

ASK
Sybil Liberty
about



Getting an education isn't just about books and grades – we're also learning how to participate fully in the life of this nation. (We're tomorrow's leaders after all!)

But in order to really participate, we need to know our rights – otherwise we may lose them. The highest law in our land is the U.S. Constitution, which has some amendments, known as the Bill of Rights. The Bill of Rights guarantees that the government can never deprive people in the U.S. of certain fundamental rights including the right to freedom of religion and to free speech and the due process of law. Many federal and state laws give us additional rights, too.

The Bill of Rights applies to young people as well as adults. And what I'm going to do right here is tell you about **EQUAL TREATMENT.**

your right to

EQUALITY IN EDUCATION

DO ALL KIDS HAVE THE RIGHT TO AN EQUAL EDUCATION?

Yes! All kids living in the United States have the right to a free public education. And the Constitution requires that all kids be given **equal educational opportunity no matter what their race, ethnic background, religion, or sex, or whether they are rich or poor, citizen or non-citizen.** Even if you are in this country illegally, you have the right to go to public school. The ACLU is fighting hard to make sure this right isn't taken away.

In addition to this constitutional guarantee of an equal education, many federal, state and local laws also **protect students against discrimination in education based on sexual orientation or disability, including pregnancy and HIV status.**

In fact, even though some kids may complain about having to go to school, **the right to an equal educational opportunity is one of the most valuable rights you have.** The Supreme Court said this in the landmark *Brown v. Board of Education* case when it struck down race segregation in the public schools.

If you believe you or someone you know is being discriminated against in school, speak up! Talk to a teacher, the principal, the head of a community organization or a lawyer so they can investigate the situation and help you take legal action if necessary.

ARE TRACKING SYSTEMS LEGAL?

Yes, as long as they really do separate students on the basis of learning ability and as long as they **give students the same basic education.**

Many studies show, however, that the standards and tests school officials use in deciding on track placements are often **based on racial and class prejudices and stereotypes** instead of on real ability and learning potential. That means it's often the white, middle-class kids who end up in the college prep classes, while poor and non-white students, and kids whose first language isn't English, end up on "slow" tracks and in vocational-training classes. And often, the **lower the track you're on, the less you're expected to learn - and the less you're taught.**

Even if you have low grades or nobody in your family ever went to college, **if you want to go to college, you should demand the type of education you need to realize your dreams.** And your guidance counselor should help you get it! Your local ACLU can tell you the details of how to go about challenging your track placement.

CAN STUDENTS BE TREATED DIFFERENTLY IN PUBLIC SCHOOL BASED ON THEIR SEX?

Almost never. Public schools may not have academic courses that are just for boys – like shop – or just for girls – like home economics. Both the Constitution and federal law **require that boys and girls also be provided with equal athletic opportunities.** Many courts have held, however, that separate teams for boys and girls are allowed as long as the school provides students of both sexes the chance to participate in the particular sport. Some courts have also held that boys and girls may always be separated in contact sports. The law is different in different states; you can call your local ACLU affiliate for information.

We spend a big part of our life in school, and **our voices count.** Join the student government! **Attend school meetings!** Petition your school administration! **Talk about your rights** with your friends! **Let's make a difference!**

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Title IX, Education Amendments of 1972

CAN GIRLS BE KICKED OUT OF SCHOOL IF THEY GET PREGNANT?

No. Federal law prohibits schools from discriminating against pregnant students or students who are married or have children. So, **if you are pregnant, school officials can't keep you from attending classes, graduation ceremonies, extracurricular activities or any other school activity** except maybe a strenuous sport. Some schools have special classes for pregnant girls, but they cannot make you attend these if you would prefer to be in your regular classes.

CAN SCHOOLS DISCRIMINATE AGAINST GAY STUDENTS?

School officials shouldn't be able to violate your rights just because they don't like your sexual orientation.

However, even though a few states and cities have passed laws against sexual orientation discrimination, public high schools have been slow to establish their own anti-bias codes – and they're slow to respond to incidents of harassment and discrimination. So while in theory, **you can take a same-sex date to the prom, join or help form a gay group at school or write an article about lesbian/gay issues for the school paper,** in practice gay students often have to fight hard to have their rights respected.



All students in the U.S. have the right to an equal educational opportunity

WHAT ABOUT STUDENTS WITH DISABILITIES?

Although students with disabilities may not be capable of having exactly the same educational experiences as other students, federal law requires that they be provided with an education that is appropriate for them. What is an appropriate education must be worked out individually for each student. For example, a deaf student might be entitled to be provided with a sign language interpreter.

In addition to requiring that schools identify students with disabilities so that they can receive the special education they need in order to learn, federal law also provides procedures to make sure that students are not placed in special education classes

when they are *not* disabled. If you believe you're not receiving an appropriate education, either because you are *not* in special classes when you need to be, or because you *are* in special classes when you don't need to be, call the ACLU!

And thanks to the Americans with Disabilities Act (ADA), students who are HIV positive have the same rights as every other student. **People with HIV are protected against discrimination**, not only in school but in many other public places such as stores, museums and hotels.

People with HIV aren't a threat to anyone else's health, because the AIDS virus can't be spread through casual contact. **That's just a medical fact.** Your local ACLU can provide information on how to **fight discrimination against people with HIV.**

CAN I GO TO PUBLIC SCHOOL IF I DON'T SPEAK ENGLISH?

Yes. It is the job of the public schools to teach you to speak English and to provide you with a good education in other subjects while you are learning. Students who do not speak English have the right to require the school district to provide them with bilingual education or English language instruction or both.

your local ACLU is: