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CONFRONTING  
UNREGULATED  
MILITARY  
RECRUITMENT  
IN  
NEW YORK CITY  
PUBLIC SCHOOLS



**SCOTT M. STRINGER**  
MANHATTAN BOROUGH PRESIDENT



**NYCLU**  
NEW YORK CIVIL LIBERTIES UNION



# About Manhattan Borough President Scott M. Stringer and the New York Civil Liberties Union

## **About Manhattan Borough President Scott M. Stringer**

Scott M. Stringer, a native New Yorker, was sworn in as Manhattan's 26th Borough President in January 2006. During his tenure, Borough President Stringer has led the way in addressing many of Manhattan's most pressing issues, including: increasing community input and response to development and planning projects across the borough; introducing comprehensive reform and empowerment measures to Manhattan's Community Boards; leading the fight to maintain and create new affordable housing units across the borough; empowering parents to better participate in the public school system; investigating and recommending policy action on the city's many transportation issues; and helping working families and small businesses access resources to become and remain self-sufficient.

## **About the New York Civil Liberties Union**

The New York Civil Liberties Union (NYCLU) is one of the nation's foremost defenders of civil liberties and civil rights. Founded in 1951 as the New York affiliate of the American Civil Liberties Union, it is a not-for-profit, nonpartisan organization with six chapters and nearly 50,000 members across the state. The NYCLU believes that all New Yorkers have certain unalienable rights that cannot be taken away by the government or by majority vote and fights for civil liberties and civil rights through a multi-layered program of litigation, advocacy, public education and community organizing. The NYCLU represents those who face injustice and are fighting back: men and women, rich and poor, gay and straight, black, white and brown, young and old, religious and atheist, able-bodied and living with a disability, citizens and immigrants. The NYCLU believes that when their rights are vindicated, all New Yorkers benefit.

# Acknowledgments

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The Borough President and the NYCLU would also like to thank the Students or Soldiers? Coalition for its invaluable insights and partnership in the preparation of this report. The Coalition has focused its work on advocating for the implementation of a New York City Department of Education system-wide policy to address military recruitment issues. The Coalition is comprised of the Ya-Ya Network (Youth Activists-Youth Allies), the New York Collective of Radical Educators (NYCoRE), New York City United For Peace and Justice (NYC UFPJ), and the New York Civil Liberties Union (NYCLU). The **Ya-Ya Network** is citywide anti-racist, anti-sexist organization staffed primarily by young activists of color that works to build a stronger voice for young people in the movement for social and economic justice. Ya-Yas work year round to counter military recruitment in New York City schools. **NYCoRE** is a group of current and former public school educators committed to fighting for social justice in our school system and society at large. NYCoRE seeks to organize and mobilize educators to work for change both inside and outside the classroom. **NYC United for Peace and Justice** is a coalition of groups in the New York City area working to end the war in Iraq through local grassroots organizing. The coalition is affiliated with United for Peace and Justice, the largest-anti-war coalition in the country with more than 1,400 member groups nationwide. The Students or Soldiers? Coalition's countless volunteer hours made possible the efficient and professional execution of an ambitious, cross-organizational research plan.

Finally, the Borough President and the NYCLU thank the New York City students, parents and educators whose stories made this report possible.

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# Executive Summary

As the United States military increases its recruitment efforts among high school students in order to meet wartime quotas, oversight of military recruitment practices in schools is critical. Despite government reports and media investigations documenting military recruiter misconduct vis-à-vis prospective enlistees, legal protections for students against coercive recruitment tactics remain weak.

The federal No Child Left Behind (NCLB) Act of 2001 grants military recruiters unprecedented access to public high schools and to students' personal information. While NCLB does provide a modicum of protection, requiring schools to allow students and parents to withhold personal information from the military, that safeguard rests entirely on the efforts of local school officials and provides no meaningful enforcement mechanism. Inspired by this weakness in the law—and compounded by a range of related concerns about student rights, safety, and educational integrity—many local jurisdictions have adopted more restrictive military recruitment guidelines within their districts.

Although United States Army statistics list New York City as a primary source for enlistment, and students and parents have long reported high levels of recruiter activity, the full extent of military recruitment efforts in New York City public schools remains undocumented. This report and the survey that informs it examine student experiences with military recruitment in schools and assess the effectiveness of the New York City Department of Education's (DOE) guidelines for protecting student privacy and preventing abusive recruitment tactics in those schools. Manhattan Borough President Scott Stringer and the New York Civil Liberties Union—in conjunction with the Students or Soldiers? Coalition—surveyed nearly 1,000 students at selected schools perceived to be especially subject to aggressive military recruitment activities. Although the survey is by no means scientific, the results are striking:

- More than one in five respondents (21%) at selected schools reported the use of class time by military recruiters, a violation of DOE guidelines. Amongst twelfth graders at selected schools, an even greater proportion—approximately one in four students (27%)—reported military recruiter use of class time.
- In violation of DOE guidelines, two in five respondents (40%) at selected schools did not receive a military recruitment opt-out form at the beginning of the 2006-2007 academic year. An additional one in three respondents (33%) was unsure if their school provided them with an opt-out form at the start of the year.
- Nearly one in five respondents (18%) at selected schools did not believe anyone in their school could properly advise them of the risks and benefits of military enlistment. An additional one in three surveyed students (32%) was unsure if such a person was available in their school.
- Nearly half of respondents (45%) at selected schools reported that they did not know to whom they should report military recruiter misconduct.

DOE needs to develop, implement, and enforce a military recruitment policy to be included in the Chancellor's Regulations, that: 1) informs students of their rights; 2) ensures that military recruiters do not receive preferential access to school campuses; 3) provides adequate support and guidance services about military recruitment; and 4) prevents aggressive and heavy-handed recruitment tactics.

Other school districts around the nation have developed and adopted policies and practices to ensure a safe learning environment that protects students' rights while meeting the requirements of NCLB. In New York City, students, families, and educators have repeatedly approached DOE with concerns about military recruiter tactics in public high schools. DOE's sole response has been to issue internal memoranda setting forth guidelines on military recruitment activities—it has failed to develop and enforce a comprehensive system-wide policy.

With this in mind, the Manhattan Borough President and the NYCLU have created the following recommendations for a system-wide DOE policy on military recruitment in New York City public schools:

- Distribute multilingual opt-out forms to all students at the beginning of every academic year and provide a clear, written explanation of students' rights. Ensure that schools provide additional, user-friendly ways—such as including an opt-out checkbox on mandatory emergency contact cards—for students and their parents to remove student names from any lists that are sent to the military.
- Require all campus recruiters to sign in and out at school guidance offices when present on campus. Records, including recruiter affiliation and date, time, and location on campus, should be collected by DOE and made publicly available.
- Train school leadership on the rules and regulations of recruiter presence and activities in schools and monitor and enforce compliance. Institute a meaningful and well-publicized grievance procedure.
- Enforce strict limits on the frequency of recruiter visits and on recruitment activity, including limiting locations within schools and prohibiting recruiter use of instructional time. For these purposes, each branch of the military should be considered a separate recruiting organization granted no more access than any individual college or post-secondary employer.
- Train staff in each school to advise students about the risks and benefits of military service and about alternative career options.

A transparent, system-wide policy governing military recruitment in public schools is required to defend students' and parents' right to withhold information from the military, protect student safety, and ensure educational integrity. DOE must clearly inform New York City public high school students about their rights in relation to military recruitment, protect students from coercive military recruiter practices, and consistently enforce its procedures and guidelines across the district.





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# I.

## Introduction

The passage of the federal No Child Left Behind Act (NCLB) of 2001 changed the landscape of military recruitment in public high schools across the nation. Specifically, certain provisions of the NCLB allow the federal government to withhold crucial aid from a state if even one school within that state does not provide the United States military with access to its students. These provisions have the intended effect of forcing schools not only to open their doors to recruiters, but also to provide the military with millions of students' information for inclusion in an extensive military database.<sup>1</sup> In the six years since the enactment of NCLB, many New York City educators, students, and parents have complained about the military's heavy-handed recruitment tactics, harassment of students, violation of students' privacy, and targeting of poor students and students of color.

Nationally, wartime enlistment quotas have placed increased pressure on military recruiters to fill the ranks of the armed services. This added strain has arguably contributed to the rise in allegations of misconduct and abuse by recruiters.<sup>2</sup> Reports of these incidents became so numerous that in 2006, Congress called for an investigation of military recruitment tactics by the United States Government Accountability Office (GAO).<sup>3</sup> In that report, the GAO documented at least 6,600 allegations of recruiter wrongdoing in fiscal year 2005, a 50 percent increase from the previous year. The GAO also noted that the "service data likely underestimate the true number of recruiter irregularities" due to poor tracking and reporting.<sup>4</sup>

Media sources support the findings of the GAO. According to the Associated Press, in 2005, one in

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1 In 2005, the Pentagon announced in the Federal Register the existence of the Joint Advertising Market Research & Studies (JAMRS) Database—a massive registry of 30 million Americans between the ages of 16 and 25 maintained for recruitment purposes. In addition to the directory information (i.e. name, home address, home telephone number) obtained by recruiters from high schools, JAMRS also includes e-mail addresses, grade point averages, college intentions, height and weight information, and racial and ethnic data obtained from a variety of public and private sources. Turning in an NCLB opt-out form to a school office does not keep the military from obtaining and using information about a student from many other sources. The procedure for opting out of the JAMRS database is different. More information on the JAMRS database can be found at <http://milrec.nyclu.org>.

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2 According to *The New York Times*, the Army missed its annual recruiting quota in 2005 and missed its May and June 2007 recruiting goals. See Thom Shanker, "Army, Shedding a Slump, Met July Recruiting Goal," *New York Times*, 11 Aug. 2007.

3 The GAO is an independent and nonpartisan federal agency charged with studying the programs and expenditures of the federal government.

4 United States Government Accountability Office (GAO), "DOD and Services Need Better Data to Enhance Visibility Over Recruiter Irregularities," GAO-06-846, Aug. 2006.

every 200 military recruiters was disciplined for sexual misconduct toward potential recruits, most of whom they met in schools.<sup>5</sup> Likewise, an ABC News and WABC undercover investigation found recruiters in New York City intentionally misinforming students about the requirements and realities of enlistment.<sup>6</sup> Given the high and potentially dangerous stakes of military service, especially during a time of war, it is crucial that young people have access to full and open information about the military.

New York City contains three of the nation's top 100 counties for Army enlistment.<sup>7</sup> While anecdotal evidence suggests that public schools serve as prime recruiting grounds for the military, little is known about the true in-school recruitment experiences of New York City public high school students. The New York City Department of Education (DOE) has issued several internal memoranda to school principals outlining basic guidelines for managing military recruitment. Although this marks a step in the right direction, DOE has failed to:

- develop and publicly formalize a recruitment policy to be incorporated into the Chancellor's Regulations—the established governing policies for the DOE;
- conduct regular monitoring and evaluation of recruiter practices;
- provide sufficient student guidance regarding alternative post-secondary options; and
- track and address complaints of recruiter improprieties.

In an effort to collect critical information about military recruitment in New York City high schools at risk of high levels of recruitment and to determine the degree to which students in these schools are being advised

of their rights, the following organizations conducted the first-ever survey of New York City high school students about their experiences with military recruiters: the Office of Manhattan Borough President Scott M. Stringer and the Students or Soldiers? Coalition, including the New York Civil Liberties Union (NYCLU), the Ya-Ya (Youth Activists-Youth Allies) Network, New York City United for Peace and Justice (NYC UFPJ), and the New York Collective of Radical Educators (NYCoRE).

This report discusses the survey's key findings, provides an overview of policies that other school districts have implemented to minimize recruiter abuse and to increase students' awareness of their rights and suggests recommendations for ways DOE can fulfill its responsibility to New York City students and families by ensuring that:

- military recruiters abide by the law when recruiting in schools;
- students are protected from recruiter misconduct and are provided meaningful opportunities to opt out of recruiter databases; and
- students have access to sufficient guidance about the potential risks and benefits of military enlistment as well as other educational and career options.

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<sup>5</sup> In the majority of these cases, the victims were between the ages of 16 and 18. See Martha Mendoza, "AP Probe Looks at Recruiters' Misconduct," *Associated Press*, 20 Aug. 2006.

<sup>6</sup> Hidden cameras caught recruiters telling potential recruits that the United States was not at war, that the recruiters could help a potential recruit cheat to hide his drug-addiction problem, and that another potential recruit could simply leave the military if he or she didn't like it. See "Army Recruiters Accused of Misleading Students to Get Them to Enlist," WABC News, 3 Nov. 2006.

