

School Rights

For Immigrant and Refugee Children and Their Parents in Washington State

Does my child have a right to go to school?

Yes. All children living in the United States have a right to go to public school free through 12th grade. Their immigration status does not matter.

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- ❖ There is one exception to this. A child who has a valid tourist visa or F-1 student visa may have to pay for school.
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Can the school ask for our immigration status?

No. 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. It has no legal reason to ask for green cards, visas, or I-20 forms unless you asks its help to change a student's visa status for educational purposes. The school should assign students without social security numbers a student number the school generates.

Can the school report our immigration status to USCIS?

Public schools cannot provide any outside agency any info about the student's status **without the parents' permission**. It is not public school staff's job to enforce U.S. immigration laws.

Can 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 s/he enrolls in school. The school must hold the test within ten days of enrollment.

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

What is a TBE Program?

It should help your child learn English and keep up in other subjects while learning English. The school must provide your child with special help

- From a teacher trained to teach your child English.
- To learn what other children are learning even if your child does not speak English well.

If possible, the school must use both English AND your child's primary language to better your child's language skills and allow your child to become fluent in English. If possible, they should teach the child a lesson first in the primary language, and then in English.

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- ❖ Schools get extra money for each bilingual student to provide bilingual services.
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What if I do not want my child in a TBE program?

You have that right. Consider carefully before deciding.

Your child might speak English well. But s/he may not be able to read and write it well enough to keep up in class without the extra help.

I do not speak English. How do I communicate with the school?

If possible, the school must have bilingual methods to communicate with you. It should translate important written notices to you if practical.

If the notices you get from school are in English only, call the school. Ask for a spoken or written translation.

For important school meetings, such as parent-teacher conferences, IEP (Individual Education Plan) meetings for special education, and disciplinary meetings and hearings, the school should provide an interpreter, if possible. Ask them to reschedule a meeting, if needed, so they can get you an interpreter.

If you want to meet with the teacher or go to a school event, but need an interpreter, try to contact a teacher or instructional assistant at the school who speaks your language. If you do not know anyone there, ask an English-speaking friend/relative 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?

If you think your child is having serious learning problems due to factors other than English ability, ask the school to evaluate your child for special education. Special education is for children with mental/physical/emotional/learning disabilities.

The school must provide these services if your child needs them. It must also give your child language help to receive special education.

It is illegal to put children in special education just because they do not speak English fluently or have a different culture. If the school places your child in a special education program, but you do not think your child is disabled, contact one of the legal resources at the end of this publication.

Even a child who is not disabled may be able to get extra help in reading and math. The federal government gives schools extra money to provide programs to students who are from low-income families or not doing well in school. Some of these are “Title One” programs.

What if we are homeless or recently lost our housing?

Federal law protects your child. The school cannot delay their enrollment or deny them services. [Educating Homeless Children and Youth](#), available at <http://www.washingtonlawhelp.org/>, has more info.

What if school does not challenge my child?

Ask them to test your child for the specially designed “highly capable” or “gifted” program. These programs are for quick learners. Bilingual students are eligible for these programs.

My child got into trouble at school. What can I do?

The school may try to suspend/expel your child. If this happens, you have a right to a conference or hearing, and to an interpreter. [Know Your Rights: School Disciplinary Proceedings](#) has more info. Get it at www.washingtonlawhelp.org.

My child will not go to school. What can I do?

In general, your child must go to school unless s/he has a good excuse (such as illness). The school may report as truant a child who misses school without a valid excuse. Before the school district can bring a truancy action in court, it must first:

- Notify you of the unexcused absences.

- Schedule a meeting with you.
- Take steps to end or reduce the absences.

[Truancies and School Attendance](#), available at <http://www.washingtonlawhelp.org/>, has more info.

Where can I get more info?

- Outside King County: CLEAR intake line: 1-888-201-1014 (weekdays 9:15 a.m. to 12:15 p.m.).
- King County: Call 211 for info and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You can also call (206) 461-3200 or 1-877-211-WASH (9274).
- Military families looking for info about special education rights can 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](#).

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 June 2017.

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