
Options for Controlling Military Recruiter Access to Secondary Schools and Students

Prior to the passage of the federal education bill (titled the No Child Left Behind Act) in January 2002, federal and state laws allowed secondary schools to choose whether or not to release student directory information (name, address, phone, etc.) to nonschool groups, including the military. If schools chose to release the information, they were also required to first notify parents and students of the right to not be included. Under these rules, schools occasionally chose to withhold all directory information from military recruiters.

The No Child Left Behind Act included a provision (fed. public law 107-110, Sec. 9528) that makes it harder for schools to restrict military access to student lists. Now, if military recruiters (or institutions of higher education) request students' names, addresses and phone numbers, and the students have NOT opted out, schools must surrender the information or risk losing federal funds granted under the education bill. The law also expressly states, however, that schools must notify parents and students that they have the right to NOT be included when student information is released to either the military or institutions of higher education, and schools must honor any such request.

Another section of the new law requires schools to grant the military “the same access to secondary school students” that is given to prospective employers or post-secondary educational institutions. Again, the penalty for not complying is the loss of funds provided under the education bill.

WHAT STUDENTS, PARENTS AND SCHOOL PERSONNEL CAN DO TO LIMIT RECRUITER CONTACTS

Access to Student Lists

In order to provide the maximum privacy protection for students and families under the new access rules, schools should be urged to implement a fail-safe system that would require students and parents to place on record their choice regarding the release of student information to military recruiters. This can be done in the following manner:

1. Along with other forms and notices that are distributed in back-to-school and new student registration packets, students should be presented with a short form that would direct them to indicate if they wish to be contacted at home by armed forces recruiters. Check-off boxes could be included with the warning that if they check “yes,” their name, address and phone number may be given to more than one representative of the military, which could result in several attempts by recruiters to contact them. Completion of this form should be required to help protect both the school and the student from any improper release of the information.
2. The new law requires that the notice to students and parents state that institutions of higher education may also obtain names, addresses and phone numbers of students, and

that students and parents can request that the information not be released. The law requires schools to respect such a choice but not facilitate it; thus, the school can elect to present a form that only provides check-off boxes for withholding information from the military.

3. To strengthen this protection, it should be a school district policy that after the form has been presented to a student, if it is not completed, or a preference is not indicated, it would then be presumed that permission to release information to the military has been DENIED. The instructions accompanying the form should make this clear to the student and parents.

Such an approach fits within the recruiter access law because the new law does not prescribe any specific methods for schools to use to enable students and parents to opt out of having information released to recruiters. By announcing beforehand that it will be presumed that permission is being denied if the form is not completed or returned, the school is merely offering another way to opt out, in addition to checking an opt-out box on the form.

Opting out would still not preclude students from initiating contact with military representatives on their own, and it would not prevent the military from reaching out to students at school through various other means (see below, for example).

Access to Campuses

The new education bill states that schools “shall provide military recruiters the same access to secondary school students as is provided generally to post secondary educational institutions or to prospective employers of those students.” No additional access is required or authorized under the federal law. It would be legally proper, therefore, for schools to require that military recruiters only address students when potential civilian employers and representatives of colleges and universities are also invited. Such a requirement must be universal, however: none of these groups could be invited to address students unless the others are given the same opportunity--e.g., via career and college fairs held on campus, classroom presentations, bulletin boards, literature displays in career centers and counseling offices, etc. The military would not have to actually utilize these opportunities, but it would have to be extended the same opportunity to participate that others are given.

If military representatives previously visited a school without invitation to approach students at lunch time or in other situations, and the same method of gaining access to students was not being used by college and civilian employer representatives, such access should be discontinued for military representatives.

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