

## Immigrant and Refugee Student Bill of Rights

*Students who are born outside of the United States or who are not fluent in English have the same rights as all other students. They also have additional rights, including the rights described below.*

1. **Immigrants and refugees have the right to attend public school** – including charter and magnet schools – regardless of their immigration status or language ability. Schools in Pennsylvania *cannot* ask for immigration documents or social security numbers and parents do not have to provide them.
2. **Immigrants and refugees have the right to attend schools that are safe, welcoming, and do not discriminate against them based on their immigrant status, ethnicity, race, or religion.**
3. **English learners (ELs) have the right to English language instruction** (e.g., English as a Second Language (ESL) or Bilingual Education) delivered by a licensed ESL teacher.
4. **ELs have the right to supports, modifications, and accommodations in their core subject classes** (i.e. Math, English, Science). Non-ESL teachers must incorporate language instruction techniques into all classes so that ELs can access the general curriculum and learn English.
5. **Immigrant and refugee students have the right to be free from bullying and harassment**, including negative comments and treatment based on race, religion, ethnicity, immigration status, language, age, gender, or disability. School districts are obligated to take steps to protect students and stop bullies from engaging in negative behavior that harms students.
6. **ELs have the right to participate in extracurricular activities (clubs, sports, etc.), gifted programs, and other special programs and services offered by their school.**
7. **ELs with disabilities have the right to receive *both* special education and ESL.** There is no waiting period for evaluating an EL for special education and schools must make every effort to assess ELs in their native language. An EL’s special education plan must consider her language needs.
8. **ELs have the right to fair disciplinary proceedings.** ELs facing suspension, expulsion, or transfer for disciplinary reasons have the same rights as all other students, including the right to receive notices in a language they understand, the right to be heard and to question witnesses in any hearing.
9. **Parents have the right to receive information about their child’s education in a language they understand.** Schools must provide free interpretation (oral) or translation (written) services.
10. **Parents of ELs have a right to information about their child’s English language development.** School districts must let parents know how they decide whether a student needs language instruction services and what programs they use to help their children learn English.

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, trainings, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC’s publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC’s Helpline for information and advice – visit [www.elc-pa.org/contact](http://www.elc-pa.org/contact) or call 215-238-6970 (Philadelphia) or 412-258-2120 (Pittsburgh) – or contact another attorney of your choice. (August 2019)