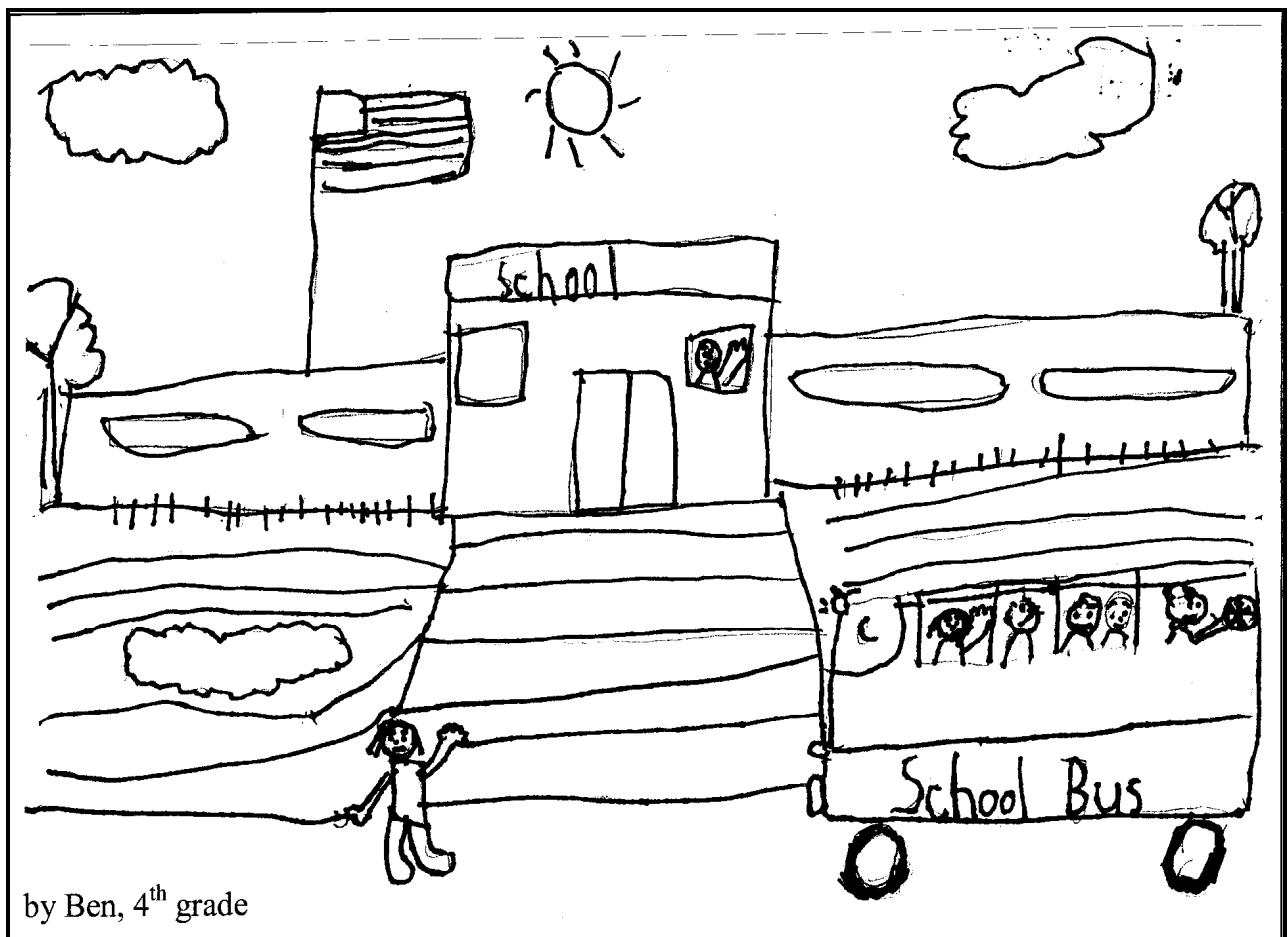


# Introduction to the Public School System in New York State

by  
Student Advocacy



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This publication was written by Student Advocacy staff. It provides information concerning the public school systems in New York State and students' educational rights. While we have tried to be as up to date as possible, state law and district guidelines do change.

The information provided here also does not constitute legal advice. If you have specific legal questions about a child's educational rights, consult an attorney or one of the legal services organizations listed at the back of this publication.

The first edition of this bilingual booklet, published in 2000, was a collaborative project of three agencies: Student Advocacy, the United Way of Westchester and Putnam, and The Westchester Library System (WLS). In 2006, WLS contracted with Student Advocacy to update the first edition to include new information relating to the No Child Left Behind legislation. The publication of this new edition was made possible by contributions from WLS, the Westchester County Office for Hispanic Affairs and Wachovia Bank.

The information in this booklet is important for parents, caregivers and anyone interested in public education law in New York State. Unfortunately, there are limited copies available. **However, anything in this publication can be copied or reproduced by others as long as the following sentence is included:**

This document was written by Student Advocacy, Inc. with support from the United Way of Westchester and Putnam, and The Westchester Library System, Office of Adult and Outreach Services Department.

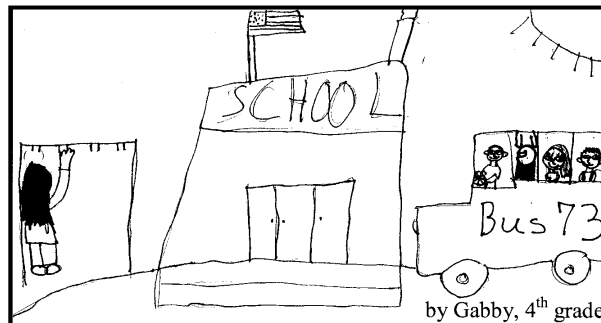
The information in the booklet is also available in English and Spanish on the WLS website - [www.westchesterlibraries.org](http://www.westchesterlibraries.org).

