

Chapter 5

The Health and Safety of Your Child at School

“The Health and Safety of Your Child at School” is the fifth chapter of the English Learner Family Toolkit, which is meant to support families of English learners (ELs) in the U.S. education system. Each chapter has five parts: (1) Overview, (2) Family and Student Rights, (3) Suggested Questions to Ask School Staff, (4) Tips for Families, and (5) Resources. Information in each chapter varies. As readers can choose to access only certain chapters of the toolkit, it is important to note that some information may be repeated in multiple chapters.

Overview

It may be difficult for children to learn when they are hungry, sick, or scared. Schools not only teach your children, but they also ensure children are healthy and safe.

Your child deserves to feel safe at home and at school. Your child’s school may have rules about bullying⁶⁰ and procedures for what to do in an emergency (such as a fire, an earthquake, a tornado, or an active shooter). Many schools also have school bus cameras or monitors to keep your child safe. If your child feels unsafe on the bus or in school, speak to school staff about the problem.

A healthy diet is important for your child. Schools may serve healthy meals to students, and some schools have a menu of what will be served. Tell your child’s teacher or school staff if he or she has food allergies or special nutritional needs, as your child may have protections under disability law.⁶¹ Tell the school if your child needs to fast or eat different foods for religious holidays. If you cannot afford school meals for your child, let the school staff know. Your child may be eligible for reduced-price or free meals.

There may be days when your child is sick and cannot go to school. School staff usually ask families to inform them when a child is sick and needs to miss school. Ask school staff whom to contact when your child is sick. Some schools may have a school nurse or a school health-care aide who can give medications if your child needs them during the school day and help you find health clinics if your child needs medical care.

Family and Student Rights

As a family member with school-aged children, you have certain rights. *This is very important.* A parent’s home country, citizenship, or immigration status does not change these rights. These rights include the following:

⁶⁰ Bullying is described by the U.S. Department of Health and Human Services as a repeated, aggressive action from a student(s) with power to a student(s) with less power. Physical harm, threats, verbal abuse, or exclusion from a group are all examples of bullying. Bullying can happen in school, on the playground, on the bus, in your neighborhood, or online (called cyberbullying). The U.S. Department of Health and Human Services gives tips, warning signs, and resources here: <https://www.stopbullying.gov/what-is-bullying/index.html>.

⁶¹ For example, Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that prohibits disability discrimination by recipients of federal financial assistance, such as public schools and school districts. For more information, visit <https://www2.ed.gov/about/offices/list/ocr/disabilityoverview.html>.

- Students have the right to be free from discrimination based on race, color, national origin, sex, and disability.⁶²
- Title I of the Elementary and Secondary Education Act (ESEA) says that school districts must provide the required communications to parents of ELs under Title I in an understandable format and, when possible, in a language that the parents understand.⁶³ They must provide information to all parents regardless of their native language or proficiency in English, about any program, service, or activity of a school district.⁶⁴ Additionally, Title VI of the Civil Rights Act of 1964 requires that school districts and SEAs ensure meaningful communication with LEP parents in a language they can understand and adequately notify LEP parents of information about any program, service, or activity of a school district or SEA that is called to the attention of non-LEP parents.⁶⁵ *The Individuals with Disabilities Education Act (IDEA)* requires that consent (agreement or permission) from parents must be requested in the parent’s native language or through another form of communication understandable to the parents.⁶⁶ Communication with parents may include information about
 - enrollment and registration;
 - language assistance;
 - grievance procedures;⁶⁷
 - notices of nondiscrimination;⁶⁸
 - student discipline policies and procedures;
 - report cards;
 - requests for parent permission for student participation in district or school activities;
 - parent-teacher conferences;
 - parent handbooks;
 - gifted and talented education programs (GATE);⁶⁹

⁶² Educational institutions have a responsibility to protect every student’s right to learn in a safe environment free from unlawful discrimination and to prevent unjust deprivations of that right. The U.S. Department of Education’s Office for Civil Rights (OCR) enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964 (This includes discrimination based on a person’s limited English proficiency or English learner status; and actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals)); sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973; and age discrimination is prohibited by the Age Discrimination Act of 1975. OCR also has responsibilities under Title II of the Americans with Disabilities Act of 1990, which prohibits disability discrimination by public entities, whether or not they receive federal financial assistance.

