

Frequently Asked Questions about **Military Recruitment in Schools and Chancellor's Regulation A-825**

What are the school's obligations under No Child Left Behind (NCLB) with regard to military recruiters? Section 9528 of the NCLB Act contains three basic requirements:

- 1. Student Directory Information:** Schools are required to release the directory information – name, phone number and home address – of all 11th and 12th grade students except where a student or parent notifies the school that he/she does not consent to the release of this information.
- 2. Student Privacy Protection and 'Opt Out':** NCLB requires that schools notify students and parents of their right to keep their information private, also known as “opting out.” Opt out forms may be signed by either students or parents, and they remain in force throughout a students' educational career, unless the school is notified, in writing, of a change. Opt-out forms may be submitted and must be accepted at any time during the school year. Information on opt out deadlines are listed below.
- 3. Equal Access:** NCLB requires schools to give military recruiters “the same access to secondary school students as is provided generally to post secondary educational institutions or to prospective employees of those students.” Military recruiters should not receive preferential access to students. This includes the use of class (educational) time and access to areas of the school restricted to other visitors such as hallways, gyms, cafeterias, etc.

What must be included in the school's written plan regarding military recruitment issues? Every principal/designee must provide the following information as part of the School and Youth Development Consolidated Plan,: 1) a summary of the school's plans and procedures for access by military recruiters; 2) a plan for ensuring that students understand their opt-out rights and receive opt-out forms; and 3) the name of the staff member designated to oversee the plan. A helpful template is available at nycdoe.info.

Where can I get a copy of Chancellor's Regulation A 825 and/or Section 9528 of the NCLB?

These documents, a school plan template and other useful information are available at nycdoe.info.

Do all students have the right to opt out? Yes. Under Chancellor's Regulation A-825, all students, grades 9-12 have the right to opt out. The principal/designee must distribute opt-out letters to all students by the end of the first week of October of each school year. If possible, students should be given time in homeroom or advisory to read the letter and fill out the form. Guidance should be provided upon request. Opt- out forms must also be included in the orientation/intake packet that every new student receives. While students can opt out at any time, 11th and 12th graders should be informed that if they do not opt out before the October deadline, their information will be released to the military and cannot be retrieved. **All students may opt themselves out. Parental signatures ARE NOT required.**

Do parents have the right to opt their child/children out? Yes. Opt-out forms must be provided to all parents of students in grades 9-12 between September 17 and October 3 of each school year. Opt-out forms must also be provided to parents of new students. Opt out letters are available in 8 languages at: <http://schools.nyc.gov/StudentSupport/StudentAttendance/MilitaryOptOutLetters/default.htm>

How will opt out requests be processed? Each principal/designee should enter the names of the students who have opted out and/or whose parents have opted them out into the ATS system, using the ATS function Update Student Codes (UPCO). The opt out code remains in ATS unless the parent and/or parent choose to change it.

How and when is student information released? Directory information for 11th and 12th grade students is centrally disseminated by the DoE to military recruiters during the first week of November. **Individual schools must not provide student information to military recruiters at any time.** Inquiries for information should be directed to Lillian Garelick, 212-374-6095, lgareli@schools.nyc.gov

Student information will still be disseminated to institutions of higher learning at the school level. Principal/designee should handle requests for student information from institutions of higher learning.

What else should I know about “opt out?”

- Opt-out forms are available in eight languages at:
<http://schools.nyc.gov/StudentSupport/StudentAttendance/MilitaryOptOutLetters/default.htm>
- Students and parents may opt out of releasing their information to military recruiters, institutions of higher education, or both.
- Opt-out letters may be distributed to students and parents at additional times during the year.
- Opt-out selections stay with students throughout their entire school career, even if they transfer schools.

Whose responsibility is it to oversee issues relating to military recruitment? Each principal must designate a staff member to ensure that the requirements of Chancellor’s Regulation A-825 are being met. The name and contact information for this person should be publicized to students and parents.

