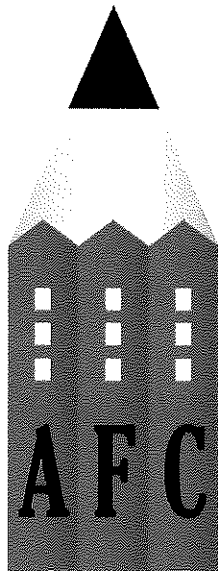


AFC'S

# Know Your Rights

A GUIDE TO THE LEGAL RIGHTS  
OF IMMIGRANT FAMILIES IN  
NEW YORK CITY PUBLIC SCHOOLS

September 2015



Advocates for Children of New York  
Protecting every child's right to learn

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This guide does not constitute legal advice. This guide attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

## INTRODUCTION

This guide is meant to give immigrant families a basic overview of their rights in the New York City public school system and is primarily meant for parents of school-age children, from kindergarten to 12th grade.

As you read through the guide, there are 6 basic rights to keep in mind:

### **THE BIG 6: Your Rights in the NYC Public School System**

1. **Your child has the right to go to school regardless of his or her immigration status, or your family's immigration status.**
2. **If your child needs help learning English, you have the right to choose either a bilingual or English as a New Language (ENL) program.**
3. **You have the right to apply to public schools of your choice for elementary, middle, and high school.**
4. **You have the right to receive school-related information translated into your preferred language.**
5. **You have the right to be told if your child is at risk of suspension or repeating a grade.**
6. **Your child is entitled to receive an education without being discriminated because of his race, immigration status, country of origin, or ethnicity.**

*If you have additional questions after reading this guide, call*  
**AFC's Education Helpline**  
**866-427-6033 (toll free) • Monday—Thursday • 10am—4pm**  
*We can speak to you in YOUR language.*

## ENROLLING IN SCHOOL

### ***When can my child attend school?***

Children ages 5 to 21 have the right to attend public school no matter where they were born or what language they speak. In New York City (NYC), 4 year olds also qualify for Universal Pre-Kindergarten (UPK) and children as young as 3 may receive education services if programs have space available.

All children ages 5 to 21 who apply to public school should be admitted and placed in an appropriate program within 5 school days. An eligible child cannot be turned away from kindergarten. Teenagers cannot be turned away from high school or sent to a high school equivalency diploma preparation program because of her age, limited prior education, or because she is an English Language Learner.

### ***Immigration status does not matter.***

Immigrant students have the right to attend school regardless of their immigration status or their family's immigration status. No one in the school may ask about a child's or family's immigration status. Although some school forms may ask for a social security number, parents and students are **NOT** required to give this information.

**TIP:**  
If asked for your  
Social Security  
number, fill in  
000-00-0000.

Immigrant students are entitled to receive all school services for which they are eligible, including free lunch, free breakfast, and transportation, even if they or their family are undocumented and don't have a social security number.

### ***Where should I enroll my child?***

Students must live in NYC in order to attend a NYC public school. If your child is entering elementary or middle school, he may attend his zoned school, among other options. To find out what school your child is zoned for, dial 311. You can also visit the Family Welcome Center in your borough to explore other school options for your child.

If your child is entering high school, contact the Family Welcome Center in your borough for more information about finding a high school. Family Welcome Center contact information can be found on page 19 of this guide.

## ***Important Documents***

Bring these with you to enroll your child in school:

1. **Proof of residence**, such as a gas, cable, electric, or water bill, or a lease. CAREFUL, telephone bills, credit card bills, driver's licenses etc. are NOT acceptable proof. Two to three documents are required, depending on the type of document. To see a complete list of documents that are accepted as proof of residency visit: <http://schools.nyc.gov/ChoicesEnrollment/NewStudents/default.htm>.
2. **Proof of your child's age**, such as your child's birth certificate or passport.
3. **Your child's immunization record**, if available.
4. If available, **your child's most recent report card/transcript, Individualized Education Program (IEP), or 504 Accommodation Plan** – see page 10 for details about these items.

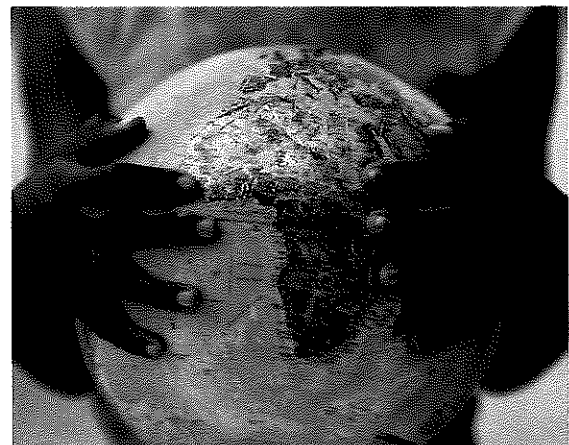
## ***What if my child does not have school records or has spent little or no time in school?***

She still has the right to be immediately admitted into public school. An admissions counselor or other staff member at the school your child will attend should create a student profile and evaluate her in the language that she speaks. If no one on staff speaks your child's language, the school should arrange for interpretation.

## ***What if my child's record/transcript is from a school in another country?***

Have your child's foreign school record/transcript translated by the school she will attend, the Department of Education, or an outside source (e.g. your consulate, a community organization, or private service). The school will then evaluate the translated document and determine your child's grade.

**In the meantime, your child must be admitted to school.**



## APPLYING TO PUBLIC SCHOOL AND SCHOOL CHOICE

### **What is School Choice?**

Although your child may be assigned to their neighborhood or “zoned” school, you have a choice about what school – and type of school! – your child attends. Parents should research schools, visit any that interest them, and submit an application on their child’s behalf. Immigrant students and students learning English are eligible to attend all NYC public schools including:

**TIP:**  
Use the “Find + Compare” Search tool at [www.schoolbook.org](http://www.schoolbook.org) to look up and compare different public and charter schools in NYC.

- **Charter Schools:** Privately managed public schools. You must apply and admission is by lottery.
- **Magnet Schools:** Unzoned public schools with special programs (e.g. arts, technology, science). You must apply.
- **International High Schools:** Public schools where all students are immigrants.
- **Gifted and Talented Education programs:** Public schools with special advanced programs. Your child must take an exam to be accepted. ELLs in grades K-2 may request to take a translated exam, which is translated into 9 languages. Other testing accommodations are available for ELLs and former ELLs.

For more information on applying to schools, please call our Helpline or visit the DOE’s website on school choice: <http://schools.nyc.gov/ChoicesEnrollment/default.htm>.

