

BILL OF STUDENT RIGHTS AND RESPONSIBILITIES, K-12

PREAMBLE

New York City public schools seek to cultivate a sense of mutual respect among students, parents and staff. City schools also aim to involve students in activities and programs, within and outside the school community, that stress a commitment to civic responsibility and community service. With the cooperation of all members of our school communities, students can reach educational excellence while enjoying a rich learning experience. This document serves as a guide for students as they strive to become productive citizens in a diverse society.

I. THE RIGHT TO A FREE PUBLIC SCHOOL EDUCATION

The right to a free public school education is a basic “student right” guaranteed to all children.

Students have a right to:

1. attend school and receive a free public school education from kindergarten to age 21 or receipt of a high school diploma, whichever comes first, as provided by law; students who have been determined to be English Language Learners are entitled to bilingual education or English as a second language program as provided by law; students with disabilities who have been determined to be in need of special education are entitled to a free appropriate public education from age 3 until age 21, as provided by law;
2. be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and to file a complaint if they feel that they are subject to this behavior (see Chancellor’s Regulations A-830, A-831, A-832, A-420, and A-421);
3. receive courtesy and respect from others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs;
4. receive a written copy of the school’s policies and procedures, including the Discipline Code and the New York City Department of Education Bill of Student Rights and Responsibilities, early in the school year or upon admission to the school during the school year;
5. be informed about diploma requirements, including courses and examinations and information on assistance to meet those requirements;
6. be informed about required health, cognitive and language screening examinations;
7. be informed about courses and programs that are available in the school and the opportunity to have input in the selection of elective courses;
8. receive professional instruction;
9. know the grading criteria for each subject area and/or course offered by the school and to receive grades for school work completed based on established criteria;
10. be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
11. be notified in a timely manner of the possibility of being held over in the grade or of failing a course;
12. be notified of the right of appeal regarding holdover or failing grades;
13. confidentiality in the handling of student records maintained by the school system;
14. request or by parental request to have their contact information withheld from institutions of higher learning and/or military recruiters;
15. receive guidance, counseling and advice for personal, social, educational, career and vocational development.

II. THE RIGHT TO FREEDOM OF EXPRESSION AND PERSON

All students are guaranteed the right to express opinions, support causes, organize and assemble to discuss issues and demonstrate peacefully and responsibly in support of them, in accordance with policies and procedures established by the New York City Department of Education. **Students have the right to:**

1. organize, promote and participate in a representative form of student government;
2. organize, promote and participate in student organizations, social and educational clubs or teams and political, religious, and philosophical groups consistent with the requirements of the Equal Access Act;
3. representation on appropriate schoolwide committees that influence the educational process, with voting rights where applicable;
4. publish school newspapers and school newsletters reflecting the life of the school and expressing student concerns and points of view consistent with responsible journalistic methods and subject to reasonable regulations based on legitimate pedagogical concerns;
5. circulate, including through electronic circulation, newspapers, literature or political leaflets on school property, subject to reasonable guidelines established by the school regarding time, place and manner of distribution, except where such material is libelous, obscene, commercial or materially disrupts the school, causes substantial disorder or invades the rights of others;
6. wear political or other types of buttons, badges or armbands, except where such material is libelous, obscene or materially disrupts the school, causes substantial disorder or invades the rights of others;
7. post bulletin board notices within the school or on the school website subject to reasonable guidelines established by the school, except where such notices are libelous, obscene, commercial or materially disrupt the school, cause substantial disorder or invade the rights of others;
8. determine their own dress within the parameters of the Department of Education policy on school uniforms and consistent with religious expression, except where such dress is dangerous or interferes with the learning and teaching process;
9. be secure in their persons and belongings and to carry in the school building personal possessions which are appropriate for use on the premises;
10. be free from unreasonable or indiscriminate searches, including body searches;
11. be free from corporal punishment and verbal abuse (as per Chancellor's Regulations A-420 and A-421);
12. decline to participate in the Pledge of Allegiance or stand for the pledge.

III. THE RIGHT TO DUE PROCESS

Every student has the right to be treated fairly in accordance with the rights set forth in this document.

Students have the right to:

1. be provided with the Discipline Code and rules and regulations of the school;
2. know what is appropriate behavior and what behaviors may result in disciplinary actions;
3. be counseled by members of the professional staff in matters related to their behavior as it affects their education and welfare in the school;
4. know possible dispositions and outcomes for specific offenses;
5. due process with respect to disciplinary action for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, 504 plans, or who are "presumed to have a disability" have the right to certain protections under IDEA.
6. know the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
7. be accompanied by a parent and/or representative at conferences and hearings;
8. the presence of school staff in situations where there may be police involvement.

