

Where to Get Help

When you are worried about something going on at your child's school, it is usually best to start by telling your child's teacher and then working your way up. Put your concerns in writing, follow up on all conversations with notes or emails, and always keep copies for yourself. Try writing to:

- Your child's teacher;
- Then, their supervisor or assistant principal;
- Finally, if necessary, the principal.

Every public school in the city also has a **Parent Coordinator**, who is responsible for identifying family concerns and working with school leaders to address issues in a timely manner.

If your issue cannot be resolved by the school, you can contact the **District Superintendent** for assistance. Every district, including Districts 75 and 79, also has a **Family Support Coordinator** who is responsible for working with families to resolve problems.

To get contact information for your school's Superintendent or Family Support Coordinator, ask your Parent Coordinator or visit the DOE's website at <https://www.schools.nyc.gov/about-us/leadership/superintendents>.

For questions about **special education** issues, you may also contact:

- Your **School Based Support Team**;
- The principal; and, if necessary,
- The DOE's **Special Education Call Center**. To reach the call center, dial 311 and ask for it by name.

Our Mission

AFC promotes access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. We use uniquely integrated strategies to advance systemic reform, empower families and communities, and advocate for the educational rights of individual students.

Still have questions?

Please Call The Jill Chaifetz Education Helpline

Monday through Thursday
10AM to 4PM
866-427-6033 (toll free)

Advocates for Children of New York, Inc.

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AFC'S GUIDE TO

Basic Student Rights

December 2019



Advocates for Children
of New York
Protecting every child's right to learn

As the parent of a New York City public school student, you and your child have a number of rights. Some of the most important are listed here. Many more are included in the **Chancellor's Regulations**, available on the Department of Education's (DOE's) website at <http://schools.nyc.gov>.

ENROLLMENT

Every child between the ages of 5 and 21 who does not have a high school diploma has the right to attend a full day of school. Students are entitled to attend their **zoned** schools, subject to available seats. You also may apply to charter schools, transfer high schools, and other public schools in the city.

Students who move within New York City have the right **to remain** in the same school until they graduate. All students who have moved and seek a new school have the right to a placement within 5 school days. Children have the right to attend school regardless of their immigration status.

SCHOOL RECORDS

Outside of limited situations, your child's school records must stay **private**. Schools cannot share records without your permission or a court order. You also have a right **to see** your child's school records. Schools should respond to any request for records as soon as possible, but must comply within 45 days. You may **contest** anything in your child's records that is false or misleading.

Finally, you have the right to get your child's records **translated** and to receive paperwork from the school and DOE in your primary language.

PROMOTION

To be promoted, students in **grades K-2** must show progress toward meeting standards in literacy and math. Principals make final promotion decisions, with input from the parent and the teacher. In **grades 3-8**, students must show progress towards meeting the Common Core ELA and Math Standards. Promotion decisions are based on an evaluation of course grades, report cards, state test scores, samples of student writing, projects, and assignments. In addition, students in **8th grade** must pass all of their core academic courses to go on to high school.

Students in **grades 9-12** must earn the necessary credits to be promoted. For more information on the multiple pathways to graduation, see here:

https://www.advocatesforchildren.org/sites/default/files/library/graduation_options_for_students_with_disabilities.pdf

Parents should be told during parent-teacher conferences, and at the latest by February 15, if their child is at risk for repeating the grade. Summer school should also be offered to students in third grade and above. If your child does not meet the promotion criteria, the principal may **appeal** by submitting a portfolio of your child's work to the Superintendent.

If you think your child's struggles may be related to a disability, you have the right to request **special education** evaluations. More information is available at https://www.advocatesforchildren.org/sites/default/files/library/special_ed_guide.pdf

CORPORAL PUNISHMENT AND HARASSMENT

Schools cannot use physical force or corporal punishment against a student unless restraining them from harming themselves or another. If your child is physically or verbally abused by school staff, file a written complaint with the principal right away. Bias-based harassment, intimidation or bullying by one student against another is also prohibited and subject to disciplinary action.

DISCIPLINE

Your child can only be removed from school for an official suspension, which requires notice in writing and an opportunity to contest the charges. A **principal's suspension** can last up to 5 days. For longer suspensions, which require a formal hearing, schools must seek a **superintendent's suspension**.

Your child has the right to attend an **alternate school setting** during her suspension. They have the right to receive work from their original school and to take all state tests, including the Regents. Your child cannot be transferred from school as the result of a suspension unless you consent.

Students with special education needs whose behavior interferes with their learning have the right to a **Functional Behavioral Assessment (FBA)** and **Behavior Intervention Plan (BIP)**. Any student struggling with their behavior may also benefit from positive behavioral supports in school, like at-risk counseling.

For more detailed information on these and many other topics, check out AFC's other guides on our website at advocatesforchildren.org.