<sup>7</sup> National Priorities Project, "Top 100 counties by number of Army recruits, 2006," 22 Dec. 2006.

## II.

# Background

### *Military Recruitment and Federal Law*

Of chief concern to students, parents, and educators regarding the No Child Left Behind Act (NCLB) are its provisions pertaining to military recruitment in secondary schools and military recruiter access to students' personal information. Section 9528 of NCLB requires school districts receiving certain federal funds to provide the military with student information: "each local educational agency receiving assistance under this Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings."<sup>8</sup> The same section of the law, however, also enables students and their parents to individually "opt out" of this requirement by requesting that their school withhold their personal information from the military. Under the law, "[a] secondary school student or the parent of the student may request that the student's name, address, and telephone listing... not be released without prior written parental consent, and the local educational agency or private school shall notify parents of the option to make a request and shall comply with any request."

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8 20 U.S.C § 7908 (a)(2)

NCLB also requires schools to provide military recruiters with the same level of in-school access to secondary students as they provide to other post-secondary recruiters, such as higher educational institutions and prospective non-military employers.

### *The Armed Services Vocational Aptitude Battery (ASVAB)*

Section 9528 of NCLB is not the only way that recruiters obtain student information from schools. The Armed Services Vocational Aptitude Battery (ASVAB) exam, a skills and guidance test provided, funded, graded, and often administered by the U.S. military, is offered in many schools.<sup>9</sup> The military provides the test to schools nationwide as a way to gauge students' aptitude and strengths for military service. The test is a principal means for military recruiters to obtain students' information. While recruiters are instructed to tell students and school educators that the ASVAB is used to: "help students learn more about themselves and the world of work, identify and explore potentially satisfying occupations, and develop an effective

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9 U.S. Army Recruiting Command School Recruiting Program Handbook, USAREC Pamphlet 350-13 § 6-3

strategy to realize their goals,”<sup>10</sup> the primary function of the ASVAB, according to the Army’s *School Recruiting Program Handbook*, is actually to “provide the field recruiter with a source of leads of high school seniors and juniors qualified through the ASVAB for enlistment into the Active Army and Army Reserve...[the ASVAB test printout] identifies the best potential prospects for recruitment that allows recruiters to work smarter. The printout provides the recruiter with concrete and personal information about the student.”<sup>11</sup>

Anecdotal evidence suggests, however, that students are often not informed that the ASVAB is a military test. In addition, pursuant to military guidelines school principals control the student information gained from the ASVAB exam, not students themselves. Principals are presented with a range of options to control the level of privacy of the information gathered from the ASVAB exam. These options include releasing student information to the military for recruitment purposes or retaining it for exclusive use by the school or student.<sup>12</sup>

#### *Military Recruitment in New York State Schools Before and After NCLB*

New York State law allowed military recruiters to access schools prior to the passage of NCLB. Passed in 1984, New York Education Law § 2-a required school districts that released “directory information relating to pupils” or provided access to school grounds and facilities “to persons who inform pupils of educational, occupational or career opportunities,” to give the military the same access. This law did not provide any monetary means for penalizing schools that failed to adhere to its provisions.<sup>13</sup> Passage of NCLB, however, established a severe monetary threat in regard to recruiter access: any school refusing equal access to the military or failing to comply with a military request for students’ information would jeopardize the entire state’s access to crucial federal educational aid.<sup>14</sup>

10 USAREC Pamphlet 350-13 § 6-5(b)

11 USAREC Pamphlet 350-13 § 6-2(a)-6-5

12 USMEPCOM Regulation 601-4 § 3-2(a)

13 N.Y. Educ. Law §2-a

14 20 U.S.C § 7908 (a)

### **John Elfrank Dana, Teacher**

**Murry Bergtraum High School  
11th and 12th grade  
US History and Government**

“Students tell me they see military recruiters roaming the halls occasionally and that is not supposed to happen...I think the school administration is bogged down with so many other issues like test scores and security concerns, from overcrowding, that ensuring compliance with the military recruitment provisions of NCLB becomes a low priority.”

Indeed, since the passage of NCLB, the United States Department of Education has threatened to deny funding to states in which schools have blocked military recruiter access. This pressure from the federal-level has resulted in state education departments threatening disciplinary sanctions at the local school level.<sup>15</sup>

15 See letter from U.S. Deputy Secretary of Education William D. Hansen and U.S. Undersecretary of Defense David S. C. Chu to state education superintendents nationwide, 2 Jul. 2003; also see letter from California State Superintendent Jack O’Connell to 24 California school districts determined not to be in compliance with NCLB opt-out provision. 21 Aug. 2003. Copies of the letters are held at the NYCLU offices.

## **NCLB § 9528. Armed Forces recruiter access to students and student recruiting information [excerpt]**

### **(a) Policy**

#### **(1) Access to student recruiting information**

Notwithstanding section 1232g (a)(5)(B) of this title and except as provided in paragraph (2), each local educational agency receiving assistance under this chapter shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students names, addresses, and telephone listings.

#### **(2) Consent**

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described in paragraph (1) not be released without prior written parental consent, and the local educational agency or private school shall notify parents of the option to make a request and shall comply with any request.

#### **(3) Same access to students**

Each local educational agency receiving assistance under this chapter shall provide military recruiters the same access to secondary school students as is provided generally to post secondary educational institutions or to prospective employers of those students.

### *Student Rights and Recruiter Access: DOE's Policies around NCLB*

In addition to accessing student contact information, one of the primary ways recruiters reach students is in schools. In its *School Recruiting Program Handbook*, the U.S. Army recruiting command instructs its recruiters to "effectively penetrate the school market," and states that a recruiter's goal is "school ownership that can only lead to a greater number of Army enlistments."

New York City's DOE has long been aware of the need to safeguard student safety and privacy when military

recruiters are in schools. DOE has met frequently with the Students or Soldiers? Coalition to discuss ways to protect students from privacy violations and recruiter abuse.<sup>16</sup> Following these meetings, DOE developed an opt-out procedure for students and parents. Principals were made aware of both this procedure and their obligations under NCLB through various internal memoranda disseminated by DOE.<sup>17</sup> While a step in the right direction, internal memoranda do not codify or publicly state a system-wide policy for assuring compliance and accountability with federal law and DOE guidelines regarding military recruitment in schools, as would inclusion in the Chancellor's Regulations, the established governing policies for the DOE. In addition, DOE compiles little to no information about recruiter activity in its high schools, rendering impossible any system-wide effort to monitor and understand recruitment behavior in New York City public schools.

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### **There remains no system-wide plan for assuring compliance and accountability with federal law and DOE memoranda regarding military recruitment in schools.**

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In an October 2004 memorandum to principals DOE outlined its procedure for notifying high school students and their parents of their right to withhold personal information from military recruiters; the memo outlines the following guidelines:

- High school principals are required to provide students and parents with a written explanation of opt-out rights and procedures as well as an opt-out form.
- During the course of the school year, opt-out letters must be included in the admission/

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<sup>16</sup> Since fall 2003, representatives from the NYCLU, the Ya-Ya Network, NYCoRE and NYC-UFPJ have met periodically with DOE staff to discuss military recruitment concerns.

<sup>17</sup> See Appendix B for DOE memoranda.

orientation packet of any student who enrolls after the original letters were disseminated.

- Opt-out requests must remain in effect throughout a student's high school tenure, unless rescinded in writing.
- Principals are encouraged to provide students with time in homeroom or with advisory classes to read the opt-out letter and complete the form if they so desire.
- Principals are required to fulfill any student's request for guidance.<sup>18</sup>

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**“Recruiters should not be given any special privileges.”**

—DOE Memorandum, January 2007

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Despite similar memoranda in fall 2005 and 2006, advocacy organizations reported to DOE in 2006 that the guidelines were not being followed at the school level. After a series of meetings, DOE issued another memorandum in January 2007 restating its commitment to adhering to federal law regarding recruiter access to student information and to schools. High school principals were once again provided with opt-out letters and a reminder to “advise parents and students of their right to opt-out of the release of their contact information.” The January 2007 memorandum outlined the following standards, in essence a reiteration of those set forth in October 2004:

- Principals are required to “ensure that all students currently enrolled in your school have received the opt-out letter and that all newly-enrolled students receive it as soon as they arrive.” Additionally, “students can choose to opt out at any time during the year.

[Principals] can distribute opt-out letters multiple times during the school year.”<sup>19</sup>

- Military recruiters should be provided the same access to secondary students as post-secondary educational institutions and prospective employers, but “should not be given any special privileges.”<sup>20</sup>
- Recruiters must follow the same safety and building procedures as other visitors to school campuses, including signing in-and-out when entering and leaving the school and holding meetings only in designated locations. Specifically, “[n]o visitor should be given unfettered access to students in classrooms, cafeterias, gyms, or other areas of the school building. Information about opportunities in the military should be posted in the same manner and same areas that you post other educational and career information. Please also ensure that classroom time is used only for instruction. You should generally provide students with information about career, educational, or military opportunities in forums dedicated to that purpose.”<sup>21</sup>

Despite the directives issued in official DOE memoranda, survey results discussed in detail below suggest that military recruitment activities are not held to uniform standards, and that military recruitment problems persist in many schools.

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18 DOE memorandum to principals, 4 Oct. 2004. See Appendix B...

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19 New York Department of Education, Principals' Weekly 1/07; see Appendix B.

20 Ibid.

21 Ibid.



# III.

## Methodology

In April and May of 2007, representatives from the Office of Manhattan Borough President Scott M. Stringer and the NYCLU, in conjunction with the Students of Soldiers? Coalition, interviewed students in 45 New York City public high schools perceived to be at heightened risk for military recruiter abuse. All surveys were conducted in April and May of 2007.

An aggregate of 953 students responded to the survey. Over 65,500 students were enrolled in the selected schools during the 2006-2007 school year. Prior to conducting these interviews all volunteer surveyors received training from the NYCLU on how to properly approach students and how to administer the survey.

It is important to underscore that the survey was not intended to gain information about military recruitment activities in the New York City public school system as a whole. Rather, the survey sought to obtain a narrower scope of information—the extent and nature of recruitment activities in the New York City public high schools which research and demographic information suggest have elevated levels of recruitment. Within these selected schools, the survey assessed the degree to which students are advised of their rights regarding military recruitment. Since no official registry of recruiter activity in New York City public schools exists, the following criteria were used to select survey schools:

- Racial and ethnic demographics of the student population<sup>22</sup>
- Poverty levels of the student population<sup>23</sup>
- Percentage of students graduating within four years
- Percentage of students indicating enlistment in the military or unspecified plans after graduation<sup>24</sup>
- Percentage of students who are recent immigrants<sup>25</sup>
- Anecdotal reports of frequent and/or abusive military recruiting
- Army recruiter logs of recruiter activity in New York schools obtained via Freedom of Information Act (FOIA) request<sup>26</sup>

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22 The U.S. military has long expressed interest in targeting students of color and recently hired a consulting firm to explore strategies to recruit black and Latino youth. See <http://milrec.nyclu.org> for evidence.

23 American Friends Service Committee, "Geographic Distribution of Military Recruitment in New York City." Available at <http://www.afsc.org/nymetro/specialprojects/recruitmentmaps.htm>.

24 DOE publicly reports high school seniors' post-graduation plans on its School Report Cards. This information can be obtained through the DOE website at <http://schools.ny.gov>

25 Summer Harlow, "Military Recruiters Set Sights on Hispanics." *USA Today*, 20 Aug, 2007.

26 The NYCLU obtained Army recruiter school reports (USAREC Form 446, Rev 1 Oct 04) about public schools in the Bronx and part of Manhattan. Requests for additional reports are still outstanding. The documents were obtained via NYCLU FOIA request, February 2005. Copies of the documents are held at the NYCLU offices.



Table 1 – Distribution of Surveyed Students

GRADE		ETHNICITY		GENDER		BOROUGH	
Ninth	25%	Latino/Hispanic	39%	Male	53%	Brooklyn	31%
Tenth	25%	Black/African-American	33%	Female	46%	Bronx	30%
Eleventh	24%	Asian/Pacific Islander	3%	No Response	1%	Manhattan	24%
Twelfth	23%	White/Caucasian	2%			Queens	13%
No Response	3%	Native American/ American Indian	1%			Staten Island <sup>27</sup>	2%
		Other	8%				
		No Response	15%				

Based on these criteria, the survey was conducted at the following schools. The number of surveys collected at each school is noted after the school name. Educational campuses, school buildings that house multiple schools, are bolded.