Our thanks to the community members who provided thoughtful review for the first edition: Lyndal Boal, Bell Middle School, Chappaqua School District; Aro Edwers, Westchester County Youth Bureau; Graciela Heymann, Executive Director of the Westchester Hispanic Coalition; Martha Lopez, Administrator of Hispanic Affairs for Westchester County; Sioux Taylor, African American Advisory Board; and Francine Vernon, Supervisor of Education at WESTCOP.

The illustrations were done by students at Furnace Woods Elementary School in the Hendrick Hudson School District. Special thanks to Pam Cole, the art teacher, who enthusiastically supported her students' contributions.

# What Do You Need to Know?

The following material provides a basic introduction to the public school system in New York State. The material is presented in a question and answer format. To quickly find an answer, look for your question below and turn to that page number.



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## Section 1: Basic facts about the public school system.

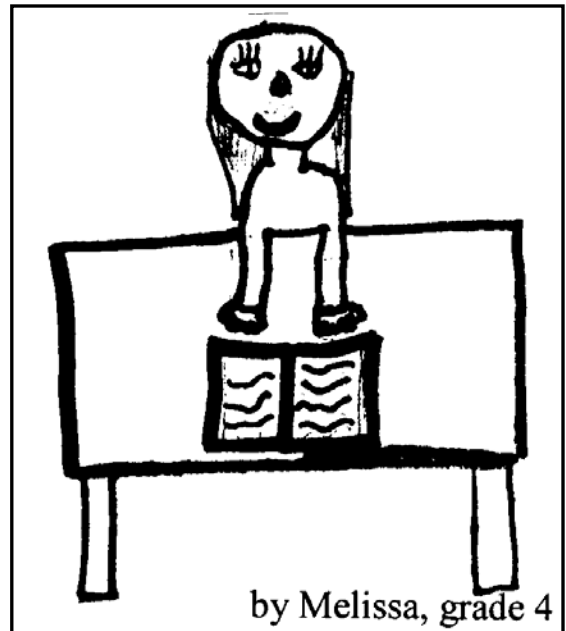
### 1. Do I have to pay for my child to attend school?

Children are able to go to public school for FREE. Every home and apartment is part of a school district. Children attend the school district in which their parent(s) or legal guardian lives. This is called the school district of residence.

### 2. What is a school district?

All of the schools that serve children who live in one area are organized into school districts.

The district includes a central administrative office and the schools. The leader of each school is called the Principal. The leader of the school district is called the Superintendent. Each school district has a Board of Education. In most school districts, the members of the Board of Education are elected by the community to set school district policies and oversee the work of the Superintendent. In a few school districts, the members are chosen by the city council or mayor.



### 3. Why are there different schools within the school district?

Within a school district, different schools are created to serve children in different grades and to make smaller schools.

Elementary schools typically serve children in grades Kindergarten through fifth or sixth grade. In some districts where there are several elementary schools, each elementary school may only serve a few grades, for example, Kindergarten and First grade. Usually, children receive all academic instruction from one teacher. However the elementary schools are arranged in your district, it is unlikely that you could choose your child's elementary school. More often, your child goes to the school that is assigned to you by where you live, by a school district lottery, or based on a district plan.

1.

Middle schools, also called Junior High schools, typically serve children in fifth through eighth grades. High schools typically serve children in ninth through twelfth grades. Students in middle, junior, or high school usually have a different teacher for every academic subject. In



districts that have more than one middle school and more than one high school, ask at the district office how students are assigned to these schools. Some districts also offer pre-school programs that serve three and four year olds.

**4. What is the central administration?**

The school district's administrative offices oversee services that might be needed by many students in the district. These offices are sometimes referred to as the Superintendent's office, the central administration, or the district offices. The central administration organizes school registration, school bus transportation, and special services such as bilingual education and special services for students with disabilities.

**5. Can my child really go to school for free?**

Education is provided through the public school system and is free. Funding for public schools is obtained through local and state taxes and through funding from the federal government for special programs.

**6. Does my child have to be a U.S. citizen to go to public school?**

No. The public school cannot refuse to enroll a child who actually lives in the school district because she or he isn't able to prove legal immigration status. In fact, the school should not even ask about immigration status. You do not have to show a green card.

**7. At what age can my child attend school?**

Your child has the right to attend a public school beginning in the September of the school year in which she or he is 5 years old as long as your child's birthday is on or

before December 1. (Your district may have extended the deadline to December 31. If your child's birthday is between December 2 and December 31, call your district office and ask what the cut-off date is for enrollment of a child who is starting school for the first time.)

Your child can continue to attend public school at no charge until she or he receives a high school diploma or until the end of the school year in which he or she turns 21. Your child can do this even if he or she has already earned a General Equivalency Diploma (GED). To learn about a GED, see p. 5.

#### **8. What is the schedule for school?**

Each school district establishes its own school calendar. The calendar lists the times that the school day begins and ends and the days that the child must attend school unless excused because of illness. It also shows holidays, vacation days, and days when the schools will be running on a different schedule. For example, sometimes children have a half day.

Most school districts start school soon after the Labor Day holiday which is usually in the first week of September. Most districts end school near the end of June. Daily school schedules are different for every district. Sometimes the schools within the same district also have different daily schedules. The school schedule should be listed in your school's calendar.

