

UNDERSTANDING THE MILITARY RECRUITMENT PROVISIONS: THE LINK BETWEEN NCLB AND THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

The new provision under the Title IX of NCLB, known as Section 9528, is inextricably related to a 1974 law entitled the Family Education Rights and Privacy Act (FERPA). Section 9528 requires local education agencies that are receiving assistance under the NCLB to provide military recruiters or institutions of higher education access to secondary school student's names, addresses and telephone numbers. The NCLB Act allows military recruiters the same access to schools that college and company recruiters have. A student or parent can request that such information not be released without prior written parental consent. The LEA or private school "shall notify parents of the option to make a request and shall comply with any request". Schools that maintain a religious objection to service in the Armed Forces however, as long as it is verifiable through documents and materials, are an exception to the requirements.

FERPA is a Federal law that protects the privacy of student's education records, including "directory information" (defined below) about the student. FERPA applies to all schools that receive funds administered by the U.S. Department of Education. It gives parents and eligible students, defined by law as being eighteen years or older, the right to inspect and review the student's education records kept by the school. Except for certain parties and conditions, schools generally must have written permission from the parent or eligible student in order to release any information from a student's education record. Each school decides how they will inform parents. Examples of this notification could include a letter, an article in the PTA bulletin, inclusion in the student handbook, or newspaper article.

If you do not want your student's name, address and telephone listing released to Armed Forces recruiters, YOU MUST SIGN AND RETURN THIS FORM, YOU CAN WRITE A LETTER TO THIS EFFECT, or YOU CAN CONTACT MARIANN NICOLETT, SECRETARY, GUIDANCE OFFICE, WINTHROP HIGH SCHOOL AT 617-846-5505 x108 or email mnicoletti@winthrop.k12.ma.us.

******Please return to main office not later than December 9th*******

Your statement of objections will be placed in your child's records and we will not release this information to military recruiters without your written consent.

DO NOT RELEASE MY STUDENT'S INFORMATION

As parent/guardian of _____, I do not give permission for Winthrop High School to release any information regarding the above student to any branch of the U.S. Military.

Date: _____

Signature _____

Or Sample Letter:

DENIAL OF ACCESS TO MILITARY RECRUITERS OPT-OUT FORM

To: Mrs. Eileen Belastock, Principal, Winthrop High School

I object to the release of the name, address, or telephone number of _____ (print name of student) to military recruiters during this school year. I understand that once this form has been signed by either the student or a parent, only a parent may change it. I also understand that if I want to change it, the parent must notify the principal in writing that the form is no longer in effect and that student information may be released.

Signature of student or parent _____

Name of signing student or parent (please print) _____ Date _____