

VISTA CHARTER PUBLIC SCHOOLS

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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 (LEA) 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 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:
 - Military recruiters;
 - Recruiters from institutions of higher education; or
 - 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 can be found [here](#).
- 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 program. 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.