



STATE OF NEW JERSEY

# DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: September 14, 2023  
To: Local Educational Agency Leads  
Route To: High School Principals  
From: Kathy Ehling, Assistant Commissioner  
Division of Educational Services  
Deadline: Ongoing until December 15, 2023

## 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 local educational agencies (LEAs) receiving assistance under ESEA, upon request, to provide certain student information to military recruiters, institutions of higher education, and/or prospective employers [[ESEA Section 8528](#)]. This memorandum serves to highlight the 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 LEAs to provide students' names, addresses, electronic mail addresses, and telephone numbers to military recruiters. LEAs are strongly encouraged to review the United States Department of Education's [Dear Colleague Letter](#) regarding ESEA's military provisions, which provides clarification on changes under ESEA.

To ensure compliance, all LEAs receiving assistance under ESEA must comply with requests for the names, addresses, electronic mail 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 LEAs 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 **shall not** withhold access to a student's name, address, electronic mail 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 [Title I, Part A website](#).

The United States 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 15, 2023**.

If you have any questions about this request, please contact [Giovanna Cristiano](#), Battalion Education Service Specialist, via email [or Capt. Matthew Przywara](#), 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 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 are required to comply with these ESEA requirements regardless of their “directory information” policy under the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records. The primary purpose of FERPA is to prevent LEAs from disclosing student information that may be harmful or invade 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 Educational Rights and Privacy Act \(FERPA\)](#) website.

Please ensure that parents and students, as applicable, are notified of the requirements and given the opportunity to exercise the ‘opt out’ option. 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 its collaborative monitoring process, the New Jersey Department of Education will review LEAs’ compliance with the requirements of ESEA Section 8528.

### **Contact Information**

For questions, please contact the Office of Supplemental Educational Programs at [titleone@doe.nj.gov](mailto:titleone@doe.nj.gov).

c:      Members, State Board of Education  
         NJDOE Staff  
         Statewide Parent Advocacy Network  
         Garden State Coalition of Schools  
         NJ LEE Group  
         Giovanna Cristiano  
         Matthew Przywara