⁶³ [ESEA 1112\(e\)\(4\)](#).

⁶⁴ U.S. Department of Education, Office for Civil Rights & U.S. Department of Justice Civil Rights Division. *Fact Sheet: Information for limited English proficient (LEP) parents and guardians and for schools and school districts that communicate with them*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

⁶⁵ U.S. Department of Education, Office for Civil Rights & U.S. Department of Justice Civil Rights Division. *Fact Sheet: Information for limited English proficient (LEP) parents and guardians and for schools and school districts that communicate with them*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

⁶⁶ [IDEA, 34 CFR 300.9](#).

⁶⁷ A grievance procedure is a way for people to have their formal complaints addressed. Developing, publicizing, and effectively implementing these procedures gives students and parents opportunities to address concerns at the local level. (See <https://www2.ed.gov/about/offices/list/ocr/grievance.html>).

⁶⁸ Notices of nondiscrimination require that schools notify students, parents, and others that they do not discriminate on the basis of race, color, national origin, sex, disability, and age, and, if applicable, that they provide equal access to the Boy Scouts of America and other designated youth groups. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

⁶⁹ Gifted education programs provide educational practices, procedures, and approaches for children who have been identified as gifted or talented. The main goals of these programs are generally enrichment and acceleration.

- disability-related services⁷⁰ for students with disabilities;
 - magnet and charter schools;⁷¹
 - language instruction educational programs;
 - childcare; or
 - extracurricular activities.
- All school-age children, regardless of their citizenship or immigration status, may access free public school education in the school district where they live.⁷²
 - Schools must provide a safe learning environment free from discrimination. Students should be able to learn in an environment free of bullying, discrimination, harassment, or violence.
 - Students should be able to feel safe at school. No one can bully or threaten your child. For example, students or teachers cannot injure your child or destroy his or her property, harass your child, or create a hostile environment for your child based on reasons such as
 - wearing ethnic or religious clothes;
 - being from another country;
 - not being proficient in English;
 - having a disability; or
 - their sex.
 - Under the U.S. Constitution, students may exercise their First Amendment right to express their religious beliefs. This includes wearing religious clothing and symbols (like a headscarf, crucifix, or yarmulke).
 - In public elementary and secondary schools,⁷³ the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. part 99) gives parents the right to review (i.e., access) the education records⁷⁴ of their children who are under the age of 18 years and do not attend college or university. The rights accorded under FERPA transfer from parents to a student when the student turns 18 or attends college or university. If your child’s school is subject to FERPA, the school must let you review any education records on your child that the school maintains. This could be your child’s class schedule and transcript (a complete record of the student’s academic achievements).
 - In public elementary and secondary schools, FERPA gives parents some control over the disclosure (e.g., for the release or transfer) of personally identifiable information (PII) from their child’s education records. PII is information that can be used to determine someone’s identity either directly or indirectly.⁷⁵ In general, FERPA does not allow educational agencies and institutions to release PII from

⁷⁰ The term “disability-related services” may refer to special education and related services provided to children with disabilities who are eligible for services under Part B of the Individuals with Disabilities Education Act (IDEA) and/or regular or special education and related aids and services provided to qualified students with disabilities under Section 504 of the Rehabilitation Act of 1973. See Chapter 3 for more information on disability-related services for EL students with disabilities.

⁷¹ See definitions in Resources.

⁷² Students with F-1 or M-1 non-immigrant visas attending private schools are responsible for paying tuition, F-1 visa holders attending a public secondary school are responsible for paying the full, unsubsidized per capita cost of attending school. (See: <https://studyinthestates.dhs.gov/kindergarten-to-grade-12-schools>).