#### **Manhattan**

A. Philip Randolph High School (23)  
East Side Community High School (21)  
Life Sciences High School (50)  
Legacy High School (22)  
High School for Graphic Communication & Arts (31)

#### **George Washington Educational Campus**

High School for Media and Communications (20)  
High School for Law and Public Service (25)  
High School for Business and Finance (20)  
High School for Health Careers and Science (20)

#### **Brooklyn**

Fort Hamilton High School (24)  
Canarsie High School (17)  
South Shore High School (8)  
Sheepshead Bay High School (19)  
ACORN High School for Social Justice (7)  
Paul Robeson High School (23)  
Automotive High School (20)  
Franklin K. Lane High School (35)  
Abraham Lincoln High School (17)  
William Grady High School (33)  
Samuel J. Tilden High School (7)

#### **Grand Street Educational Campus (94)**

High School for Legal Studies  
High School for Enterprise, Business, and Technology  
Progress High School for Professional Careers

#### **Bronx**

DeWitt Clinton High School (11)  
Samuel Gompers High School (20)  
Grace Dodge High School (25)  
Alfred E. Smith High School (29)  
Harry S. Truman High School (33)

#### **Christopher Columbus Educational Campus**

Christopher Columbus High School (7)  
Global Enterprise High School (17)  
Pelham Prep Academy (23)  
Astor Collegiate Academy (5)

#### **Evander Childs Educational Complex (105)**

Bronx Aerospace Academy  
Bronx High School for Writing and  
Communication Arts  
Bronx High School for Contemporary Arts  
Bronx Lab School  
Bronx Academy of Health Careers  
High School of Computers and Technology  
Bronx Health Science

#### **Queens**

Queens Vocational High School (25)  
Aviation High School (50)  
John Adams High School (17)  
Thomas Edison High School (18)  
Jamaica High School (16)

#### **Staten Island**

Port Richmond High School (16)

For two of the educational campuses—Grand Street Educational Campus and Evander Childs Educational Complex—survey numbers are reported for the campus as a whole; the number of surveys per school within the campus was not available.

At these selected schools, volunteers approached students about the survey; it was then at the student's discretion to complete one. Table 1 provides a summary of the grade level, ethnicity, gender and borough of school attended for survey respondents.

<sup>27</sup> Only one school in Staten Island fit the criteria for selection in this survey.

## IV.

# Survey Results

### Student Privacy

#### *Notice of Right to Opt Out*<sup>28</sup>

Despite existing DOE guidelines for advising students of their right to withhold personal information from military recruiters, survey results indicate that many students in the selected schools are not receiving this information:

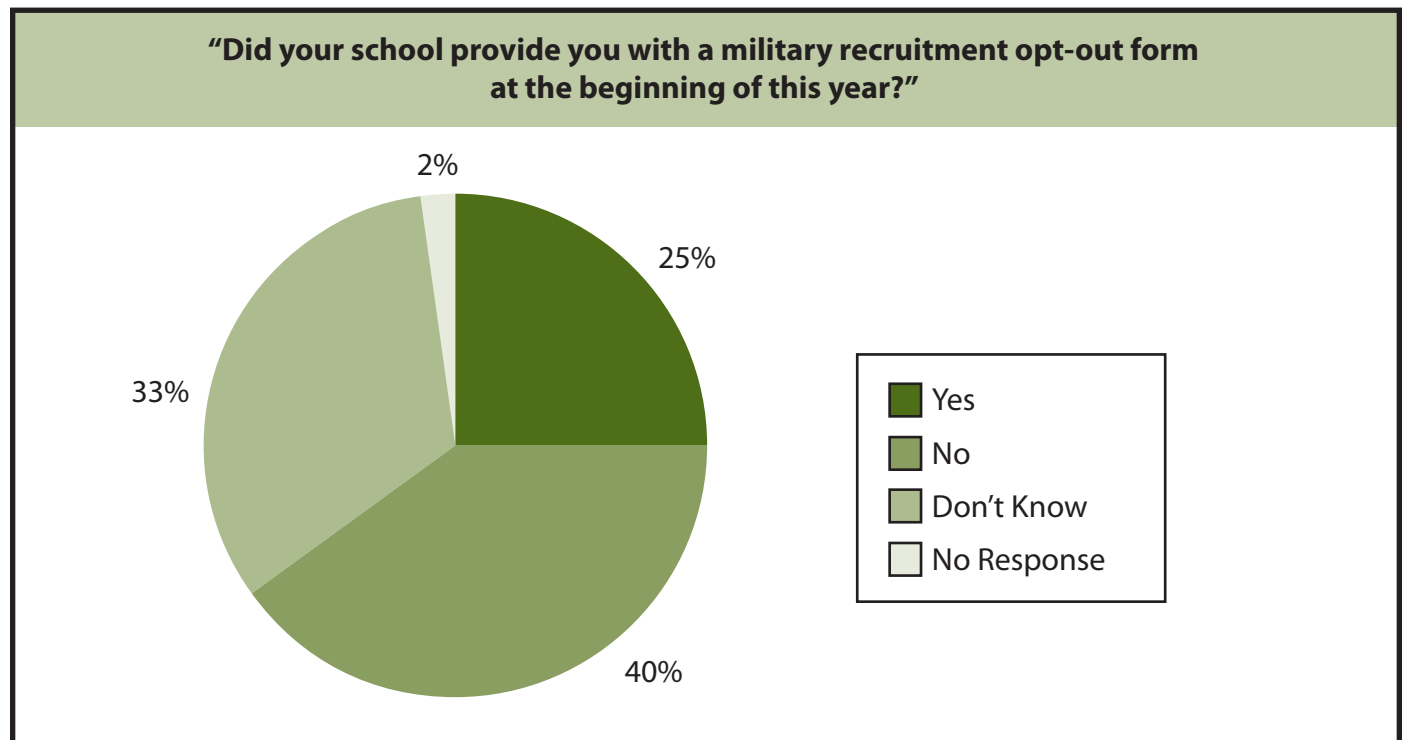
- **Two in five respondents (40%) at the selected schools reported that their school had not provided them with a military recruitment opt-out form at the beginning of the 2006-2007 academic year.**

- **An additional 33% of respondents at the selected schools were unsure if they had received an opt-out form at the beginning of the 2006-2007 school year.**

*Figure I* illustrates the results for whether or not the students surveyed reported receiving opt-out forms at the beginning of the school year.

Although student responses about receiving opt-out forms in the beginning of the school year were largely consistent across grade level, ethnicity, and gender, there were notable differences with respect to borough:

*Figure I*



- **Forty-four percent of respondents at the selected schools in the Bronx—a significantly higher percentage of students than in the other four boroughs—indicated that their school had not provided them with a military recruitment opt-out form at the beginning of the 2006-2007 school year.**
- **An additional 38% of respondents at the selected Bronx schools indicated they did not know if their school had provided them with an opt-out form at the beginning of the year.**

Figure II shows the results by borough for whether or not students reported receiving opt-out forms at the beginning of the school year.

Additionally, 16% of respondents in selected schools in the Bronx indicated that they had received opt-out forms at the beginning of the year versus between 25% and 30% of respondents from selected schools in other boroughs.

Survey results also suggest that a significant number of students in the selected schools are not receiving adequate explanation of the opt-out form or their right to withhold personal information from recruiters:

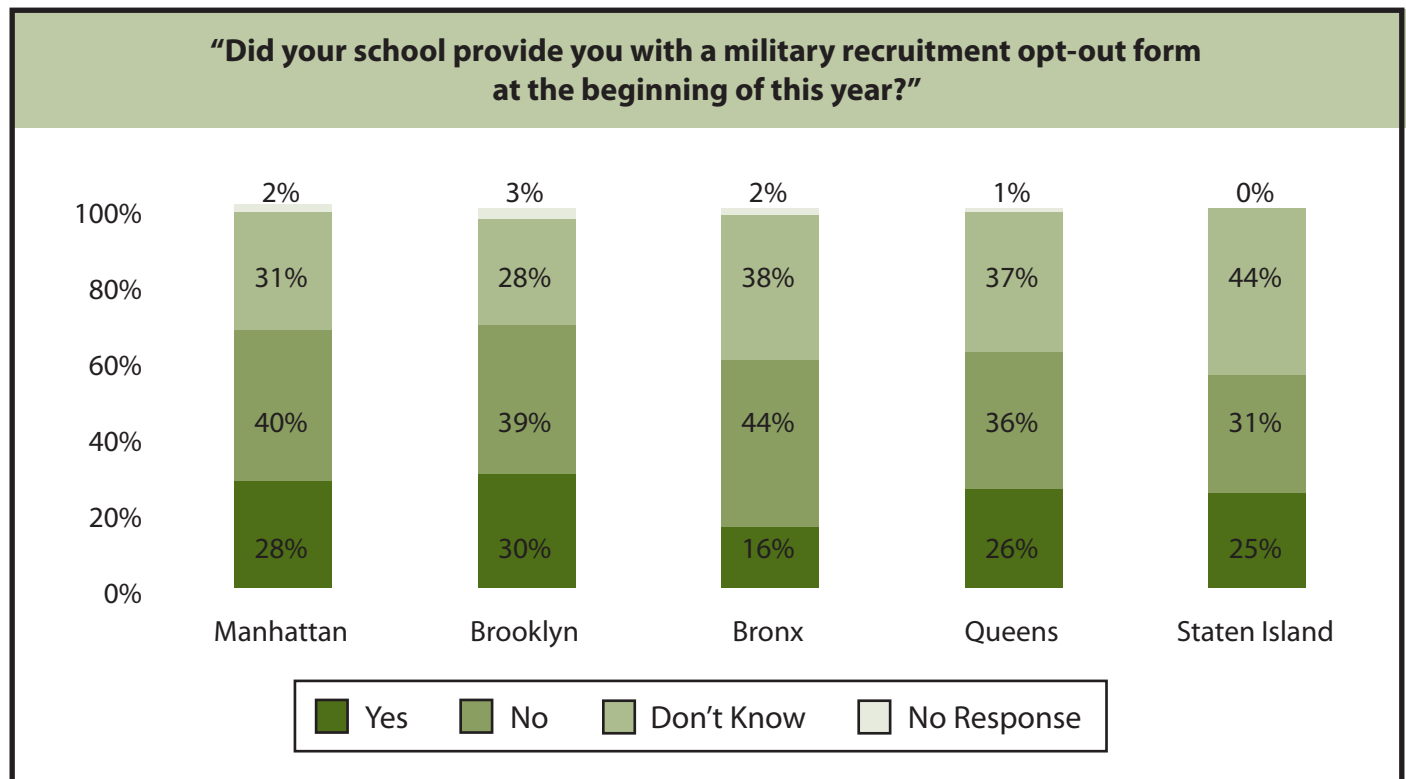
## Caryn Kay

**Parent  
Incoming 9th Grade Student**

“When I was informed about NCLB and the opt out provision, I was stunned. I would never have known that my child was open to this type of recruitment or that [recruiters] would be getting our information...I don’t like the idea that somebody would be contacting him independent of me, especially at such a young and vulnerable age.”

- **Of the 25% of respondents who reported receiving opt-out forms, more than one-third (34%) indicated that no one from their school explained the form or their right to withhold personal information from military recruiters.**

Figure II



Not surprisingly, 63% of respondents at the selected schools reported that neither they nor their parents returned an opt-out form. An additional 25% indicated that they did not know if they or their parents had returned an opt-out form. Responses to the question of whether or not students or their parents/guardians had completed and returned an opt-out form were largely

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**More than one-third of respondents indicated that no one from their school explained the purpose of an opt-out form or their right to prevent the military from accessing and using their personal information for recruiting purposes.**

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consistent with respect to grade level, ethnicity, gender, and school size. However, students attending schools in the Bronx were much less likely to have filled out and turned in forms than their counterparts in other boroughs:

- **Six percent of respondents in the selected schools in the Bronx reported that they or their parents had completed and returned an opt-out form versus between 12% and 16% of respondents in selected schools in Manhattan, Brooklyn, and Queens.**

## **Military Recruiter Access to Students**

### *Military Recruiter Use of Class Time<sup>29</sup>*

DOE's guidelines make clear that classroom instruction time should never be used for recruitment purposes. The January 2007 memo states: "Please ensure that classroom time is used only for instruction."<sup>30</sup> Nonetheless:

## **Romy Chowdhury**

**Thomas Edison HS  
Graduated 2007**

"At least twice a week I'd see recruiters coming into the guidance office talking to us about the military and giving us bags, cups, squishy balls, etc. promoting the Marine and Army slogans... The military is not there to educate us; they don't care about educating us. They are happier if students are uneducated because then we won't question the recruiters. We have enough to worry about our education that we don't need to also be worried about military recruiters talking to us. They really should not be there."

- **More than one in five respondents (21%) at the selected schools reported that military recruiters use class time to make presentations.**

*Figure III* shows the use of class time by military recruiters as reported by surveyed students.