### **Can I transfer my child to a different school?**

Any request to transfer schools must be made in writing. The three most common types of transfers are (1) Medical Transfers, (2) Safety Transfers, and (3) Transportation Hardship Transfers (commuting by public transportation for 90 minutes or more in *each* direction). Where your other children attend school may be taken into consideration in transfer requests as well.

It is important to note that these transfers are **very** difficult to get. More information can be found on the DOE’s website: <http://schools.nyc.gov/ChoicesEnrollment/Transfers/default.htm>.

## SERVICES FOR ENGLISH LANGUAGE LEARNERS (ELLs)

All students have the right to public education, regardless of how well they speak English. Students learning English are entitled to special instruction to teach them English. These students are called “English Language Learners” (ELLs).

The most common models of instruction are **Transitional Bilingual Education (TBE)** or **English as a New Language (ENL)**. **Dual Language** programs may also be offered to ELLs.

### *Is my child eligible for ELL Services?*

Once your child enters a NYC school, you must fill out a **Home Language Identification Survey (HLIS)** with the help of a teacher or administrator. This survey asks about the languages you speak in your home and that are used by your child. A teacher then interviews you and your child in your home language and in English, and reviews the child’s past work, if available.

If eligible, your child then takes a test in English, called the **New York State Identification Test for English Language Learners (NYSITELL)** to find out the level of your child’s English abilities. This test should be given to the student within the first 10 days of enrolling in school. If your child does not pass the NYSITELL, she is eligible for ELL services.

ELLs must also take the **New York State English as a Second Language Achievement Test (NYSESLAT)** once every year in the spring. Once your child scores a certain level on the NYSESLAT, she will no longer be considered an ELL and will no longer receive ENL or TBE instruction.



## **Telling the Difference Between ELL Programs**

1. **Transitional Bilingual Education (TBE):** Instruction is given in both English and the student's native language. The amount of English used increases as the student becomes more proficient.
2. **English as a New Language (ENL):** Students taught entirely in English and learn to speak, read, and write English from a trained teacher. (Most new immigrant students are in ENL classes).
3. **Dual language (DL):** ELLs and native English speakers learn together in one classroom so that the two groups of students will become proficient in both English and the second language. Each school has its own unique admissions process. Most dual language programs in NYC teach Spanish as a second language, but a few teach Chinese, Haitian Creole, Russian, Korean, French, and Arabic.

For a list of TBE and DL programs near you, visit:

<http://schools.nyc.gov/NR/rdonlyres/49375968-8BB1-4617-A287-7A18C795B1FF/0/BilingualProgramsListSY201516.pdf>.

### **Can I choose my child's ELL program?**

**YES.** Parents have the right to choose between TBE, DL and ENL. While most schools have ENL classes, TBE and DL classes are less common. If another school in your child's district offers the TBE or Dual Language program you want and has space in the program, you have the right to transfer your child to that school. Your child is also entitled to free transportation to attend that school. If you would like to transfer your child, contact your school for assistance.

Schools are required to create a bilingual program in a new language based on the number of ELLs in a particular grade:

- Elementary and Middle school: 15+ ELLs in the same grade **OR** within 2 grades of one another using the same native language
- High School: 20+ ELLs in **ONE** grade using the same native language.

You can ask the school that your child attends to create a bilingual program if the school has the above-specified number of ELLs.

**If no school in your child's district offers a bilingual program in your child's language, your child must take ENL.**

#### **TIP:**

ENL programs must be tailored to each child's individual English language abilities. This means not every ENL student in the same class has to receive the same ENL curriculum! If your child has more advanced English skills than her classmates, she is entitled to a more advanced level of instruction.



### ***Will my child's school contact me about ELL programs?***

**YES.** Under NYS law, parents must be notified within 5 school days of the student being identified as an ELL. Prior to your child's enrollment in a bilingual or ENL program, you have the right to:

1. An orientation session with an explanation of the different program options;
2. A description of state standards and tests, and requirements for TBE, DL and ENL programs; and
3. All information provided in your preferred language. If you encounter any problems, please call our Helpline.

### ***Is my child eligible for language services after she is no longer an ELL?***

**YES.** For at least 2 years after becoming proficient in English (based on NYSESLAT scores), former ELLs must receive 90 minutes per week of integrated ENL (instruction to build English language skills through content area instruction, such as science or Math) or other former ELL support services.



**TIP:**  
School personnel must meet with parents of ELLs at least once a year to discuss the child's language development, progress and needs.

## SPECIAL EDUCATION & STUDENTS WITH DISABILITIES

### ***What is special education?***

Special education is a program providing specialized instruction, supports, and services for students who have disabilities. Such disabilities can range from learning and behavioral difficulties to very severe physical and intellectual disabilities. Special education students can be taught either with non-disabled peers in a general education classroom **OR** in a separate classroom for students with disabilities. Depending on a student's needs, a student may also receive "related services" such as occupational therapy, physical therapy or counseling.

For a more detailed explanation of the NYC special education system and the rights of students with disabilities, see **AFC's Guide to Special Education**, available in:

English: [http://advocatesforchildren.org/sites/default/files/library/guide\\_to\\_special\\_ed.pdf](http://advocatesforchildren.org/sites/default/files/library/guide_to_special_ed.pdf)

Spanish: [http://www.advocatesforchildren.org/sites/default/files/library/guide\\_to\\_special\\_ed\\_spanish.pdf](http://www.advocatesforchildren.org/sites/default/files/library/guide_to_special_ed_spanish.pdf)

Chinese: [http://www.advocatesforchildren.org/sites/default/files/library/guide\\_to\\_special\\_ed\\_chinese.pdf](http://www.advocatesforchildren.org/sites/default/files/library/guide_to_special_ed_chinese.pdf)

Bengali: [http://www.advocatesforchildren.org/sites/default/files/library/guide\\_to\\_special\\_ed\\_bengali.pdf](http://www.advocatesforchildren.org/sites/default/files/library/guide_to_special_ed_bengali.pdf)

### ***How do children receive special education services?***

Parents can request that their child be evaluated for special education. This request must be in writing and addressed to the chairperson of your school district's Committee on Special Education (CSE), or your school's principal.

School staff can also refer a child for special education services. The referral must be in writing and document the ways in which the school tried to help the student through general education services (e.g., ENL, tutoring, afterschool programs, behavior strategies) before considering special education. Parents must also give written consent in order for their children to be evaluated for special education.

## ***How do ELLs receive special education services?***

Your child is entitled to special education services immediately, **no matter how long** she has lived in the United States.

**Students CANNOT be referred to special education just because they do not speak English well.**

Parents have the right to request a referral of their child to special education at any time. Once your child is evaluated, you will meet with a team of professionals at the school to discuss whether your child needs special education. This team should include a teacher or related services provider certified to teach English to speakers of other languages or to provide bilingual services. If your child is eligible for special education services, the team will create an **Individualized Education Program (IEP)**. This is a document that will describe your child's program, services and educational goals.

