

SCHOOL RIGHTS

FOR IMMIGRANT AND REFUGEE CHILDREN AND THEIR PARENTS IN WASHINGTON STATE

Does my child have a right to go to school?

All children living in the United States have a right to go to public school for free through 12th grade regardless of their immigration status.

The school cannot require you to give your child's or your green card, social security number or any other proof of citizenship or immigration status at any time in order to go to school. The school has no legal reason to request, see, or copy green cards, visas, or I-20 forms unless the family asks for help to change a student's visa status for educational purposes. Students without social security numbers should be assigned a student number generated by the school.

Public schools cannot provide any outside agency, including the federal government, with any information from a child's file that would reveal the student's undocumented status without first getting permission from the student's parents. Public school personnel are not legally required to enforce U.S. immigration laws.

One exception that affects a small number of students is that if your child has a valid tourist visa or F-1 student visa, the child may have to pay for school or may be denied admission.

Must the school meet my child's language needs?

If you speak a language other than English at home, the school must test your child's English when your child enrolls in school. The tests must be given within 10 days of enrollment.

If tests show that your child needs help with either written or oral English, the school should offer your child a transitional bilingual education (TBE) program.

What is a Transitional Bilingual Education Program?

A bilingual education program is intended to help your child learn English, and to keep up in other subjects, such as math and history, while learning English. The school must provide your child with (1) special help from a teacher who is trained to teach your child English; and (2) special help to learn what other children are learning even if your child does not speak English well.

If possible, the school must use both your child's primary language AND English to improve your child's language skills and allow your child to become fluent in English. If possible, the child should be taught a lesson first in the primary language, and then in English. This is called bilingual education.

Schools get extra money for each bilingual student so that the school can give bilingual services.

What if I do not want my child in a bilingual education program?

You have a right to choose not to have your child in the bilingual education program.

However, you should consider carefully before deciding that your child will not participate in the bilingual program. The purpose of a bilingual program is to teach your child English, and to make sure that your child does not fall behind in other subjects while learning English. Even if your child speaks English well, she may not be able to read and write English well enough to keep up in class unless she gets extra help.

How do I communicate with school staff if I do not speak English?

If possible, schools must have bilingual methods to communicate with parents who speak limited English. Important written notices that are sent to parents should be translated if the school has a practical way to provide translation. If the notices you get from school are in English, call the school to request a spoken or written translation.

For important school meetings, such as parent-teacher conferences, IEP (Individual Education Plan) meetings for special education, disciplinary meetings and hearings, the school should provide you with an interpreter, if possible. You should ask that a meeting be rescheduled, if necessary, to allow the school to get an interpreter for you.

If you want to meet with your child's teacher or attend a school event, but need an interpreter, try to contact the teacher or instructional assistant in your child's school who speaks your language. If you do not know anyone at the school who speaks your language, ask a friend or relative who speaks English to call the school for you to ask for an interpreter. Try to let the school know you need an interpreter far before the meeting.

What if my child needs extra help in school?

Special Education: If you think that your child is having serious learning problems that are due to factors other than his ability to speak English, you may want to ask the school to evaluate your child for special education. Special education is for children with mental, physical, emotional, or learning disabilities. The school must provide these services if your child needs them, and must give language help to your child so that she can receive special education.

Putting children in special education just because they do not speak English fluently or they have a different culture is illegal. If your child is placed in a special education program, but you do not think your child is disabled, you can contact one of the legal resources at the end of this brochure.

Even if your child is not disabled, your child may be able to get extra help in reading and math. Schools get extra money from the federal government to provide programs to students who are from low-income families, or who are not performing well in school. These are sometimes called "Title 1" programs.

What if I am homeless or have recently lost my housing?

Federal law protects students who are homeless or who have recently lost housing. Schools cannot delay enrollment or deny services to students in these situations, regardless of immigration status. For more information on this law, known as McKinney-Vento, see the pamphlets under Youth Law and Education / Homeless Youth at www.washingtonlawhelp.org.

What If my child is not being educationally challenged in school?

If you notice that your child seems to learn more quickly than others, you may want to ask the school to test her for the “highly capable” or “gifted” program. Highly capable programs are especially designed for quick learners. Bilingual students are eligible for this program.

What can I do if my child is getting into trouble at school?

If your child is getting into trouble at school, the school may try to suspend or expel him from school. If this happens, you have a right to conference or a hearing, and to have an interpreter. For more information on rights in disciplinary cases, see [*Students and Parents! Know Your Rights in Disciplinary Proceedings*](#). You can find this and other legal education publications at www.washingtonlawhelp.org.

What can I do if my child won't go to school?

In general, your child must go to school unless she has a good excuse (such as illness). If your child misses school without a valid excuse, it is possible that the school will report the child as truant. Before the school district can bring a truancy action in court, it **must** first:

- ✓ Notify the parents of the child's unexcused absences;
- ✓ Schedule a conference with the parents after unexcused absences;
- ✓ Take steps necessary to eliminate or reduce the child's absences.

For more information on truancy, see [*Truancies and School Attendance*](#) at <http://www.washingtonlawhelp.org/>.

How may I get more information about my legal rights?

If you have questions about your child's right to an education, you can call:

- Statewide (Except in King County): CLEAR intake line: 1-888-201-1014 (weekdays 9:30 a.m. to 12:15 p.m. and Tuesdays from 3:30 to 6:15 p.m.)
- King County: Northwest Justice Project 1-888-201-1012 or 206-464-1519
- For information about special education rights, you can also call PAVE at 1-800-5-PARENT.
- The Transitional Bilingual Instruction Act is at Chapter [28A.180 RCW](#); the regulations are at [Chapter 392-160 WAC](#).

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. Please consult a lawyer with questions. This information is current as of the date of its printing, August 2007.

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