



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: September 10, 2018
To: Chief School Administrators, Charter School and Renaissance School Project Leads
Route To: High School Principals
From: Carolyn J. Marano, Assistant Commissioner
Division of Student Services

Requests for Student Information from Military Recruiters, Institutions of Higher Education and Prospective Employers

The *Elementary and Secondary Education Act (ESEA)*, as amended by the *Every Student Succeeds Act (ESSA)*, requires that local education agencies receiving assistance under *ESEA* provide, upon request, certain student information to military recruiters and/or institutions of higher education (*ESSA*, Section 8528). This memo serves to highlight this requirement and provide helpful information.

Summary of *ESSA*, Title VIII requirements:

- Title VIII of *ESSA* outlines the provisions that give military recruiters the same access to secondary school students as recruiters from postsecondary institutions or prospective employers (e.g., college fairs, job fairs) and requires districts to provide students' names, addresses and telephone numbers to military recruiters, when requested. School districts are strongly encouraged to review the U.S. Department of Education's [Dear Colleague Letter](#) regarding military provisions, which provides clarification on changes under *ESSA*.
- To ensure compliance in this area, all schools receiving assistance under *ESEA* must comply with requests for the names, addresses and telephone numbers of secondary school students made by:
 - 1) Military recruiters,
 - 2) Prospective employers, or
 - 3) Recruiters from institutions of higher education.
- The school must provide this information unless a parent or the adult student (age 18 or over) has "opted out" of disclosing such information. Parents or adult students (age 18 or over) must request *in writing* that student information not be disclosed to one or all entities as indicated above. Districts *may not* withhold access to a student's name, address and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process described above. A sample "opt out" notification letter to be distributed to parents and students is posted to the [ESSA Student Records and Rights](#) webpage.
- The U.S. Army Mid-Atlantic Recruiting Battalion has requested that juniors' and seniors' student directory information be submitted, preferably in an Excel (.xls) format, to U.S. Army recruiters *by December 21, 2018*. If you have any questions about this request, please contact Giovanna Hansen, Battalion Education Service Specialist, via email at Giovanna.c.hansen.civ@mail.mil.
- **Exception:** The requirements of this section *do not* apply to a nonpublic secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school. These requirements also *do not* apply to nonpublic secondary schools whose students receive equitable services under one or more *ESSA* programs.

These schools receive services funded by federal grant programs, but are not direct recipients of grant funds; therefore, such schools are not subject to the Title VIII military provisions.

- Districts must also be aware of the requirements of the *Family Education Rights and Privacy Act (FERPA)* (20 U.S.C. § 1232g; 34 CFR Part 99), which protects the privacy of student education records. Its primary purpose is to prevent districts from disclosing student information that may be harmful, or invading students' privacy by placing student information in certain school publications. Information regarding *FERPA*, including regulations, guidance, sample letters and technical assistance resources, can be found at the [Family Policy Compliance Office \(FPCO\)](#) webpage.
- All of the documents referenced in this memo can be found on the New Jersey Department of Education's (NJDOE) [ESSA Student Records and Rights](#) webpage.

Please ensure that parents and students, as applicable, are notified of these requirements and given the opportunity to use the "opt out" using the prescribed form. Districts are to distribute these documents at the beginning of the school year so parents or students may make timely and informed decisions. As part of the federal programs' monitoring process, the NJDOE will review districts' compliance with the requirements of *ESEA* §8528.

If you have any questions, please contact Peggy Porche in the NJDOE's Office of Supplemental Education Programs via email at peggy.porche@doe.nj.gov.

c: Members, State Board of Education
 Lamont O. Repollet, Commissioner of Education
 NJDOE Staff
 Statewide Parent Advocacy Network
 Garden State Coalition of Schools
 NJ LEE Group
 Giovanna Hansen