

Linchpin of Pentagon's School-based Recruitment: Student Testing Program (ASVAB) Rife with Errors and Contradictions

Student Privacy Compromised by Massive Program

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Region: [USA](#)

Global Research, January 05, 2014

[War is a Crime](#)

In late December, 2013 the Department of Defense released a database on the military's controversial Student Testing Program in 11,700 high schools across the country. An examination of the complex and contradictory dataset raises serious issues regarding student privacy and the integrity of the Student Testing Program in America's schools.

The data was released after a protracted Freedom of Information Act (FOIA) request.

See the [State ASVAB Databases](#) and the [National Database](#).

The DoD's Freedom of Information office reports that 678,000 students participated in the Armed Services Vocational Aptitude Battery Career Exploration Program (ASVAB-CEP) during the 2012-2013 school year, down nearly 10% from the previous school year. The three-hour test is the linchpin of the Pentagon's school-based recruiting program and provides the Military Entrance Processing Command (USMEPCOM) an invaluable tool in prescreening candidates for military service.

The ASVAB is the military's entrance exam that is given to fresh recruits to determine their aptitude for various military occupations. Since 1968 the test has also been used as a recruiting tool in high schools. It's used by USMEPCOM to gain sensitive, personal information on high school students, the vast majority of whom are under the age of 18. Students typically take the test at school without parental consent and often without parental knowledge.

The Pentagon admits military testing in the nation's schools is a crucial component of maintaining an "all-volunteer" force. In recent years military recruiting has evolved into an exceptionally sophisticated psychological campaign aimed at enticing high school children to enlist. From a myriad of social websites and a host of other sources, recruiters may know, before first contact, that a young man reads wrestling magazines, weighs 155, can bench press 230, drives a ten year-old truck, listens to "classic rock," and enjoys fly fishing. They know where his girlfriend stands on his looming decision to enlist. But the ASVAB opens the door to a student's cognitive abilities, something recruiting services can't purchase or find on line. A child's virtual social being, his intellectual capabilities, and mechanical aptitude are combined to create a precise, virtual portrait, all before a recruiter's first contact.

In 1974 The Educational Rights and Privacy Act ([FERPA](#)) stood in the way of the DoD's carte

blanche access to student education records. The law, which is still in effect today, requires a signed parental release statement before “education records” are released to third parties. The Pentagon’s position, explained in the ASVAB Counselor Guide ([See page 14](#)) is that the ASVAB is proctored by DoD personnel and that ASVAB results become education records only after the test is scored by the DoD and returned to the school. This way, the brass argues, ASVAB results are not education records. Instead, they’re “military records”. ASVAB results are the only information about students leaving American schools without providing for parental consent.

USMEPCOM Regulation 601-4 ([Section 3](#)) identifies several options schools have regarding the administration and release of ASVAB information. These options range from Option 1, which permits test results and other student information to be released to military recruiters without prior consent, to Option 8, the only one that prevents test results from being used for recruiting purposes. The problem is that many, if not most school administrators are unaware the release options exist and USMEPCOM officials are not going out of their way to tell them. Coalition partners in several states report telling hundreds of school officials who did not know about release options.

Inaction on the part of a school will cause USMEPCOM to automatically select Option 1.

53% of all students taking the ASVAB across the country did so under Release Option 1. Students and parents may not determine which release option is used; therefore they cannot opt out of releasing the information individually. Just 15% of students taking the ASVAB had Option 8 selected by school officials.

DoD officials wash their hands of the privacy issue. “Whether or not a school official seeks students’ or parents’ or guardians’ permission is entirely up to that school, and we don’t have anything to say about that at all,” said Curtis Gilroy, the Pentagon’s prior Director of Accession Policy during an [NPR Interview](#) in 2010.

Meanwhile, the DOD markets the ASVAB in high schools without revealing its tie-in to the military or its primary function as a recruitment tool. School counselors and administrators encourage students to take the test that many claim assists students in matching their abilities with certain career paths. It is terribly deceptive.