## ***Can I request translations of my child's special education documents?***

**YES.** Parents have the right to have all IEPs, evaluation results, and notices about special education translated into their preferred language. Parents also have the right to have interpreters at meetings. You may request these translation and interpretation services from your child's school. If services are not provided, please contact our Helpline. You may also file a complaint with the Department of Education (DOE) by calling (718) 935-2013.

### **NOTE:**

Infants and toddlers age 0 to 3 with developmental delays are entitled to evaluations for Early Intervention (EI) Program services. To refer a child for EI, call 311 and see **AFC's Guide to Early Intervention**, available in English: [http://www.advocatesforchildren.org/sites/default/files/library/guide\\_to\\_early\\_intervention.pdf](http://www.advocatesforchildren.org/sites/default/files/library/guide_to_early_intervention.pdf) and Spanish: [http://www.advocatesforchildren.org/sites/default/files/library/guide\\_to\\_early\\_intervention\\_spanish.pdf](http://www.advocatesforchildren.org/sites/default/files/library/guide_to_early_intervention_spanish.pdf).

## **Can my child receive ELL services in Special Education?**

**YES.** If your child is an ELL she must receive both special education and ELL services.

## **What if a bilingual special education class is not available at my child's school?**

Your child may:

1. Be temporarily placed in an English-only special education class with ENL instruction; or
2. Have a bilingual paraprofessional in class to interpret for her.

### **WARNING:**

A school **should not** change your child's IEP simply because they do not offer the appropriate services or programs that she needs (including ELL services)!

## **What if my child's school does not provide the services on her IEP?**

If a child is not receiving the class, service, and/or language supports that she needs, you can file an impartial hearing request to receive an order that would require the DOE to provide the needed services.

## **How do I file an Impartial Hearing Request?**

Written requests can be sent to:

Impartial Hearing Office  
Department of Education  
131 Livingston St., Room 201  
Brooklyn, NY 11201  
Tel. 718-935-3280  
Fax. 718-935-2528

### **TIP:**

You have the right to an interpreter at impartial hearings and should request one before the hearing date. Call the impartial hearing office at (718) 935-3280 to request an interpreter.

The DOE's website provides information about how to file an impartial hearing request: <http://schools.nyc.gov/NR/exeres/9914376B-5893-432A-A8B9-9CE42B1CEA50.htm>.

You can also learn more from **AFC's Guide to Special Education Impartial Hearings**, available in English: [http://www.advocatesforchildren.org/sites/default/files/library/impartial\\_hearings.pdf](http://www.advocatesforchildren.org/sites/default/files/library/impartial_hearings.pdf) and Spanish: [http://www.advocatesforchildren.org/sites/default/files/library/impartial\\_hearings\\_spanish.pdf](http://www.advocatesforchildren.org/sites/default/files/library/impartial_hearings_spanish.pdf).

## SUSPENSIONS

A suspension is the removal of a child from the classroom. There are two types of suspensions:

- **Principals' Suspensions** – which last up to 5 days, and
- **Superintendents' suspensions** – which can last up to 1 year. Superintendents' suspensions may lead to expulsion if the suspended student is over 17 years old on the first day of school. Students are suspended from school if they are seen as a danger to themselves or others. **ELLs can be suspended.**

If your child is suspended, he has the right to receive all homework, classwork, and instruction at an alternative site during the suspension.

### ***What should I do if my child is suspended?***

If your child is suspended, you have the right to be immediately notified orally and in writing of the specific charges against your child. You also have the right to all documented evidence against your child. **This information should be provided in a language that you understand.**

You also have the right to have a **suspension conference** (for a principal's suspension) **or a hearing** (for a superintendent's suspension). Parents and students have the right to bring a representative or advocate to suspension conferences and hearings. To request representation, you may call AFC's Helpline or Legal Services of New York at (212) 431-7200.



#### **TIP:**

If your child is disabled and has been suspended, please call our Helpline. There are special procedures that you have the right to know about and participate in if this occurs.

## PROMOTION AND GRADUATION

Chancellor's Regulation A-501 lists promotion guidelines for each grade level. The guidelines are translated into Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Russian, Spanish, and Urdu, and can be found at:

<http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations/default.htm>.

### ***What does my child need to do to be promoted from one grade to the next?***

Although we encourage you to read the detailed promotion guidelines on the DOE website, the chart below lists the basic promotion criteria by grade:

<b>Grade Level</b>	<b>Basic Criteria</b>
Kindergarten – 2 <sup>nd</sup> Grade	School staff make decisions whether to promote the child
3 <sup>rd</sup> – 8 <sup>th</sup> Grade	Promotion decisions are made based on a review of test scores, course grades, report cards, student projects and assignments. State test scores should not be a major factor in promotion decisions.
9 <sup>th</sup> – 12 <sup>th</sup> Grade (High School)	Promotion is based on attendance and the number of credits a student has: <ul style="list-style-type: none"><li>• 8 credits to enter 10<sup>th</sup> grade</li><li>• 20 credits to enter 11<sup>th</sup> grade</li><li>• 28 credits to enter 11<sup>th</sup> grade</li></ul>

### ***Can ELLs be held back in school?***

**YES.** ELLs can be held back if they fail a grade or do not meet the specific promotion criteria for their grade. ELLs CANNOT be held back solely because they do not speak English well.

Two groups of ELLs are exempt from the promotion standards:

1. ELLs in grades 3-7 who have been in a U.S. public school for less than 2 years and ELLs in grade 8 who have been in a U.S. public school for less than 1 year; **AND**
2. Special education students (including ELLs) whose IEPs state that they are exempt **OR** that modified promotion criteria will be used.

## ***How will my child's school contact me if she is at risk of being held back?***

There are three times during the year where your school may notify you if your child is at risk of being held back:

- The Fall Parent Teacher Conference
- In writing by February 15<sup>th</sup> (called a "Promotion in Doubt" Letter)
- In writing by mail before the end of the school year.

**Warning:** Even if a school fails to notify you, the school can still hold your child back.

## ***Can I appeal the school's decision to hold my child back?***

**YES.** If you disagree with the school's decision, you may submit a written appeal to the principal. The superintendent then reviews the principal's decision and makes a final determination.

## ***What does my child need to do to graduate from high school?***

Your child must complete 44 credits and pass 4 Regents exams (in English, Math, Social Studies, and Science) with scores of 65 or above, and a 5th state-approved exam of the student's choice (such as an extra Regents exam, Advanced Placement exam, Career and Technical Education (CTE) exam).