Older respondents closer to making decisions on their post-secondary plans reported greater recruiter access to class time:

- **Twenty-seven percent of respondent twelfth graders at the selected schools reported military recruiter use of class time versus 18% of respondent ninth graders at the selected schools.**

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29 For a school-by-school breakdown of survey responses on this topic, please see Appendix A.

30 New York Department of Education, Principals' Weekly 1/07; see Appendix B.

## Adana Austin

### Lafayette High School Rising Senior

"I see military recruiters in classes a few times a month...I've never seen a college recruiter."

With DOE planning to spend an additional \$57 million during the 2007-2008 school year to increase instructional time, reports that military recruiters are using that valuable class time are particularly troubling.<sup>31</sup>

31 Julie Bosman, "City Schools Focus New Aid on Reducing Class Sizes," *New York Times*, 6 Jul. 2007.

32 New York Department of Education, Principals' Weekly 1/07; see Appendix B.

Figure III

### "Do recruiters get to use class time to make presentations?"

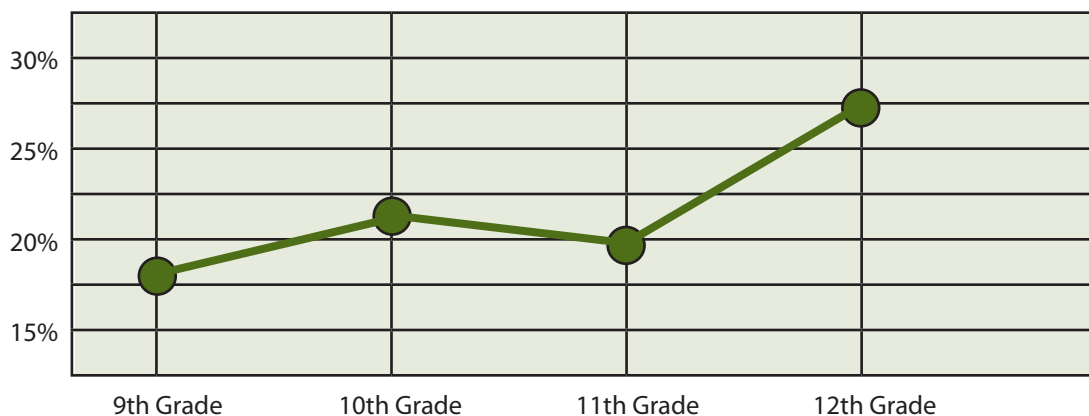
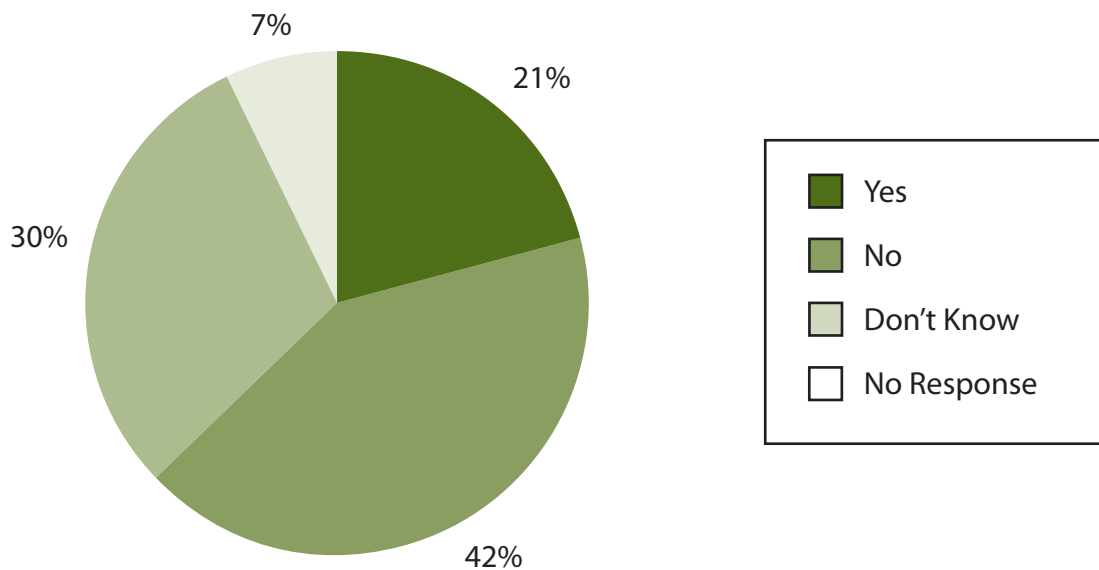
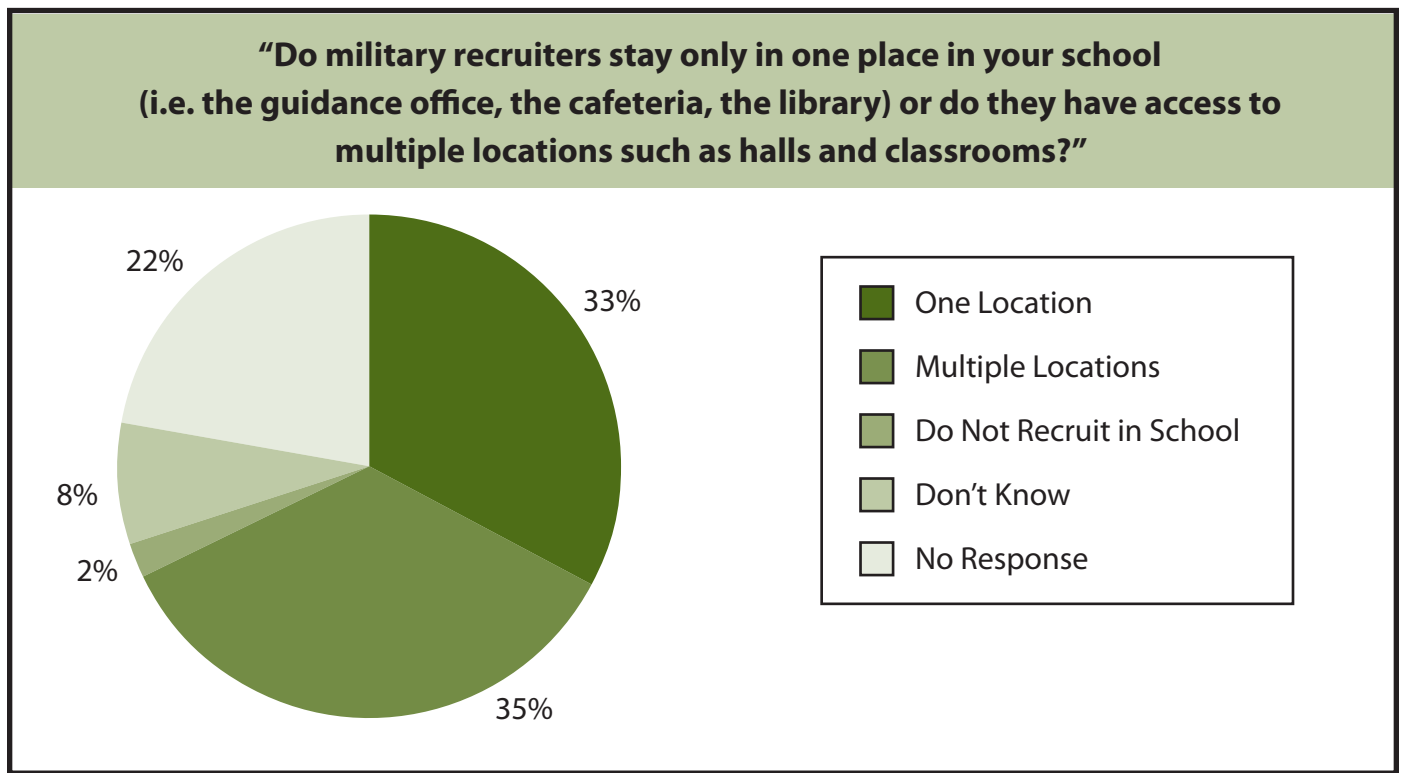


Figure IV



#### *Military Recruiter Access to Schools*

In its January 2007 memorandum, DOE reminded principals of NCLB’s equal access requirement—that military recruiters should be afforded the same level of access to students as educational institutions and other prospective employers and should not be given any special privileges.<sup>32</sup>

At face value, the survey results paint a picture of relatively equal post-secondary recruiter access:

- **Thirteen percent of respondents at the selected schools reported seeing military recruiters in their schools at least once a week;**
- **Eleven percent of respondents at the selected schools reported seeing college recruiters at least once a week;**
- **Seven percent of respondents at the selected schools indicated seeing recruiters from non-military employers at least once a week; and**
- **One in five students reported never seeing a non-military job recruiter in their school—though a sizeable percentage of those respondents reported seeing military recruiters in their school.**

Survey results suggest that military recruiters are allowed into schools at least as often as all non-military job recruiters combined and all college and university recruiters combined. These results are surprising given widespread anecdotal evidence suggesting military recruiter-biased school access. One explanation for this disparity may be the vagueness of the federal law outlining the equal access requirement. As it stands, principals may interpret the equal access requirement in a variety of ways, including ways that would potentially grant military recruiters preferential access.

In the absence of specific DOE guidelines on how to determine equal access, principals may be balancing the presence of military recruiters from individual branches of the military—Navy, Air Force, Army, Marines, Coast Guard—against the sum of all college recruiters and/or all non-military employment recruiters. Such an interpretation does not reflect the spirit of the law which is to grant military recruiters equal but not more access than other post-secondary recruiters. Rather, it potentially provides military recruiters greater access to students and allows for an overrepresentation of military recruiters in schools.

Regardless of interpretation of equal access, a higher percentage of respondent students in selected Bronx and Staten Island schools—18% and 25%, respectively, versus an average of 10% in the other boroughs—reported seeing military recruiters in their schools at least once a week.

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**Thirteen percent of students at all surveyed schools reported seeing military recruiters in their schools once a week or more.**

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## Sareh Fiaz

**Richmond Hill High School  
Rising Senior**

“A recruiter told me that I didn’t need my parents’ permission to join the military. He said I could be independent and that sometimes parents don’t understand everything... He told me that he could help my dream come true of becoming a doctor because they’d give me money for school, and that I wouldn’t have to actually fight in Iraq, only work in an office in the U.S. for the military. But most kids don’t know the truth about what recruiters are saying.”

### *Military Recruiter Access to Multiple Recruiting Locations within Schools*

In its January 2007 memorandum, DOE advised principals that recruiters must follow the same safety and building procedures as other school visitors, including signing in and out of schools and holding meetings only in designated locations.

Survey results suggest, however, that in a significant number of the selected schools, principals do not limit recruiters to a designated area, which makes adequate supervision of their activities more difficult:

- **Thirty-five percent of respondents in the selected schools indicated that military recruiters have access to multiple locations, such as hallways and classrooms, within their schools.**

