

Your Education Rights

What are Rights?

In the United States, schools and families work together to help children learn and grow. There are laws to make sure every child gets a good education. The same public-school rights and protections apply to all students and families. Students who are learning English as a new language have protections related to receiving language supports and being able to participate in all school activities. These rights make sure students have the support they need to access the same programs and opportunities offered to all students. Students must not be kept out of school activities, courses, and programs because they are considered English Learners.

English Learners are students who scored below a proficient level in the [Ohio English Language Proficiency Screener](#) or the [Ohio English Language Proficiency Assessment](#).

Families should understand their students' rights. Then, they know what to expect from their school. They can make sure they are getting the best possible education. This helps prepare students for a bright future.

Rights for Communicating with the School

Children are more successful when families and schools work together. To do this, families must be able to understand the information they receive and communicate with the school. Schools must make sure all families understand the information they share with them. Schools or districts must provide information home in your preferred language.

Schools must:

- Provide free interpretation and translation for school events and meetings.
- Ask families what language they prefer to use. The school must ask all families who are enrolling new students to complete the Language Usage Survey.

The Language Usage survey is a form that schools use to learn about the languages

families speak at home. This can help schools make sure they share information in the language each family wants. It is also used to identify students who may need additional English language supports.

If your family speaks another language at home, your child may be asked to take a test to check their English skills. [Learn more on our English Language Supports page.](#)

- Provide forms and information in the languages families prefer.

Important: A family may not feel comfortable with the interpreter the school provides. They may ask the school to provide a different interpreter. Schools cannot ask the child or any family member to interpret for the school. Although families may choose to have a friend or family member serve as an interpreter, it is important to keep in mind that an untrained interpreter may not be aware of all of the educational terms used which can increase miscommunications. Children who interpret for their parents or family may also experience more pressure and stress.

[Learn more on our Using Interpreters page.](#)

Rights to Learn English

Schools must provide extra support to students who have trouble using English at school. All schools should use the same process to figure out which students could benefit from extra English language help. These students are considered English Learners. You can learn more about the process and how school provide English language help by visiting [our English Language Supports page.](#)

There are some rules about how schools support students who are considered English Learners:

- Schools must check the English language skills of students who use a language other than English at home. This helps them determine if a student would benefit from getting help to improve their English skills.

The school must check students' English skills within the first 30 days after the student is

enrolled in school. They do this by having students complete the [Ohio English Language Proficiency Screener](#). If the student enrolls or transfers to the school after the school year has already started, the school has 45 days to check students' English skills.

- All schools in Ohio must use the same test to check students' English skills. The results of the test must be shared with families.
- The school must let the family know if their student has a score below Proficient on the English test that checks their skills. (The English test will be the [Ohio English Language Proficiency Screener](#) or the [Ohio English Language Proficiency Assessment](#).)
- Families decide if they want their child to receive English language supports or not.
- The English language supports can be different, but schools must make sure they help students learn English.
- Students considered English Learners must receive the support they need to learn all the other subjects taught in English at school.
- Students should not repeat the same grade simply because they are an English Learner. The school should consider the student's overall academic progress. They should also consider the opinions of the teachers and family.

Enrolling in School

There are some unique rights when enrolling students in school. Learn more about enrollment on [our Enrollment page](#).

All students have the right to attend public school. Students' backgrounds do not change this right. This includes home language or English skills.

Schools must:

- Provide information about enrollment to families. It must be in the language families understand best. This includes written documents.
- Provide an interpreter to help families talk with the school.
- Enroll students who are experiencing homelessness immediately. Even if a family cannot

provide proof of residency.

- The school cannot delay enrollment due to home or foster care status.

Visit the [Student Supports page on the Ohio Department of Education and Workforce website](#) to learn more.

Families must provide:

- Proof of their child's age
- Documentation that shows the family lives in the school district

Families should provide documents that show where they live. Students and families experiencing homelessness may have other options.

- Immunization records

Protecting Your Family's Privacy

Schools must collect information about all students and their families. This helps schools have accurate records. Schools use this information to provide reports to the government that helps schools serve families better.

Important: Schools must only share a student's personal information when required by law. A family can also give the school permission to share information. Schools may not ask families to verify their immigration status. Families do not have to give schools immigration documents or social security numbers.

Private information the school must protect:

- Personal information that could put a student or family at risk – This includes student identification, social security numbers, pictures, or other information.
- Immigration status of the student or family members – if a family chooses to share this information with the school
- Birthdates
- Where students were born
- Family addresses

- Family emergency contact information
- Records of completed courses and transcripts
- Official letters about a student’s status in school
- Disciplinary records
- Medical and health records from the school
- Attendance information
- Information about the schools the student attended before

Participating in Other School Programs and Activities

Schools cannot exclude students based only on how fluent they are in English. All students must have the same opportunity to join programs and activities. This includes students who are considered English Learners.

For example, school counseling, sports, art programs, and other activities offered by the school outside of class time help students be successful.

Schools must make sure the way students are selected for other school programs and activities is fair.

Special Education

Some students may need [special education services](#) if they experience learning difficulties.

This includes students who are considered English Learners. Anyone can ask the school to evaluate a student for special education. This includes parents, caregivers, family members, teachers, and other school staff. Students may also refer themselves.

Schools must:

- Determine if the child has a disability. This is done with an evaluation. The family or other school staff may think the student has learning difficulties.
- Complete the evaluation in all the areas of need in the language the child prefers. In some situations, an interpreter is needed.

- Provide information to families in the language they prefer. Provide free interpretation and translation as needed.
- Develop a plan to meet the student’s needs. The plan should consider the student’s language needs. This is especially important for students who are English Learners or who receive help to improve their English skills.