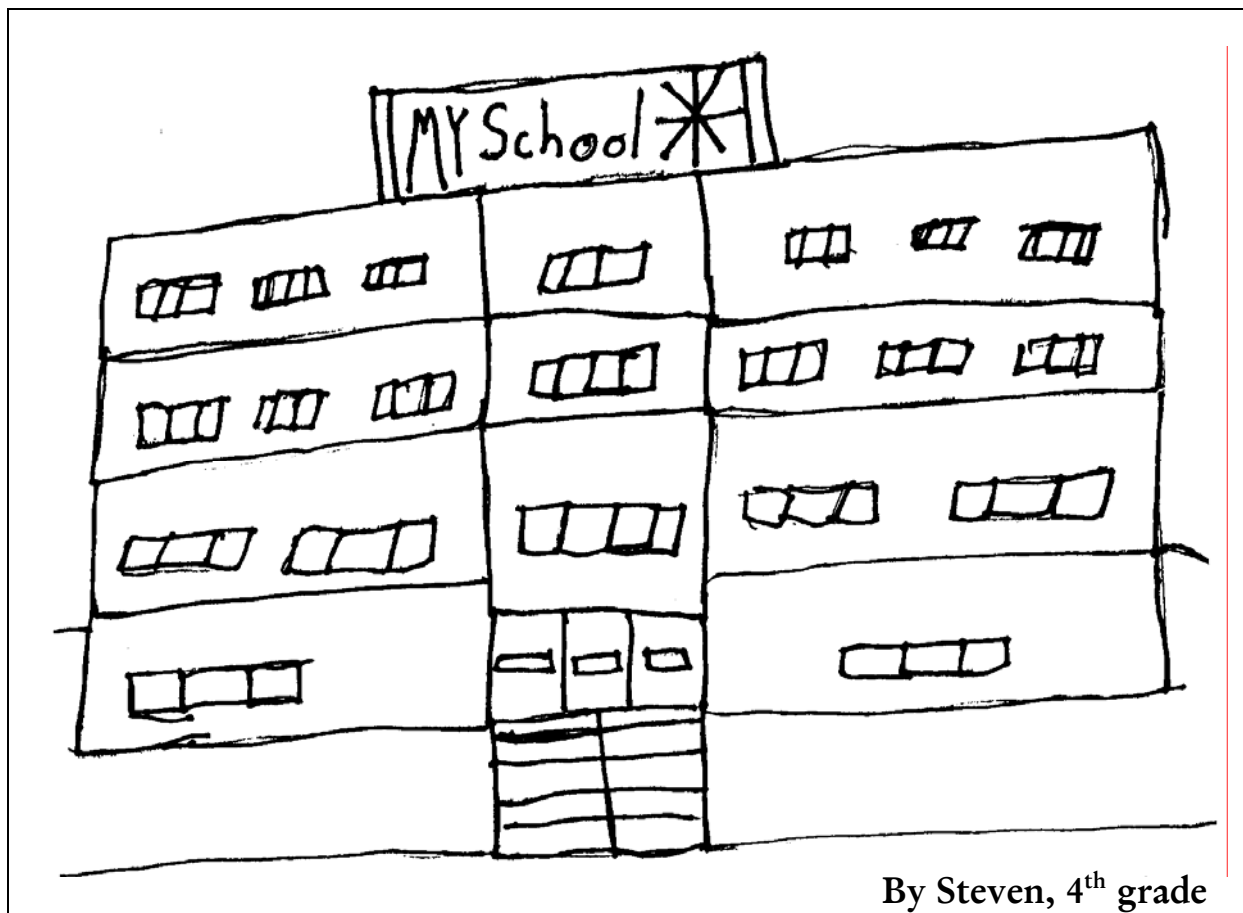
#### **9. Does my child have to attend school?**

Your child must go to school beginning with the year in which she or he turns 6 years old. This means that if your child's birthday is on or before December 1, she or he must attend school beginning in September of that year.

Your child must attend school (unless legally absent for sickness or religious observance) every day that school is in session until the end of the school year in which he or she turns 16. This means that your child cannot drop out of school on his or her sixteenth birthday. (In some school districts, students must attend through the end of the school year in which the students turns 17. Check with your child's school district.) When your child is between these ages, the child is considered of compulsory school age. During this time, you must ensure that your child attends school and the school district must provide an education for your child.

If your child is of compulsory school age and does not regularly attend school, the school district can take legal action against you or your child. If your child stops attending school after she or he is above compulsory school age (see below), the school must try to talk or meet with you and your child to see if there is something they can do to get your child to come back to school. The school can drop your child from its attendance rolls after 20 days of absence in a row, but only if they have tried to meet with you and your child to see if there was some program or program change that would stop him or her from dropping out.

During the years in which your child is of compulsory school age, the school district must provide an education to your child. The school must provide educational services even if your child gets into trouble at school and is suspended. Schools should find a teacher who will teach your child outside of school, usually in a public place like a library. This is called Home Instruction. If your child is between the ages of 6 and 16 and the school is refusing to provide any educational services, you should seek legal assistance.



## 10. Why should my child attend school?

In addition to the compulsory school age law explained above, your child has the opportunity to learn and to earn a high school diploma. Students earn a high school diploma after successfully completing all of the high school classes required for a high school diploma. A high school diploma is a requirement for many jobs, entry into some parts of the military service, and entry into many colleges. A person with a high school diploma is also more likely to get a job and earn more money than a person without a high school diploma.

## 11. What is a diploma?

A high school diploma is a legal document given by your child's school district after your child has successfully completed all of the required courses. New York State sets rules for the number and type of high school courses that must be completed and the tests that must be passed in order to graduate from high school and earn a diploma called a Regents diploma. Your child's school district sets rules for the number and type of high school courses that must be completed and tests that must be passed in order to graduate from high school and earn a local diploma. Course requirements can change. To check on the current requirements at your child's school, talk to your child's guidance counselor. To look at N.Y.S. diploma requirements, go to <http://www.emsc.nysed.gov/part100/pages/1005a.html>.

