

# Chapter 2

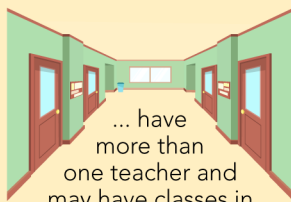
## Attending School in the United States

### Overview

Public schools in the United States (U.S.) may be different from schools in other countries. In this toolkit, you will learn about the structure of schools in the U.S. The grade levels in U.S. schools vary widely across the nation. U.S. public elementary schools usually span from prekindergarten through grades five or six; U.S. middle schools usually include grades six–eight, or seven–eight; U.S. public high schools are generally, but not always, four years, spanning from grades nine–12. Some states may provide education until age 18. Some states also offer preschool or prekindergarten programs at the public school. These programs may be free or require a fee, and they may be partial-day or full-day. Each school has rules that provide a safe environment for students and teachers. The rules may be different for each school so check with your school for more details.

“Attending School in the United States” is the second chapter of the English Learner Family Toolkit, which is meant to support families of English learners (ELs) in the U.S. education system. Each chapter has five parts: (1) Overview, (2) Family and Student Rights, (3) Suggested Questions to Ask School Staff, (4) Tips for Families, and (5) Resources. Information in each chapter varies. As readers can choose to access only certain chapters of the toolkit, it is important to note that some information may be repeated in multiple chapters.

#### In school students may...

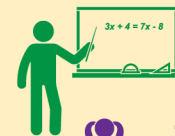


... have more than one teacher and may have classes in different rooms

... have to wear uniforms



... eat lunch at school (either brought from home or from the cafeteria)



... need to raise their hand to ask questions



... be in the same classroom with both girls and boys



... work together in small groups to do school work

... be allowed to use cell phones in middle, junior high, or high school



... line up in a row when leaving the classroom



**Teachers, principals, guidance counselors, and other people in the school** will help you and your child learn more about the school. Your child's teacher may ask you to attend a meeting to learn how your child is doing in school. Several times a year, you may receive a report card about how well your child is learning English, mathematics, science, social studies, and other subjects.



## Family and Student Rights

***As a family member with school-aged children, you have certain rights.*** This is very important: Your national origin, citizenship, or immigration status does not change these rights. These rights include the following.

- All school-age children, regardless of their citizenship or immigration status, may access free public school education in the school district where they live.<sup>15</sup>
- Schools cannot ask for documentation that would prohibit or discourage a student from enrolling in or attending school.<sup>16</sup> For example, schools cannot ask for proof of citizenship status or a parent's social security card.
- Schools and school districts may ask for documentation from multiple sources, which may include immunization records from a clinic or doctor, proof of age, and proof of residency (for example, a utility bill that reflects your current address). All students must provide this type of information that the school district requires for enrollment. Requirements can vary from state to state and district to district. Check the school and district websites to learn about the documents required to enroll your child in school.
- In general, schools and school districts cannot share personally identifiable information from a student's education records without the prior written consent of the student's parents unless the student is 18 years of age or older, attends an institution of postsecondary education, or is otherwise permitted by law.<sup>17</sup>
- Schools must identify students who need services to learn English. First, most schools will ask you to fill out a Home Language Survey. The results of this survey will help the school decide if your child needs to be tested to determine eligibility for English language services.<sup>18</sup>
- If your child is identified as an English learner, the school must notify you in writing within 30 days of the school year starting. The school should provide information about your child's English language proficiency level, programs, and services available to meet your child's educational needs, and your right to opt your child out of a program or service for English learners.<sup>19</sup>
- Title I of the Elementary and Secondary Education Act (ESEA) says that school districts must provide the required communications to parents of ELs under Title I in an understandable format and, when possible, in a language that the parents understand.<sup>20</sup> This means that schools must try to communicate with parents of ELs in their first language, such as Spanish or Chinese. They must provide information to all parents, regardless of their native language or proficiency in English, about any program, service,

<sup>15</sup> Students with F-1 or M-1 non-immigrant visas attending private schools are responsible for paying tuition. F-1 visa holders attending a public secondary school are responsible for paying the full, unsubsidized per capita cost of attending school. (See: <https://studyinthestates.dhs.gov/kindergarten-to-grade-12-schools/>).

<sup>16</sup> U.S. Department of Justice, Civil Rights Division, and U.S. Department of Education, Office for Civil Rights. (2014). *Fact sheet: Information on the rights of all children to enroll in school*. Washington, DC: Authors. Retrieved from <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.

<sup>17</sup> The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 CFR part 99, governs education records, and the personally identifiable information contained therein, maintained by educational agencies (for, e.g., school districts) and institutions (i.e., schools). Further information about FERPA can be found at: [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/for-parents.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/for-parents.pdf).

<sup>18</sup> ESEA 1112(e)(3).

<sup>19</sup> U.S. Department of Education, Office for Civil Rights & U.S. Department of Justice Civil Rights Division. *Fact sheet: Information for limited English proficient (LEP) parents and guardians and for schools and school districts that communicate with them*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

<sup>20</sup> ESEA 1112(e)(4).

or activity of a school district.<sup>21</sup> Additionally, Title VI of the Civil Rights Act of 1964 requires that school districts and SEAs ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about any program, service, or activity of a school district or SEA that is called to the attention of non-LEP parents.<sup>22</sup> The Individuals with Disabilities Education Act (IDEA) requires that consent (agreement or permission) from parents must be requested in the parent's native language, or through another form of communication understandable to the parents.<sup>23</sup>

- Schools should provide a safe and supportive setting without bullying or harassment.
- Students have the right to be free from discrimination based on race, color, national origin, sex, and disability.<sup>24</sup>

## Suggested Questions to Ask School Staff

The following are sample, optional questions you may ask school staff about attending school.

