Students

Exhibit - Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information

1. **What do the U.S. Patriot Act and Elementary and Secondary Education Act require of schools with regard to allowing military recruiters access to students?**

   The Patriot Act has nothing to do with the military recruiter access to students or information. It requires schools to comply with an *ex parte* order issued in connection with the investigation or prosecution of terrorism. A court issues an *ex parte* order without notice to an adverse party. Student records may be disclosed pursuant to such an order without parents' consent or knowledge.

   Schools receiving funds under the Elementary and Secondary Education Act must: (1) give military recruiters the same access to secondary school students as they provide to postsecondary educational institutions or to prospective employers or an institution of higher education, and (2) provide students' names, addresses, and telephone listings to military recruiters, when requested. 20 U.S.C. §7908; 10 U.S.C. §503(c).

2. **What information about students (and which students) must be disclosed to military recruiters by our administration?**

   Secondary schools must disclose names, addresses, and telephone numbers of secondary students, unless parents/guardians, or the student if he/she has attained the age of 18 (an "eligible student"), have submitted a written request that the information not be released without their prior written consent.

3. **What notification must schools provide to parents/guardians and eligible students before disclosing students' names, addresses, and telephone numbers to military recruiters and institutions of higher education?**

   Under federal and State laws governing student records, schools must provide notice to parents/guardians and eligible students of the types of student information that it releases publicly. This type of student information, commonly referred to as *directory information*, includes names, addresses, and telephone numbers. The notice must include an explanation of a parent/guardian's or eligible student's right to request that the information not be disclosed without prior written consent. Under the Elementary and Secondary Education Act, schools must notify parents that the school routinely discloses names, addresses, and telephone numbers to military recruiters and institutions of higher education upon request, subject to a parent/guardian's or eligible student's written request not to disclose such information without their prior written consent.

   A notice provided through a mailing or student handbook informing parents/guardians and eligible students of the above information is sufficient to satisfy the parental notification requirements. The notification must advise parents/guardians and eligible students how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

   If a school does not release "directory information," it still must provide students' names, addresses, and telephone numbers to military recruiters and institutions of higher education upon request. The school must notify parents/guardians and eligible students: (1) that it discloses information to military recruiters and institutions of higher education, and (2) that parents/guardians and eligible students have the right to opt out of this disclosure.

4. **Does recruitment take place in a private office or out in a common area?**

Neither federal nor State law addresses where recruitment takes place. These laws only require that guidelines imposed on military recruiters be the same as those imposed on postsecondary educational institutions recruiters and/or prospective employers.

5. **How frequently are recruiters present?**

   Neither federal nor State law addresses how often recruiters may have access to students. These laws only require that guidelines imposed on military recruiters be the same as those imposed on postsecondary educational institutions and prospective employers.

6. **What information does a military recruiter request of students during the interview?**

   The type of questions military recruiters may ask students is generally not limited. Of course, students may refuse to cooperate or even refuse to be interviewed.

7. **Can schools supervise recruiters to ensure they do not approach impressionable students too strongly?**

   Federal law does not grant authority to schools to supervise military recruiting efforts. The school may, of course, require military and postsecondary recruiters to abide by the District's policy governing conduct on school property.

8. **What are parents' rights relative to military recruiters on campus?**

   Parents may instruct their children to forgo being interviewed by military and/or postsecondary recruiters or prospective employers.

9. **What information do schools provide to families relative to recruiting that goes on at school?**

   Aside from the notice described in #3, neither federal nor State law addresses what information schools must provide to parents regarding the recruiting that takes place at school – this is a local issue to be determined by the Superintendent or Building Principal.

10. **Where can I get more information on the requirements of 10 U.S.C. §503?**

    The Office of the Secretary of Defense may be contacted for copies of the statute, or questions relating to it. Please contact the Accession Policy Directorate as follows:

    Director, Accession Policy
    4000 Defense Pentagon
    Washington, DC 20301-4000
    Telephone: 703/695-5529

11. **Where can I get more information on the requirements of §9528 of the ESEA?**

    The Family Policy Compliance Office (FPCO) in the Department of Education administers FERPA as well as §9528 of the ESEA (20 U.S.C. §7908) School officials with questions on this guidance, or FERPA, may contact the FPCO at FERPA@ED.Gov or write to the FPCO as follows:

    Family Policy Compliance Office
    U.S. Department of Education
    400 Maryland Avenue, SW
    Washington, D.C. 20202-4605
    Telephone: 202/260-3887
    Fax: 202/260-9001
    www.ed.gov/offices/OM/fpco

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