

Students' Rights to School Choice and/or Tutoring

If your child attends a public school that fails to meet state standards for academic achievement, he or she may be able to receive free academic tutoring and/or transfer to a better school. Please contact your local school officials to learn if your child has either of these options.

The Right of Disabled Students to Receive Special Education Services

All students, including those with disabilities, have a right to a free and full public education. If you feel that your child needs special education services because of a disability or if the current services don't meet his/her needs, you may request an evaluation from the school. If, on the other hand, your child is placed in special education classes but does not require these services, you should meet with school officials to have your child placed in appropriate classes.

The Right to Confidential Education Records

Federal law prohibits schools from distributing your child's education records to anyone outside of the school for non-educational purposes without your consent. This includes police officers or immigration officers (unless they get a court order). If your child changes schools, however, officials from his or her new school may review his or her student records.



The Right to Review Your Child's Education Records

You have a right under federal law to inspect and review the education records of your child. If you find that the records are inaccurate or misleading, your

school district must give you an opportunity to

challenge the information as well as to insert your view into the record.

The Right of Low-Income Students to Receive a Free or Reduced-Price Lunch

All U.S. schools provide free or reduced-price lunches to students from low-income families. Ask your school for materials to apply for this benefit.

**Education
is
Essential**

Help your child succeed
in school!

Get involved!



MALDEF
Mexican American Legal Defense and Educational Fund

634 S. Spring Street
Los Angeles, CA 90014
Phone: 213-629-2512



MALDEF

Mexican American Legal Defense and Educational Fund

**Know Your
K-12 Education
Rights**

**The Federal
Education Rights
of Students and
Their Families**



You and Your Child Have Rights

Education is essential to the development of every child and progress for every community. In the United States, every child is entitled to a free K-12 public education regardless of race, nationality, native language, gender, or immigration status, and is free to enjoy an education without the fear of unlawful discrimination or fear of deportation.

The following is a partial list of federal rights guaranteed to all students in U.S. public schools and/or their parents. [This document provides general legal information about your education rights but is not intended to serve as legal advice to address any specific situation and does not create an attorney-client relationship with MALDEF.](#)

The Right of Immigrant Students To Enjoy Equal Access to K-12 Public School Programs

All children living in the United States have the right to a free K-12 public education. Immigrant children do not



need a green card, visa, passport, alien registration number, social security number or any other proof of citizenship or immigration status in order to register for school. It is

unlawful for a public school official to require proof of U.S. citizenship for enrollment.

In order to enroll your child in school, you may need to present:

- A) student medical records - to prove that your child has the proper immunizations;
- B) documents that show your child's name and age (such as a birth certificate). School officials must not use these documents to prove immigration status for enrollment;
- C) proof that your child lives in the school district.

Schools are required to provide undocumented immigrant students equal access to the same benefits and services as all to other students. If a school official denies your child the right to enroll in a public school or participate in a school program because of his or her immigration status, please contact an attorney in your area, MALDEF's national office at 213-629-2512, or the Office of Civil Rights of the U.S. Department of Education at 1-800-421-3481.

The Right to be Free from Unlawful Discrimination

The law protects you and your child from official government discrimination based upon race, ethnicity, gender, disability, immigration status in K-12 public schools, and/or national origin. If a teacher or school official treats you or your child differently because of one of these factors such that your child cannot receive an equal education, you are protected under federal law. If school officials are aware of severe harassment



by other students based upon these characteristics, you are also protected.

Discrimination in public schools can sometimes be resolved by meeting with school or district officials, describing the unlawful discrimination, and agreeing to a plan to fix it. If this is ineffective, you should contact an attorney in your area, MALDEF's national office at 213-629-2512, or the Office of Civil Rights of the U.S. Department of Education at 1-800-421-3481.

The Right to Understandable School Information for Parents

Federal law requires states to develop programs to communicate with parents in the parents' native language. This includes the right to a translator for parent-teacher conferences. If you require these services, you should ask the school for assistance and/or translation.

The Right to Review Student Disciplinary Actions

Suspension and expulsion from school are the most seri-

ous penalties that school officials can impose. If your child is suspended from school, your child has a right to an informal hearing. If your child is expelled from school, you have a right to a formal hearing to which you may bring a lawyer. Federal law requires these hearings to assure that your child is not being treated unfairly.

English Language Learners' Right to Receive an Appropriate Education

School districts are required by law to develop special programs for children who need English language help. These programs (such as English as a Second Language or bilingual education classes) allow English Language Learners to eventually transfer into regular classes without falling behind in their studies. You may not be able to select a particular method of instruction, but you should make sure that your child is receiving appropriate instruction that considers his or her language ability.

Parents' Right to Review School Achievement Data, Participate in School Improvement Activities

Parents have the right to receive annual school and school district "report cards" that provide information about the academic performance of their child's school and school district. This information must be provided in a language and format that is understandable to you. If a school consistently underperforms on state tests, parents may have the right to participate in school improvement programs. Please contact local school officials if you have questions about your access to these rights.