⁷³ Private elementary and secondary schools generally do not receive funds from the Department. Therefore, they are not subject to FERPA.

⁷⁴ “Education records” are, with certain exceptions, records that are directly related to a student and maintained by an educational agency or institution, or by a party acting for an educational agency or institution.

⁷⁵ This includes, but is not limited to, a student’s name; the names of a student’s parents or other family members; the address of a student or a student’s family; and a personal identifier, such as a student’s Social Security number, student number, or biometric record (for example, fingerprints). This also includes other indirect identifiers, such as a student’s date of birth, place of birth, and mother’s maiden name. It also includes information that, alone or in combination, is linked or linkable to a student and would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

your child’s education records to people or groups outside of the educational agency or institution⁷⁶ without your written permission, unless an exception to FERPA’s general consent requirement applies. Exceptions to FERPA’s general consent requirement can be found in 20 U.S.C. §§ 1232g(b)(1), (b)(2), (b)(3), (b)(5), (b)(6), (h), (i), and (j), and 34 CFR § 99.31.

- IDEA also has confidentiality requirements that protect personally identifiable data, information, and records of children with disabilities (20 U.S.C. §1417(c) and 34 C.F.R. §§300.610–300.626). IDEA requires parental permission to share PII from the education records of children with disabilities unless an exception applies. The IDEA Part B confidentiality requirements include some of the FERPA requirements, in addition to several requirements that are specifically related to children with disabilities. For more information, see the U.S. Department of Education’s additional guidance regarding “IDEA and FERPA Confidentiality Provisions” guide released in June 2014: https://studentprivacy.ed.gov/sites/default/files/resource_document/file/IDEA%20FERPA%20Confidentiality%20Provisions%20Comparison%20Chart%2006.06.14.pdf. Schools must give ELs, including ELs with disabilities, equal access to all school facilities and programs, school health offices, and counseling services.
- Public schools must give pregnant students and students with children access to the same accommodations provided to students with temporary medical conditions. These accommodations include time to make up missed classwork and learn in a safe, nonjudgmental environment.
- Child nutrition programs, such as National School Lunch Program,⁷⁷ may offer free and reduced-price meals to children in need. Requirements for these programs may change from year to year, and some schools may offer free meals to all students.

⁷⁶ The term “educational agency or institution” generally refers to school districts, public elementary and secondary schools, and postsecondary institutions.

⁷⁷ National School Lunch Program is a food and nutrition program provided by United States Department of Agriculture. For more information, visit <https://www.ers.usda.gov/topics/food-nutrition-assistance/child-nutrition-programs/national-school-lunch-program/>.

Suggested Questions to Ask School Staff

The following are sample, optional questions you may ask school staff about the health and safety of your child at school.

Keeping Your Child Safe at School

General Questions

1. Who can I talk with if I am worried about my child's safety at school?
2. Will the school provide an interpreter at the meetings I have with the school staff? If so, how can I request an interpreter?
3. Will the school provide translation services of written materials that were given to me during meetings with school staff?
4. Will the school provide assistance or accommodations if I have a disability and need a sign language interpreter, reader, or note-taker?
5. What rules and practices does the school have to keep my child safe from danger (such as a fire, an active shooter, or a major storm)?
6. What are the school's rules on bullying? Are these rules posted somewhere? If the rules are not posted in my home language, does the school have someone who can translate them for me?
7. How do I talk to my child about bullying? Who can I talk to if I think my child is being bullied or not being treated with respect?
8. Who can I talk to if I am worried about my child's emotional health?
9. Does the school train the school staff to help with my child's emotional health?
10. What community partnerships⁷⁸ does the school have to help with my child's emotional health?
11. Is counseling available in our home language?
12. How is school bus safety monitored? How are problems on the bus reported to the school and parents?
13. We live near the school. Is it safe for my child to walk to and from school? Have there been incidents that I should know about? Does the school do anything to keep children safe who are walking to and from school?
14. Will the school or teacher keep information about my child confidential? How is my child's and family's information protected?
15. Does the school share information about my child or family's immigration status with anyone?