IV. ADDITIONAL RIGHTS OF STUDENTS AGE 18 AND OVER:

The federal Family Educational Rights and Privacy Act ("FERPA") gives students who have reached 18 years of age certain rights with respect to the student's education records.

Students age 18 and over have the right to request, inspect and review their own education records within 45 days of the day the New York City Department of Education receives the student's request, in accordance with the procedures set forth in Chancellor's Regulation A-820.

Students age 18 and over have the right to request that their own education records be changed when they believe they are inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA, in accordance with the procedures set forth in Chancellor's Regulation A-820.

Students age 18 and over have the right to provide written consent before personally identifiable information in their own education records is disclosed, except in certain cases when FERPA allows disclosure without consent, including the following:

- Disclosure to a school official who needs to review an education record in order to fulfill his or her professional responsibility. Examples of school officials include people employed by the New York City Department of Education (such as administrators, supervisors, teachers, other instructors, or support staff members), as well as people whom the New York City Department of Education has engaged to perform services or functions it would otherwise use its own employees to perform (such as agents, contractors and consultants), and who are under the direct control of the New York City Department of Education with respect to the use and maintenance of personally identifiable information from education records.
- Disclosure, upon request, to officials of another school district in which a student is trying to enroll or plans to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.
- Other exceptions that permit disclosure of personally identifiable information without consent include certain types of disclosures (1) to authorized representatives of government entities and officials in connection with audits, evaluations or certain other activities, (2) in connection with financial aid for which the student has applied or which the student has received, (3) to organizations conducting studies for, or on behalf of, the New York City Department of Education, (4) to accrediting organizations to carry out their accrediting functions, (5) to parents of students age 18 and over if the student is a dependent for IRS tax purposes, (6) to comply with a judicial order or lawfully issued subpoena, (7) to appropriate officials in connection with a health or safety emergency and (8) of information that the New York City Department of Education has designated as "directory information." Most of these types of disclosures are subject to certain additional requirements and limitations. Please see FERPA and Chancellor's Regulation A-820 for more information about them.

Students age 18 and over have the right to inspect and review the record of disclosures that FERPA requires schools to keep when making disclosures of personally identifiable information without consent. However, schools are not required to record disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to parents or to students age 18 and over.

Students age 18 and over have the right to file a complaint with the U.S. Department of Education if they feel that the New York City Department of Education has failed to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-852

V. STUDENT RESPONSIBILITIES

Responsible behavior by each student is the only way in which the rights set forth in this document can be preserved. Violation of some of these responsibilities may lead, in accordance with the Discipline Code, to disciplinary measures. Full acceptance of responsibility with the exercise of rights will provide students with greater opportunity to serve themselves and society. **Students have a responsibility to:**

1. attend school regularly and punctually and make every effort to achieve in all areas of their education;
2. be prepared for class with appropriate materials and properly maintain textbooks and other school equipment;
3. follow school regulations regarding entering and leaving the classroom and school building;
4. help maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol;
5. behave in a manner that contributes to a safe learning environment and which does not violate other students' right to learn;
6. share information with school officials regarding matters which may endanger the health and welfare of members of the school community;
7. respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others;
8. show respect for school property and respect the property of others, both private and public;
9. be polite, courteous and respectful toward others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs, and refrain from making slurs based on these criteria;
10. behave in a polite, truthful and cooperative manner toward students and school staff;
11. promote good human relations and build bridges of understanding among the members of the school community;
12. use non-confrontational methods to resolve conflicts;
13. participate and vote in student government elections;
14. provide positive leadership by making student government a meaningful forum to encourage maximum involvement;
15. work with school staff in developing broad extracurricular programs in order to represent the range of physical, social and cultural interests and needs of students;
16. observe ethical codes of responsible journalism;
17. refrain from obscene and defamatory communication in speech, writing and other modes of expression, including electronic expression, in their interactions with the school community;
18. express themselves in speech, writing and other modes of expression, including electronic expression in a manner which promotes cooperation and does not interfere with the educational process;
19. assemble in a peaceful manner and respect the decision of students who do not wish to participate;
20. bring to school only those personal possessions which are safe and do not interfere with the learning environment;
21. adhere to the guidelines established for dress and activities in the school gymnasium, physical education classes, laboratories and shops;
22. be familiar with the school Discipline Code and abide by school rules and regulations;
23. provide leadership to encourage fellow students to follow established school policies and practices;
24. keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communications that are provided by school staff to students for transmittal to their parents.