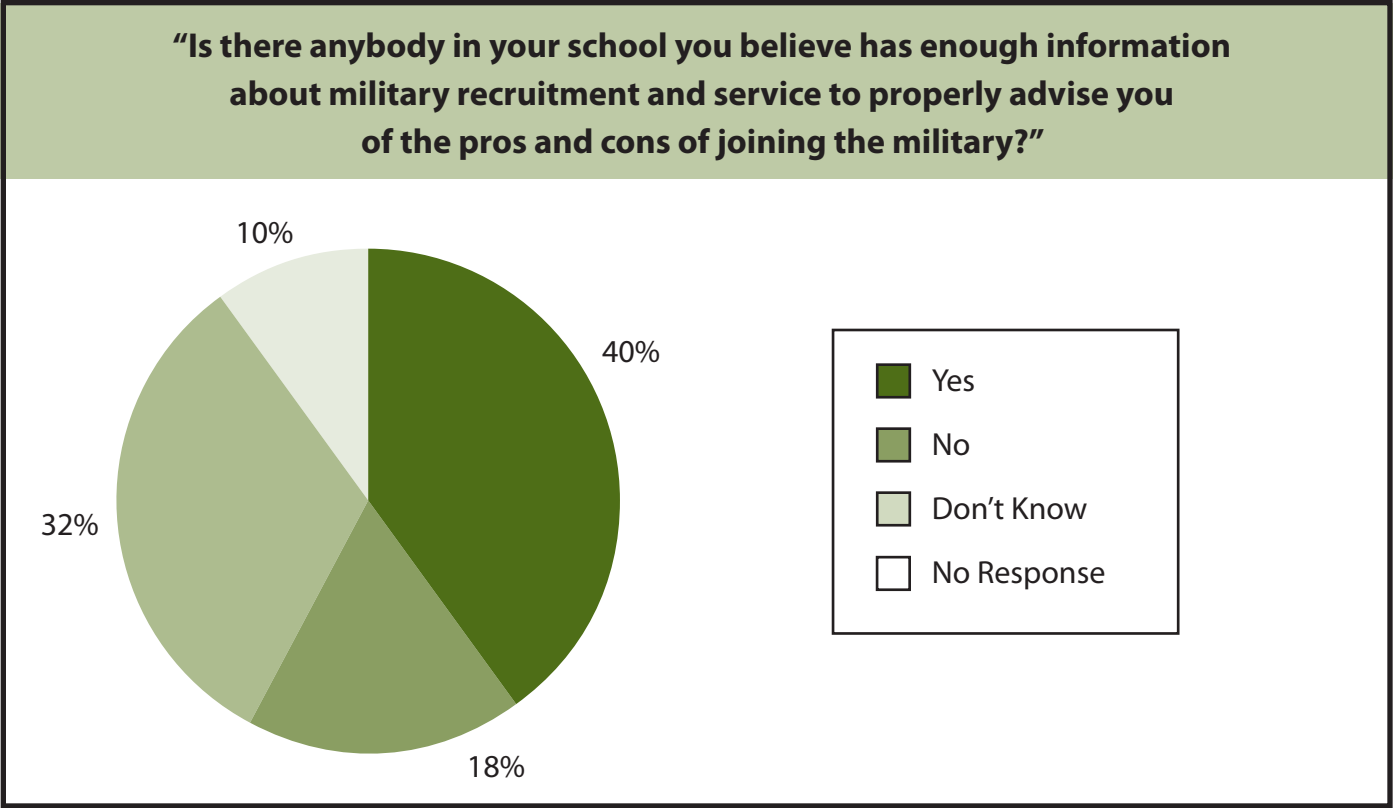
**More than one in five surveyed students reported that military recruiters use class time to make presentations.**

**Guidance/Advising<sup>33</sup>**

The availability of unbiased information and guidance about military service is essential to any cogent policy aimed at ensuring that students are well-informed before enlisting in the military. Unlike other jobs or post-secondary education, military service presents a unique—and potentially life threatening—set of risks and legal obligations.

Schools typically provide guidance counselors and advisors to help students navigate the post-secondary world. Nevertheless, results suggest that many respondents in the selected schools were unaware of, did not have access to, or were not confident in these services as they relate to military enlistment:

Figure V





- Eighteen percent of respondents in the selected schools indicated that they did not believe that anyone in their school had enough information about military service to properly advise them of the pros and cons of enlistment.
- An additional 32% of respondents in the selected schools did not know if there was such a person in their school.

*Figure V* illustrates the presence of school personnel equipped to counsel students on the risks and benefits of joining the military as perceived by the respondents at the selected schools.

## Training/Accountability<sup>34</sup>

Regular contact between students and military recruiters enhances the risk of abuse of recruitment guidelines and students' rights. It is, therefore, imperative that students know to whom they can report recruiter misconduct. Survey results suggest, however, that students feel there is a lack of information about the process for reporting recruiter violations:

- Nearly half of respondents (45%) at selected schools responded "No" when asked "If a military recruiter were to do something inappropriate or abusive, would you know to whom to report the problem?"

## The Armed Services Vocational Aptitude Battery (ASVAB)

Ten percent of respondents at selected schools reported that their schools administer the ASVAB exam. An additional 46% of respondents at selected schools were unsure whether the exam was given in their school. Thus, it remains unclear how prevalent use of the ASVAB exam is in New York City schools. Its implications for student privacy warrant further DOE investigation.

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<sup>33</sup> For a school-by-school breakdown of survey responses on this topic, please see Appendix A.

<sup>34</sup> For a school-by-school breakdown of survey responses on this topic, please see Appendix A.

# V.

## Case Studies: Model Recruitment Policies

New York City, with the largest school district in the country and 46 military recruitment centers across the five boroughs, is not the only city to face problems with military recruiters in its schools.<sup>35</sup> School officials nationwide have addressed the problems presented by unregulated military recruitment in schools by adopting policies and practices that ensure a safe learning environment, and protect students' rights. In New York City, however, DOE's sole resolution to date has been to issue internal memoranda on the subject. Consequently, there remains no system-wide policy formalized in the Chancellor's Regulations.

Below are highlights from two innovative recruiter policies, established in large, urban school districts, which protect students' rights and minimize recruiter abuse.<sup>36</sup> Generally, these policies seek to ensure that:

- **students can effectively exercise their right to keep personal information private;**
- **military recruiters have no greater access to students than other post-secondary recruiters;**
- **military recruiters do not engage in discriminatory and/or heavy-handed recruiting tactics; and**
- **military recruitment practices in schools are publicly transparent.**

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<sup>35</sup> Fernanda Santos, "At Latino Festival, the Army Sponsors the Music," *New York Times*, 30 Jul. 2007.

<sup>36</sup> Model policies are included as Appendix C.

**Model Policy # 1:**  
**Los Angeles Unified School District (LAUSD),**  
**Los Angeles, CA**

Adopted in 2005, the Los Angeles Unified School District's "Military Access to Schools" policy manages military recruitment activities while simultaneously complying with federal law and protecting students' rights.

**School Regulations/Limits on Recruiter Access:** School principals (or their designees) have discretion to limit the time and in-school location of military recruitment as well as the type and frequency of literature they may distribute. The policy also allows for recruiters to be expelled from school premises when they do not follow the designated guidelines.

**Protection of Student Information:** The policy instructs schools to remind students and parents annually of opt-out procedures and the availability of opt-out forms in the parent-student handbook and to send an additional letter about opting out to parents of eleventh and twelfth grade students. The policy also centralizes opt-out information in a district-wide computer system.

**ASVAB Testing:** The policy affirms that no student is required to take the ASVAB exam as part of the school program. It further encourages school employees facilitating the test to inform students of their option to use the school's address rather than their home address on the exam.

**Recruiter Responsibilities:** Visiting recruiters are required to obtain advance permission from the school principal (or designee) to distribute materials; recruiters are instructed not to transport any student under 18 from the school without written consent; and recruiters are instructed not to suggest as part of their recruitment methods that students drop out of high school and pursue a G.E.D.

**Danilo Rincon**

**Academy of Urban Planning**  
**Rising Senior**

"[Recruiters] bribe a lot of people with money for school but what if you don't make it back to go to school? They just tell you what you want to hear and most people believe it."

**Model Policy #2:**  
**Seattle Public Schools, Seattle, WA**

With a military recruiter access policy originally adopted in 1999, and later revised in 2005 and 2007, the Seattle Public School system has been a national leader in defending its schools and students from aggressive recruiting tactics and has taken proactive measures to protect students' rights.

**Equal Access Rule:** Schools have the flexibility to determine when recruiters may visit a school but limits recruiters from individual recruiting organizations to no more than two visits per year. The policy also treats each branch of the military as a separate recruiting organization.

**School Regulations/Limits on Recruiter Access:** Each school is required to have a written set of guidelines about recruiter access, including limits on recruiter locations within schools, requirements that recruiters schedule specific visits in advance with the principal or the principal's designee, and maintenance of a monthly school calendar of upcoming recruiter visits.

**Prohibition on Class-Time Recruiting:** Each school must include in its guidelines a requirement that no recruiting take place during any class period or during any assembly, that no private appointments be held on campus (unless pre-arranged through school staff with student consent) and that no private appointments take place during class time.

**Alternatives to Military Service:** Each school must include in its school-based guidelines a provision permitting organizations that provide alternatives to the military to be on campus at the same time and in the same location as military recruiters.

**Accountability:** Each school is required to keep an auditable log of recruitment visits and requires Seattle Public Schools to maintain a website that collects recruitment policies and procedures from individual schools, provides forms and materials for career counselors, parents, and students (including opt-out forms), provides opt-out statistics, and gives counter-recruitment information.

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**No student ought to forfeit his or her privacy because of DOE's failure to adequately ensure that all students are informed of their rights.**

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Although New York City's DOE has incorporated some elements of these policies into its guidelines—such as allowing students to opt out at any point during the school year—the Chancellor's Regulations still do not have a comprehensive, system-wide policy governing military recruitment activities in the schools.

# VI.

## Recommendations

The New York City DOE should develop, implement, and enforce a military recruitment policy that:

- informs students of their rights;
- ensures that military recruiters do not receive preferential access to school campuses;
- provides adequate support and guidance services about military enlistment; and
- prevents aggressive and heavy-handed recruitment tactics.

### New York City Policy Recommendations

Below are recommendations to ensure greater oversight of military recruitment in New York City public schools. These recommendations are intended as a framework for discussion of needed improvements to the system-wide management of in-school military recruitment activity.

### Student Privacy

To protect student privacy, schools must provide a meaningful, user-friendly way for students and their parents to withhold a student's information from the military.

To help students understand and exercise their right to opt out of the military's student database, DOE should require every school to:

- Annually distribute opt-out forms to all students along with a clear written explanation of the right to opt out;
- Provide opt-out forms in multiple languages in accordance with Chancellor's Regulation A-663;
- Include an opt-out checkbox on student emergency contact cards that must be submitted to the school at the beginning of every academic year;
- As required by federal regulations, prohibit the release of information for underclassmen or students under the age of 17;<sup>37</sup>
- Designate multiple opt-out locations for students and/or parents (e.g. at the school office, in homeroom); and
- Conduct a publicity campaign to ensure that students understand their right to opt out and the process for doing so (e.g., posters, public announcements, school newsletters, e-mails and website information).

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37 U.S. Department of Defense Instruction 1304.24, sec. E1.1.5.1. 20 Sept. 2005.

## Recruiter Presence

In order to fully protect students and the educational integrity of the schools, DOE should:

- Require all recruiters to sign in and out with school guidance offices when present on campus. Records, including recruiter affiliation and date, time, and location on campus, should be collected by DOE and made publicly available;
- Clarify and enforce the terms of the federal equal access requirement to ensure that military recruiters are not given preferential access to school campuses. For equal access purposes, each branch of the military should be considered a separate recruiting organization and granted no more access than any individual college or employer; and
- Limit recruiters to single locations within schools and enforce the prohibition on recruiter use of instructional time.

## Guidance/Advising

- Identify at least one staff member in each school who can advise students of the pros and cons of military service versus other post-secondary options. The staff member should be able to provide:
  - accurate information about the Delayed Entry Program (DEP);<sup>38</sup>
  - alternatives to military service including job training, trade schools, and scholarships; and
  - additional information critical for making informed decisions about military enlistment.
- Notify students and parents of the designated guidance staff assigned to military recruitment issues.

## Training/Accountability

- Train school leadership on the rules and regulations of recruitment activities in schools in order to monitor and enforce compliance;
- Institute a meaningful and well-publicized grievance procedure in each school so that students, parents and faculty members can report recruiter misconduct or violations of recruitment rules and guidelines;
- Track and follow up on grievances with appropriate school leadership or military officials; and
- Prohibit any recruiter who engages in harassment or abusive treatment from entering high school campuses.

## Record-keeping and Transparency

- Require schools to maintain records of student information provided to the military including: dates of requests and submissions of student contact information by military branch, class level of students, and number of students opting out. Make statistics of military recruiter requests for student information publicly available to ensure DOE accountability;
- Collect and make publicly available school logs of recruitment frequency and location on campus; and
- Record and make publicly available—with appropriate assurances for student privacy—complaints against recruiters and against individual schools that violate DOE and federal recruitment guidelines.

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<sup>38</sup> The Delayed Entry Program allows individuals to join the military's inactive reserves with an agreement to report to active duty at a specified future date. The U.S. Army markets this program as "a great option for students that still have to finish high school." For more information, see <http://www.us-army-info.com/pages/dep.html#dep>

## **Armed Services Vocational Aptitude Battery (ASVAB) Exam**

- Instruct principals to refuse to release student information gathered through the ASVAB exam.
  - Instruct principals to allow schools and students to receive test scores without the release of student information to the military by selecting “Option 8: No release of information” when choosing a test processing option. Unless this option is selected, students’ private information will be released to the military without their explicit consent.

## **Funding**

- Implementation of the NCLB military recruitment mandate and protection of students’ privacy rights requires substantial funds. DOE should encourage school principals to assess the costs and request reimbursement from the military.

## **Federal Recommendation**

Although concrete action by DOE would immediately enhance student protections against inappropriate and invasive military recruitment tactics in schools, the federal law on military recruitment must also be changed.

Federal funds for education should not be conditional upon military recruiter access to schools and student information. The New York Congressional delegation must take action to repeal Section 9528 of the NCLB and thereby prohibit the federal government from cutting off crucial educational funding to states based on military access to schools and student information.