Keeping Your Child Healthy at School

General Questions

1. If my child is feeling sick, when do I need to keep him or her home from school? Do I need to call and tell the school that my child is sick? What number do I need to call?
2. Does the school have menus of what will be served at school for breakfast, snack, and lunch? Can I see these menus in my home language?
3. My child has food allergies. How will the school make sure he or she is not given food that will make him or her sick?

⁷⁸ A community partner may be a local, state, national, international, public, community-based, private, or academic organization. Some examples might include libraries, colleges, universities, YMCA, Boy Scouts and Girl Scouts, zoos, museums, recreational centers, and newspapers.

4. My child has diabetes and needs to have frequent snacks during the school day. Will the school give the snacks to my child, or do I need to provide them? Will my child be given the time to eat them?
5. Because of our religion, my child will need to fast on some days. What are the school's rules and practices for this?
6. How much does breakfast or lunch cost? Do I pay with a credit card, check, or in cash? Is there another way to pay for meals? Can I set up an online account to pay for my child's meals in advance? How can I know how much is in the account? Will someone let me know when my child needs more money?
7. How do I apply for free and reduced-price meals? Is the application in my home language? Who can help me complete the application? How long does it take before my child can receive free or reduced-price meals?
8. If my child has a medical or other health condition, such as seizures, what does the school need to know and what do I need to do so my child can take medications at school?
9. Does the school partner with any low-cost, medical, dental, and vision care providers where I can take my child? Do you know if any of these places have staff who speak my home language or have interpreters?

Tips for Families

- Let the school know when your child will be absent. Attendance affects your child's learning and grades.
- Look at your child's schoolwork and make sure your child finishes it.
- Let the school know if your child has a food allergy or other food-related medical condition, such as diabetes.
- Ask the school staff how to apply for free or reduced-price school meals. Schools often have application forms in their main offices.
- Always let the school know if your child has a medical or health condition or needs to take medication at school.
- Some schools have rules on fasting at school, especially for young children. Talk with the school if your child is in an early childhood or elementary program and will need to fast.

Resources

Keeping Your Child Safe at School

HealthyChildren.org provides a webpage called ***School Safety During Emergencies: What Parents Need to Know***. It helps parents learn about the actions schools across the country are taking to make themselves safer and better prepared for an emergency. <https://www.healthychildren.org/spanish/safety-prevention/all-around/paginas/actions-schools-are-taking-to-make-themselves-safer.aspx>. ***This resource is available in English and Spanish.***

StopBullying.gov has many resources to teach families about bullying prevention and intervention. It is a website managed by the U.S. Department of Health and Human Services. <https://www.stopbullying.gov/>. ***This resource is available in numerous languages, including Spanish, Korean, Arabic, Chinese, and Vietnamese.***

The National Parent Teacher Association (PTA) includes millions of families, students, teachers, administrators, and business and community leaders devoted to the educational success of children and the

promotion of family engagement in schools. Its website has facts and resources on ways to keep your child safe and healthy, including information on topics such as flu prevention, school food programs, obesity prevention, injury prevention, school safety, and emotional health. <https://www.pta.org/home/family-resources>. **This resource is available in English and Spanish.**

Keeping Your Child Healthy at School

The **AttendanceWorks** website provides a webpage called *When Is Sick Too Sick for School?* It has tips for parents about how to decide when to send a child to school or keep them home. It is available in English and Spanish. <https://www.attendanceworks.org/resources/messaging/how-sick-is-too-sick/>

Centers for Disease Control and Prevention Parent Information provides resources for parents of children of various age groups. These resources offer information, tips, and suggestions regarding children's health and safety at home and in the community. The resource also has a page on parent engagement in schools, which contains additional resources on how parents can get involved in their children's schools to support students' health and safety. <https://www.cdc.gov/parents/>