A Snapshot of the data

INDICATOR	2011-2012	2012-2013
Total Tested	752,758	678,248
Total Schools	11,754	11,741
# Students Option 8	122,636	105,222
% Option 8	16.29	15.51
# Schools Option 8	2177	2408

Mandatory Testing

Pursuant to the FOIA request, the data released by the DoD contains a column that identifies whether the test was mandatory for students. The data shows that 931 schools required nearly 50,000 students to take the test.

Interestingly, military regulations forbid recruiters from suggesting the ASVAB be made mandatory. According to USMEPCOM Regulation 601-4,

“School and student participation in the Student Testing Program is voluntary. DOD personnel are prohibited from suggesting to school officials or any other influential individual or group that the test be made mandatory. Schools will be encouraged to recommend most students participate in the ASVAB CEP. If the school requires all students of a particular group or grade to test, the Military Entrance Processing Command will support it.”

School officials in several states are under the impression that ASVAB testing is mandated by federal law. For instance, counselors in Nebraska have reported they’ve been told by recruiters that testing is required.

Kevin Haake of the Nebraska Coalition to Protect Student Privacy explains it this way, “We’d rather not have the military actively recruiting in our schools but I don’t see an egregious violation of civil rights when a couple of kids voluntarily sign up to take this military test. It’s another matter when entire classes of children are told they’ve got to take this thing and all their information is shipped to the Pentagon without mom and dad knowing about it.”

The line between mandatory and voluntary testing is blurred with U.S. Army Recruiting Command Regulation [601-107 page 25 Item 8](#) which ranks each high school based on how receptive it is to military recruiters. Schools are awarded extra points when they make the ASVAB mandatory.

Regardless of the perceptions of school officials concerning the voluntary or mandatory nature of the testing regime many principals and counselors are sold on the utility of the ASVAB as a useful career exploration program that assists students in determining career paths. Critics claim 16 year-olds are generally clueless regarding the “careers” they may eventually choose. They say the test fails miserably in this regard – and they’re not alone.

The U.S. Marine Corps Military Personnel Procurement Manual contains the following,

“The ASVAB is used by the Armed Forces for recruiting purposes and by school counselors for vocational guidance counseling. The ASVAB’s ability for determining civilian job skills has not yet been proven.” [See Sec. 4104 3b \(pg 237 of this document\)](#)

It’s mind boggling.

Once the test is administered and scored, the recruiting command sends recruiters to the

schools after the tests are scored to discuss “career paths” with students.

The military has done a tremendous job marketing the program in high schools across the country. American high schools are blanketed with posters and announcements that read like this:

“Explore your interests. Expand your horizons. Realize your strengths. Realize your dreams. Start opening doors to your future. Participate in the ASVAB Career Exploration Program on (DATE). It’s free! See your counselor to register today.” [See ASVAB Snippets.](#)

The Pentagon’s marketing to students in the high schools never explains what “ASVAB” stands for and never mentions the primary purpose of the testing regime, which is to procure leads for recruiters. Its website, <http://www.asvabprogram.com/> looks nothing like a DoD site and buries any mention of the military.

Do huge numbers voluntarily take the test?

The database purports to reflect the number of schools and students that participate in mandatory testing but there are several problems with its accuracy.

The ASVAB provides the first, massive, national litmus test for enlistment. Consider five schools in the Miami area. North Miami Beach HS tested 855. It has a minority population of 96%. Coral Gables HS tested 695 with a minority population of 90%. Coral Park HS had 429 take the test. It has a minority population of 96%. Miami Central High School tested 645 and Miami Northwestern HS sat down 642. Both have minority populations of 99%. None of these five schools are listed in the DoD database as having “mandatory” testing and there’s no evidence online that students were required to take the test.

Voluntary?

A web search of seven Michigan high schools listed in the newly released data as “Not Mandatory” clearly shows that students are required to take the ASVAB. Pickford, Watersmeet, Goodrich, Manistique Lake Linden, Rapid River, and Ironwood High Schools all force students to take the test.