# VII.

## Conclusion

The New York City DOE has the responsibility and fiduciary obligation to maintain a productive and respectful learning environment that also protects students' rights and provides students with a range of information on post-secondary options. Allowing military recruiters more access to students and their personal information than other post-secondary recruiters undermines this goal.

DOE has not adequately (1) informed all students of their rights regarding military recruitment; (2) ensured that recruitment activities do not compromise schools' educational missions; and (3) provided guidance to students and principals about military enlistment. The lack of a meaningful, system-wide standard for military recruitment activities in New York City public schools has contributed significantly to the troubling situations described in this report.

This report documents students' experiences of military recruiter access in the selected high-risk public high schools. Further research is needed to more thoroughly understand the systemic nature and extent of military recruitment in New York City public schools as a whole. DOE must act immediately to adopt Chancellor's Regulations that provide meaningful privacy protections and oversight mechanisms to address the concerns raised by this report and by affected students and educators citywide.



# VIII. Appendices

## Appendix A: Response Breakdown by School for Key Survey Questions

Do recruiters get to use class time to make presentations?				
SCHOOL	YES	NO	DON'T KNOW	NO RESPONSE
<b><u>Manhattan</u></b>				
East Side Community High School	14%	52%	24%	10%
High School for Graphic Communication & Arts	10%	55%	29%	6%
<b>George Washington Educational Campus</b>				
High School for Business and Finance	30%	55%	15%	0%
High School for Health Careers and Science	30%	55%	15%	0%
High School for Law and Public Service	12%	64%	24%	0%
High School for Media and Communications	35%	55%	10%	0%
Legacy High School	14%	59%	18%	9%
Life Sciences High School	14%	36%	44%	6%
A. Philip Randolph High School	4%	65%	30%	0%
<b><u>Brooklyn</u></b>				
Abraham Lincoln High School	35%	35%	24%	6%
ACORN High School for Social Justice	14%	43%	29%	14%
Automotive High School	30%	40%	30%	0%
Canarsie High School	18%	12%	71%	0%
<b>Grand Street Educational Campus</b>				
High School for Legal Studies	21%	39%	33%	6%
High School for Enterprise, Business, and Technology				
Progress High School for Professional Careers				
Fort Hamilton High School	17%	54%	13%	17%
Franklin K. Lane High School	31%	23%	40%	6%
William Grady High School	12%	39%	27%	21%
Paul Robeson High School	30%	35%	26%	9%
Sheepshead Bay High School	32%	21%	37%	11%
South Shore High School	50%	38%	13%	0%
Samuel J. Tilden High School	71%	14%	14%	0%
<b><u>Bronx</u></b>				
Alfred E. Smith High School	14%	59%	28%	0%
<b>Christopher Columbus Educational Campus</b>				
Astor Collegiate Academy	20%	40%	40%	0%
Christopher Columbus High School	14%	71%	0%	14%
Global Enterprise High School	12%	24%	53%	12%
Pelham Prep Academy	22%	43%	30%	4%
DeWitt Clinton High School	18%	36%	45%	0%
<b>Evander Childs Educational Complex</b>				
Bronx Aerospace Academy	22%	41%	26%	11%
Bronx High School for Writing and Communication Arts				
Bronx High School for Contemporary Arts				
Bronx Lab School				
Bronx Academy of Health Careers				
High School of Computers and Technology				
Bronx Health Science				
Grace Dodge High School	0%	48%	52%	0%
Samuel Gompers High Schools	15%	40%	45%	0%
Hany S. Truman High School	18%	33%	33%	15%
<b><u>Queens</u></b>				
Aviation High School	20%	38%	26%	16%
Jamaica High School	25%	19%	44%	13%
John Adams High School	35%	41%	18%	6%
Queens Vocational High School	44%	28%	24%	4%
Thomas Edison High School	11%	67%	22%	0%
<b><u>Staten Island</u></b>				
Port Richmond High School	31%	19%	31%	19%

**Did your school provide you with a military recruitment opt-out form at the beginning of this year?**

SCHOOL	YES	NO	DON'T KNOW	NO RESPONSE
<b><u>Manhattan</u></b>				
East Side Community High School	10%	57%	29%	5%
High School for Graphic Communication & Arts	19%	42%	35%	3%
<b>George Washington Educational Campus</b>				
High School for Business and Finance	30%	50%	20%	0%
High School for Health Careers and Science	40%	35%	25%	0%
High School for Law and Public Service	36%	48%	16%	0%
High School for Media and Communications	50%	20%	30%	0%
Legacy High School	32%	32%	27%	9%
Life Sciences High School	16%	36%	48%	0%
A. Philip Randolph High School	35%	43%	22%	0%
<b><u>Brooklyn</u></b>				
Abraham Lincoln High School	47%	41%	12%	0%
ACORN High School for Social Justice	0%	71%	0%	0%
Automotive High School	55%	15%	25%	5%
Canarsie High School	12%	29%	59%	0%
<b>Grand Street Educational Campus</b>				
High School for Legal Studies				
High School for Enterprise, Business, and Technology				
Progress High School for Professional Careers				
Fort Hamilton High School	38%	38%	13%	13%
Franklin K. Lane High School	29%	34%	37%	0%
William Grady High School	18%	36%	42%	3%
Paul Robeson High School	48%	39%	13%	0%
Sheepshead Bay High School	47%	16%	26%	11%
South Shore High School	25%	25%	50%	0%
Samuel J. Tilden High School	14%	14%	71%	0%
<b><u>Bronx</u></b>				
Alfred E. Smith High School	28%	59%	14%	0%
<b>Christopher Columbus Educational Campus</b>				
Astor Collegiate Academy	0%	20%	80%	0%
Christopher Columbus High School	14%	57%	29%	0%
Global Enterprise High School	6%	35%	59%	0%
Pelham Prep Academy	22%	48%	30%	0%
DeWitt Clinton High School	27%	36%	36%	0%
<b>Evander Childs Educational Complex</b>				
Bronx Aerospace Academy				
Bronx High School for Writing and Communication Arts				
Bronx High School for Contemporary Arts				
Bronx Lab School				
Bronx Academy of Health Careers				
High School of Computers and Technology				
Bronx Health Science				
Grace Dodge High School	0%	32%	68%	0%
Samuel Gompers High Schools	10%	50%	40%	0%
Harry S. Truman High School	21%	42%	30%	6%
<b><u>Queens</u></b>				
Aviation High School	44%	24%	30%	2%
Jamaica High School	25%	13%	63%	0%
John Adams High School	0%	59%	41%	0%
Queens Vocational High School	24%	44%	32%	0%
Thomas Edison High School	6%	56%	39%	0%
<b><u>Staten Island</u></b>				
Port Richmond High School	25%	31%	44%	0%

Is there anybody in your school you believe has enough information about military recruitment and military service to properly advise you of the pros and cons of joining the military?

SCHOOL	YES	NO	DON'T KNOW	NO RESPONSE
<b><u>Manhattan</u></b>				
East Side Community High School	24%	29%	48%	0%
High School for Graphic Communication & Arts	42%	16%	29%	13%
<b>George Washington Educational Campus</b>				
High School for Business and Finance	45%	20%	35%	0%
High School for Health Careers and Science	45%	35%	20%	0%
High School for Law and Public Service	48%	20%	28%	4%
High School for Media and Communications	60%	25%	15%	0%
Legacy High School	36%	5%	45%	14%
Life Sciences High School	26%	24%	32%	18%
A. Philip Randolph High School	39%	44%	17%	0%
<b><u>Brooklyn</u></b>				
Abraham Lincoln High School	47%	24%	24%	6%
ACORN High School for Social Justice	57%	14%	0%	29%
Automotive High School	40%	0%	35%	25%
Canarsie High School	24%	18%	59%	0%
<b>Grand Street Educational Campus</b>				
High School for Legal Studies	34%	24%	33%	9%
High School for Enterprise, Business, and Technology				
Progress High School for Professional Careers				
Fort Hamilton High School	58%	13%	17%	13%
Franklin K. Lane High School	51%	3%	37%	9%
William Grady High School	27%	30%	21%	21%
Paul Robeson High School	57%	17%	17%	9%
Sheepshead Bay High School	47%	16%	37%	0%
South Shore High School	50%	0%	38%	13%
Samuel J. Tilden High School	57%	29%	14%	0%
<b><u>Bronx</u></b>				
Alfred E. Smith High School	41%	17%	38%	3%
<b>Christopher Columbus Educational Campus</b>				
Astor Collegiate Academy	40%	60%	0%	0%
Christopher Columbus High School	43%	0%	43%	14%
Global Enterprise High School	29%	0%	65%	6%
Pelham Prep Academy	43%	22%	22%	13%
DeWitt Clinton High School	64%	0%	27%	9%
<b>Evander Childs Educational Complex</b>				
Bronx Aerospace Academy	34%	20%	34%	11%
Bronx High School for Writing and Communication Arts				
Bronx High School for Contemporary Arts				
Bronx Lab School				
Bronx Academy of Health Careers				
High School of Computers and Technology				
Bronx Health Science				
Grace Dodge High School	0%	32%	68%	0%
Samuel Gompers High Schools	55%	0%	35%	10%
Harry S. Truman High School	39%	24%	21%	15%
<b><u>Queens</u></b>				
Aviation High School	52%	10%	18%	20%
Jamaica High School	56%	6%	25%	13%
John Adams High School	35%	24%	35%	6%
Queens Vocational High School	56%	8%	32%	4%
Thomas Edison High School	22%	11%	67%	0%
<b><u>Staten Island</u></b>				
Port Richmond High School	31%	0%	44%	25%

**If a military recruiter were to do something inappropriate or abusive, would you know to whom to report the problem?**

SCHOOL	YES	NO	NO RESPONSE
<b><u>Manhattan</u></b>			
East Side Community High School	33%	62%	5%
High School for Graphic Communication & Arts	42%	48%	10%
<b>George Washington Educational Campus</b>			
High School for Business and Finance	65%	35%	0%
High School for Health Careers and Science	50%	45%	5%
High School for Law and Public Service	52%	40%	8%
High School for Media and Communications	80%	20%	0%
Legacy High School	23%	64%	14%
Life Sciences High School	30%	60%	10%
A. Philip Randolph High School	52%	43%	4%
<b><u>Brooklyn</u></b>			
Abraham Lincoln High School	41%	59%	0%
ACORN High School for Social Justice	29%	57%	14%
Automotive High School	35%	65%	0%
Canarsie High School	41%	59%	0%
<b>Grand Street Educational Campus</b>	40%	49%	11%
High School for Legal Studies			
High School for Enterprise, Business, and Technology			
Progress High School for Professional Careers			
Fort Hamilton High School	75%	17%	8%
Franklin K. Lane High School	40%	51%	9%
William Grady High School	42%	39%	18%
Paul Robeson High School	48%	39%	13%
Sheepshead Bay High School	42%	53%	5%
South Shore High School	50%	50%	0%
Samuel J. Tilden High School	57%	43%	0%
<b><u>Bronx</u></b>			
Alfred E. Smith High School	62%	34%	3%
<b>Christopher Columbus Educational Campus</b>			
Astor Collegiate Academy	60%	20%	20%
Christopher Columbus High School	57%	29%	14%
Global Enterprise High School	41%	29%	29%
Pelham Prep Academy	57%	26%	17%
DeWitt Clinton High School	45%	55%	0%
<b>Evander Childs Educational Complex</b>	48%	39%	13%
Bronx Aerospace Academy			
Bronx High School for Writing and Communication Arts			
Bronx High School for Contemporary Arts			
Bronx Lab School			
Bronx Academy of Health Careers			
High School of Computers and Technology			
Bronx Health Science			
Grace Dodge High School	0%	96%	4%
Samuel Gompers High Schools	75%	20%	5%
Hary S. Truman High School	48%	30%	21%
<b><u>Queens</u></b>			
Aviation High School	54%	28%	18%
Jamaica High School	19%	63%	19%
John Adams High School	41%	47%	12%
Queens Vocational High School	20%	64%	16%
Thomas Edison High School	39%	61%	0%
<b><u>Staten Island</u></b>			
Port Richmond High School	44%	19%	38%



**THE NEW YORK CITY DEPARTMENT OF EDUCATION**

**JOEL I. KLEIN, Chancellor**

**Michele Cahill**

Senior Counselor to the Chancellor for Education Policy  
Office of Youth Development and School-Community Services  
52 Chambers Street, Room 320, New York, NY 10007

**MEMORANDUM**

October 4, 2004

**TO: Directors of Student Placement, Youth, and Family Support Services  
Bernard Gassaway, Senior Superintendent, Alternative District  
Susan Erber, Superintendent, District 75**

**FROM: Michele Cahill, Senior Counselor to the Chancellor for Education  
Policy**

**SUBJECT: STUDENT INFORMATION TO INSTITUTIONS OF HIGHER  
EDUCATION AND MILITARY RECRUITERS**

Federal law requires the New York City Department of Education to provide names, addresses and telephone numbers of high school students to institutions of higher education and military recruiters that request this information. While we are committed to protecting the confidentiality of our students, we must comply with the law.

