

EDUCATION LAW CENTER'S STATEMENT OF STUDENT RIGHTS

November 2016

The Education Law Center-PA (ELC) is deeply concerned by ongoing racist, homophobic, xenophobic, and misogynistic rhetoric and incidents in schools. We assure our partners across the state that we will continue holding school districts to their legal obligations to maintain a school atmosphere where students can thrive and do not face fears of violence or discrimination. ELC remains steadfast in our commitment to ensuring that all children in Pennsylvania have access to quality public education. We advocate on behalf of our most vulnerable students, including children living in poverty, children of color, children with disabilities, English Language Learners, and LGBTQ students, to ensure that prejudice and bigotry do not impede their civil rights. We have been privileged to spend the last 41 years working on behalf of students and families and will continue to adapt to whatever challenges are to come. We are reminded that the road to educational equity is a marathon, not a sprint, and we promise to continue working in the courtroom and in the community to protect the following rights of Pennsylvania's schoolchildren:

The right to be free from discrimination or harassment based on race

Students have the right to attend schools free of discrimination and harassment based on their race, color, or national origin.

The right to be free from discrimination based on disability

Students with disabilities have the right to a free appropriate public education and to be educated in the regular education classroom to the maximum extent appropriate for the student with the disability. Students have the right to accommodations in school and cannot be punished for behavior related to their disability.

The right to be free from discrimination based on religion and to wear religious clothing in school

Students have the right to practice their religion in school and must be allowed to wear religious clothing and head coverings.

The right to be free from discrimination based on immigration and/or English Language Learner status

Students have the right to enroll in public school regardless of immigration or citizenship status. Students who are English Language Learners have the right to programming that helps them overcome language barriers.

The right to be free from discrimination based on gender and gender identity

Gender discrimination and sexual harassment are illegal. Students also have the right to wear clothing consistent with their stated gender. Some Pennsylvania school districts have adopted policies to expressly protecting rights based on gender identity. Litigation is ongoing to protect the right of students to use restrooms and locker-rooms that are consistent with their gender identity.

The right to be treated equally regardless of sexual orientation

Lesbian, gay, bisexual & queer students have the same right to be free of discrimination and harassment as other students.

The right to be emotionally and physically safe in school

Students have the right to be free from bullying by students and adults, and students cannot be retaliated against for reporting bullying.

The right to freedom of expression

Students have the right to free speech and cannot be censored unless the speech is obscene, creates an imminent threat, or is significantly disruptive. This includes the right to publish articles in a school paper, to refuse to salute the flag, and to wear political armbands.

The Education Law Center-PA ("ELC") is a non-profit, legal advocacy organization 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 vulnerable children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English language learners, LGBTQ students, and children experiencing homelessness. Every situation is different. If questions remain about how the law applies to a situation or if you think your rights have been violated, contact us by visiting www.elc-pa.org/contact or by calling 215-238-6970 (Philadelphia) or 412-258-2120 (Pittsburgh).