ABSTRACT

This is a new regulation. The No Child Left Behind Act (NCLB) requires the New York City Department of Education (DOE) to provide the names, addresses, and telephone numbers of 11th and 12th grade students to military recruiters and institutions of higher learning that request this information, except where the parent or student opts-out by notifying the DOE that he/she does not consent to release of this information. The law also requires that military recruiters be given the same access to high school students that is generally provided to post-secondary educational institutions and prospective employers.

This regulation implements the requirements of NCLB with respect to the release of student information to the military and institutions of higher learning. It sets forth the procedures that schools must follow with respect to opt-out letters and military recruitment in the schools.

I. OPT-OUT NOTIFICATION

Each school with students in grades 9, 10, 11, and/or 12 is responsible for maintaining up-to-date information regarding which students have opted out of releasing their name, address, and telephone number to military recruiters and/or institutions of higher learning. Accordingly, each school is responsible for following the procedures set forth below.

A. Each principal/designee must provide the parent opt-out letter (see Attachment No. 1) to the parents of all students in grades 9-12 between September 17 and October 3 of each school year. Parent opt-out letters in eight languages are available at http://schools.nyc.gov/StudentSupport/StudentAttendance/MilitaryOptOutLetters/default.htm. Parents may opt-out of releasing information to military recruiters and/or institutions of higher learning.

B. Each principal/designee must distribute the student opt-out letter (see Attachment No. 1) to all students in grades 9-12 by the end of the first week of October of each school year. Student opt-out letters are available in eight languages at http://schools.nyc.gov/StudentSupport/StudentAttendance/MilitaryOptOutLetters/default.htm. Students may opt out of releasing information to the military and/or institutions of higher learning. Opt-out forms must also be included within the orientation/intake packet that every new student in grades 9-12 receives. In addition, the opt-out letter must be provided to the parents of these new students.

C. Each principal of a school with grades 9, 10, 11, and/or 12 must designate a staff member to serve as a point person on issues relating to military recruitment and requests for information from institutions of higher learning who can provide guidance to students who request it regarding these issues.

D. Each principal/designee must enter the names of the students who have opted out and/or whose parents have opted them out into the ATS system, using the ATS function Update Student Codes (UPCO). The student opt-out code that has been selected remains in ATS unless the student and/or parent choose to change it.

E. Parents and students may exercise their right to opt out at any time during the student's school career.

F. Each Principal/designee may elect to distribute opt-out letters to students and parents at additional times during the school year.

G. Student information will be centrally disseminated to military recruiters upon request during the first week of November. Schools ***must not*** provide student information to military recruiters and must inform military recruiters who directly request such information to contact their supervising officers in regard to the protocol for obtaining this information. Any further questions or concerns pertaining to military recruiters may be directed to Lilian Garelick, Office of School and Youth Development, Director of Mandated Responsibilities: e-mail: lgareli@schools.nyc.gov or telephone: 212-374-6095.

H. Student information will be disseminated to institutions of higher learning locally, at the school level. Upon request, schools must provide the names, addresses, and telephone numbers of 11th and 12th grade students who have not opted out to institutions of higher education that request such information, unless an opt-out form has been received by the school. In order to generate this information, schools may use the ROPO Report on ATS.

I. Opt-out information is included in the Bill of Student Rights and Responsibilities in the Citywide Standards of Discipline and Intervention Measures (Discipline Code). In addition, the lesson plans that are provided to schools to teach students about the Discipline Code and the Bill of Student Rights and Responsibilities will include military opt-out information.

J. Each principal/designee of a school with grades 9, 10, 11, and/or 12 must include, as part of its School and Youth Development Consolidated Plan, the following information: (1) a summary of the school's plans and procedures for access by military recruiters, post-secondary educational institutions and prospective employers; (2) a plan for ensuring that students understand their opt-out rights and receive opt-out forms; and (3) the name of the staff member designated to oversee the plan.

II. MILITARY RECRUITMENT

A. Federal law requires schools to give military recruiters the same access to students as is given to other educational institutions and prospective employers.

B. All visitors must follow the procedures in the building safety plan, including signing in and out and holding meetings only in designated locations.

C. No visitor should be given unfettered access to students in classrooms, cafeterias, gyms, or other areas of the school building.

D. Information about opportunities in the military should be posted in the same manner and same areas that other educational and career information is posted. Students should generally be provided with information about career, educational, or military opportunities in forums dedicated to that purpose. Classroom time should be used only for instruction.

E. A list of "Frequently Asked Questions" (FAQs) has been prepared to assist guidance counselors and college and career offices in addressing students' questions regarding their rights under the NCLB with respect to military recruitment in the schools. The FAQs are available on the Office of School and Youth Development website: http://portal.nycboe.net/sites/FinanceAdmin/OSYD/SchoolPortal/StudentSupportServices/NCLB/default.aspx.

III. ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB)

A small number of NYC public schools administer the ASVAB. Students who take this test are asked to sign a statement authorizing the Department of Defense to score the test and report the results to the student's school. The ASVAB lists eight options for schools with regard to releasing ASVAB results to military recruiters. In order to protect the rights of students and parents to determine how student information is released to the military, it is the policy of the NYC DOE that schools which administer the ASVAB must elect Option 8, which does not permit the results to be released to military recruiters. Students who wish to contact the military after receipt of their scores should contact their guidance counselor for assistance.

IV. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:	*Office of School and Youth Development*	Fax:
212-374-6095	N.Y.C. Department of Education 52 Chambers Street – Room 218 New York, NY 10007	212-374-5751