Munford High School in Munford Tennessee tested 855 but is listed in the database as not mandatory. Perhaps patriotism is rampant in Munford, but how, exactly, do they manage to get 855 teenagers to voluntarily sit for three hours to take a military exam?

Scranton High School in Arkansas is listed as being mandatory for all grades but only 11 students took the test, according to the data. Scranton has a total enrollment of 181. It begs the question: Just how many students are required to take the test in Arkansas? Last year the state led the nation with more than 10,000 students being forced to take the ASVAB. After a robust email campaign to school officials, that number has dropped to 7,333 although 140 schools still require students to take the test. (That’s an average of 52 per school.) One school counselor explained that the test has always been required and no one had ever complained. Certainly there have been no complaints from the Military Entrance Processing Command in Little Rock, until now, perhaps.

Two important questions remain concerning mandatory testing, despite the data. How can we tell from the statistics furnished by the DoD exactly how many are taking the test and how do we know if a school requires students to take the ASVAB? If the Pentagon admits there are nearly a thousand schools that require military testing, how many are there, *really*? There's never been outside accountability. This is tragically ironic because we're dealing with the most sensitive information the state can possess regarding our children.

According to the data, 6,536 schools or 56% of the total nationally, tested ten or fewer children, comprising just 6% of the total number of students tested. Most of these children, it may reasonably be assumed if the data is accurate, were offered the opportunity to participate, rather than being required to do so.

The average American high school has an enrollment of 595 students and the average junior class has about 120 students. If our hypothetical high school has 120 juniors what number of juniors tested might provide us a clue that the test was required? Alternately, how small must the number of test takers be to reasonably demonstrate the voluntary nature of the exam?

There have been numerous press reports concerning student and parent dissatisfaction with mandatory military testing. Often, juniors and seniors use these ASVAB testing days to simply skip school, reducing the numbers of those being tested. 3,600 schools tested more than 50 students. Is it reasonable to assume that these students were required to do so? Is it a stretch to suggest that the number of children in America that are forced to take the ASVAB is substantially higher than what the Pentagon publicly admits?

The U.N. weighs in on mandatory testing

In early 2013 The UN's Committee on the Rights of the Child called on the Obama Administration to *"Ensure that schools, parents and pupils are made aware of the voluntary nature of the ASVAB before consenting to the participation into it."* See the Concluding observations on the Second Report of the United States of America, Adopted by the Committee on the Rights of the Child at its sixty-second session (14 January–5 2013) regarding the Optional Protocol on the Involvement of Children in Armed Conflict

http://www2.ohchr.org/English/bodies/crc/docs/co/CRC_C_OPAC_USA_CO_2.doc

The Committee had previously found that *"Parents and children are often unaware of the voluntary nature of the Armed Services Vocational Aptitude Battery (ASVAB) test organized in schools or its links to the military and that in some instances students were reportedly informed that the test was mandatory."*

Members of the Committee in Geneva found it incredulous that a thousand American schools force underage children to take this military test without parental consent.

The United States ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) in 2002. [Article 3.3](#) of OPAC states that recruitment practices involving minors should be voluntary. *Forced military testing in American public schools for recruitment purposes without parental consent violates the treaty.* In late 2012 the Obama Administration denied the mandatory nature of the testing regime. The US replied to the Committee, *"Participation in the ASVAB CEP is entirely voluntary. DOD does not require schools to participate, nor does it require schools to test all*

students within a participating school.”

The ASVAB is “free”

There is a compelling financial reason why so many take the ASVAB. It is often the only “free” assessment on “test day”. A third of all high school students are not college bound. If these students are offered a choice between taking the PSAT which is a college entrance exam and involves paying a fee — or taking the ASVAB which is free, they’ll typically pick the ASVAB. The military will list these children as voluntarily taking the ASVAB, although they’re actually forced to do so.

At Crown Point HS in Indiana,

“11th grade students that wish to take the PSAT, and potentially qualify for national merit scholarships, will be required to pay \$14.00. Juniors may register to take the PSAT in room c-203 from September 7-14th. 11th grade students that do not wish to take the PSAT will be administered the ASVAB exam. The ASVAB exam is free of charge.”