If a student does not earn a high school diploma, he or she may take a test to earn a GED diploma. This diploma can be used when a high school diploma is required such as when applying to enter college. To get a GED diploma, your child must be at least 16 years old. You can only obtain a legal GED diploma by taking the GED tests given by the New York State Education Department. To check additional information about who can take the GED test and when it is offered, contact The NYS GED Testing Office at (518) 474-5906 or on the Internet at [ged@mail.nysed.gov](mailto:ged@mail.nysed.gov). GED testing is offered in English, Spanish and French.

Some students with severe disabilities may be unable to complete the requirements for a Regents or local diploma. These students may be awarded an IEP diploma. An IEP diploma is given after a student completes all of the requirements on a specially designed educational plan for that student. While an IEP diploma may provide a sense of accomplishment for the student, it is not equal to a high school or GED diploma.

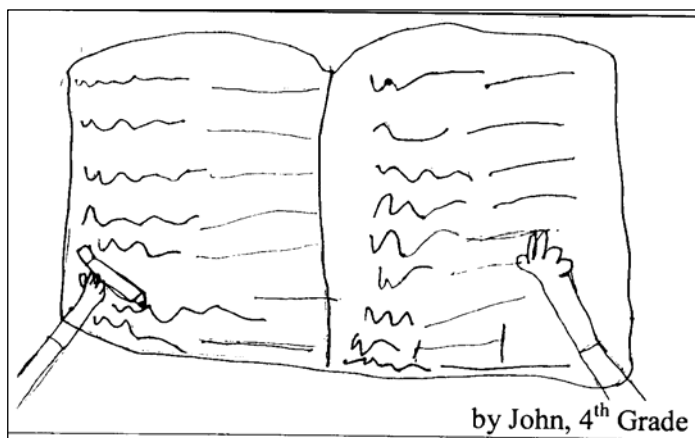
## Section 2: How do I enroll my child in school?

### 12. How do I find the name of my child's school district?

To find the name of your school district, contact your town office. Tell them your address and ask the name of your school district.

### 13. Where can I get more information about my school district?

You can get the names and telephone numbers of the school districts through your local phone book in the local government section of your telephone book. You can also request information from the central administration at your school. Usually, school districts provide every family with a school calendar each year, which shows all the days that school is in session and when there are school holidays. Every school district can set its own school schedule. You should also ask for a copy of the student handbook. The student handbook lists basic school rules. You should read the handbook and discuss the rules with your child. You can also ask for information about parent organizations in your district. Most schools have a parent organization that helps with school activities and provides information to parents about school issues.



### 14. How do I enroll my child in school?

Call the main number for your school district. If you do not know the number for your school district, you can find this information on the Internet at <http://www.emsc.nysed.gov/repcrd>. Ask how you can register your child in school. Each school district has different procedures. In some districts, you must make an appointment, so call before you go in to the office.

When you go to register your child for school for the first time in the district, you will be asked for certain kinds of proof before the school will allow your child to enter the district. You must be able to show that: 1) you are the parent or legal guardian of the child; 2) that you live in the school district; and 3) that your child has been examined by a doctor and is healthy enough to go to school.

### 15. What can I show to prove that I am the parent or legal guardian?

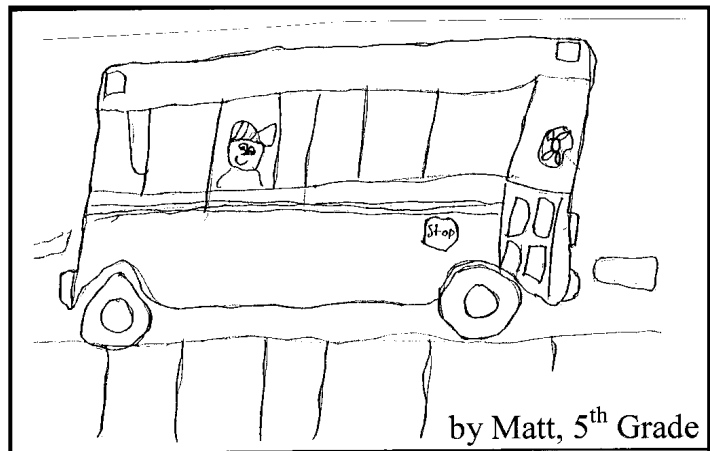
You can provide a child's birth certificate, baptismal certificate or adoption certificate in order to show that you are the parent and to show your child's birth date. You can show court orders to show custody and guardianship. If necessary, you can provide an affidavit with your notarized signature, but this should be done only with the advice of an attorney with specific knowledge of education laws.

School districts often use the papers listed above to check that you are the parent. But if these papers are not available, you can still register your child. You will need help registering your child if you do not have any of the papers listed above. You should call one of the agencies listed at the end of this booklet.

By law, schools need to notify a child's parent or legal guardian in writing for many reasons. For example, you must be notified of disciplinary problems that resulted in suspension from school, of actions by the school district's Committee on Special Education, and of your child's need for academic intervention services. In addition, the school cannot do certain things without your consent. For example, you must give your consent for your child to be evaluated by the Committee on Special Education for the first time, for police interrogations, and before the school immunizes your child.

### 16. What can I show to prove that I live in the school district?

To enroll your child in school, you will be required to prove that you are a resident in the school district. You don't have to own property in the district to be considered a district resident nor do you have to have a lease with your name on it or your name and the name of



your child. What you must have is some proof that you actually live in that school district and so does your child. This can be letters addressed to you at the address you say is where you live. This can be bills or pay stubs or government documents. If you live with someone who has a lease for an apartment or owns a house in the school district, that person can write a letter saying you live with him or her.

