

The preceding article is inaccurate on several accounts.

(quotes from the article are in bold italics)

”Although juniors are required to take the ASVAB at Suwannee High School, the option to withhold personal information, including social security numbers, from recruiters is available, but left to the school’s discretion.. SHS, like many schools, has selected to share students results and personal contact information with recruiters, according to Vice Principal Simpson.”

This situation is outrageous on several accounts. First, the entire Junior class at Suwannee High School in Live Oak, Florida was required to take the ASVAB and all students had their test results, including social security numbers and test data sent to military recruiters without parental knowledge or consent. A school spokesman said, ***“We’re not in the business to help out the military, we’re in the business of helping out the students.”*** If this is the case and the official is convinced of the test’s benefits, why not offer it without allowing recruiters to have the results?

The article makes it sound like the “No Child Left Behind Act <http://www.ed.gov/policy/elsec/leg/esea02/pg112.html#sec9528> allows students who don’t want to take the ASVAB to “opt out.” This is not accurate.

“Students were left with the option of submitting a written opt-out letter prior to the exam being administered. Under the No Child Left Behind Act, parents have the right to request that their child opt-out in writing, but if parents do not object in writing, the schools must provide the students name to the military,” said Jim Bradshaw, a spokesman for the U.S. Dept of Education. Many students simply didn't know they had that option.”

The No Child Left Behind Act is restricted to the release of names, addresses, and phone numbers of students. It’s ironic because the article says that many students didn’t realize they had the option to opt out (of the ASVAB). That’s because they really didn’t have the right to opt out without facing disciplinary consequences. In fact, one courageous student was placed into in-school suspension for writing a false name on his/her ASVAB exam.

When contacted, Mr. Bradshaw of the U.S. Department of Education replied that there were "problems" with the article.

The article states that FERPA gives schools permission to release "student records" via the ASVAB to the military. ***“The Family Educational Rights and Privacy Act (FERPA), does not protect students rights in this case. FERPA contains an exception giving schools the right to disclose student records to 'organizations conducting certain studies for or on behalf of the school.’***

This misrepresents FERPA by leaving out the most important qualifying text. FERPA says the studies must be, "for the purpose of developing, validating, or administering

predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted."

A study (though the ASVAB isn't really a "study") that provides student records to military recruiters violates the purpose stated in this section of FERPA and it violates the prohibition against the release of identifiable information.

The Suwannee Democrat article goes on to say, **"This exception, which permits disclosure without consent, grants disclosure of student records by school officials 'for legitimate educational interests,' and therefore shields the ASVAB under FERPA law, according to the ASVAB counselor manual."**

The FERPA section referenced here actually says "disclosure . . . TO school officials for legitimate educational interests," not "disclosure BY school officials" (emphasis added). Military recruiters are not school officials, so they are not entitled to access under FERPA.

See: U.S. Code Title 20, Section 1232g, subsection (b)(1), paragraphs (A) and (F).
<http://www.law.cornell.edu/uscode/20/1232g.html>

Finally, the article states, *Assistant Principal Simpson said, as far as he knows, students can choose not to give their personal information on the exam. "I've never known a test to force students to put their social security on it. Usually that has always been optional, and students can leave that area blank."*

The Assistant Principal has it wrong. The ASVAB test Answer Form, DD Form 1304-5AS requires students to fill in social security numbers and other sensitive personal information. The form says, "If you do not provide the requested information, your test will not be scored or otherwise processed."

To see the test form, click on ASVAB Answer Sheet:
http://www.nnomy.org/joomla/index.php?option=com_docman&task=cat_view&gid=74&&Itemid=147