Crown Point tested 469 students last year and they’re listed as not mandatory. All had their results shipped to recruiting services without parental consent.

It’s the same deal at Woodridge High School in Ohio,

“Juniors may take the PSAT or the ASVAB. The cost of the PSAT is \$14, Students register for the PSAT in Guidance and the deadline is September 16, 2013. There is no cost for the ASVAB.” The DoD lists Woodridge as “not mandatory”.

Administrative and Legislative Inroads by the DoD

New Jersey allows the ASVAB to be used as a substitute for mandatory graduation tests. The guidelines call for receiving a 31 on the AFQT, the Armed Services Qualifying Test. The ASVAB is used to calculate the AFQT. A 31 is the minimum score for enlistment in the Army. A 31 on the AFQT is roughly comparable to 5th or 6th grade proficiency in reading and math.

Kentucky calls for a 55 on the AFQT for a student to earn a diploma. A 55 on the AFQT is the same as a composite SAT score of 840, according to the widely distributed [ASVAB Concordance Table](#) provided by the recruiting command. An 840 on the SAT won’t open college doors. It represents the bottom 5th of national SAT scores. A 55, however, opens the door to a host of military occupations. [Kentucky](#), it should be noted, allows the military access to all student academic records upon request by any agency of the federal or state government for the purpose of determining a student’s eligibility for military service. It’s the worst law in the nation.

Mississippi’s Department of Education is close to allowing students who score a 36 or better on the ASVAB in addition to a passing score on a state vocation test or approved industry certification to receive a high school diploma. The Magnolia State’s board of education is seeking public input and is widely expected to approve the changes in January of 2014. The

proposed policy does not address privacy concerns.

In Minnesota a new policy allows students to take the ASVAB to meet graduation assessment requirements in reading, mathematics and writing.

Missouri schools now encourage the universal use of the ASVAB and track all ASVAB scores as an integral part of the state's school improvement program.

Missouri and Kentucky alone tested 21,000 more students than they did last year. The rapid decline in the popularity of the testing regime nationally is somewhat arrested by these developments. Meanwhile, the vast majority of these new test takers had their personal information sent to military recruiting services without parental consent, undermining the efforts of privacy advocates.

The Military Entrance Processing Command is also aided by a dozen state governors who have issued proclamations calling on all students to take the ASVAB. In 2008 Alaska's Governor Palin became one of the first to proclaim [ASVAB Career Exploration Month](#) although no arrangements were made in Alaska or any other state to protect student privacy.

We're witnessing the institutionalization of a direct informational pipeline to the Military Entrance Processing Command.

Psychology 101

School officials often ask, "What's the problem with sharing student information with the recruiting command?"

Some aren't too smart and they can get killed would be the answer.

Military recruiting is an exceptionally sophisticated psychological program aimed at enticing high school children. The American Public Health Association ([APHA](#)) has called for the cessation of military recruiting in the nation's high schools, citing the vulnerable stage of brain development of youth and their "limitations in judging risk at this stage in life. They are unable to fully evaluate the consequences of making a choice to enter the military." The APHA specifically calls for the end to military testing in the high schools.

Patterns of Obfuscation

In 2010 Maryland became the first state to pass a law requiring the universal selection of Option 8 for all high school students taking the ASVAB. When the bill was working its way through the legislature, the USMEPCOM Battalion Commander at Fort George G. Meade warned school officials and legislators of a "disinformation campaign" regarding the school testing program. The Colonel wrote that the efforts to encourage schools to select Option 8 are "bent on disrupting any effort to build, support, or sustain the military."

It is apparent the Pentagon has orchestrated a "disinformation" campaign of its own.

