



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: August 21, 2020
To: Chief School Administrators, Charter School and Renaissance School Project Lead Persons
Route To: High School Principals
From: Peggy McDonald, 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 educational agencies receiving assistance under *ESEA* provide, upon request, certain student information to military recruiters and/or institutions of higher education (*ESEA* Section 8528). This memorandum serves to highlight this requirement and provide helpful information.

Summary of *ESEA*, Title VIII General Provisions

- *ESEA* Section 8528, outlines 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, when requested, requires Local Education Agencies (LEAs) to provide students' names, addresses, and telephone numbers to military recruiters. LEAs are strongly encouraged to review the United States Department of Education's [Dear Colleague Letter](#) regarding military provisions, which provides clarification on changes under *ESEA*.
- 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) Recruiters from institutions of higher education; or
 - 3) Prospective employers.
- 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. LEAs **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 on the [ESSA Student Records and Rights](#) website.
- The United States (U.S.) Army Mid-Atlantic Recruiting Battalion and the Recruiting Station New Jersey Marine Corp High School Program have requested that juniors' and seniors' student directory information be submitted, preferably in an Excel (.xls) format, to recruiters by **Friday, December 18, 2020**. If you have any questions about this request, please contact [Giovanna Hansen](#), Battalion Education Service Specialist, via email and/or [Capt. Jeramie M. Connor](#), Executive Officer, Recruiting Station New Jersey via email.
- *Exception:* Per *ESEA* Section 8528(c), the above-mentioned provisions *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 *ESEA* 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.

- LEAs also must 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 LEAs 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) web site.
- All documents referenced above can be found on the New Jersey Department of Education (NJDOE) [ESSA Student Records and Rights](#) web page.

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

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

c: Members, State Board of Education
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