



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: September 22, 2021
To: Chief School Administrators, Charter School and Renaissance School Project Leads
Route To: High School Principals
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services

Requests for Student Information from Military Recruiters, Institutions of Higher Education, and Prospective Employers

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires local educational agencies (LEAs) receiving assistance under ESEA to provide, upon request, certain student information to military recruiters and/or institutions of higher education (ESEA Section 8528). This memorandum serves to highlight this requirement and provide helpful information.

Summary of ESEA, Title VIII General Provisions

- ESEA Section 8528 outlines provisions that give military recruiters the same access to secondary school students as recruiters from postsecondary institutions or prospective employers (e.g., college fairs, job fairs) and, when requested, requires LEAs to provide students' names, addresses, and telephone numbers to military recruiters. LEAs are strongly encouraged to review the U.S. Department of Education's [Dear Colleague Letter](#) regarding ESEA's military recruiters provisions, which provides clarification on changes under ESEA.
- To ensure compliance in this area, all schools receiving assistance under ESEA must comply with requests for the names, addresses, and telephone numbers of secondary school students made by:
 1. Military recruiters;
 2. Recruiters from institutions of higher education; or
 3. Prospective employers.
- The school must provide this information unless a parent or the adult student (age 18 or over) has 'opted-out' of disclosing such information. Parents or adult students (age 18 or over) **must request in writing** that student information not be disclosed to one or all entities as indicated above. LEAs **shall not** withhold access to a student's name, address, and telephone number from a military recruiter or institution of higher education by implementing an opt-in process, or any other process other than the written opt-out request process described above. A sample 'opt-out' notification letter for distribution to parents and students is posted on the [ESSA Student Records and Rights](#) website.
- The United States (U.S.) Army Mid-Atlantic Recruiting Battalion and the Recruiting Station New Jersey Marine Corps High School Program have requested that high school juniors' and seniors' student directory information be submitted, preferably in an Excel (.xlsx) format, to recruiters by **Friday, December 17, 2021**. If you have any questions about this request, please contact via email Giovanna Hansen (giovanna.c.hansen.civ@mail.mil) Battalion Education Service Specialist, or Capt. Jeramie M. Connor (jeramie.connor@marines.usmc.mil) Executive Officer at Recruiting Station New Jersey.

- **Exception:** Per ESEA Section 8528(c), the above-mentioned provisions **do not apply** to a nonpublic secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through corporate or other organizational documents or materials of that school. These requirements also **do not apply** to nonpublic secondary schools whose students receive equitable services under one or more ESEA programs. These schools receive services funded by federal grant programs but are not direct recipients of grant funds; therefore, such schools are not subject to the Title VIII military provisions.

LEAs and their constituent schools are required to comply with these ESEA requirements regardless of their “directly information” policy under the Family Educational Rights and Privacy act (FERPA) which protects the privacy of student education records. Its primary purpose is to prevent LEAs from disclosing student information that may be harmful or invade students’ privacy by placing student information in certain school publications. Information regarding FERPA, including regulations, guidance, sample letters, and technical assistance resources, can be found at the [Family Policy Compliance Office](#) (FPCO) web site.

All documents referenced above can be found on the New Jersey Department of Education (NJDOE) [ESSA Student Records and Rights](#) web page.

Please ensure that parents and students, as applicable, are notified of these requirements and given the opportunity to exercise the ‘opt-out’ option using the prescribed form. LEAs are to distribute these documents at the beginning of the school year, so parents or students can make timely and informed decisions. As part of its collaborative monitoring process, the NJDOE will review LEAs’ compliance with the requirements of ESSA Section 8528.

If you have questions, please contact Daniel Sackner in the Office of Supplemental Educational Programs at daniel.sackner@doe.nj.gov.

c: Members, State Board of Education
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