

**SECTION 9528 REQUEST**  
**Opt-Out Form for High School Students**

I, \_\_\_\_\_, hereby exercise my federal right, granted to me by the Congress of the United States under Section 9528 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, (and any other applicable state, federal or local law or any school policy), and request that the name, address, and telephone listing of \_\_\_\_\_, a current student at \_\_\_\_\_ High School, not be released to military recruiters without prior written parental consent. I do, however, consent to the disclosure of such information to Institutions of higher education other than military schools.

Signed by: (check one) Student [ ] Parent [ ]

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Note to students/parents: This certificate can be signed either by a student or a parent. A student does not need parental consent to submit this certificate. Any secondary school student, regardless of age, can sign this certificate and is authorized by law to submit this request. Parents can also sign this certificate for any secondary student. No information about elementary students will be disclosed to military recruiters. When completed, submit this form to the school’s administration office.

Note to school administrators: You are required by federal law to comply with this request. It is a violation of federal law to disregard this request and release the name, address, or telephone listing of this student to any military without prior, written, parental consent. Sec. 9528(a)(2) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001.

**Sec. 9528. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION**

**(a)POLICY -**

**(1) ACCESS TO STUDENT RECRUITING INFORMATION-** Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act and except as provided in paragraph (2), 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.

**(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.

## **Frequently Asked Questions Military Recruiter Access**

### **1. What are the recent changes made by Congress concerning military recruitment of high school students?**

Congress has passed two major pieces of legislation that generally require districts receiving assistance under ESEA to give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers. Districts are also generally required to provide students' names, addresses, and telephone listings to military recruiters, when requested.

### **2. Where are these statutory requirements found?**

These requirements are contained in section 9528 of NCLB as well as in the National Defense Authorization Act (P.L. No. 107-107).

### **3. Under NCLB, what notification must districts provide to parents before disclosing names, addresses, and telephone numbers of secondary students to military recruiters and officials of institutions of higher education?**

Under FERPA, districts must provide notice to parents of the types of student information that it releases publicly. This type of student information, commonly referred to as “directory information,” includes such items as names, addresses, and telephone numbers is information generally not considered harmful or an invasion of privacy if disclosed. The notice must include an explanation of a parent's right to request the information not be disclosed without prior written consent. Additionally, NCLB requires that parents be notified that the school routinely discloses names, addresses, and telephone numbers to military recruiters upon request, subject to a parent's request not to disclose such information without written consent. A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and NCLB. The notification must advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

### **4. Are private schools subject to the military recruiter requirements?**

Private secondary schools that receive funds under NCLB are subject to this requirement. However, private schools that maintain a religious objection to service in the Armed Forces that is verifiable through the corporate or other organizational documents or materials of that school are not required to comply with this law.

### **5. Where can I get more information on these requirements?**

School officials with questions on this guidance, or FERPA, may contact the Family Policy Compliance Office at FERPA@ED.Gov, [www.ed.gov/offices /OM/fpco](http://www.ed.gov/offices/OM/fpco), 202-260-3887, or write to:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW Washington, D.C. 20202-4605