**17. How do I enroll my child in school if my family is homeless and living in a shelter?**

The staff at the shelter should be able to help you enroll your child in school. Your child can be registered in the school district in Westchester where they had been attending school before you became homeless. Your child can attend their last school even if you are not living close by. If the shelter is outside the area served by your child's last school, you also have the choice to send your child to the school district that serves the area where the shelter is located.

**18. How do I enroll my child in school if my family does not have a regular home?**

Even if you do not own or rent a place to live, your child can go to school. For example, if you are staying with another family, moving from friend to friend, or living out of your car, your child can register in school. However, you will probably need help enrolling your child in school. You should contact one of the legal agencies listed in Section 7.

**19. What can I show to prove my child is healthy?**

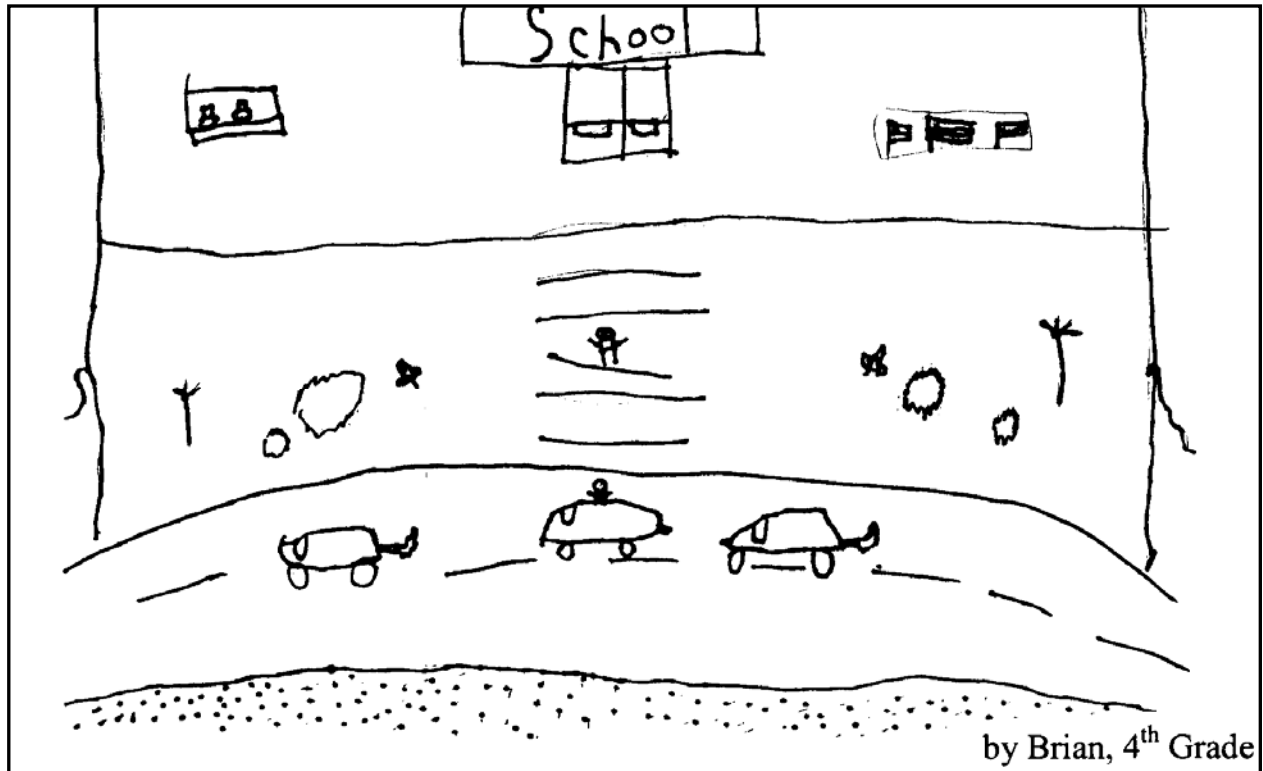
The state requires schools to obtain health certificates when a child enters the school district for the first time and when the child enters first, third, seventh, and tenth grades. Ask your school for a copy of the health certificate form that they would like your child's doctor to complete.

New York State now requires that children be immunized against polio (poliomyelitis), mumps, measles, diphtheria, rubella (German measles), Haemophilus influenzae type b (Hib) and hepatitis B. Regular testing for Tuberculosis is also required.



If the child does not present a certificate signed by a licensed doctor, the school will notify the parent that the certificate must be provided or the school will provide (usually by the school district physician) or arrange for the examination. You do not have the right to refuse this examination. You have the right to present a health certificate signed by a licensed doctor of your own choosing.

If you need information about obtaining health services for your child – including examinations and immunizations – call the Westchester Hispanic Coalition at 948-8466 or the Westchester Children's Association at 946-7676.



## 20. Must I show my child's past school records?

You are not required to show your child's old school records to the new school at the time of registration or enrollment. But, if you do not provide proof of grade or achievement, the school district has the right to test or otherwise evaluate your child to determine the grade level in which your child will be placed. Your child's new school district is allowed to get your child's school records from his or her old school. Schools do not have to get your permission to share this information about your child.

You can request a copy of your child's school records from the last school. Your child's academic record which lists information about the school work that your child has completed, your child's grades, and record of attendance can be requested from the principal in elementary schools or from the guidance counselor in middle, junior, and high schools. If your child received Special Education services, you should obtain additional records from the last school district's Office of Special Education. All requests should be written. Be sure to include your child's name, the child's birthdate, and your signature. Date the request and keep a copy.

