

**PUBLIC NOTICE**

**EDUCATION**

**STATE BOARD OF EDUCATION**

**Notice of Receipt of Petition for Rulemaking**

**Administration of the Armed Services Vocational Aptitude Battery Career Exploration**

**Program (ASVAB-CEP) Standardized Test**

**N.J.A.C. 6A:32**

Petitioner: Penny M. Venetis, Clinical Professor of Law, on behalf of The Rutgers Constitutional Rights Clinic, Rutgers School of Law-Newark

**Take notice** that on December 30, 2013, the New Jersey State Board of Education received a petition for rulemaking from the above petitioner requesting that the State Board of Education adopt regulations set forth below relating to the administration of the Armed Services Vocational Aptitude Battery Career Exploration Program (ASVAB-CEP) standardized test administered by guidance counselors in New Jersey's public and private high schools. The ASVAB-CEP is a standardized test created and administered by the Department of Defense every year to assess student aptitude.

The petitioner requests two things: 1) the ASVAB-CEP not be administered to students unless parents of minors, emancipated minors, or students 18 years of age and older complete release forms giving permission for students to take the test; and 2) "Option 8" be the mandatory score reporting option selected by guidance counselors and/or school administrators. Guidance counselors and/or school administrators have the ability to select one of eight "Options for

Recruiter Contact” as it relates to the release of students’ test scores. Option 8 is the last score reporting option and allows military recruiters to obtain a student’s aptitude test scores and/or contact information only if a test release form has been completed for the student. If school administrators do not select a reporting option, “Option 1. No special instructions” is the default. Option 1 allows student test scores and contact information to be provided to military recruiters within seven days of a test’s completion. As a result, the petitioner states most test results are released to military recruiters without the prior knowledge and consent of students and parents, which takes away the rights of parents and students to limit disclosure of private information.

The petitioner states that Option 8 protects student and parental privacy and is in keeping with State and Federal constitutional law, State law, and best practices regarding the administration of student tests.

The petitioner also states that Maryland, Hawaii, and New Hampshire require Option 8 to be chosen as the recruiter contact choice, as does the New York City Department of Education.

In accordance with applicable rule N.J.A.C 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.