Unless a parent or student notifies the Department of Education in writing that he/she does **not** consent to the release of the student's information, we must disclose the child's name, address, and telephone number to institutions of higher education and military recruiters.

Therefore, we are asking that you distribute the attached letters to all parents and students. The parent letter should be mailed to the home, and the student letter should be distributed in school.

Please share this information with principals in your superintendency. Principals should carefully review this memorandum and follow required procedures as well as comply with requests to furnish information to appropriate individuals and groups.

**Procedures to Follow**

*Each principal is asked to mail the attached parent opt-out letters to parents, and distribute the attached student opt-out letter to students, according to the following instructions.*

- Order parent address labels for ALL STUDENTS through ATS.
- Photocopy on school letterhead and mail first class the attached PARENT letter and opt-out form to the parents of ALL NEWLY ENROLLED STUDENTS.
- Photocopy on school letterhead the STUDENT letter and opt-out form and distribute in school to ALL NEWLY ENROLLED STUDENTS by **October 13, 2004**. If possible,

students should be given time in homeroom or advisory to read the letter and fill out the form if desired. Guidance should be provided to students who request it.

- Enter the names of students who have opted out and/or whose parents have opted them out into the ATS system. Schools should use the ATS function, UPCO, to enter the opt-outs.
- Requests for student information from military recruiters and institutions of higher education will be made directly to the school. In order to generate this information, schools may use the new report, ROPO. Schools will select either the Opted Out from Military Recruiters or Opted Out from Institutions of Higher Learning. Care should be taken to send the appropriate reports as students may be opted out of one and not the other category.
- Please designate a staff member who will serve as the point person and who will create a system to ensure that when lists are prepared for either Institutions of Higher Education or Military Recruiters, that the students who have opted out of each program have been excluded from the appropriate list.
- Students who enroll in school after the letters are mailed to parents and distributed to students should be given the opt-out letters as part of the admission/orientation packet.
- Schools should respond to any pending requests for release of information during the first week of November, after entering all opt-out information that has been received from parents and students by that time.
- **THERE IS NO DEADLINE FOR OPT-OUTS. PARENTS AND STUDENTS MAY EXERCISE THEIR RIGHT TO OPT-OUT AT ANY TIME.** However, until an opt-out form is received, the school must provide student contact information on request (after November 1<sup>st</sup>).

Thank you for your continued efforts in ensuring that your students and parents receive the necessary information and that appropriate confidentiality is maintained.

All questions related to this memorandum should be directed to Shane Santo Mulhern, 212-374-5991 or [smulher@nycboe.net](mailto:smulher@nycboe.net).

#### Attachments

cc: Carmen Farina  
Regional Superintendents  
Shane Santo Mulhern  
Bonnie Brown, District 75





**THE NEW YORK CITY DEPARTMENT OF EDUCATION**  
JOEL I. KLEIN, *Chancellor*

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Michele Cahill  
Senior Counselor to the Chancellor for Education Policy  
Office of Youth Development and School-Community Services  
52 Chambers Street, Room 320, New York, NY 10007

August 22, 2005

**TO: Directors of Student Placement, Youth, and Family Support Services  
Tim Lisante, Acting Superintendent, Alternative District  
Susan Erber, Superintendent, District 75  
High School Principals**

**FROM: Michele Cahill, Senior Counselor to the Chancellor for Education Policy**

**SUBJECT: STUDENT INFORMATION TO MILITARY RECRUITERS AND  
INSTITUTIONS OF HIGHER LEARNING**

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Federal law requires the New York City Department of Education to provide names, addresses and telephone numbers of high school students to military recruiters and institutions of higher learning that request this information. While we are committed to protecting the confidentiality of our students, we must comply with the law.

Unless a parent or student notifies the Department of Education in writing that he/she does **not** consent to the release of the student's information, we must disclose the child's name, address, and telephone number to military recruiters and institutions of higher learning at their request.

Therefore, we are asking that you distribute the attached letters to all parents and students. The parent letter should be mailed to the home, and the student letter should be distributed in school during the first week of school.

Principals should carefully review this memorandum and follow required procedures as well as comply with requests to furnish information to appropriate individuals and groups.

**Procedures to Follow**

*Each principal is asked to mail the attached parent opt-out letters to parents, and distribute the attached student opt-out letter to students, according to the following instructions.*

- Order parent address labels for ALL STUDENTS through ATS.
- Photocopy on school letterhead the attached PARENT letter and opt-out form and mail first class **during the first week of school** to the parents of ALL STUDENTS WHO HAVE NOT OPTED-OUT.
- Photocopy on school letterhead the STUDENT letter and opt-out form and distribute **during the first week of school** to ALL STUDENTS WHO HAVE NOT OPTED-OUT. If possible,

students should be given time in homeroom or advisory to read the letter and fill out the form if desired. Guidance should be provided to students who request it.

- Enter the names of students who have opted out and/or whose parents have opted them out into the ATS system. Schools should use the ATS function, UPCO, to enter the opt-outs.
- Requests for student information from military recruiters and institutions of higher education will be made directly to the school. In order to generate this information, schools may use the new report, ROPO. Schools will select either the Opted Out from Military Recruiters or Opted Out from Institutions of Higher Learning. Care should be taken to send the appropriate reports as students may be opted out of one and not the other category.
- Please designate a staff member who will serve as the point person and who will create a system to ensure that when lists are prepared for either Institutions of Higher Education or Military Recruiters, that the students who have opted out of each program have been excluded from the appropriate list.
- Students who enroll in school after the letters are mailed to parents and distributed to students should be given the opt-out letters as part of the admission/orientation packet and be asked to return the forms within 2 weeks of their enrollment.
- Schools should respond to any pending requests for release of information during the first week of November, after entering all opt-out information that has been received from parents and students by that time.
- **THERE IS NO DEADLINE FOR OPT-OUTS. PARENTS AND STUDENTS MAY EXERCISE THEIR RIGHT TO OPT-OUT AT ANY TIME DURING A STUDENT'S CAREER.** However, until an opt-out form is received, the school must provide student contact information on request (after November 1<sup>st</sup>).

Opt-out letters for parents and students in all available languages can also be found by accessing a link on the DOE website's homepage for the Office of Youth Development and School Community Services. The direct link is:  
<http://www.nycenet.edu/Administration/Offices/youthdev/NCLB+Disclosure+of+Student+Information-Military+Recruiters+and+Institutions+of+Higher+Education.htm>

Thank you for your continued efforts in ensuring that your students and parents receive the necessary information and that the appropriate confidentiality is maintained.

All questions related to this memorandum should be directed to Shane Santo Mulhern, 212-374-5991 or [smulher@nycboe.net](mailto:smulher@nycboe.net).

#### Attachments

cc: Carmen Farina  
Regional Superintendents  
Shane Santo Mulhern  
Bonnie Brown, District 75  
Michael Best





**THE NEW YORK CITY DEPARTMENT OF EDUCATION**  
**JOEL I. KLEIN, *Chancellor***

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Michele Cahill  
Senior Counselor to the Chancellor for Education Policy  
Senior Executive for the Division of Youth Development  
52 Chambers Street, Room 320, New York, NY 10007

**September 18, 2006**

**TO: Principals, Regional Superintendents, Community Superintendents/Local Instructional Superintendents, Senior Directors of Youth Development, Directors of Regional Operations Centers and Network Team Leaders**

**FROM: Michele Cahill**  
**Senior Counselor to the Chancellor for Education Policy**  
**Senior Executive for the Office of Youth Development**

**SUBJECT: STUDENT INFORMATION TO MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING**

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Federal law requires the New York City Department of Education to provide names, addresses and telephone numbers of high school students to military recruiters and institutions of higher learning that request this information. While we are committed to protecting the confidentiality of our students, we must comply with the law.

Unless a parent or student notifies the Department of Education in writing that he/she does **not** consent to the release of the student's information, we must disclose the child's name, address, and telephone number to military recruiters and institutions of higher learning at their request.

Therefore, we are asking that you distribute the attached letters to all parents and students. The parent letter should be mailed to the home, and the student letter should be distributed in school **between the dates of September 20, 2006 and September 27, 2006.**

Principals should carefully review this memorandum and follow required procedures as well as comply with requests to furnish information to appropriate individuals and groups.

**Procedures to Follow**

*Each principal is asked to mail the attached parent opt-out letters to parents, and distribute the attached student opt-out letter to students, according to the following instructions.*

- Order parent address labels for ALL STUDENTS through ATS.

Photocopy on school letterhead the attached PARENT letter and opt-out form and mail first class **between the dates of September 20, 2006 and September 27, 2006** to the parents of ALL STUDENTS WHO HAVE NOT OPTED-OUT.

Photocopy on school letterhead the attached STUDENT letter and opt-out form and distribute **between the dates of September 20, 2006 and September 27, 2006** to ALL STUDENTS WHO

HAVE NOT OPTED-OUT. If possible, students should be given time in homeroom or advisory to read the letter and fill out the form if desired. Guidance should be provided to students who request it.

- Enter the names of students who have opted out and/or whose parents have opted them out into the ATS system. Schools should use the ATS function, UPCO, to enter the opt-outs.
- Requests for student information from military recruiters and institutions of higher education will be made directly to the school. In order to generate this information, schools may use the new report, ROPO. Schools will select either the Opted Out from Military Recruiters or Opted Out from Institutions of Higher Learning. Care should be taken to send the appropriate reports as students may be opted out of one and not the other category.
- Please designate a staff member who will serve as the point person and who will create a system to ensure that when lists are prepared for either Institutions of Higher Education or Military Recruiters, that the students who have opted out of each program have been excluded from the appropriate list.
- Students who enroll in school after the letters are mailed to parents and distributed to students should be given the opt-out letters as part of the admission/orientation packet and be asked to return the forms within 2 weeks of their enrollment.
- Schools should respond to any pending requests for release of information during the first week of November, after entering all opt-out information that has been received from parents and students by that time.
- **THERE IS NO DEADLINE FOR OPT-OUTS. PARENTS AND STUDENTS MAY EXERCISE THEIR RIGHT TO OPT-OUT AT ANY TIME DURING A STUDENT'S CAREER.** However, until an opt-out form is received, the school must provide student contact information on request (after November 1<sup>st</sup>).

Thank you for your continued efforts in ensuring that your students and parents receive the necessary information and that the appropriate confidentiality is maintained.

All questions related to this memorandum should be directed to Lilian Garelick, 212-374-6095 or [lgareli@schools.nyc.gov](mailto:lgareli@schools.nyc.gov)

#### Attachments

cc: Andres Alonso  
Eric Nadelstern  
Phyllis Marino  
Lilian Garelick  
Bonnie Brown, District 75  
Michael Best

## **DOE Memorandum to Principals, January 2007**

### **ONGOING: Reminder about Military Recruitment in Schools**

The No Child Left Behind Act (NCLB) requires the DOE to provide military recruiters and institutions of higher education with access to secondary school students' names, addresses and telephone numbers, except when the parent or student notifies us that he/she does not consent to the release of that information. NCLB also requires us to provide military recruiters the same access to secondary school students that is generally provided to post-secondary educational institutions and prospective employers.

Although we are committed to protecting the privacy of our students, we must comply with the law. You were reminded in September to advise parents and students of their right to opt out of the release of their contact information and were provided with opt-out letters to distribute. Students who enrolled at your school after you distributed the opt-out letters should have been given one as part of their admissions packet. The names of students who opt out must be entered into ATS.

Please ensure that you continue to follow these guidelines. In particular, please ensure that all students currently enrolled at your school have received the opt-out letter and that all newly-enrolled students receive it as soon as they arrive. Note that students can choose to opt out at any time during the year. You can distribute opt-out letters multiple times during the school year. English and translated versions of the opt-out letter are available at <http://schools.nyc.gov/Offices/DYD/OYD/MilitaryOptOutLetter/default.htm>.

Although the law requires you to give military recruiters the same access to students as you give other educational institutions and prospective employers, you should not give them any special privileges. All visitors must follow the procedures in your building safety plan, such as signing in and out and holding meetings only in designated locations. No visitor should be given unfettered access to students in classrooms, cafeterias, gyms, or other areas of the school building. Information about opportunities in the military should be posted in the same manner and same areas that you post other educational and career information. Please also ensure that classroom time is used only for instruction. You should generally provide students with information about career, educational, or military opportunities in forums dedicated to that purpose.

