

Category: **STUDENTS**

Issued: 1/21/16

Number: **A-825**Subject: NO CHILD LEFT BEHIND (NCLB) DISCLOSURE OF INFORMATION TO
INSTITUTIONS OF HIGHER LEARNING AND THE MILITARY

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SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-825 dated June 23, 2009.

Changes:

- Provides new date by which parent opt-out letter must be distributed (p. 1, § I.A).
- Parent and student opt-out letters have been revised (Attachment No. 1).
- Clarifies that student opt-out letters are available in ten languages (p. 1, § I.B).
- Clarifies that student information that is provided to military recruiters and institutions of higher learning is for students in grades 11 and 12 (p. 2, § I.H)
- Updates titles of DOE office and contact information (p. 2, § I.G and p. 3, § IV).
- Updates the titles of the Student Intervention and Discipline Code and the Safety and Youth Development Consolidated Plan (p. 2, § I.I).
- Deletes the reference to a Frequently Asked Questions ("FAQ") document for school staff regarding implementation of this Regulation (p. 2, § II.E). The FAQ document will continue be available on the DOE Intranet as instructions for school officials.
- Adds option for parents and students to provide written consent to have ASVAB scores released directly to the military (p. 2, § III.C).
- New notification letters have been included regarding release of ASVAB scores (Attachment No. 2).

ABSTRACT

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 (Attachment No. 1) to the parents of all students in grades 9-12 by the end of the first week of October of each school year. Parent opt-out letters in ten 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 (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 ten 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 for students in grades 11 and 12 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 the Office of Safety and Youth Development.
- H. Student information for students in grades 11 and 12 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 for whom they have not received an opt-out form to institutions of higher education that request such information. 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 Behavioral Expectations to Support Student Learning (Student Intervention and Discipline Code). In addition, the lesson plans that are provided to schools to teach students about the Student Intervention and Discipline Code and the Bill of Student Rights and Responsibilities 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 Safety 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.

III. ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB)

- A. A small number of NYC public schools administer the ASVAB. Students who take this test are given the option of providing written consent authorizing the United States Department of Defense to score the test and report the results to the student's school.
- B. 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 DOE that schools that administer the ASVAB will not release student scores to military recruiters unless both the parent and the student provide written consent.
- C. Schools that administer the ASVAB are required to send home written notification (Attachment No. 2) in advance of the test to the parents of each student scheduled to take the ASVAB regarding their rights with respect to the release of the scores to military recruiters.
- D. Schools may not release a student's score directly to the military unless both the parent and the student provide written consent.
- E. Students may contact their school counselor to discuss their career interests and post-secondary plans including military service.

IV. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:
212-374-5565

Office of Safety and Youth Development
N.Y.C. Department of Education
52 Chambers Street – Room 218
New York, NY 10007

Fax:
212-374-5751

PARENTAL OPT-OUT LETTER
FOR PARENTS OF ALL NINTH THROUGH TWELFTH GRADE STUDENTS

Dear Parent:

Federal law requires the New York City Department of Education (DOE) to provide names, addresses, and telephone numbers of 11th and 12th grade high school students to military recruiters and institutions of higher education that request this information, except where the parent or student opts out by notifying the DOE **in writing** that he/she does not consent to release this information. While we are committed to protecting the confidentiality of our students, we must comply with the law.

If you do not consent to the disclosure of this information, you must fill out the following form and return it to your child's school by the second Friday of October. If you do not return the form by this date and your child is a student in the 11th or 12th grade, we will release your child's information upon request. However, please be aware that if you choose not to return the form at this time, you may do so at **any time** during your child's school career and the request for non-disclosure will be honored. For parents of 9th and 10th grade students, the opt-out form can be completed and saved in advance.

For more information or assistance, please refer to Chancellor's Regulation A-825 or contact the Military Recruitment Liaison in your school.

Thank you for your cooperation.

Sincerely,

PARENTAL OPT-OUT FORM

Please complete the following if you do not consent to the release of your child's information - name, address, and telephone number - to military recruiters and/or institutions of higher education that request this information.

Student's Last Name: _____

Student's First Name: _____

Student's Official Class: _____

Name of School: _____

I am requesting that my child's name, address, and telephone number **NOT** be shared with:
(please check appropriate box)

_____ Military Recruiters

_____ Institutions of Higher Education

_____ Both Military Recruiters and Institutions of Higher Education

Parent/Guardian: _____

Print Name

Signature

Date

STUDENT OPT-OUT LETTER
FOR ALL NINTH THROUGH TWELFTH GRADE STUDENTS

Dear Student:

Federal law requires the New York City Department of Education (DOE) to provide names, addresses, and telephone numbers of 11th and 12th grade high school students to military recruiters and institutions of higher education that request this information, except where the parent or student opts out by notifying the DOE **in writing** that he/she does not consent to release this information. While we are committed to protecting the confidentiality of our students, we must comply with the law.

If you do not consent to the disclosure of this information, you must fill out the attached form and return it to your school by the second Friday of October. If you do not return the form by this date and you are a student in the 11th or 12th grade, we will release your information upon request. However, please be aware that if you choose not to return the form at this time, you may do so at **any time** during your school career and the request for non-disclosure will be honored. If you are a student in the 9th or 10th grade, the opt-out form can be completed and saved by the school.

For more information or assistance, please refer to Chancellor's Regulation A-825 or contact the Military Recruitment Liaison in your school.

Thank you for your cooperation.

Sincerely,

STUDENT OPT-OUT FORM

Please complete the following if you do not consent to the release of your information - name, address, and telephone number - to military recruiters and/or institutions of higher education that request this information.

Student's Last Name: _____

Student's First Name: _____

Student's Official Class: _____

Name of School: _____

I am requesting that my name, address, and telephone number **NOT** be shared with: (please check appropriate box)

_____ Military Recruiters

_____ Institutions of Higher Education

_____ Both Military Recruiters and Institutions of Higher Education

Student:

Print Name

Signature

Date

ASVAB NOTIFICATION LETTER

Dear Parent:

(Name of School) will be administering the Armed Services Vocational Aptitude Battery (ASVAB), on (Enter Test Date) at (Time). The ASVAB is part of the Army's ASVAB Career Exploration Program, which is designed to help students learn about themselves, explore occupations in line with their interests and skills and develop strategies to realize their career and educational goals. The ASVAB is a multiple aptitude test developed by the Department of Defense which assesses academic ability and provides predictors for success in a variety of occupations, including the military. The test covers many areas, including but not limited to verbal and math skills, mechanical knowledge, and electronics. You can learn more about this program at www.asvabprogram.com.

As a matter of policy, the DOE will not release your child's scores to the military without the written consent of both you and your child. If your child chooses to take the test and you and your child would like your child's scores to be released to the military, you both must provide written consent below. If you both consent to your child's scores being released, you or your child may be contacted by a military recruiter to discuss your child's interest in serving in the military. Please be advised that release of your child's scores to the military will result in no obligation on your child's part with respect to the military.

If you have any questions regarding the matter, please contact me at _____.

Very truly yours,

I authorize the school to release my child's name and ASVAB scores to the military.

Parent/Guardian: _____
Print Name Signature

Date

I authorize my school to release my name and ASVAB scores to the military.

Student: _____
Print Name Signature

Date