ELLs do not have to pass the NYSESLAT to graduate; **however**, they must pass their English Regents exam in English. If an ELL cannot understand other subject areas in English, she may be able to take her other exams in her preferred language.

For more information, see **AFC's High School Promotion and Graduation for ELLs** handout, available in English, Spanish, Bengali, Chinese, and Haitian Creole at [http://www.advocatesforchildren.org/get\\_help/guides\\_and\\_resources](http://www.advocatesforchildren.org/get_help/guides_and_resources).

## DISCRIMINATION

It is against the law for a school to discriminate against you or your child on the basis of your race, color, ethnicity, country of origin, religion or immigration status.

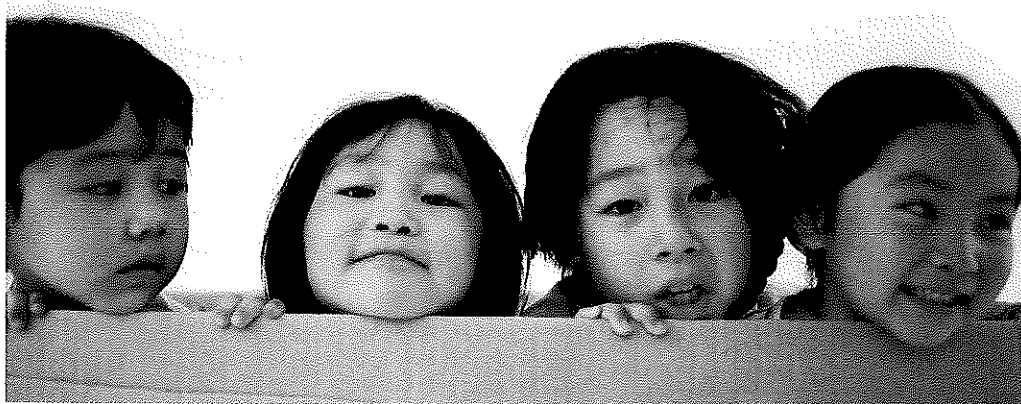
### ***What is Discrimination?***

Here are a few examples:

- A staff person at the public school you wish to enroll your child in tells you that your child can't attend because she is not an American.
- Your child comes home and tells you that a teacher told her to "go back to her own country."

### **If you feel that you or your child have been discriminated against or harassed you may file a complaint with any of these agencies:**

- NYC DOE Office of Equal Opportunity (OEO): (718) 935-3320  
*Complaints must be filed with the OEO within one year of the event which is the subject of the complaint.*
- U.S. Department of Education, Office for Civil Rights: (646) 428-3900
- New York City Commission on Human Rights: (212) 306-7050





## HOW DO I GET INVOLVED IN MY CHILD'S EDUCATION?

There are many ways you can participate in your child's education. Some examples include:

- Joining a **Parent or Parent-Teacher Association (PA/PTA)**. These organizations are present in every school and they are consulted by the school in all decisions. However, PAs and PTAs cannot make final decisions about school operation.
- Contacting your school's **Parent Coordinator** if your school has one. Parent Coordinators help address parents' concerns and support parent involvement.
- Participating in a **School Leadership Team**. These are school-based organizations that are present in every school. Equal numbers of parents and staff meet at least once a month to plan and decide on school policies related to the budget, curriculum, ELL services, etc.
- Participating in a **TITLE I Parent Advisory Council**: a federal program for improving the achievement of low-income and minority children, including ELLs. Contact the Parent Coordinator at your school for more information.
- Applying to join a **Community or Citywide Education Council (CEC)**: 32 bodies across NYC that shape educational policies and priorities in their respective public school districts. You can find more information about joining a CEC on the DOE's website at: <http://schools.nyc.gov/Offices/CEC/GPInformation/default.htm>.
- Applying to join the **Citywide Council on English Language Learners (CELL)**: <http://schools.nyc.gov/Offices/CEC/default.htm>.
- Joining a **community-based organization** that is focused on improving and supporting public education in NYC.

## WHAT ARE MY RIGHTS AS A PARENT?

- You have the right to **receive school-related information** (progress reports, report cards, notices etc.) **in your preferred language**. These services should be available in at least Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Russian, Spanish, and Urdu.
- You have the right to **attend parent-teacher conferences with translation and interpretation assistance**. Schools should post notices stating how you can receive these services. Ask your school's Parent Coordinator or Principal for this information if you don't see these notices in your child's school.
- You have the right to **access a copy of all of your child's school records**. These records must be produced immediately and no later than 45 calendar days after the request is made. You also have the right to appeal or amend any information in your child's records.
- You have the right to **be involved in your child's school** community and government.

Unfortunately, parents often do not receive the translation and interpretation services they need. If you have this problem, you can call our Helpline, or file a complaint by calling the DOE's language access complaint line at (718) 935-2013.



## WHO DO I SPEAK WITH AT THE DOE ABOUT MY CONCERNS AND QUESTIONS?

***If you have a problem with the services your child is receiving at school, including ELL services, speak with:***

1. Your child's teacher
2. Your school's Parent Coordinator
3. The school principal
4. The Superintendent's Office for your child's school. A list of Superintendents may be found at: <http://schools.nyc.gov/AboutUs/schools/superintendents/HSsupes.htm>.

### ***Family Welcome Centers:***

Contact your Family Welcome Center to register your child in school.

<b>Borough</b>	<b>Districts Served</b>	<b>Address</b>	<b>Phone Number</b>
<b>Bronx</b>	7, 9, 10	1 Fordham Plaza, 7 <sup>th</sup> Floor	718-935-2178
	8, 11, 12	1230 Zerega Ave, Room 24	718-935-2278
<b>Brooklyn</b>	17, 18, 22	1780 Ocean Avenue, 3rd Floor	718-935-2313
	20, 21	415 89th Street, 5th Floor	718-935-2331
	19, 23, 32	1665 St. Mark's Avenue, Room 116	718-935-2340
	13, 14, 15, 16	29 Fort Greene Place (BS12) <i>General Education Only</i>	718-935-2371
<b>Manhattan</b>	1, 2, 4	333 7th Avenue, 12 <sup>th</sup> Floor	718-935-2383
	3, 5, 6	388 West 125 <sup>th</sup> Street, 7 <sup>th</sup> Floor	718-935-2385
<b>Queens</b>	24, 30	28-11 Queens Plaza North, 3rd Fl	718-935-2386
	25, 26	30-48 Linden Place, 2nd Floor	718-935-2391
	27, 28, 29	90-27 Sutphin Boulevard, 1st Floor	718-935-2393
<b>Staten Island</b>	31	715 Ocean Terrace, Building A	718-935-2402

## WHO DO I GO TO FOR IMMIGRATION ASSISTANCE?

### **CUNY Citizenship Now:**

CUNY centers offer free immigration services by appointment.

