

Student, Parent & Caregiver Bill of Rights

All children have the right to a public education. All students should have every opportunity possible to pursue their dreams, so it is important that families know their legal rights to ensure equitable access and participation in our educational system.

Students have the right to be treated equally and have the right to be safe in their public school.

- Schools may not discriminate against students on the basis of race, religion, color, gender, national origin, sex¹, sexual orientation, gender, gender identity, disability, ethnicity, ancestry, marital or parental status or on any other basis prohibited by law.
- Schools must protect students from harassment and bullying.²
- Schools may not deny schooling to students who are pregnant or students with children. Schools must make allowances so those students can complete classwork, and permit them to participate in extracurricular activities.³

Students have freedom of religion, speech, and expression.

- As long as the practice of their beliefs does not substantially disrupt the education of other students, all students may:
 - express their opinions and beliefs in school;⁴
 - pray individually at school;⁵
 - bring religious books to school;
 - wear clothes that are part of their religious belief (examples include hijab, yarmulke, or crucifix) or a hair style that is typically considered to be part of a person's ethnic heritage;⁶
 - talk about their faith at school and in student assignments;⁷
 - form religious-based clubs or organizations that meet before or after school;⁸ and
 - be excused from school attendance for the observance of religious holidays.⁹
- Public schools must maintain neutrality regarding religion, neither aiding or opposing religion.¹⁰
- Organized school prayer or other religious expression led by school division employees is not allowed. Students and staff may observe moments of silence.¹¹
- Students have the right to form clubs in schools expressing their identities or beliefs, including cultural and gender identity.
- Schools must offer equal access to school opportunities, including the formation of clubs.

Students and families have the right to opt out of requirements and activities that conflict with their beliefs, as permitted by local, state, and federal law. Parents have the right to choose that their child not participate in:

- Family life education.¹²
- Some immunizations.¹³

- Public schooling. Parents may choose to home-school their children or send them to a private or independent school. However, all children must receive some form of education according to compulsory attendance laws.¹⁴

Students and families who speak a language other than English have the right to access the same opportunities as English speakers.

- English Learner (EL) students are entitled to an equal opportunity to participate in all age-appropriate academic and extracurricular programs.¹⁵
- All EL students are entitled to English language instruction.¹⁶ Parents may choose to opt their children out of EL programs or particular services.
- Lack of English proficiency cannot be used to identify a student for exceptional education services. EL students with learning disabilities must be provided both language instruction and disability-related services.¹⁷
- Children who are undocumented have the right to a public education.¹⁸ A birth record or other reliable proof of the student's identity and age is required to register.¹⁹ Schools may not ask parents or students about their immigration status. Schools may not require students or parents to provide a social security number.²⁰
- EL parents are entitled to receive communication in a language they can understand through translation and interpretation, and to receive information about any school program, service, or activity.²¹

Students identified with disabilities have the right to access the same opportunities as their non-disabled peers.

- If a child is suspected of having a disability, parents and guardians have the right to request that their child be evaluated for disabilities. ²²If a student is found to have a disability, they must be provided with:
 - An individualized education plan²³, or a section 504 plan²⁴, which include services, and/or accommodations that allow the student to access the general education curriculum and/or make meaningful, educational progress in the general education curriculum;
 - Equal access to academic classes, field trips, extracurricular activities, school technology, and health services.
 - Instruction in the least restrictive environment.²⁵
- Parents may invite individuals who have knowledge regarding the child or their educational needs to be present during IEP meetings.²⁶
- Students with IEPs or Section 504 plans who are suspended for more than 10 days or expelled must be given an alternate form of education.²⁷
- If a parent or student disagrees with the decision of the IEP team, they have the right to appeal.
 - They may request another IEP team meeting prior to starting the appeal process.
 - Concerns about special education services should always be in writing to the school. Parents or guardians should maintain a copy of all documentation.
 - If a parent or legal guardian disagrees with the decision of an IEP team, they have the right to file a complaint with the Virginia Department of Education.

- For more information about resolving disputes, filing complaints, and filing due process hearing requests, visit the Virginia Department of Education’s website at https://www.doe.virginia.gov/special_ed/resolving_disputes.

Students experiencing homelessness have the right to:

- Remain in their current or most recent school for the rest of the school year or enroll in the neighborhood school where they are staying.²⁸
- Receive transportation to and from school, even if they move outside of the city.²⁹

Students, parents, and guardians have the right to:

- Receive copies of academic and disciplinary records. School divisions have up to 45 days to comply with a records request.³⁰
- Receive written notifications of expulsions or suspensions.³¹
- Appeal any disciplinary decisions made by a school administrator, hearing officer, or School Board Disciplinary Committee (if it is not a unanimous decision by the Committee).³²

Citations

¹ 20 U.S.C.A. §1681

² Va. Code §22.1-276.01 ; 22.1-279.6

³ 34 C.F.R. §106.40

⁴ Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733

⁵ 20 U.S.C. §7904, *Santa Fe Independent School Dist. v. Doe*, 530 U.S. 290, 313, 120 S.Ct. 2266, 2281 (2000)

⁶ Va. Code §22.1-279(l)

⁷ Va. Code §22.1-203.3

⁸ *Board of Educ. of Westside Community Schools v. Mergens By and Through Mergens*, 496 U.S. 226, 110 S.Ct 2356 (1990)

⁹ Va. Code §22.1-254

¹⁰ 374 U.S. 203, 225, 83 S.Ct. 1560, 1573 (1963)

¹¹ *Santa Fe Independent School Dist. v. Doe*, 530 U.S. 290, 120 S.Ct. 2266; Va. Code § 22.1-203.1

¹² Va. Code §22.1-207.2

¹³ Va. Code §32.1-46

¹⁴ Va. Code §22.1-254 §22.1-254.1

¹⁵ *Plyler v. Doe*, 457 U.S. 202, 102. S.Ct. 2382 (1982)

¹⁶ VA. Code §22.1-212.1

¹⁷ 20 U.S.C.A. §1703

¹⁸ *Plyler v. Doe*, 457 U.S. 202, 102. S.Ct. 2382 (1982)

¹⁹ Va. Code §22.1-3.1 This law applies to all students, regardless of whether they were born in the United States or immigrated to the United States.

²⁰ Va. Code §22-287.03. This law applies to all students, regardless of whether they were born in the United States or immigrated to the United States.

²¹ 20 U.S.C.A. §1703

²² 8 VAC 20-81-50

²³ 8 VAC 20-81-110

²⁴ Section 504 of the Rehabilitation Act of 1973

²⁵ 8 VAC 20-81-130

²⁶ 8 VAC 20-81-110

²⁷ 8 VAC 20-81-160

²⁸ McKinney Vento Act, 42 U.S.C. §11432(g)(3)(A)

²⁹ McKinney Vento Act, 42 U.S.C. 11432(g)(1)(J)(iii)

³⁰ Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232(g); Va. Code 22.1-287(A).

³¹ Va. Code §22.-277.04, §22.-277.05, §22.-277.06

³² Va. Code §22.-277.04, §22.-277.05, §22.-277.06