

Know Your Rights: Education and Schools

This fact sheet is for educational purposes only. Nothing here should be considered legal advice. Please consult a lawyer for more specific information. Updated as of March 2026

Key Terms

- **Primary School:** Elementary/grade school; typically kindergarten through 5th or 6th grade.
- **Secondary School:** Middle/high school; typically grades 6-12.
- **Higher Education:** Schooling after high school, including 2 and 4-year degree programs or vocational school.
- **DESE:** The Department of Elementary and Secondary Education; state agency that oversees education in MA.
- **Unaccompanied Homeless Youth:** Young people who do not have safe, stable housing and are not in the care of a parent or guardian.

Primary/Secondary School Enrollment

Can you enroll in school if you are homeless?

Regardless of a student's housing situation, they have the right to public education.

- If a student is experiencing homelessness, they also have **the right to:**
 - **be included in regular school programs.**
 - receive **free school meals.**
 - be provided transportation to their school of origin (school someone was attending when they became homelessness) as necessary.
- **McKinney-Vento Homeless Assistance Act**
 - A U.S. law designed to support homeless individuals, particularly children, in accessing education.
 - Ensures that homeless students have the **same opportunity to attend school as their peers**, even without a permanent address.
 - The law mandates that schools eliminate any barriers that may hinder homeless students' enrollment or academic success.
 - Establishes a “**homeless liaison**,” in each school district who are available to assist with school enrollment and ensure that a student thrives.
 - Establishes the right to remain in school until a student graduates or reaches the age of 21, whichever comes first.
 - This law is **not** designed to include those waiting for foster care placement. You will not have the same rights discussed above if you are awaiting placement.

Special Education

What is Special Education and What Legal Protections Do You Have?

- Special education involves **tailored programs** specifically designed to address the unique requirements of students with disabilities, provided at no cost to parents.
- If you qualify for special education, you are entitled to related services for free, which may include transportation, speech therapy, mental health counseling, psychological services, physical therapy, health services, parent counseling, and social work services.

What is an Individualized Education Plan (IEP)?

- A legal document outlining tailored learning goals/accommodations/etc. to meet a student's unique needs for those who qualify for special education services.
- IEPs are available starting at age 3.
- An IEP plan should be renewed annually and managed by the school assessment team, support team, or psychologist.
- If you are homeless and you transfer schools, your new school is required to follow your IEP from your old school.

Types of School Discipline & Rights

If a student has been charged with or convicted of a felony, they have different rights.

- **Emergency Removal:** when a student is taken out of school for a possible school rule violation before a suspension/expulsion hearing:
 - Cannot last more than 2 days.
 - The school must prove that the student:
 - Poses a danger to people/property.
 - Seriously disrupting the school's ability to education and there is no way to stop the danger/disruption.
- **Short Term Suspension:** when a student is kept out of school for 10 days or less.
- **Long Term Suspension:** when a student is kept out of school for more than 10 school days (can be all at once, or if a student has several suspensions that total +10 days in the same year) but no more than 90 school days. The suspension cannot last past the current school year.
 - Student charged/convicted of a felony have different rights.
- **Expulsion:** when a student is removed from school +90 days.

When can the school discipline you?

- Generally, in Massachusetts, your principal cannot remove you from school without first providing you with an oral and written notice, along with an opportunity for a hearing where you can present your side of the story (except for Emergency Removals).
- If you violate the school's Code of Conduct, this does not mean you violated criminal law.
 - This means you cannot be charged with a crime by the state or federal government.
 - Some offenses that might violate both criminal law and the school's Code of Conduct are: assault on a teacher or member of school staff; possession of a dangerous weapon; or possession of a controlled substance.
- The specific rights you have and procedures that a school must follow depends on the type of discipline and behavior the student is being disciplined for.

You can see these specific rights/procedures in this guide:

<https://massappleseed.org/wp-content/uploads/2026/01/English-FINAL-Discipline-Tip-Sheets-Final-Nov-19-2025.pdf>



Resources

- **Massachusetts Homeless Youth Handbook:**
 - <https://www.homelessyouth.org/en/us/massachusetts>
- **Massachusetts Advocates for Children: Free Multilingual Helpline**
 - Call: (617) 357-8431
 - Learn more: <https://www.massadvocates.org/helpline>
- **Massachusetts Advocates for Children: Discipline Tip Sheet**
 - <https://massappleseed.org/wp-content/uploads/2026/01/English-FINAL-Discipline-Tip-Sheets-Final-Nov-19-2025.pdf>
- **Massachusetts Appleseed Truancy Guide**
 - <https://massappleseed.org/wp-content/uploads/2026/02/A-Parents-Guide-to-Truancy-1-2.pdf>
- **Massachusetts Bar Association Dial-A-Lawyer**
 - First Wednesday of every month 5:30-7:30 PM
 - Learn More: <https://www.massbar.org/public/dial-a-lawyer>
- **Legal Representation (free, by location)**
 - <https://www.mass.gov/info-details/finding-legal-help>