<b>CUNY Immigration Center</b>	<b>Language Spoken</b>	<b>Phone</b>	<b>Hours</b>	<b>Address</b>
Hostos Community College	English, Spanish	718-518-4395	Mon-Fri, 9am-12:30pm 1:30-4:30pm	427 Walton Ave., T-501 Bronx, NY 10451
Medgar Evers College	English, Spanish, Polish	718-270-6292	Mon-Fri, 9am-1pm 2-5pm	1150 Carroll St., Rm 226 Brooklyn, NY 11225
City College	English, Spanish, Italian	212-650-6620	Mon-Fri, 9am-5pm <i>By Appointment Only</i>	160 Convent Ave., North Academic Center, Rm 1-206 New York, NY 10031
CUNY Xpress	English, Spanish	212-568-4692	Mon-Fri, 10am-5pm	560 West 181st St. New York, NY 10033
Flushing	English, Chinese, Korean, Spanish	718-640-9223	Mon-Fri, 9:30am-1pm 2-4:30pm	39-07 Prince St., Ste. 2B Flushing, NY 11354
York College	English, Spanish	718-262-2983	Mon-Fri, 9:30am-4:30pm <i>By Appointment Only</i>	94-20 Guy Brewer Blvd. Jamaica, NY 11451
College of Staten Island, El Centro & Project Hospitality at The Help Center	English, Spanish	718-448-3470	Mon 12-7pm & Thurs-Fri, 9am-5pm <i>No attorneys Thurs-Fri</i>	514 Bay Street Staten Island, NY 10304

**The Door, Legal and Immigration Services:**

The Legal Services Center serves youth ages 12-21. Email [legalstaff@door.org](mailto:legalstaff@door.org) or call 212-941-9090, ext. 3280.

**Legal Aid Society, Immigration Project:**

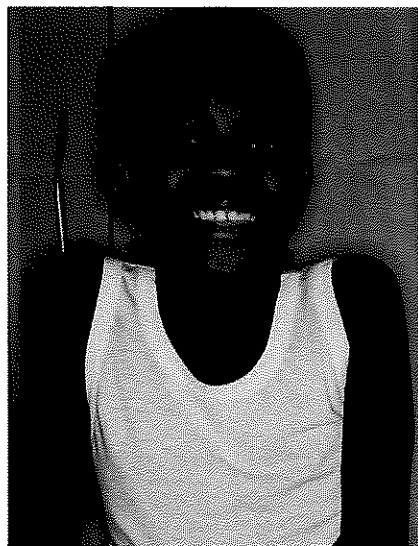
Immigration Law Unit Hotline for detained immigrants, available Wednesdays from 1pm—5 pm: 212-577-3456. Non-detained immigrants with pending Immigration Court cases should call 212-577-3300.

**Catholic Charities:**

New York State (NYS) New Americans Hotline: 212-419-3737 or 1-800-566-7636 (toll-free in NYS). Legal Orientation Program for Custodians (LOPC) Hotline for custodians of unaccompanied minors: 1-888-996-3848 (Monday through Friday, 9am-8pm).

**Arab American Association of New York:**

Immigration services—free consultations and low cost services. Email [arabamericanny@gmail.com](mailto:arabamericanny@gmail.com) or call 718-745-3523 to schedule an appointment.



## IMPORTANT TERMS & ACRONYMS

**BFSC** — Borough Field Support Center

**Chancellor's Regulations** — the official rules for NYC public schools

**DL** — Dual Language program

**EI** — Early Intervention program services

**ELL** — English Language Learner

**ENL** — English as a New Language

**HLIS** — Home Language Identification Survey, identifies a child's dominant language

**IEP** — Individualized Education Program

**NYSITELL** — New York State Identification Test for English Language Learners, determines students' listening, speaking, reading, and writing abilities in English.

**NYSESLAT** — New York State English as a Second Language Achievement Test, tests students' English reading, writing, listening, and speaking skills.

**PA/PTA** — Parents Association/Parent-Teacher Association

**TBE** — Transitional Bilingual Education

**UPK** — Universal Pre-Kindergarten



This guide and additional resources on educational services in New York City are available on our website, [www.advocatesforchildren.org](http://www.advocatesforchildren.org).

## ADVOCACY TIPS

- ✓ **Keep your child's school documents** (such as IEPs and evaluations) and all letters and reports from school in a file, arranged by date.
- ✓ **Put it in writing:** Keep a notebook for yourself with dates and times of all meetings and communications with school staff and outside clinicians (such as doctors or therapists); follow up on conversations in writing, by letter, or by email, and keep a copy so you have a record.
- ✓ **Send all important information by certified mail,** return receipt requested or by fax with confirmation so you have proof it was sent.
- ✓ **Talk with the people who work with your child.** Speak to teachers when things are going well or if things are going poorly and you will establish yourself as a concerned and involved parent.
- ✓ **Be persistent.** If someone says there is nothing that can be done for your child, get a second opinion.
- ✓ **Maintain a productive conversation.** Even when you are angry about something that has happened, try to speak calmly when making your point.
- ✓ **Bring along a friend,** family member, or someone who knows your child outside of school to school meetings if you feel your perspective is not being heard by the DOE.

## **Our Mission**

Advocates for Children of New York (AFC)'s mission is to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. AFC achieves this through four integrated strategies:

- Free advice and legal representation for families of students;
- Free trainings and workshops for parents, communities, and educators and other professionals, to equip them to advocate on behalf of students;
- Policy advocacy to effect change in the education system and improve education outcomes; and
- Impact litigation to protect the right to quality education and to compel needed education reform.

### **Still have more questions? Please call the Jill Chaifetz Education Helpline:**

Monday through Thursday

10 am to 4 pm

866-427-6033 (toll free)

### **Advocates for Children of New York, Inc.**

151 West 30th Street, 5th Floor

New York, NY 10001

Phone • 212-947-9779

Fax • 212-947-9790

[info@advocatesforchildren.org](mailto:info@advocatesforchildren.org)

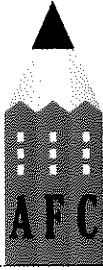
[www.advocatesforchildren.org](http://www.advocatesforchildren.org)

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 @AFCNewYork

 @AFCNewYork





# Advocates for Children of New York

Protecting every child's right to learn

## Translation and Interpretation Services in New York City Public Schools

In New York City public schools, parents who do not speak English have a right to free translation and interpretation services in order to communicate with their children's schools and other Department of Education (DOE) offices and participate in their children's education. Parents have the right to have their children's school records and other important documents translated into their native language and to have interpreters available at meetings with school and DOE staff.