Centers for Disease Control and Prevention Parent Information Adolescent and School Health. This resource provides information on the health and safety of adolescents and the relationship between health and academic achievement. https://www.cdc.gov/healthyyouth/health_and_academics/index.htm

Resources for Parents and Caregivers are provided by The National Child Traumatic Stress Network (NCTSN). These resources include age-related reactions to a traumatic event; bullying; discipline; grief resources; tips for military families; children's books related to hurricanes, earthquakes, and the death of a parent; and resources on sibling death, medical trauma/hospital stay, abuse (various types), terrorism, and natural disasters. <https://learn.nctsn.org/>

United States Department of Agriculture Child Nutrition Programs. This resource provides information on various child nutrition programs. <https://www.fns.usda.gov/cn>

United States Department of Agriculture National School Lunch Program. This resource provides information on [National School Lunch Program](#), a federally assisted meal program operating in public and nonprofit private schools and residential childcare institutions. It provides nutritionally balanced, low-cost, or free lunches to children each school day.

U.S. Department of Education, Office for Civil Rights (OCR). (2015) *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. This Dear Colleague letter reminds states, school districts, and schools of their obligations under federal law to ensure that English learner students have equal access to a high-quality education and the opportunity to achieve their full academic potential. More information about OCR, including how to file a complaint, can be found at <https://www2.ed.gov/about/offices/list/ocr/index.html>. **This resource is available in numerous languages, including Spanish, Korean, Arabic, Chinese, and Vietnamese.**

Definitions

A magnet school is defined in the ESEA, for purposes of the federal Magnet Schools Assistance Program, as “a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.” Magnet schools may offer special instruction in academic content like science, technology, engineering, and math (STEM) or different languages. Magnet schools do not charge tuition to families, though they may have a separate admissions process. Magnet schools must comply with local, state, and federal laws.

A **public charter school** is a publicly funded school that is typically governed by a group or organization under a legislative contract (or charter) with the state, district, or other entity. It provides an elementary or secondary education program or both. Charter schools are free from some state or local rules and regulations, but they do need to meet the accountability standards outlined in their charters. A school's charter is reviewed periodically by the entity that granted it and can be taken away if guidelines on curriculum and management are not followed or if the accountability standards are not met.⁷⁹ Public charter schools vary according to a state's charter school laws so characteristics such as the curriculum they use or the programs they offer may differ from state to state. However, there are some common characteristics of charter schools. Among these, families choose to apply to have a child attend a charter school and attendance is free. Public charter schools also differ from traditional public schools because they can use innovative educational practices. Charter schools may offer in-person, online, and hybrid classes. A charter school that receives federal money must comply with all applicable federal requirements. The U.S. Department of Education's **Office of Elementary and Secondary Education operates the Expanding Opportunity Through Quality Charter Schools Program (CSP)**, which provides money to, among other things, support the creation of new charter schools and the replication and expansion of existing, high-quality charter schools. A charter school receiving CSP money must meet the definition of a charter school in section 4310(2) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). See <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-legislation-table-contents/title-iv-21st-century-schools/#sec4310> for more information.

This document contains examples and resource materials that are provided for the user's convenience. The inclusion of any material is not intended to reflect its importance, nor is it intended to endorse any views expressed, or products or services offered. These materials may contain the views and recommendations of various subject matter experts as well as hypertext links, contact addresses, and websites to information created and maintained by other public and private organizations. The opinions expressed in any of these materials do not necessarily reflect the positions or policies of the U.S. Department of Education. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of any outside information included in these materials. Mentions of specific programs or products in these examples are designed to provide a clearer understanding and are not meant as endorsements.

⁷⁹ U.S. Department of Education, National Center for Education Statistics. (2019). *The condition of education 2021: Public charter school enrollment (2009–2018)*. Retrieved from https://nces.ed.gov/programs/coe/indicator_cgb.asp.