



Advocates for Children of New York

Protecting every child's right to learn

High School Students, Know Your Rights!

If you haven't graduated yet, you have the right to stay in school until the June after your 21st birthday. This is called "aging out." If you have an IEP, you will not age out until you turn 22. If you leave school, you have the right to go back at any time until you earn a diploma or age out. Your school can't kick you out because you are too old, don't have enough credits, or have poor grades. The information on this tip sheet applies to you whether you go to a regular Department of Education high school or an alternative program like a transfer school or YABC. For information about your rights in a charter school, check out [AFC's website](#).

My school is telling me to go home. Can they do that?

Your school cannot send you home unless you've been suspended. You cannot be suspended or kept out of school without written notice and a chance to tell your side of the story. Suspensions for more than 5 days require a full hearing. Whenever you are suspended, you have the right to get your class work and take tests, including Regents exams. If you get special education services, you are entitled to a suspension plan, which includes many of the services on your IEP. For more information about suspension rights, check out AFC's [Guide to School Discipline](#)

My school says I am off the register because I was absent too much. Is this legal?

Schools can only take you off the register ("discharge" you) for a limited number of reasons, including a transfer to another school, full-time employment if you are over 16, or moving out of the city. If you are over 17, your school can discharge you if you are absent for at least 20 days in a row. Cutting class does not count as an absence if you attend school for part of the day. Before your school can discharge you, they must notify you and your parent in writing about your absences and invite you to a planning interview.

What is a planning interview?

A planning interview is a meeting to discuss your future, including the extra help you can get to succeed in school. The school must tell you and your parent about your right to stay in school until you age out and your right to return to school if you decide to leave. The school must ask for consent from you and your parent to discharge you after the interview. **If you want to remain in your school, don't sign the consent; your school must let you stay.**

I have been discharged from high school. How can I re-enroll?

You can re-enroll at any Family Welcome Center. To find a Family Welcome Center near you, visit www.schools.nyc.gov/enrollment/enrollment-help/family-welcome-centers. The Family Welcome Center cannot force you to attend an alternative program. They must assign you to a regular high school right away.

» BE YOUR OWN BEST ADVOCATE «

- Make sure you have all your education records, especially a current copy of your transcript. If you don't have these records, ask your school. Keep all your records together in a folder so you don't lose them.
- Read everything before you sign it! Don't sign anything you don't understand, and when you do sign something, always keep a copy.
- Keep notes of conversations you have with people in the Department of Education and other agencies. Write down names, phone numbers, and what you discussed. You may need to get in touch with them later.
- Always be polite, but make sure you are being heard. If you start to get upset, step away and take a break.
- Ask questions when you need more information or something explained a second time.
- Make sure you have adults who can serve as references for you when you need to apply for jobs, college, or other programs.

My school says I have to transfer to a YABC program or get my GED. Is that true?

If you are behind in credits, you may want to consider a transfer school, YABC, or high school equivalency (HSE) program, but your school cannot force you to go to one of these programs. For more information about alternative programs, check out this AFC's [Know Your Options tip sheet](#).

I'm having a baby. What are my rights?

Students who get pregnant have the right to stay in their school during their pregnancy and after giving birth. You cannot be kept out of school or school activities just because you're pregnant. You also have the right to medical accommodations if you need them, as long as you have paperwork from your doctor.

If you are in school and have a child between the ages of 6 weeks and 4 years old, you can get free daycare from the Department of Education through the LYFE program. LYFE centers are in school buildings around the city. You do not need to attend the school in the same building as the LYFE center, but you do have to be enrolled in a public school to be eligible. For details, check out www.LYFEnc.org.

I am having a hard time in school. Can I get help?

If you are struggling with your class work, attendance, or controlling your behavior, you have the right to academic interventions, counseling, or other support services. In some cases, you may need to be evaluated for a disability. Speak to your guidance counselor for more information.

If you have a disability, you have the right to get services and accommodations to help you in school. These services should be listed in an Individualized Education Program (IEP) and can include accommodations on tests, like the Regents, SATs or ACTs.

What if my school doesn't have the services on my IEP?

You have the right to get all the services on your IEP. This is true whether you go to a regular high school, a transfer school, a charter school, a YABC program, or an HSE program. If this isn't happening, talk to your guidance counselor or principal, email SpecialEducation@schools.nyc.gov, or call the Department of Education's Special Education Hotline at 718-935-2007.

If the services on your IEP aren't working, or if you think you're not in the right placement, you have the right to be re-tested to consider a different placement or other services. For more information about your special education rights, check out AFC's [Guide to Special Education](#).

Still have more questions?

Call the Jill Chaifetz Education Helpline:

Monday through Thursday • 10 am to 4 pm • 1-866-427-6033 (toll free)

www.advocatesforchildren.org

This tip sheet does not constitute legal advice. If you have a legal problem, please contact an attorney or advocate.

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