### ***Who has a right to translation and interpretation services?***

All parents whose primary language is not English have a right to free translation and interpretation services. A student does not need to be identified as an English Language Learner (ELL) for a parent to request translation or interpretation.

Parents should never be told to bring their own interpreters and children should never be asked to translate or interpret for their parents.

### ***In which languages are services available?***

Translation and interpretation must be available in the nine most common languages other than English— Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Russian, Spanish and Urdu. However, all parents, including those who speak other languages, may request translation and interpretation services in their native language.

### ***When is the DOE required to provide translation?***

The DOE must provide translation of all documents containing important information about your child's education in a timely manner. This includes:

- General notices, such as information about parent teacher conferences, student and parent handbooks, and school application forms
- Documents about your child, such as report cards and Individualized Education Programs (IEPs)

### ***When is the DOE required to provide interpretation?***

The DOE must provide interpretation services so that you can communicate with school staff and DOE staff about your child's education. For example, schools must provide interpretation services at parent-teacher conferences and IEP meetings. Family Welcome Centers must provide interpreters when parents are enrolling their children in school. Superintendents' offices must provide interpreters when parents call with school-related questions.

### ***How do I get these services?***

You should request translation and interpretation services directly from the your child's school or the DOE office that you are talking to about your child's education. For interpretation, the DOE may provide interpretation in-person or over-the-phone. Over-the-phone interpretation is available 8am to 3 pm, Monday through Friday.

Your child's school must determine your primary language and whether you need help communicating with the school within 30 days of your child starting school. Your child's school must also keep a record of your primary language.

All Schools must give you a copy of the Bill of Parent Rights and Responsibilities, which includes information about your right to translation and interpretation services. All schools must also post signs clearly stating that translation and interpretation services are available.

### ***Do schools know that they must provide me with translation and interpretation services?***

Yes! All schools have Language Access Coordinators who educate school staff about their obligation to provide parents with translation and interpretation services.

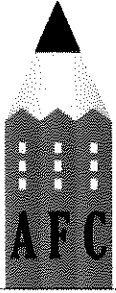
### ***What should I do if I am not provided translation and interpretation services?***

If you are not provided translation or interpretation or receive poor quality services, please call 311 or the DOE's complaint line at (718) 935-2013.

**Still have more questions?  
Please Call the Jill Chaifetz Education Helpline  
Monday through Thursday • 10 am to 4 pm  
1-866-427-6033 (toll free)**

This fact sheet does not constitute legal advice. This fact sheet attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

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# Advocates for Children of New York

Protecting every child's right to learn

## Enrollment in New York City Public Schools for Immigrant Families

### Who can attend NYC public schools?

- Any child age 5 to 21 who lives in New York City has the right to attend public school in NYC until he or she graduates from high school.
- All students applying for public school must be admitted immediately and placed in school within 5 school days.
- Students cannot be turned away because of a lack of space.
- Students who have had little education in the past cannot be turned away.
- All students have the right to attend school regardless of their immigration status or the immigration status of their family members.
  - School staff is **not allowed** to ask you about your immigration status.
  - Even if a student or his or her parents are undocumented or don't have social security numbers, the student can still receive all school services, including free lunch, free breakfast, and transportation.

**What if my family does not have a place to live or we live in housing that is temporary?**

A federal law (McKinney-Vento Act) requires the immediate enrollment of children that live in these situations. If you need assistance, please call the NYS-TEACHS free helpline at 800-388-2014.

### When can new students register for school?

If you are new to NYC, you can register your child in the public school system at any time. You do not have to wait until the start of the new school year or semester.

### Where do I enroll my child?

#### ELEMENTARY SCHOOL & MIDDLE SCHOOL ENROLLMENT:

If your child is entering elementary school or middle school you should contact his or her *zoned school* to register.

#### > What is a zoned school?

A zoned school is a public school for students who live in a specific neighborhood or area. Even though every child is guaranteed a spot in a public school, if your zoned school has no space for new students, your child may be assigned to a different school. To find your zoned school, you can call 311 and tell the operator your address, or visit <http://schools.nyc.gov/default.aspx> and enter your address at the bottom of the page. You can also visit the school you believe is your zoned school.

#### HIGH SCHOOL ENROLLMENT:

To enroll your child in High School, go to your local *Family Welcome Center*. See the last page of this fact sheet for a list of Family Welcome Centers. If a high school student has a parent or guardian, they must accompany the student to the enrollment office. Parents must accompany their children even if they are already 18 years old.

The DOE also has several alternative programs for older students, including Career and Technical Education programs, high school equivalency diploma programs, and transfer schools. For more information on these programs, see <http://schools.nyc.gov/ChoicesEnrollment/SpecialPrograms/AlternativesHS/default.htm>.

## What documents do I need for registration?

You must bring your child with you when registering him or her for school. You must also bring your child's:

- Proof of age, such as a birth certificate or passport.
- Immunization records.
- School records, if available.
- Individual Education Plan (IEP) or 504 Accommodation Plan, if he or she has one.

### Can a school or Family Welcome Center turn me away if:

- I don't have immunization records? **NO**
- I don't have school records? **NO**
- I don't have proof of residency? **NO**
- I don't have proof of age? **NO**

**AND** you must bring 2 forms of proof to show you live in NYC. Proof of residency includes:\*

- A gas, electric, or cable television bill from the past 60 days.
- A rent receipt from the past 60 days.
- A property tax bill.
- An original lease, deed, or mortgage agreement.
- A document from a payroll or government agency.
- Affidavit from someone who knows you live at your address. (Note: In this situation you will be asked for 3 forms of proof of residency.)

\*For a full list of documents accepted as proof of residency, call 311.

## What if a student's school records are from another country?

If your child's records are from outside the U.S. and in a different language, they should be translated by the Department of Education (DOE). You can also ask an outside agency, such as your home country's consulate, for help translating your child's records.

## What if I don't have my school records?

If your child does not have school records from their home country, the school cannot turn you away. They should enroll your child in the grade closest to his or her age. School records can be provided, if available, after your child is enrolled.

## New York City Department of Education Family Welcome Centers

Family Welcome Centers are open from 8am—3pm, Monday—Friday.

Translation and interpretation services are available at Family Welcome Centers.