For additional information, contact Lilian Garelick at (212) 374-6095 or [lgareli@schools.nyc.gov](mailto:lgareli@schools.nyc.gov)

## Appendix C: Model Policies



### LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

**TITLE:** Military Access to Schools

**NUMBER:** BUL-2067.0

**ISSUER:** Robert Collins, Chief Instructional Officer  
Secondary Instruction

**DATE:** October 21, 2005

**ROUTING**

All Employees  
All Locations

**POLICY:** This bulletin establishes the policy of the Los Angeles Unified School District with regard to military access to schools. The District is committed to protecting the rights of its students as well as providing as many options and opportunities as possible.

**MAJOR CHANGES:** This is a new policy bulletin of the District.

**GUIDELINES:** The following guidelines apply.

#### **I. Military Access Rights**

Under federal and state law, members of the military have specified access to school campuses. Members of the military may:

- Access school campuses to the same extent that prospective employers and representatives of higher education may access school campuses (20 USC section 9528; Education Code section 49603); and
- For purposes of recruitment, receive names, addresses, and telephone numbers of students ages seventeen and eighteen unless the parent/guardian/eighteen-year-old student has informed the school that this information should not be released (20 USC section 7908; Education Code section 49073.5).

It should be noted that all visitors to school campuses, including members of the military and representatives from higher education and prospective employers, must follow all District and school rules and regulations regarding visitors. The school principal/designee has discretion to determine whether to grant access and the degree of access to campus for any visitor (Board Rules 1265, 1268; Bulletin No. 1325). Reasonable regulations on visitor access may include, but are not limited to, the following:

- Specified time limits;
- Location limits (e.g., career fair area, guest speaker in participating



## LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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classroom);

- Limits on distribution of materials (e.g., provide advance copy to site administrator prior to distribution, do not block students from accessing campus facilities while distributing, do not ask students/school employees to distribute materials on campus, distribution limited to certain areas to minimize disruption to educational operations).

If a campus visitor, including a military representative, does not follow visitor guidelines and/or engages in conduct that is disruptive or unlawful, the visitor must leave the premises. In addition, the school principal/designee may contact the organization or supervisor of the campus visitor to report the misconduct as well as issue a letter limiting or prohibiting future access by that visitor and/or the visitor's organization or service.

In addition, the school notifies students and families annually of information that may be provided by the school to requesting agencies, including the military, along with a form for parents/guardians/eighteen-year-old students to complete to "opt out" of having this information released by the school. This form is found in the LAUSD Parent Student Handbook under the heading, "Information Release Form." Parents/guardians may also opt out by providing the school with written notification of their desire to opt out. Also, LAUSD sends a separate letter informing families of students in 11<sup>th</sup> and 12<sup>th</sup> grades of the right to opt out of having this information released to the military. The opt-out information will be maintained in LAUSD's computerized database for the full academic year, and requests for contact information for the purpose of military recruitment are processed through the centralized Student Information System, not the individual schools.

### **II. Rights and Responsibilities of Students and Families**

Students and families should be aware of the following rights and responsibilities:

- No student is required by the school to meet with or speak to a recruiter;
- Families may opt out of disclosing their student's contact information to military recruiters by returning the "Information Release Form," found in the LAUSD Parent Student Handbook, to the school and indicating in the check box for "Do Not Release" that they do not wish the military to have access to that information. Families should review the form and, if they wish to opt out, be sure to return the form to the school by the deadline. The parent/guardian, or a 17 and 18 year old student, is not required to use the LAUSD form to opt out and may alternatively provide the information, in writing, to the school;



## LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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- In general, students retain their First Amendment rights of free expression while on campus as long as the expression does not fall outside the First Amendment, including obscene, libelous, or slanderous matter. Any material that creates a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school, is also prohibited. Students may protest the military via written materials or peaceful demonstrations on campus as long as the expression is not prohibited or disruptive, as described above. Please also see Board Rules 1274, 1275, and 1277 for further information on this topic.
- No student is required to take the ASVAB (Armed Services Vocational Aptitude Battery) as part of the school program. The school will not discipline a student who opts not to take the ASVAB. The ASVAB is a general aptitude test offered at no cost and no obligation to high school students through a joint program of the Department of Defense and Department of Education. Taking the ASVAB does not require a student to enlist in military service; however, a junior or senior can use ASVAB scores for up to two years to enlist in the military after graduation, and the contact information provided as part of the test, as well as scores, is accessible to military recruiters. If a student is contacted by a military recruiter, requests that no further contact be made, and the military recruiter continues to contact the student, the student/family should contact the commanding officer at the recruiting station (not the recruiting office) to report the unwanted contact and request that it stop. In addition, if school personnel become aware of unwanted and repeated contacts by military recruiters, school personnel may report the situation to the military representatives listed in Attachment A.

To ensure consistency with the opt-out provisions for release of contact information to the military, it is recommended that school employees facilitating the ASVAB inform students that they may use the school's address on the ASVAB form.

- Participation in JROTC or ROTC is voluntary. JROTC/ROTC participation may count towards physical education requirements, but students also have the option of taking physical education in an available class during the same term and/or during intersession or summer school. Students who are enrolled in a JROTC/ROTC class in lieu of physical education who choose to drop the JROTC/ROTC class will be prioritized for enrollment in physical education.
- The school shall not release a student who is under 18 years of age from campus without written parent/guardian permission. Families should





## LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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understand that any trips or transporting by military recruiters outside of school hours is not approved, authorized, or supervised by the school or school personnel and these arrangements must be made between the family and the military representative.

### **III. Role of the School**

- Provide the same access to military recruiters as is afforded to college representatives and prospective employers, in accordance with applicable laws and District policies;
- As with any issue that relates to the First Amendment, all school employees must maintain neutrality during work hours, particularly while in direct contact with students.
- If ASVAB will be conducted on campus, schedule the test, provide information regarding the ASVAB to families, and ensure a school employee is present at the test site.

### **IV. Responsibility of Military Representatives:**

- Follow all applicable District and school guidelines for visitors;
- Obtain approval in advance from the school principal/designee before distributing any materials on campus; do not have students distribute recruitment materials or recruit other students while on campus;
- Refrain from recruiting activities at the ASVAB test site during or immediately after the ASVAB is given;
- Do not ask the school to guarantee a number of recruits in exchange for providing the ASVAB;
- Do not transport any student under 18 years of age without written consent from the student's parent/guardian;
- Do not bring military equipment or vehicles on campus unless the Office of Risk Management has approved the request in advance;
- Do not suggest that students drop out of high school and pursue a GED as a means of recruiting;
- Obtain approval in advance from the school principal/designee before bringing any materials or prizes intended to be distributed on campus; and

BUL-2067.0  
Secondary Instruction

Page 4 of 8

October 21, 2005



## LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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- Respond to requests for information, including providing translation services where necessary.

**AUTHORITY:** 20 U.S.C. sections 7908, 9528  
California Education Code sections 35160, 49063, 49073.5

**RELATED** Board Rules 1265, 1265

**RESOURCES:** "Visitors to School Campuses," Bulletin No. 1325, dated October 11, 2004.

**ASSISTANCE:** For assistance regarding the ASVAB, please contact your career advisor.

For assistance regarding JROTC, please contact High School Programs at (213) 241-6895.

For assistance with First Amendment issues, please contact the Office of General Counsel at (213) 241-7600.





EQUAL ACCESS  
FOR RECRUITERS  
- HIGH SCHOOLS -

E14.02  
Revised  
August 2007  
Page 1 of 3

**BOARD ADOPTED  
PROCEDURE**

Recruiters of all types (employment, education, service opportunities, military, or military alternatives) shall be given equal access to Seattle Public Schools high schools. This procedure does not apply to required District service learning requirements or curricular activities. Each school shall have the flexibility to determine when recruiters may visit, but in order to be in compliance with the equal access rule, no organization that recruits shall have the opportunity to visit any single campus more than twice per year. A Seattle Public Schools centralized career fair and a pre-approved private appointment are not included as a campus visit. For the purposes of this policy, each branch of the military is considered to be a separate recruiting organization.

Pursuant to this policy, each high school is required to have written school-based recruiter rules in place. At a minimum, each school's rules shall include:

- A requirement that the school rules regarding recruiting on campus be posted throughout the school year. At a minimum, the rules shall be posted in the school office, the counseling center, the career center, and on the school's website;
- A provision for recruiters to receive written permission to be on campus from the principal, or principal's designee. Such permission may be granted for the full year;
- Guidelines outlining where approved recruiters may set up, as well as a location for recruiters to leave information when they are not on campus;
- A requirement that all recruiters sign in and out of the school office at every visit;
- A requirement that information left by recruiters be dated, and clearly identify a contact name and number that students, staff, or others can call if they have questions about the information;
- A requirement that the District's "Acts of Hostility, Defamation or Discrimination" policy (D50.00) and a written statement be clearly posted in the locations where recruiting takes place or where recruiters leave information. The written statement must indicate that all information is provided by the recruiters and is not evaluated or endorsed by the school or by Seattle Public Schools;
- A process for approved recruiters to schedule specific times to be on campus that precludes a personal visit for purposes of scheduling a visit (appointments must be made by email or phone to prevent unofficial recruitment visits);

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Revised: Sep. 2005; Aug. 2007  
Former Code: F08.02  
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- A requirement that the principal, or the principal's designee ("recruitment scheduler"), keep a monthly calendar of upcoming recruiter visits. All appointments must be made only through this designee, for purposes of proper tracking. At a minimum, such calendar shall be posted in the school office, the counseling center, the career center, and on the school's website;
- A requirement that all recruiters clearly identify the organization that they are recruiting for;
- A requirement that all recruiters for the military be in uniform;
- A rule that no recruiting is to happen in any classroom during any class period, or during any assembly. For the purposes of this policy, it is not considered to be "recruiting" if, in conjunction with the stated curriculum, a person is invited into a classroom to talk about his or her experiences. Staff should ensure that the School Board's "Controversial Issues" policy (C06.00) is complied with when speakers are invited;
- A rule that no private appointments be held on campus, except that a private appointment may be held if it is pre-arranged through a staff member and the student consents to the meeting;
- A rule that no private appointments be held during a time when the student is scheduled to be attending class;
- A rule that the school's recruitment scheduler keep an auditable log of recruitment visits; and
- A provision that permits organizations that counsel alternatives to the military (see Board Procedure E14.03) to be on campus at the same time, and in the same location, as military recruiters.

Recruiters of all types are cautioned to remember that the primary goal of the Seattle high schools is to educate the students who are enrolled in that school. Recruiting activities that interfere with the traditional activities of a given school day are not permitted. Recruiters who harass students or staff, provide misleading or untrue information, or who do not comply with applicable state and federal laws, or other school or District rules may have their organization's permission to recruit on campus revoked for the remainder of the semester, or for the semester following the infraction, if the infraction occurs after the fifteenth week of the semester.

Seattle high school principals are reminded that school districts that receive funds under the No Child Left Behind Act of 2001 (Public Law 107-110, Section 9528) must provide military recruiters with the same access to secondary school students as they generally provide to postsecondary institutions or prospective employers. For example, if a school has a policy of allowing postsecondary institutions or prospective employers to come on school property to provide information to students about educational or



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professional opportunities, it must afford the same access to military recruiters. Equal access, however, does not require more access.

Seattle Public Schools shall establish and maintain a website that collects recruitment policies and procedures, makes available forms and materials that may be useful to career counselors, parents, and students (including the opt-out form for not allowing information to be provided to the military), lists individual school recruitment policies and date on opt-out counts, and gives military recruitment program information and counter-recruitment information.

No recruiting shall take place when tests are administered or results disseminated.

Schools are required to retain their recruiting calendars and sign-in sheets, and send copies of the calendars and sign-in sheets to the Office of the Superintendent no later than July 15 of each year.

Reference: RCW 28A.230.180 (requiring equal access for military recruiters)  
No Child Left Behind Act of 2001, §9528 (requiring equal access for military recruiters)

Cross Reference: E14.00 Visitors To Schools  
E14.01 Visitors To Schools Procedure  
E14.03 Alternatives to Military Recruitment-Equal Access  
C06.00 Controversial Issues  
C06.01 Controversial Issues Procedure  
D49.00 Anti-Harassment Policy  
D49.01 Anti-Harassment Procedure—Students  
D49.02 Anti-Harassment Procedure—Adults

Former Name: F. 08.02 School Visitation by Career or Educational Recruiters

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