The point person’s main responsibilities are:

- Oversee the School and Youth Development Consolidated Plan to 1) regulate recruiter access; 2) ensure students understand their opt-out rights and receive opt-out forms.
- Report complaints of recruiter misconduct. Complaints can also be taken by any staff member. Recruiter misconduct may include overly aggressive or inappropriate behavior, sexual harassment or disseminating misinformation. It may also include the failure to follow recruiter access guidelines, such as prohibitions on using classroom time, failing to remain within a designated school location, or failing to sign in and out of a school building. See below for instructions for reporting incidents.
- Ensure that at least one staff member is available to:
 - Provide guidance to students on the right to opt out and on the pros and cons of military service.
 - Provide counsel to students considering enlistment,
 - Help students understand military contracts and benefit offers.

Where can staff get training and materials in order to provide current, accurate information to students? FAQ’s with basic information are available at nycdoe.info/faqs--materials.html. Training and materials are available from the Ya-Ya Network, 212 239-0022 or info@yayanetwork.org.

Can the school designate the time and place that recruiters can set up and what they can do while on school grounds? Yes. NCLB requires that schools give military recruiters the same access as is generally provided to other educational institutions and prospective employers. ***This does not mean preferential access.*** Chancellor’s Regulation A-825 states that no visitor should be given unfettered access to students in classrooms, cafeterias, gyms, or other areas of the building. Classroom time must only be used for instruction. Recruiters must sign in and out of the building and hold meetings only in designated locations. Military information should be posted in the same manner and same areas that other post-secondary information.

Can a principal ban a specific recruiter from the school without violating NCLB?

Yes. If a particular recruiter does not comply with DoE guidelines, is inappropriate or in other ways disruptive to the school environment, the principal should notify the recruiter’s superior of the behavior and that s/he will not be permitted to return. Another recruiter may be assigned to take his/her place. Please see below for information on reporting incidents.

What about recruiters outside of schools? Military recruiters have the same First Amendment rights as anyone else to distribute materials and speak to students outside of schools. However, if a recruiter is inappropriate, overly aggressive or misleading to students or school staff, a report should be filed with the DoE and recruitment command. Students should be informed that they do not have to speak with recruiters if they choose not to.

What is the DoE policy on the ASVAB exam? The Armed Services Vocational Aptitude Battery exam is administered and graded by the military. It is “specifically designed to provide recruiters with a source of prequalified leads...The ASVAB computer printout provides information [the recruiter] can’t get from any other list. It...provides the recruiter with concrete and personal information about the student.” (Source: The School Recruiting Program Handbook, USAREC 350-13).

The ASVAB lists eight options for the release of student information gathered from the exam. In order to protect the right of students and parents to determine how their information is released to the military, it is policy of the NYC DOE that **all schools administering the ASVAB must select “Option 8, No release of information”** which keeps student information private.

Students who wish their test score to be released for the purpose of enlisting in the military should arrange to take the ASVAB at their local recruiting station or should contact their guidance counselor for further assistance.

No student is required to take the ASVAB exam.

Does signing an enlistment agreement oblige a student to join the military? No. This question is included here because it is most frequently answered incorrectly. Students who enlist while enrolled in school do so as part of the Delayed Entry Program/Future Solder Program (DEP/FSP). This means “sign up now, go later.” Even after students sign an enlistment contract and take an oath, they are not obligated to enter the military. To ensure separation from the military, he/she should write a letter to the recruitment command center (not the recruiter him/herself) requesting release from the DEP/FSP program, and a copy should be filed with the guidance counselor or the principal’s designee. Recruiters are permitted to attempt to “resell” students who change their minds, but they are not permitted to “threaten, coerce, or intimidate any person for the purpose of inducting a member of the DEP to report to AD [Active Duty]. This includes misrepresenting the likelihood of being apprehended and ordered to AD. It also includes obstructing an individual from being separated from the DEP...They will not unreasonably delay the process of an applicant’s request for separation.” (Source: Recruiting Improprieties Policies and Procedures, USAREC 601-45)

Students who have enlisted in the DEP should be informed of their right to change their minds and any undue pressure by their recruiter must be reported as a serious violation of military regulations.

To report misconduct or questionable behavior, contact:
Lilian Garelick at the DOE: 212-374-6095 or lgareli@schools.nyc.gov
AND
Recruitment Command of the appropriate branch of the military:
Army & Guard/Reserves – 718-630-4645
Marines – 516-228-5660,
Navy – 516-683-2500,
Air Force – 609-239-4900.