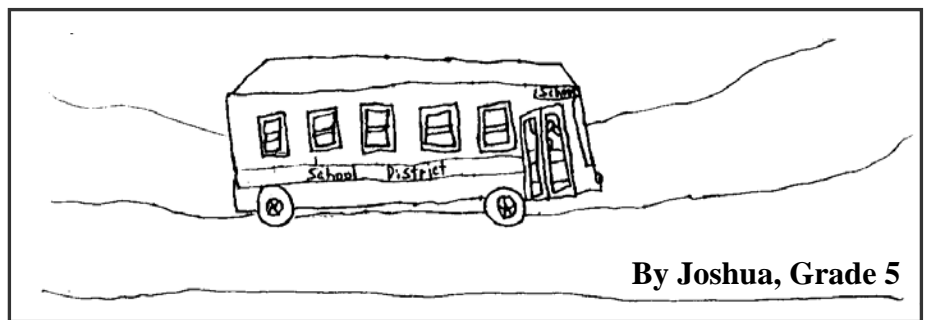
## Section 3: How will my child get to school?

School districts that are not city school districts must provide transportation to and from school. They do not have to provide transportation if your child lives close to the school, although some school districts go beyond what is required and provide transportation even if you live close to the school. You must call the school district's transportation office to find out if transportation to and from school will be provided for your child.

When your child is in Kindergarten through eighth grade, your child must be transported to and from school if you live more than two miles from your child's school. When your child is in ninth through twelfth grades, your child must be transported to and from school if you live more than three miles from your child's school.

If transportation will be provided to your child, ask for the location of your child's bus stop. The bus is not required to stop at your door. The bus may only stop near your house so that several children can be picked up at the same time. You should also ask what time your child will be picked up by the bus and what time your child will be dropped off at the bus stop after school.

If your child is attending a private school, your child may be able to get transportation provided by the public school district. The private school must be 15 miles



or less from your child's home and you must write a letter asking for transportation to the private school before April 1 of the school year prior to the school year for which you are asking for transportation. If you move into a school district after April 1 and your child needs transportation to a private school, you can still request transportation.

City school districts such as Yonkers, White Plains, New Rochelle, Peekskill, and Rye have the right to determine if they are going to offer transportation to their students. You should call your school district directly to find out if your city school district provides transportation and how that transportation is provided.

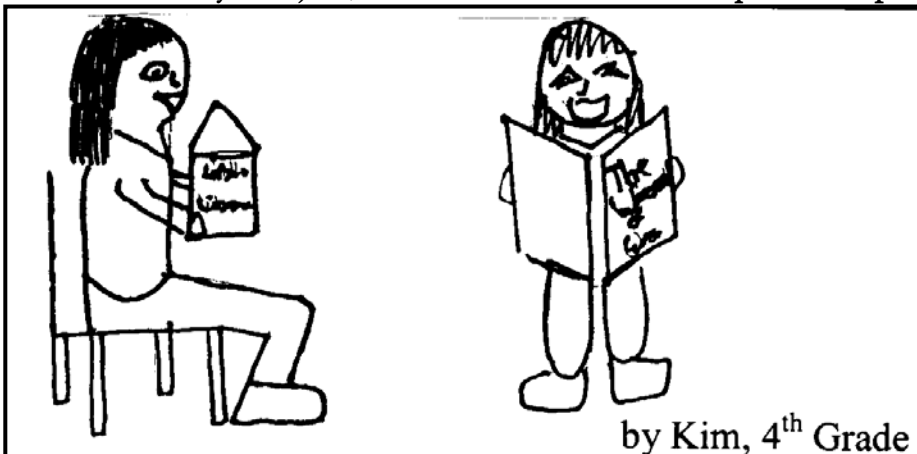
## Section 4: How will the school report on my child's progress?

### 21. What is a Report Card?

The school will give you a Report Card that shows your child's progress in each subject area of school. Older children usually receive grades. Most schools provide a report card 2 to 4 times per year. The Report Card is usually sent in the mail to your home. When you receive the Report Card, you should schedule a meeting to meet with your child's teacher if your child is getting poor grades.

### 22. What is a Parent-Teacher conference?

Many schools also schedule times for parents to meet with their child's teacher(s). These are called parent-teacher conferences. It is important to attend these conferences. Usually, they are scheduled in the hour before or after school. You can request that the conference occur in the evening or during the day so that it does not conflict with your job, but the school is not required to provide alternative meeting



times. You can also request a translator although the school is not required to provide one. If you do not attend parent-teacher conferences, this may be interpreted as a lack of interest in your child's education.

### 23. Are there other ways that the school will tell me about my child's progress?

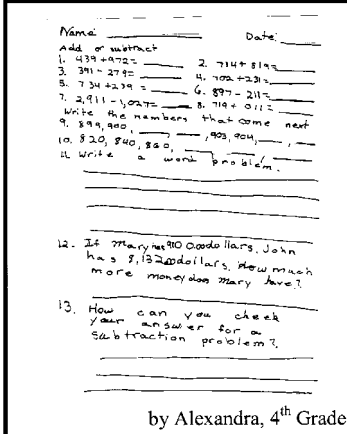
The school may send home notices about your child's progress particularly when there are problems. The school will call you or send you a letter if your child is absent for more than a few days or is cutting class. You also should be told if your child has done poorly on a standardized test\*, is at risk of being held back a year, or is getting into trouble at school. (\*New York State requires every school district to administer standardized tests to all students in certain grades. These tests show how well the school is doing in helping children to learn and show when individual children are having problems.)

## 24. What are state assessments?

School districts must give state tests to check on students' progress. The State Assessment examinations were designed to make sure that students are learning all of the information that the state requires for each subject and are learning enough to succeed at the next level and eventually graduate. The state tests that are given to elementary and middle school students are called the State Assessment examinations. The state tests that are given to high school students are called Regents Tests or Regents Competency Tests (RCTs).