### BRONX

1 Fordham Plaza, 7th Fl., 10458  
718-935-2178

DISTRICTS SERVED: 7, 9, 10

1230 Zerega Avenue, 10462  
718-935-2278

DISTRICTS SERVED: 8, 11, 12

### MANHATTAN

333 Seventh Ave., 12th Fl., 10001  
718-935-2383

DISTRICTS SERVED: 1, 2, 4

388 West 125th St., 7th Fl., 10027  
718-935-2385

DISTRICTS SERVED: 3, 5, 6

### BROOKLYN

1780 Ocean Avenue, 11230  
718-935-2313

DISTRICTS SERVED: 17, 18, 22

415 89th Street, 11209  
718-935-2331

DISTRICTS SERVED: 20, 21

1665 St. Mark's Ave., 11233  
718-935-2340

DISTRICTS SERVED: 19, 23, 32

29 Fort Greene Pl. (BE12), 11217  
718-935-2371

DISTRICTS SERVED: 13, 14, 15, 16  
(General Education Only)

### QUEENS

28-11 Queens Plaza North, LIC 11101  
718-935-2386

DISTRICTS SERVED: 24, 30

30-48 Linden Place, Flushing 11354  
718-935-2391

DISTRICTS SERVED: 25, 26

90-27 Sutphin Blvd., Jamaica 11435  
718-935-2393

DISTRICTS SERVED: 27, 28, 29

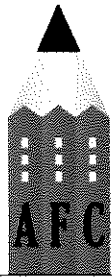
### STATEN ISLAND

715 Ocean Terrace, Bldg. A, 10301  
718-935-2402

DISTRICT SERVED: 31

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# Advocates for Children of New York

Protecting every child's right to learn

## Inscripción en las Escuelas Públicas de la Ciudad de Nueva York para Familias Inmigrantes

### ¿Quién puede asistir a escuelas públicas de la Ciudad de Nueva York?

- Cualquier niño de 5 a 21 años que viva en la Ciudad de Nueva York tiene derecho a asistir a la escuela pública de la Ciudad de Nueva York hasta que se gradúe de la escuela secundaria.
- Todos los estudiantes que soliciten su inscripción en escuelas públicas deben ser admitidos de inmediato y colocados en la escuela dentro de cinco días escolares.
- Los estudiantes no pueden ser rechazados debido a la falta de espacio.
- Los estudiantes que han tenido poca educación en el pasado no pueden ser rechazados.
- Todos los estudiantes tienen derecho a asistir a la escuela sin importar su estatus migratorio o el estatus migratorio de los miembros de sus familias.
  - El personal de la escuela **no tienen el permiso** de preguntarles sobre su estatus migratorio.
  - Incluso cuando un estudiante o sus padres sean indocumentados o no tengan números de seguro social, el estudiante puede recibir todos los servicios de la escuela, incluido almuerzo y desayuno gratuitos y transporte.

**¿Qué pasa si mi familia no tiene un lugar para vivir o vivimos en una vivienda provisoria?**

Hay una ley federal (la Ley McKinney-Vento) que exige la inscripción inmediata de los niños que viven en estas circunstancias. Si necesita ayuda, por favor llame a la línea de ayuda gratuita NYS-TEACHS al 800-388-2014.

### ¿Cuándo pueden inscribirse los estudiantes en la escuela?

Si usted es nuevo en Nueva York, puede inscribir a su hijo en el sistema escolar público en cualquier momento. No tiene que esperar hasta el inicio del nuevo año escolar o semestre.

### ¿Dónde puedo inscribir a mi hijo?

#### INSCRIPCIÓN PARA LA ESCUELA PRIMARIA Y SECUNDARIA:

Si su hijo está por comenzar la escuela primaria o media, usted debe comunicarse con *la escuela de zona* para inscribirse.

> *¿Qué es la escuela de zona?* La escuela de zona es una escuela pública para los estudiantes que viven en un vecindario o zona específica. A pesar de que todos los niños tienen garantizada un espacio en una escuela pública, si su escuela de zona no tiene espacio para nuevos estudiantes, su hijo puede ser asignado a una escuela diferente. Para encontrar su escuela de zona, puede llamar al 311 e indicarle su dirección al operador, o visitar <http://schools.nyc.gov> y escribir su dirección en la parte inferior de la página. También puede visitar la institución que considere que es su escuela de zona.

#### INSCRIPCIÓN EN LAS ESCUELAS SECUNDARIAS:

Para inscribir a su hijo en una escuela secundaria, vaya a su *Centro de Bienvenida a las Familias* (Family Welcome Center) local. Consulte la lista de los Centros de Bienvenida a las Familias en la última página de esta hoja informativa. Si un estudiante de escuela secundaria tiene un padre o tutor, ellos deben acompañar al estudiante a la oficina de inscripción. Los padres deben acompañar a sus hijos, incluso si ya son mayores de 18 años.

El Departamento de Educación también tiene varios programas alternativos para los estudiantes de más edad, incluyendo los programas de Educación Técnica e Oficios, los programas de parasistema para obtener diplomas equivalentes a escuelas secundarias, y las escuelas de transferencia. Para obtener más información sobre estos programas, visite <http://schools.nyc.gov/ChoicesEnrollment/SpecialPrograms/AlternativesHS/default.htm>.

## ¿Qué documentos necesito para la inscripción?

Cuando vaya a inscribir a su hijo a la escuela, él debe ir con usted. También debe llevar:

- Comprobante de edad, como el certificado de nacimiento o pasaporte de su hijo.
- Los registros de vacunación de su hijo.
- Los expedientes escolares de su hijo.
- El Plan de Educación Individual (IEP) o Plan de Adaptación 504, si lo tiene.

**¿Puede rechazarme la escuela o los Centros de Bienvenida a las Familias si:**

- ¿No tengo registros de vacunación? **NO**
- ¿No tengo expedientes escolares? **NO**
- ¿No tengo una prueba de residencia? **NO**
- ¿No tengo comprobante de edad? **NO**

Y dos comprobantes de que vive en la Ciudad de Nueva York. La prueba de residencia puede ser:\*

- Una factura de gas, luz, o televisión de los últimos sesenta días.
- Un recibo de alquiler con fecha menor a 60 días
- Una factura de impuesto sobre la propiedad.
- Un contrato de arrendamiento/renta original.
- Título de propiedad o contrato hipotecario o un documento de una nómina de salario o agencia de gobierno.
- Una declaración jurada por parte de alguien que sabe que vives en su dirección. (Nota: En este caso, deberás entregar tres formas de comprobantes de residencia.)

\* Para conocer la lista completa de los comprobantes aceptados como prueba de residencia, llame al 311.

## ¿Qué pasa si los expedientes escolares de un estudiante son de otro país?

Si los registros de su hijo no son de los EE.UU. y están en un idioma diferente, deben ser traducidos por el Departamento de Educación. También puede pedir ayuda de una agencia externa, como el consulado de su país de origen, con la traducción de los expedientes de su hijo.

