

Rights of NYC Public School Students

School Records

- You have a **right to see** your child's records when you request to, but in no case later than 45 days after your request (be sure to request in writing).
- You have a **right to contest** any entry in your child's records that is inaccurate or inappropriate. You also have a **right to enter any explanation** into your child's records while you are contesting the entry. The school must attach your explanation to the inaccurate or inappropriate part of your child's file.
- Your child's records must remain **private**. The school may not show your child's record to someone outside the Department of Education without your permission or a court order.

Discipline

- Your child can only be removed from school during an official suspension. An official suspension requires notice in writing to the parent, and an opportunity to contest the charges.
- There is no limit set for the amount of principal's suspensions a student can receive in a given year. However, each suspension can be no longer than 5 days. Superintendent's suspensions can result in longer removals, but you are entitled to a formal hearing.
- Your child cannot be transferred from his school as the result of a suspension.
- Your child is entitled to alternative education during his suspension.

Attendance

- **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 school program (5 ½ hours a day).
- Students have a right to attend the school where they are registered **until they graduate** from that school, unless they receive a superintendent's suspension.
- If a school wants to **involuntarily transfer** a student, he/she has a **right to a hearing** with the Superintendent.

- Zoned schools must **immediately register** students who come to register at their school. If there is any doubt about the child's address, the school must first admit the child and then request that an investigation is made.
- When **moving to another district**, children have a right to an immediate transfer to their new zoned school (high school students must wait until either the following semester to transfer), or to remain at their old school until graduation. Parents become responsible for transportation if their child remains in the previous school.

School Choice

- Your child has a **right to apply** to "choice" or "alternative" schools in your district or in any other NYC district.
- If your child is accepted by another school and registers there, she has a right to remain at that school until she graduates. She can't be returned for academic performance, behavior, excessive absences or latenesses.

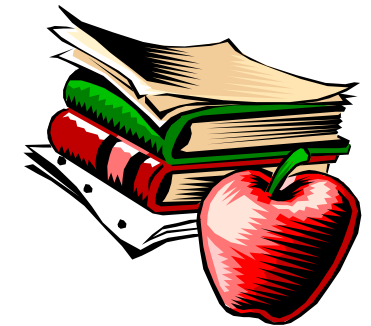
Hold-Overs

- Parents should be **informed by January 31** if their child is at risk of being held over the following summer.
- Children who are at risk of being held over should receive **supportive services** from the school so that they can avoid being held over. Every school has funds (either Title I, PCEN or Project Read) to help students catch up in basic reading and math skills.
- You may **appeal** your child's hold over to the principal, the district and the Chancellor (within 3 days).
- Students (grades K-8) can only be held over if they fail to meet **two** of the following criteria; 1) at least 90% attendance, 2) passing citywide tests, 3) passing classes.
- * As of April 5, 2004, the Chancellor's Regulations regarding 3rd grade promotion have changed substantially. Please refer to other Advocates for Children publications on the new promotion policy.

Corporal Punishment

School staff cannot use force against a student, unless restraining that student from harming his/her self or another. If your child is abused physically or verbally by school staff, write an immediate complaint to the principal.

The Basic List of Students' Rights in NYC Public Schools and Rights of Students with Disabilities



Advocates for Children

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Protecting every child's
right to a free and
appropriate public
education

Special Education

Referring a Child to Special Education

A teacher, administrator, agency or parent can all **refer** a child to be evaluated for special education services, but only a parent can give consent for a child to be evaluated.

You may request that your child be evaluated for special education services **anytime**, whether she is in general education or already in special ed. If you do so, write the request to your Committee on Special Education (CSE) and send it certified mail, return receipt requested.

Alternatives to a Referral to Special Education

Just because a child has a behavior problem or has fallen behind in reading or math does **not** mean that the child needs to be referred to special education. The school should **first**:

- Meet with the parent to discuss the problems at the school. If it is agreed that there are certain issues that need to be dealt with, then:
- If the student has a **behavioral problem**, the school and parent should discuss an intervention plan which could include:
 - Getting **at-risk counseling** at the school outside of special education.
 - Working on a **behavior management plan**.
 - Providing **peer mediation**.
 - Maybe getting **outside services** and/or outside evaluation.
- If the student is falling behind in reading or math, the school and parent should discuss:
 - What kind of **remedial programs** the school can offer to help the child catch up to grade level.
- Many students with disabilities may not require spe-

cial education but may just need accommodations in the classroom and school so that they can fully participate in school activities. Your child's physicians can directly request appropriate accommodations using a law called Section 504. Call AFC for our 504 guide.

- If you do not want your child to be evaluated for special education services, you do not have to consent. Schools may pressure you to do so. You may want to speak to an advocacy organization or an attorney for advice if this is happening to you.



After Consenting to an Evaluation

Once you consent to an evaluation or request an evaluation, the school or CSE must **complete all necessary evaluations** and meet with you to decide what services your child needs. You may also submit independent evaluations. On the day of your meeting the CSE, with your participation, must write up an Individualized Education Plan (IEP).

Once the IEP is written, the CSE must give your child an **appropriate placement within 30 school days (or 60 days from the day you gave consent)**. If you do not receive a placement letter in this time, the CSE must give you a Nickerson letter that allows you to place your child in a private school (from a list of approved schools-

not any private school) and have the tuition paid by the Department of Education. If the CSE recommended that your child remain in general education and receive services, and you do not receive those services within a reasonable time, then you are entitled to a **Related Services Authorization (RSA)** letter, which allows you to hire an outside service provider at Board expense.

If you Disagree with the Evaluation or Recommendation

If at any time during the evaluation process, you change your mind, you have the right to ask for your child's case to be closed. Put your request in writing.

If you disagree with the recommendation of the IEP team you can:

- Request that your child's case be closed,
- Request a CSE review (if you met with the team at the school),
- Request to meet with another CSE review team (sometimes called "conflict resolution"),
- Request mediation (an informal meeting with an outside mediator which is non-binding),
- Request an impartial hearing (a more formal meeting with an impartial hearing officer who will hear your side and the CSE's side and make a binding decision).

If you think the CSE's evaluation was inappropriate in some way you can:

- Get an outside evaluation at your expense and meet again with the CSE
- Request that the CSE pay for an outside evaluation. (They will either provide one or refuse and go to an impartial hearing to prove that their evaluations were good enough.)

Where to Go When Your Child's Rights are Violated

If your child is in **General Education**, write to:

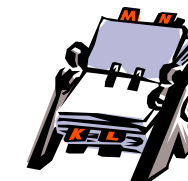
- Your child's principal,
- The regional superintendent, then
- The Chancellor.

If your child is in a **Special Education class in a community** program, write to:

- The special education supervisor,
- The Regional Administrator of Special Education, then
- The Chancellor.

If your child is in a **Special Education class in a special education school**, write to:

- The school principal,
- The Superintendent of District 75 schools, then
- The Chancellor.



If you need an advocate or more information about your child's educational rights:

Call the AFC Helpline on Tuesdays and Thursdays, 10am to 1pm at (212) 947-9779.