In grades 3 through 8, New York State tests language arts skills and math skills each year. Every January, students are tested to assess English language arts skills. Every March, students are tested to assess math skills. Additional language arts and math tests were added so that New York State public schools are following the national law called No Child Left Behind (NCLB). In addition, New York State checks on students' social studies skills by giving state assessments in Grades 5 and 8. Students' science skills are checked through state science assessments given in Grades 4 and 8.

Students may score at Levels 1, 2, 3, or 4 on the English Language Arts and Mathematics Tests. Level 1 is the lowest scoring group. Level 4 is the highest scoring group. Students scoring in Levels 1 and 2 must be given additional help called Academic Intervention Services (see the next section for an explanation of these services). Students scoring in Levels 3 and 4 are making good progress. There is a passing grade on the Science Test called the State Designated Level. Students who score below that level must also be given additional help through the Academic Intervention Services.



A photograph of a student's handwritten work on a math worksheet. The worksheet has a header with 'Name: \_\_\_\_\_' and 'Date: \_\_\_\_\_'. Below the header are several math problems. Problems 1 through 8 are simple addition and subtraction problems. Problem 9 asks to write the next numbers in a sequence. Problem 10 asks to write a word problem. Problem 12 is a word problem about money. Problem 13 asks how to check an answer for a subtraction problem. The student has written answers for all problems. At the bottom right, it says 'by Alexandra, 4<sup>th</sup> Grade'.

New York State only requires that the state assessments be given and that students scoring in Levels 1 or 2 be given extra help. Your school district may use these State Assessment Tests in other ways. For example, some school districts require 8<sup>th</sup> grade students to score in Levels 3 or 4 in order to be promoted to the 9<sup>th</sup> grade. Check with the guidance counselor in your child's middle or junior high school to find out how your school district uses the 8<sup>th</sup> grade assessments.

In high school, regular students who entered the ninth grade in 2001 or later are required to pass at least 5 state examinations (called Regents examinations). A passing

grade on these Regents examinations is required in order to pass the class and to graduate from high school. If your child entered the ninth grade before 2001, the examination requirements are different and you should talk to your child's guidance counselor at the high school.

If your child is receiving Special Education services, the high school testing requirements may have been changed. Any changes will be listed on your child's IEP which is the paper plan that shows the special services that your child should be receiving. If you do not have a copy, you can request it from your district's Office of Special Education.

## **25. What are Academic Intervention Services?**

Academic Intervention Services are extra help that must be provided when your child's score on the State Assessment Tests or the Regents Examinations is too low. Also, your child may be allowed to get this extra help if your child may score low on the tests due to limited English proficiency, poor reading skills, or other problems such as ongoing health problems. If your child's last school was in another country, the school district must also check to see if your child needs extra help.

Academic Intervention Services are provided to help improve your child's success at school. The district must provide these services by the beginning of the school year following the identification of the student as needing these services. The child or parent may not refuse these services and the school can determine how and when they will be provided.

Each school district decides what kind of extra help they will provide. Extra help may be offered during the school day, at sessions outside the regular school day such as before school, or in summer school. Academic Intervention Services for students who are in Bilingual Education programs, must be provided in their native language if needed.

If the student receives Special Education services, the extra help must be provided in the language of instruction listed on the child's IEP. Academic Intervention Services for students in Special Education must be provided in addition to any Special Education services.

Students do not receive credit for participation in Academic Intervention Services. Quarterly progress reports must be provided to parents. These reports must be translated into the parents' native language when needed.

## **Section 5: Can my child get extra help?**

### **26. When my child is not doing well in school, can he or she get extra help?**

Many schools will offer students extra help. Ask your child's teacher. If your child needs a lot of extra help regularly, your child may need remedial services. You should speak to your child's school to find out if remedial services are available.

Special help must be provided to children who:

- have a disability that is causing problems at school;
- are just learning English and do not yet speak English well; and
- have done poorly or are expected to do poorly on key tests.

### **27. If I think my child has a disability that is causing problems at school, what should I do?**

You should first speak to your child's teacher or guidance counselor to discuss your concern and to ask for extra help. If the school problems continue, you can ask the district to test your child to find out if your child has a disability that is making it difficult for your child to succeed in school.

### **28. How do I ask for help if I think my child has a disability?**

You write a letter to the chair of the Committee on Special Education. In the letter, write that you believe that your child has a disability and that you are asking for your child to be evaluated. Date the letter and keep a copy. You should be sent a form asking for your permission to test your child within a few weeks. You must sign and return the form in order for the district to start evaluating your child. Your school district must determine that your child has a disability and that it is causing problems at school before special services can be provided. These services are called Special Education services and there are many different types of services. Your child should be offered services that address his or her particular school problems.

**29. If my child is just learning English, what help can I expect?**

Each district must screen any child entering the district for the first time for English language proficiency. Children who are just learning English may be described as having Limited English Proficiency (LEP) or as English Language Learners (ELL).