Visit the Families of [Students with Disabilities page on the Ohio Department of Education and Workforce website](#) for more information about the special education process.

Gifted Education

English Learners who perform at higher levels than their classmates may be eligible for [gifted education services](#).

- Students who are considered English Learners have the right to participate in gifted services provided by the school.
- Schools cannot exclude students based only on how fluent they are in English.
- All students who are referred for gifted identification to the school should be tested. **The test shows they can receive gifted services. The school has 90 days to test the student.**
- Anyone can ask the school to test a student for gifted education. This includes parents, caregivers, family members, teachers, and other school staff. Students may also refer themselves.

Visit the [Ohio Department of Education and Workforce’s Gifted Screening and Identification page](#) to learn more.

Virtual Learning

The rights to education for students are the same when students are learning online. Students doing virtual learning must get the same support in language instruction as they would in person at school.

Learn more on [our Virtual Learning page](#).

Safety at School

In Ohio, schools must protect all students from [bullying](#). This includes harassment and bad treatment at school. This applies for students who are considered English Learners. Schools must take steps to protect students who are being bullied. They must stop students from behaving badly toward others.

You may also call the Safer Ohio School Tip Line at 844-723-3764. It is a free safety resource available to all Ohio schools. The tip line is an anonymous reporting system that accepts tips via call, text, webform, and mobile app 24 hours-a-day. Learn more on the [Ohio School Safety Center website](#).

What if a school is not following these requirements?

- Families and schools can solve many problems together. If a family thinks a school is not meeting requirements or treating them fairly, they should talk with the school first. They should discuss how the school can support their student.

- The family may ask for help from a school staff member, such as an English Language teacher.

A TESOL teacher (Teaching English as an Other Language) or ESL teacher (English as a Second Language), family liaison or school counselor can help.

- If the issue continues, the family can contact the school principal.

Principals oversee schools and all staff in the building.

- If no one at the school can help, the family may meet with a district administrator.

The district administrator is in charge of the English Language services in all district schools.

- Families may also contact the Ohio Department of Education and Workforce for help at lau@education.ohio.gov.

If a family cannot fix the issues with the school directly, they may contact offices from the United States government. These offices can help students who are English Learners and

their families.

Families can contact:

- The [United States Department of Education’s Office for Civil Rights \(OCR\)](#) for more information about filing a complaint.
- The [United States Department of Justice’s Civil Rights Division](#) for more information about filing a complaint.

For [issues related to special education or gifted education](#), families can also contact the [Ohio Department of Education and Workforce](#). Families can [file a complaint online on the Ohio Department of Education and Workforce website](#).

Questions You Can Ask

- Can you please explain what education rights are and why they are important?
- If I have any concerns or questions regarding my child's education rights, who should I contact and how can they assist me?
- How can I make sure that my child's education rights are respected and protected at this school?
- How will the school ensure that my child has equal access to educational opportunities, regardless of their language background?
- Are there any special programs or services offered to help multilingual students succeed academically?
- What strategies will the teachers use to support my child's learning and understanding of subjects when English is not their first language?
- How can I be involved as a parent in supporting and advocating for my child's education rights at this school?



Additional Resources

Family's Rights

- You can learn more from the “Attending School in the United States” section of the NCELA Family Toolkit when you select Chapter 2. It is available in four languages (English, Arabic, Chinese, and Spanish). <https://ncela.ed.gov/educator-support/toolkits/family-toolkit>
- USA Hello provides more information about family's rights and other education laws. <https://usahello.org/education/children/education-law-and-rights>
- The Office of Civil Rights provides a fact sheet with information about the rights of families and English Learners. <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf>
- USA Hello provides general information about the rights of immigrants and refugees. <https://usahello.org/immigration/your-rights>
- The Education Law Center fact sheet provides an outline of the rights of English Learners and families of students with limited English proficiency. <https://www.elc-pa.org/resource/rights-of-english-language-learners-families-with-limited-english-proficiency>

Communication Between Families and Schools

- Colorin Colorado provides links to a fact sheet from the US department of Education. It answers common questions about the rights of families who do not speak, listen, read, or write English proficiently because it is not their first language. <https://www.colorincolorado.org/guide/fact-sheet-information-limited-english-proficient-parents-and-schools-and-school-districts>

Safety

- You may also call the Safer Ohio School Tip Line at 844-723-3764. It is a free safety resource available to all Ohio schools. The tip line is an anonymous reporting system that accepts tips via call, text, webform, and mobile app 24 hours-a-day. Learn more on the

Ohio School Safety Center website. <https://ohioschoolsafetycenter.ohio.gov/pre-k-12-schools/safer-ohio-school-tip-line>

- You can learn more from “The Health and Safety of Your Child at School” section of the NCELA Family Toolkit when you select Chapter 5. It is available in four languages (English, Arabic, Chinese, and Spanish). <https://ncela.ed.gov/educator-support/toolkits/family-toolkit>
- Learn more about protecting students from bullying on the Colorin Colorado website. <https://www.colorincolorado.org/article/8-tips-protect-ells-bullying-your-classroom-and-school>

Special Education

- The Ohio Department of Education and Workforce guide to parent rights provides more information about the rights of families in special education. <https://education.ohio.gov/Topics/Special-Education/A-Guide-to-Parent-Rights-in-Special-Education>
- The Ohio Department of Education and Workforce website provides more information for families about special education in Ohio. <https://education.ohio.gov/Topics/Special-Education/Families-of-Students-with-Disabilities>

These resources aim to bolster academic, student wellness and college and career outcomes for Ohio's multilingual learners. Resources were created through a collaborative effort between the Ohio Department of Education and Workforce and The Ohio State University's Center on Education and Training for Employment along with a dedicated group of family advocates, community leaders, school district staff, and teachers.