1. Who do I call to find out which school my child will attend?
2. English is not my first language. Who can interpret for me when I go to the school?
3. How old does my child have to be to start preschool or kindergarten in my state?
4. What is the maximum age at which I can enroll my child in high school in my state?
5. Does the school require a uniform? What if I cannot afford to buy the uniform?
6. Who is my child's guidance counselor and what is this person's contact information?
7. What does my child eat for lunch? When does my child eat lunch? Where does my child eat lunch? What are the rules for lunch? Do I pay for lunch?
8. What is the attendance policy? How should I tell the school if my child will be absent?
9. What will happen if my child must miss school?
10. My child was in \_\_\_\_ grade at their other school. Will my child be in the same grade at this school?
11. What does my child have to do for homework?
12. If there is homework in my child's grade, what help can we receive if my child can't complete the homework?
13. Is there someone in the school who works with families?
14. Does this school have a family-teacher organization and, if so, how do I join?

<sup>21</sup> U.S. Department of Education, Office for Civil Rights & U.S. Department of Justice Civil Rights Division. *Fact sheet: Information for limited English proficient (LEP) parents and guardians and for schools and school districts that communicate with them.* Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

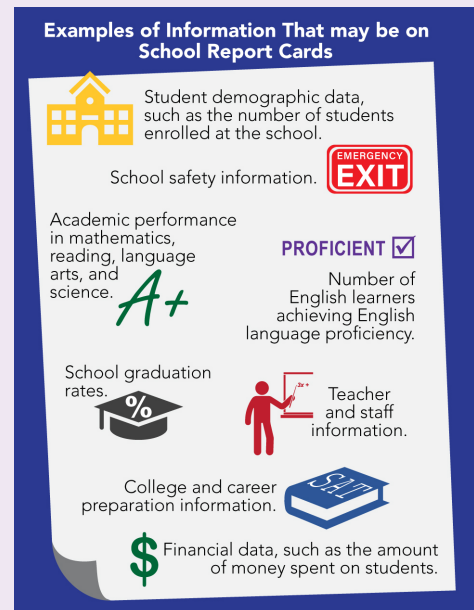
<sup>22</sup> U.S. Department of Education, Office for Civil Rights & U.S. Department of Justice Civil Rights Division. *Fact sheet Information for limited English proficient (LEP) parents and guardians and for schools and school districts that communicate with them.* Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

<sup>23</sup> IDEA, 34 CFR 300.9.

<sup>24</sup> Educational institutions have a responsibility to protect every student's right to learn in a safe environment free from unlawful discrimination and to prevent unjust deprivations of that right. The U.S. Department of Education's Office for Civil Rights (OCR) enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964 (This includes discrimination based on a person's limited English proficiency or English learner status; and actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals)); sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973; and age discrimination is prohibited by the Age Discrimination Act of 1975. OCR also has responsibilities under Title II of the Americans with Disabilities Act of 1990, which prohibits disability discrimination by public entities, whether or not they receive federal financial assistance.

## Tips for Families

- Do not be shy about asking how you can help or volunteer in your child's school. Helping will give you a chance to learn more about schools in the United States. Some schools may want families to help in the classroom, playground, or cafeteria. Families may volunteer to support sports teams or join the Parent Teacher Association (PTA).
- Before you visit the school, check the school's website. You may find answers to your questions there.
- Most schools have fees for meals, supplies, or uniforms. Ask the school about financial assistance if you cannot afford to pay for these things.
- Schools often send families important information by text messages or email. If you have limited proficiency in English, ask how the school shares important information. For example, does the school use an app, email messages, or voicemail? Be sure that the school has your contact information, such as your phone number and email address.
- Make sure you understand everything. Do not agree to or sign anything until you understand and agree to what is being asked of you.
- Ask for a copy of the school report card. The school report card provides important information about your child's school. This is a good way to learn how well the school is performing. As a family member, you can compare your child's school with other schools in the district. School report cards must be available on the district's website.



## Resources

Adult Learning Resource Center. (2012) "Enrolling in School" in *A Guide to Your Children's Schools: A Parent Handbook* (Des Moines, IL: Illinois State Board of Education, 2012), pages 4-6. Retrieved from <https://www.isbe.net/Documents/PGuide-english.pdf>. This guide was developed by the State of Illinois to help parents learn how to enroll their children in school. Some items are specific to Illinois, like specific documents needed for proof of residence, but some of the information is more general.

Bridging Refugee Youth and Children's Services (BRYCS), "Educational Handbook for Refugee Parents." Retrieved from <https://brycs.org/clearinghouse/2554/>. This handbook helps families understand schools in the United States. The handbook is available in Burmese, English, French, Somali, and Spanish.

U.S. Department of Education, Office for Civil Rights (OCR). (2015) *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. This *Dear Colleague letter* reminds states, school districts, and schools of their obligations under federal law to ensure that English learner students have equal access to a high-quality education and the opportunity to achieve their full academic potential. More information about OCR, including how to file a complaint can be found at <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html?src=image>. **This resource is available in numerous languages, including Spanish, Arabic, Korean, Chinese, and Vietnamese.**

This document contains examples and resource materials that are provided for the user's convenience. The inclusion of any material is not intended to reflect its importance, nor is it intended to endorse any views expressed, or products or services offered. These materials may contain the views and recommendations of various subject matter experts as well as hypertext links, contact addresses, and websites to information created and maintained by other public and private organizations. The opinions expressed in any of these materials do not necessarily reflect the positions or policies of the U.S. Department of Education. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of any outside information included in these materials. Mentions of specific programs or products in these examples are designed to provide a clearer understanding and are not meant as endorsements.