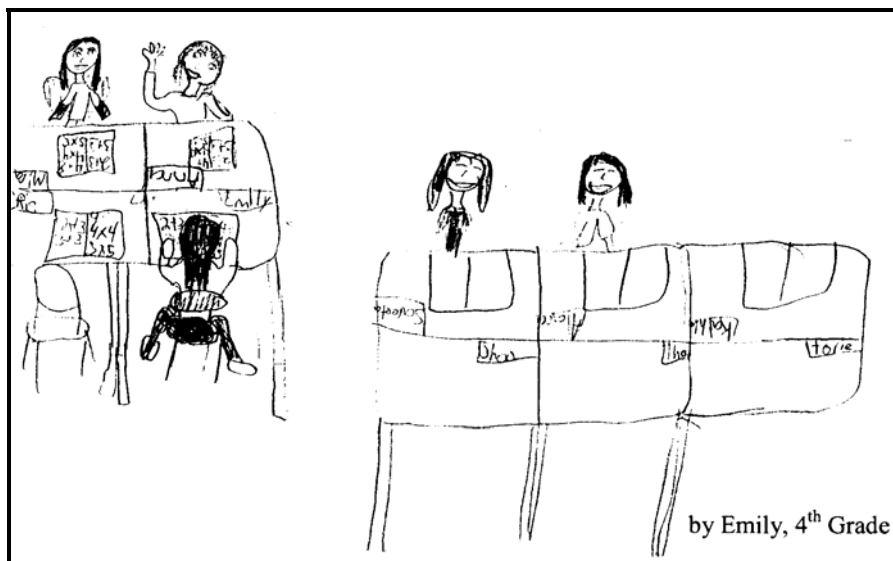
School districts can choose the services that will be offered to ELL students. Each school district must have a written statement that describes how it will educate children who are English Language Learners (ELL) including how it will provide enough instructional and support services for these students. School districts are not required to provide bilingual education or programs in English as a second language, however, additional funds from New York State are available to districts that choose to provide either one of these programs.



By Alana, 4<sup>th</sup> Grade

**30. What help will my child be given if she or he does poorly on a key test?**

The key tests are the New York State assessment examinations for fourth and eighth grade students and the Regents examinations. Regents examinations are the final tests given in high school Regents courses. The services which must be provided to students who are expected to do poorly or have done poorly on these tests are called Academic Intervention Services. (see p. 13)

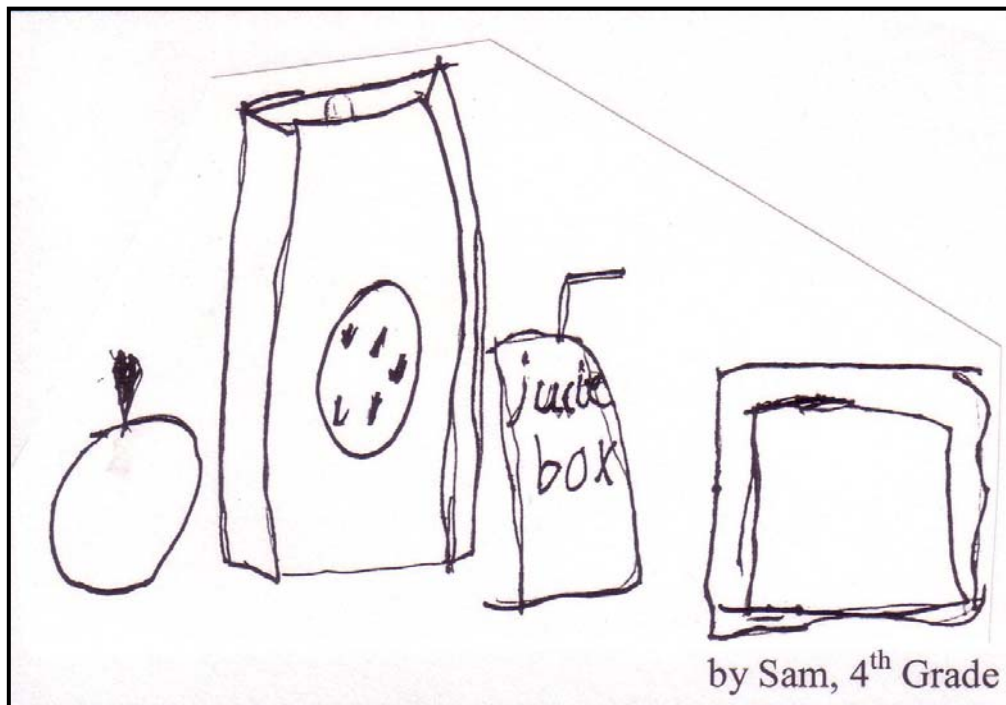


by Emily, 4<sup>th</sup> Grade

## Section 6: How will my child eat meals while at school?

### 31. What is the school cafeteria?

Most schools have a room called a cafeteria where students can eat their lunch. Students may bring their own lunch. In most schools, food is also available for students to buy. In some school districts, the cafeteria is also open for breakfast.



### 32. Can my child get breakfast or lunch from the school cafeteria if we cannot afford to buy the food?

Your child may qualify for the Free or Reduced Lunch Program. You can ask the school district administration for information about this program. It provides lunch to students whose families have very low incomes at either a lower cost or at no cost. Every year, the New York State Education Department sets income eligibility guidelines for free and reduced breakfast and lunch programs. These guidelines are sent to each school district. The school district will ask you to fill out this form to show that your income matches the state guidelines.

If a school district provides a school lunch program, it must also have a school breakfast program in its elementary schools unless it shows a lack of need of such program. If your child qualifies for the free or reduced lunch program, you should also ask if there is a breakfast program.

## Section 7: If my child is having a problem, what should I do?

The three most important people for you to contact in your child's school district are his or her classroom teacher (or guidance counselor for older students), the principal, and the Superintendent. Start with your child's teacher. If the problem is not resolved, then talk to the principal and then the Superintendent.

If the problem is still not resolved, there are many community agencies that can help you with problems. For information on community services in your area, you can call:

- Westchester Hispanic Coalition at 948-8466
- United Way Helpline at 949-INFO
- 211, the human services information line

Legal organizations providing Educational Advocacy are:

- Student Advocacy at (914) 347-3313
- Westchester/Putnam Legal Services at (914) 949-1305
- Legal Services for Children at (212) 683-7999

