to anyone at school, tell an adult you trust in your community, such as a faith leader, your health care provider or a social worker.



What should I do if my rights or my child's rights have been violated at school?

- Ask a school official about your options, such as filing a complaint. In some states, you may be able to file a complaint without identifying yourself, i.e., anonymously.
- Write down everything that happened. If appropriate or allowed, you can record or take photos. Remember to include the names of witnesses and people you spoke to about the incident.
- Some agencies, such as your state's department of education, which oversees school districts, the U.S. Department of Education, and the Department of Justice, accept complaints. You can file a complaint, or ask an attorney or someone you trust to help you file one.
- An attorney or civil rights organization can also help you think about other legal options, such as filing a lawsuit against the school for violating your rights.

Where can I learn more about my rights or filing a complaint?

U.S. Department of Education, Office of Civil Rights

www.ed.gov/ocr | 800- 421-3481

To file a complaint: <http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

U.S. Department of Justice, Civil Rights Division

www.justice.gov/crt/about/edu/ | 877-292-3804

To file a complaint: <https://www.justice.gov/crt/how-file-complaint>

U.S. Department of Education, Office of Civil Rights, "Dear Colleague Letter on Harassment and Bullying"

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

Family Education Rights and Privacy Act, or FERPA

<http://familypolicy.ed.gov/content/ferpa-general-guidance-parents>

Individuals with Disabilities Education Act

<https://www.disability.gov/individuals-disabilities-education-act-idea/>

National Center for Education Statistics, "Compulsory school attendance laws, minimum and maximum age limits for required free education, by state: 2017"

https://nces.ed.gov/programs/statereform/tab5_1.asp