



TOP 10 QUESTIONS ABOUT MILITARY RECRUITERS & HIGH SCHOOL STUDENTS

1. What information can military recruiters get from high schools?

Under the No Child Left Behind Act and the National Defense Authorization Act, military recruiters can ask for student “directory” information - which often includes student names, addresses, and phone numbers - from schools that keep it. Even if schools don’t have “directory” information, military recruiters can ask high schools to make lists of students’ names, addresses and telephone numbers.ⁱ

2. What if a student doesn’t want to give his or her information to military recruiters?

The law says that parents and students can “opt out.” This means that parents and students can tell schools (in writing) NOT to include their private information in a directory and NOT to give students name, addresses and phone numbers to military (or college) recruiters. The school has to give families the chance to “opt out” BEFORE it turns information over to recruiters.ⁱⁱ

3. Can students themselves choose not to give information to recruiters?

Because of the way the law is written, students themselves - even students under age 18 - have the right to tell schools NOT to give their private information to military (or college) recruiters. The school has to respect this choice unless a parent tells the school it can give information to recruiters.

4. Does the military have other ways to get information about students?

Yes. The Department of Defense is developing a centralized database of information about millions of young people from state Department of Motor Vehicles records, Selective Service records, commercial databases and other records. DoD has said it will accept the names of people who do not want to be contacted from Congressional offices. So if you do not wish to be contacted, you may write to your congressional representative and ask that the representative’s office convey your choice to the DoD.ⁱⁱⁱ

5. Once a school gives a student’s information to military recruiters, are there any rules about how long the military can keep the information and who they can give it to?

No. Neither NCLB nor NDAA provides guidelines as to how long the military can keep student directory information or who else can use it.

6. Can a student choose not to give information to military recruiters, but choose to give information to colleges or other potential employers?

Yes. Schools should allow students to opt out of supplying information to the military without



opting out of supplying the same information to colleges or job recruiters.

7. Do schools have to provide student information to military recruiters in a certain time?

No. Recruiters sometimes tell school officials that they must hand over student information within a certain time (like five business days), but there's no legal basis for this demand. A school must respond to a request from a recruiter within a "reasonable" time frame that leaves enough time students and parents to let the school know if they don't want to release their information.

8. Do schools have to allow military recruiters on campus?

Yes, but schools only have to give military recruiters "the same access" - not MORE access - as schools give other people who tell students about colleges or careers. For example, if a school has a job fair or college fair, it has to offer let military recruiters participate. If schools don't let college recruiters in the lunchroom, they don't have to let military recruiters in the lunchroom.^{iv}

9. Can student groups critical of the military meet on campus?

Yes--if the school lets other student groups to meet on campus. The Equal Access Act says that if a school allows one or more non-curriculum related student group to meet on campus, the school has to give equal access to all other student groups. This includes student organizations that oppose the military or war.^v

10. Can a student group set up a table or stand next to recruiters and hand out anti-war or anti-military fliers and pamphlets?

Probably. Students have a right to express their opinions as long as they don't disrupt classes, block hallways, or disrupt other school activities. But schools can set limits about when, where and how students can distribute materials, such as fliers or pamphlets. If you're not sure whether or not a school official is behaving appropriately, ask to see the school or district's written policies on student's First Amendment rights.^{vi}

Endnotes

ⁱ Title 10, U.S. Code, Sec. 503(c)(1)(A)(ii); Title 20, U.S. Code, Sec. 7908(a)(1).

ⁱⁱ Title 10, U.S. Code, Sec. 503(c)(1)(B); Title 20 U.S. Code Sec. 7908(a)(2).

ⁱⁱⁱ Title 10, U.S. Code, Sec. 503(b); Federal Register, May 23, 2005 (Vol. 70, Number 98).

^{iv} Title 10, U.S. Code, Sec. 503(c)(1)(A)(I); Title 20, U.S. Code, Sec. 7908(a)(3).

^v Title 20, U.S. Code, Sec. 4071(a).

^{vi} *Tinker v. Des Moines Independent School District*, 393 U.S. 503, 514 (1969); *Eisner v. Stamford Board of Education*, 440 F.2d 803 (2nd Cir. 1971).