



# A MODEL CODE on Education and Dignity

## CHAPTER 2: PARTICIPATION

### 2.3 Rights of Parents and Guardians to Participation<sup>70</sup>

#### Human Rights Goal

Schools shall enable parents or guardians to be active and effective participants in their child's learning process, to express their views and to give input into decisions that affect their child's education. Schools shall inform parents or guardians about school policies and practices and their rights connected to them.

#### Recommended Language

**A. States, districts and schools shall create welcoming environments for parents or guardians.**

1. Where schools have policies that require official identification to enter the school building, they should give parents or guardians the option to receive an official ID from the school in case they do not have access to an ID through other sources.

**B. States, districts and schools shall ensure that parents or guardians have a right to participate in decision-making affecting school policies and procedures, including, but not limited to:**

1. Informing parents or guardians in a timely and clear manner as to when and how they can participate, and ensuring that all parents or guardians have equal access to information on opportunities for participation,<sup>71</sup> Made available in the language they understand best.
2. Ensuring that parents or guardians have concrete opportunities to make recommendations to schools about effective methods for participation.<sup>72</sup>
3. Creating structured opportunities for parents or guardians to give input, get information and help make decisions (see Section 2.1 Stakeholder Participation and Section 5.2 Monitoring and Community Analysis), including but not limited to:<sup>73</sup>
  - a. Parent or guardian representation on school-level committees and district and state boards of education; and
  - b. Parent Associations and/or Parent-Teachers Associations that are representative of the parent community of a school (ensuring diversity in grade levels and demographic backgrounds of students), and that provide services and information to parents or guardians to support their participation in the school.
4. Providing trainings for parents or guardians on how to effectively hold schools accountable.<sup>74</sup>

**C. States, districts and schools shall ensure that parents or guardians have a right to monitor and evaluate implementation of school policies and practices, including, but not limited to:<sup>75</sup>**

1. Regular, parent or guardian-led school forums at which school staff must listen and respond to parent and guardian assessments;<sup>76</sup>
2. Open and clear communication to parents or guardians about their right to visit schools and classrooms;<sup>77</sup>
3. Parent or guardian-led assessments of schools to identify areas that need more accountability;<sup>78</sup> and

<sup>70</sup> This section is guided by the "CADRE Standards of Dignity and Respect for Parents" developed by Community Asset Development Re-defining Education (CADRE), a community-based, membership parent organization in South Los Angeles.

<sup>71</sup> Cmty. Asset Dev. Redefining Educ., CADRE Standards of Dignity and Respect for Parents Standard 3 [hereinafter CADRE]; see also No Child Left Behind Act of 2001, 20 U.S.C.A. § 1118 (West 2003).

<sup>72</sup> CADRE, supra note 71 at Standard 5; see also No Child Left Behind Act of 2001, 20 U.S.C.A. § 1114(b)(2) (West 2003).

<sup>73</sup> CADRE, supra note 71 at Standard 2; see also No Child Left Behind Act of 2001, 20 U.S.C.A. § 1112 (West 2003).

<sup>74</sup> CADRE, supra note 71 at Standard 8.

<sup>75</sup> Id.

<sup>76</sup> Id. at Standard 6.

<sup>77</sup> Id. at Standard 1.

<sup>78</sup> Id. at Standard 9.

4. Policies that protect parents' and guardians' right to monitor schools' implementation of programs without retaliation.<sup>79</sup>
- D. States, districts and schools shall ensure parents or guardians have a right to participate in decisions affecting their individual child's education including, but not limited to:<sup>80</sup>**
1. Adherence by teachers, administrators and other school staff to an "early warning" system that identifies academic or behavioral challenges as soon as possible and works with parents or guardians to identify solutions;<sup>81</sup>
  2. Participation in restorative discipline solutions (see Section 3.7.b Model Policy on Restorative Justice Practices); and
  3. Protection of due process rights, including as related to school discipline (see Section 3.2 Guidelines for Suspensions, Expulsions and Removals).
  4. Participation in the creation of their child's Individualized Education Plan (IEP) and/or placement in special education services or programs.<sup>82</sup>
- E. States, districts and schools shall establish mechanisms for parents or guardians to participate directly in the educational process in schools, including, but not limited to mentoring and providing supports for students**
- F. States, districts and schools shall establish policies that outline clear grievance procedures that parents or guardians can use to file complaints, with due process, and establish a clear process of recourse if parents' or guardians' grievances are not resolved with due process.<sup>83</sup>**
- G. States, districts and schools shall create tools to evaluate parent or guardian participation, including surveys to identify barriers to parental participation and seek recommendations for how to improve participation.**
- H. States shall enact legislation allowing parents or guardians of students the right to take reasonable leave from employment to attend meetings, events or activities that are related to their child's educational achievement, which includes matters of school discipline.<sup>84</sup>**
1. An eligible employee shall be entitled to a minimum of 24 hours of leave during any 12-month period, in addition to leave available under federal law,<sup>85</sup> to:
    - a. Participate in school activities directly related to the educational advancement of a child of the employee, such as parent-teacher conferences, disciplinary meetings, or interviewing for a new school; and
    - b. Accompany the child of the employee to any hearing, meeting, or proceeding, whether under the school's jurisdiction or otherwise, that could result in the suspension, expulsion or transfer of a student,
  2. If the necessity for leave under this section is foreseeable, the employee shall provide the employer with not less than seven days' notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.
- I. Where a student is a ward or dependent of the state, identified through processes outlined in federal or state law, notification regarding educational or disciplinary decisions made by the student's school shall be provided to the education rights holder, foster parent or legal guardian, student's counsel or guardian ad litem, and the student's child welfare social worker or caseworker and, if the student has one, Probation Officer.**
1. Additionally, where school districts do not have information regarding the education rights holder for a student, they shall work with the above-mentioned parties to ensure notification to the student's holder of education rights.
  2. Under no circumstances, however, shall a student who is a ward or dependent of the state be denied full access to his or her education rights due to an adult caretaker or rights-holder's inability or refusal to act on behalf of the child.

<sup>79</sup> Id. at Standard 7.

<sup>80</sup> Id.

<sup>81</sup> Id. at Standard 4.

<sup>82</sup> 34 C.F.R. § 300.322 and <https://sites.ed.gov/idea/regs/b/d/300.322>.

<sup>83</sup> Id. at Standard 10.

<sup>84</sup> See, e.g., The Small Necessities Leave Act, MASS. ANN. LAWS ch. 149, § 52D(b) (LexisNexis 2012). The Massachusetts law itself incorporates the federal Family and Medical Leave Act (FMLA), which provides a ready-made framework for the leave provisions. It is worth noting that the FMLA, and any law incorporating its definitions of eligibility, would not apply to smaller employers with less than fifty (50) employees. States may want to consider lowering that threshold for the school leave provisions, to accommodate parents who work for smaller employers.

<sup>85</sup> Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611-2615 (2012).