## ¿Qué pasa si no tengo mis expedientes escolares?

Si su hijo no tiene los expedientes escolares de su país de origen, la escuela no puede rechazarle. Su hijo debe ser inscripto en el grado más apropiado para su edad. Los expedientes escolares pueden ser proporcionados, si existen y están disponibles, luego de que su hijo haya sido inscrito.

## Los Centros de Bienvenida a las Familias del Departamento de Educación

Los Centros de Bienvenida a las Familias están abiertos de 8 AM a 3 PM de lunes a viernes.

Hay servicios de traducción e interpretación disponibles en los Centros de Bienvenida a las Familias.

### BRONX

1 Fordham Plaza, 7th Fl., 10458  
718-935-2178  
DISTRITOS ABARCADOS: 7, 9, 10

1230 Zerega Avenue, 10462  
718-935-2278  
DISTRITOS ABARCADOS: 8, 11, 12

### MANHATTAN

333 Seventh Ave., 12th Fl., 10001  
718-935-2383  
DISTRITOS ABARCADOS: 1, 2, 4  
388 West 125th St., 7th Fl., 10027  
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DISTRITOS ABARCADOS: 3, 5, 6

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718-935-2331  
DISTRITOS ABARCADOS: 20, 21

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718-935-2340  
DISTRITOS ABARCADOS: 19, 23, 32

29 Fort Greene Pl. (BE12), 11217  
718-935-2371  
DISTRITOS ABARCADOS: 13, 14, 15,  
16 (Sólo Educación General)

### QUEENS

28-11 Queens Plaza North, LIC 11101  
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DISTRITOS ABARCADOS: 24, 30

30-48 Linden Place, Flushing 11354  
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DISTRITOS ABARCADOS: 25, 26

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718-935-2393  
DISTRITOS ABARCADOS: 27, 28, 29

### STATEN ISLAND

715 Ocean Terrace, Bldg. A, 10301  
718-935-2402  
DISTRITOS ABARCADOS: 31

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Contact Us



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- Early Childhood
- Students with Disabilities
- Over-Age Students
- Immigrant Students & English Language Learners
- Students Facing Disciplinary Issues
- Youth in the Juvenile and Criminal Justice Systems
- Students Involved in the Child Welfare System
- Students in Temporary Housing
- Charter Schools

## Who We Serve

### Students with Disabilities



#### Need Help?

Call AFC's Education Helpline  
(866) 427-6033  
Monday to Thursday  
10 am to 4 pm

#### Read Christiana's Story

Christiana has a learning disability and recently graduated from high school thanks to AFC's assistance securing the support she needed to learn.

Donate Now  
Other Giving Options



Help Advocates for Children assist more New York City students

#### Students with Disabilities

Advocates for Children of New York has been protecting and promoting the educational rights of students with disabilities for the past 40 years. As a result, we have unparalleled experience and expertise in special education, particularly in the New York City schools. All of AFC's projects involve special education advocacy to some extent, as they target specific populations that tend to include a disproportionate share of students with disabilities.

AFC's Project Thrive focuses on low-income families with children with disabilities who need legal representation or in-depth case advocacy. Our staff advises parents of their legal rights, negotiates on their behalf, and represents them in administrative hearings to obtain the services their children need to support their development, succeed in school, and maximize their independence.

#### Community Education

AFC's Parent Center is at the core of the organization — dedicated to supporting parents as they fight for a quality education for their children. Through our Parent Center, we provide training, information, and assistance to parents of children with disabilities, ages 0-26, and the professionals who work with them. We present workshops, in English and Spanish, throughout New York City's communities that prepare parents to advocate effectively for their children's education-related rights in the public school system.

Supported by a five-year grant from the United States Department of Education, AFC leads the New York Region 1 Parent Training and Information Center Collaborative. The Collaborative, which coordinates the parent centers for New York City and Long Island, includes Sinergia, IncludeNYC (formerly known as Resources for Children with Special Needs), and the Long Island Advocacy Center. We are also proud members of the New York State Parent Network.

AFC's Parent Center can provide FREE trainings and workshops at your school or organization on a variety of education-related topics. For more information or to schedule a training, click on the link.

#### Guides & Resources

**Note:** The following resources are in PDF format and will open in a new window. To view PDF files, download the following free software: Get Adobe® Reader®.

For even more guides and resources, please visit our resource library.

- AFC's Guide to Special Education (also available in Spanish, Bengali, and Chinese) explains the variety of supports and services available for students with disabilities, the process for obtaining evaluations and developing an IEP, and the rights of parents and students in New York City.

**RESOURCE LIBRARY**  
View AFC's guidebooks, fact sheets, and more ▶

- AFC's Guide to Impartial Hearings (also available in Spanish) explains the impartial hearing process and important state regulations in easy-to-understand language.
- AFC's Guide to Autism Spectrum Disorders and Education (also available in Spanish) provides 32 pages of information for parents advocating for an appropriate education for their child on the autism spectrum.

**Sign up**

Receive email updates or text alerts from AFC.

**Policy Work**

AFC is a recognized leader in school reform efforts, with expertise in bringing together community-based organizations, parents' groups, and government agencies to address systemic problems and improve outcomes and options for all students. View our policy priorities.

In 2008, AFC founded the ARISE Coalition, a diverse group of parents, educators, and advocates working together to improve the education of students with disabilities in New York City's public schools. AFC continues to coordinate and lead the coalition.

In addition, AFC currently has initiatives in teacher evaluation, school discipline, early childhood, and pathways to a diploma that address important issues now facing students with disabilities.

**Litigation**

When other avenues have been exhausted, AFC also engages in systemic reform through impact litigation. Such efforts have the potential to affect thousands of children with disabilities within the New York City public school system. For example, in a highly publicized case involving the co-location of Girls Preparatory Charter School with a public school serving students with autism, we established the right of parents in schools for students with disabilities to participate fully in the public process required for proposed co-locations or other significant changes in school utilization that may affect their schools.

Other examples of key litigation include:

*Jose P. v. Mills*, a class action lawsuit filed more than thirty years ago on behalf of students with disabilities to address the Department of Education's failure to provide them with timely and appropriate services;

*L.V. v. New York City Department of Education*, in which parents of children with disabilities filed suit claiming that they had received favorable orders and settlements in impartial hearings that were not being timely enforced;

*E.B. v. New York City Board of Education*, a class-action lawsuit addressing discipline of students with disabilities in the public schools; and

*C.D. v. New York City Department of Education*, which challenged the New York City Department of Education's failure to provide free breakfast and lunch to children with disabilities who would ordinarily be entitled to receive meals in school, but who had to attend special education private schools because the DOE did not offer them an appropriate public school education.



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