DO I HAVE THE RIGHT TO CHOOSE WHICH PUBLIC SCHOOL I ATTEND?

—> No. If you are a minor, you must go to school in the district where you live. If you are in foster care, under federal and state law, you have the right to remain in the school where you last lived with your family before being placed in state care for that school year. The state must pay for your transportation from your original school to your foster family's neighborhood.(50)

WHAT IS A HOMELESS YOUTH FOR PURPOSES OF FEDERAL EDUCATION LAW?

—> A homeless student is one who lacks a fixed, adequate nighttime residence. It includes sharing a house with others because your family was evicted or has no money; living in motels; living in public places; or in substandard housing. It also includes children waiting for foster care placements, such as emergency shelters or night-to-night placements that are not fixed. It includes children who have run away from home and have no address. There is a Federal Court suit filed by The Office of Child Advocate in Rhode Island that prohibits DCYF from putting children in night-to-night placements and requires that children be transported to their school during the day,, if there is an emergency overnight placement outside their school district.

HOW CAN I OBTAIN AN APPROPRIATE EDUCATION IF I HAVE NOT YET LEARNED TO SPEAK ENGLISH?

—> You have the right to an education that is appropriate for you that includes having English instruction if you have arrived from another country and have not yet learned to speak, red, or write in English. There are different kinds of programs for schools to administer to meet the obligation to provide an appropriate education to students for whom English is a second language. There are several organizations in Rhode Island to assist you. A good place to start for information and assistance is the International Institute in Providence. Call them at (401) 461-8448.

II. STUDENTS HAVE RIGHTS AND OBLIGATIONS CONNECTED TO LOCKER SEARCHES, BACKPACK AND PURSE SEARCHES, DESK AND BODY EARCHES, WHILE ON SCHOOL PREMISES.

The Fourth Amendment to the constitution guarantees each of us the right to be free from unreasonable searches and seizures of our property by government employees, police and principals. The question always is: what is reasonable under the circumstances?

CAN A SCHOOL REQUIRE THAT I SUBMIT TO RANDOM URINE OR OTHER DRUG TESTS TO QUALIFY FOR PARTICIPATION IN SCHOOL EXTRACURRICULAR ACTIVITIES OR INTERSCHOLASTIC ATHLETICS?

—> Yes. The United States Supreme Court in 1995 ruled that there is no expectation of privacy in a locker room during school, that is more important than a school's need to protect its learning environment from illegal drug use. Not all the judges who are on the Court agreed with the final ruling. From 1995 to 2002, one study showed that only 5% of schools in the country exercised the right to conduct random drug testing of athletes.(51)

The ruling was recently expanded however, in 2002, in another case in which the Court ruled that school staff could also conduct random drug testing of public high school students in extracurricular activities. The purpose of the random drug testing is to fight illegal drug use in the schools. Activities subject to drug testing may include groups such as your band, sports, academic programs, or even your Chess Club. If you refuse to take the drug test, you could lose your right to continue your participation in that activity.(52)

In 2001, President Bush authorized $472 million in federal financing to pay for random drug testing of children attending public schools across America. Critics of the new law feel that it unfairly targets those students least likely to be using drugs, as it is believed that students involved in school activities are usually mentally healthy and too busy being productive to bother with illegal drug activity.

CAN A PRINCIPAL SEARCH MY PURSE FOR MARIJUANA IF I CIGARETTES ON SCHOOL PROPERTY?

—> Yes. The United States Supreme Court decided in one case that because there was a reasonable belief that the student was smoking cigarettes in violation of a school rule, a school official could keep searching her purse after he found drug use materials, and letters identifying and blaming other students for purchasing drugs. The Court decided that the school's interest in keeping its learning environment free of drugs was more important than an individual student's right to an expectation of privacy in her purse.(53)

CAN A SCHOOL OFFICIAL MAKE ME SUBMIT TO A STRIP SEARCH IF I AM SUSPECTED OF DRUG USE?

—> Absolutely not. In a case where the school brought in police officers and drug sniffing dogs, a thirteen (13) year old girl was ordered to take her clothes off to be searched after it appeared that a dog sniffed drugs on or near her person; the Court decided that such a search was an invasion of constitutional rights and any known principle of human decency. The female student was also allowed to sue for money damages to recover compensation against the school for the violation of her constitutional rights and personal dignity protected by our constitutions.(54)

DO I HAVE A CONSTITUTIONAL RIGHT TO AHEARING BEFORE I AM SUSPENDED OR EXPELLED FROM SCHOOL BASED ON SOME ALLEGATION OF MISCONDUCT?

—> Yes. The due process clause of the constitution requires that there must be and official proceeding and a hearing before the school, as the representative of the government, can take any action against you after being accused of some wrongdoing.(55)

III. STUDENTS HAVE THE RIGHT TO BE FREE FROM SEXUAL HARASSMENT WHILE ATTENDING SCHOOL.

WHAT IS SEXUALHARASSMENT?

—> Sexual harassment is commonly understood as any unwelcome behavior of a sexual nature. There have been several cases describing it as unwanted sexual touching, grabbing, remarks, and gestures. Such behavior ruins a student's sense of well-being and emotional safety in the learning environment. All students have an absolute right to be free from sexual abuse or harassment while they attend school, whether such harassment is from school officials or other students.(56)

Most cases involve student-to-student sexual harassment; however, sexual harassment can also occur against students by teachers, coaches, counselors, principals or other school staff.

Federal law, as noted, makes it illegal for a school to allow a student to be sexually harassed. If the student has been sexually harassed and wants to sue for money damages, the student must prove that the school had actual notice of the harassment and chose to do nothing about it to protect the student.

IF I AM A VICTIM OF SEXUAL HARASSMENT FROM ANOTHER STUDENT, THAT MUST I PROVE TO ESTABLISH MY CLAIM?

—> A student who sues another student for sexual harassment must show that the misconduct was so severe that it prevented the student victim's access to an educational benefit or opportunity.

IV. EDUCATIONAL RIGHTS OF STUDENTS WITH LEARNING DIFFERENCES AND DISABILITIES.

WHAT IS A LEARNING DISABILITY?

—> Under federal law, students who have physical or mental health problems that limit at least on of life's major activities are disabled. Disabled children can include children who are deaf, hard of hearing, totally or partially blind, speech-impaired, have trouble moving, or have a specific learning disability. an example of a specific learning disability would include the inability to learn to read in the usual way, such as dyslexia.(57)

WHAT IS AN APPROPRIATE EDUCATION FOR CHILDREN WITH DISABILITIES ATTENDING SCHOOL?

—> The federal law protecting students with disabilities has two objectives. The first one is to identify disabled students in order to provide them with the special education they need. The second one is to assure that students with disabilities are not placed into a special class if they do not need to be.

You have the right to a free and appropriate education regardless of whether you have disabilities. Rhode Island, like all other states, has created (enacted) laws and regulations describing how students with disabilities are to be provided with the required education.(58)

IF I AM HAVING TROUBLE IN SCHOOL AND SUSPECT THAT I MAY HAVE LEARNING OR OTHER DISABILITIES, HOW DO I GET ACCESS TO SPECIAL EDUCATION SERVICES AND PROGRAMS?