Guidance counselors in high schools in a dozen states across the country have said they were told by MEPS personnel that privacy concerns are misplaced because students sign a "Privacy Act Statement" that is part of the ASVAB answer sheet. It is a very familiar refrain. The counselors are led to believe that the Privacy Act Statement gives students notice of the

release of test results to military recruiters and provides student consent for the release of information. The statement, however, says nothing about recruiter contact. The statement is not a proper waiver of rights because it does not disclose that ASVAB test results may be used for recruitment purposes, and it does not do away with the obligation to obtain consent from a parent or guardian when a student is under age 18. This is precisely where the program runs afoul of state laws.

See the 2013 report [Best Practices for ASVAB-CEP Administration](#) from Rutgers Law School. The report makes a compelling case that high school counselors have both legal and professional responsibilities to ensure that ASVAB student test information is not automatically released to military recruiters.

Another misperception spread by the recruiting command is the notion that the “Opt Out” law covers ASVAB testing. Every fall parents of American high school children are provided the opportunity to “opt out” of information being forwarded to recruiting services pertaining to their children. If parents haven’t “opted out”, the reasoning goes, their kids are fair game for the ASVAB. The “opt out” law is found in Section 9528 of the Elementary and Secondary Education Act (ESEA) and is limited to the release of a student’s name, address, and phone number. The ASVAB, on the other hand, provides an in-depth cognitive picture of a student, along with detailed demographic information and social security number. ESEA doesn’t regulate ASVAB testing.

Still, another obfuscation practiced by USMEPCOM is the use of ASVAB Test Request Forms that are distributed to high school administrators that purposely leave off Option 8. See [this form](#) distributed by the recruiting command to school administrators in Prince George’s County, Maryland. School officials were so incensed they supported an effort that resulted in passing a law that mandates the selection of Option 8 across the state.

Another reprehensible practice involves recruiters who lurk on internet chat rooms like Yahoo Answers. It’s a way for Staff Sergeants to procure leads to meet their monthly quotas and sometimes it’s laughable. Consider this post in mid-December, 2013,

“I’m a junior in high school (17) and I took the ASVAB. When I was taking the test it didn’t seem hard. Yes it was timed, and I have test anxiety. I think that’s why I did so poorly. I made a score of 16. I cried afterwards because one, I felt stupid, and two, I want to join the military and I know getting a 16 won’t qualify me for any jobs. I am planning on joining the Marine Corp. I know you’re probably going to tell me to study. But can you give me some good advice on what to do to keep my head up and keep trying?”

A score of 16 would mean our Yahoo friend is functionally illiterate. A 16 roughly equates to a 2nd grade level and is half of the score necessary to enlist in the Army. Several of the comments alluded to the contradiction between the claimed score of 16 and the rather well written question. Yahoo Answers enforces Community Guidelines. Under the heading “Exploiting the Community” Yahoo requires participants “to be responsible and don’t misrepresent yourself or claim false credentials... Yahoo Answers is a place to gain knowledge, not customers.”

Yahoo is quick to remove these miscreants and has done so a dozen times. [The question has been deleted.](#)

The greatest fallacy perpetrated by the Pentagon is their insistence that ASVAB testing is not subject to the Family Educational Rights and Privacy Act. It is ludicrous to suggest that ASVAB results are not education records because the military, instead of the school, proctors the test. Although the recruiting command may send one civilian employee to officially administer the exam, it is school employees who market the test over several weeks, assemble and keep track of students, and provide much of the work controlling a large group of teenagers for a few hours.

It's unconscionable that ASVAB results are the only information leaving American schools regarding children without providing for parental consent, but the tide is turning.

Diane Wood with the Texas Coalition to Protect Student Privacy reflects common sense Lone Star State attitudes, "I support the military but I got fired up when I discovered this egregious violation of civil liberties that's been going on entirely unnoticed. I don't care if it's the Department of Defense or who ever. The thing that's surprised me is that this privacy campaign has resonated with Tea Party activists down here. We all see ASVAB testing as an unwarranted and illegal federal incursion into our lives." It's a peculiar campaign that attracts allies on opposite ends of the political spectrum.

Wood's tireless organizing and her testimony to the nationally maligned Texas State School Board probably contributed to Texas testing 6,600 fewer students in 2012-2013 than the year before. In Texas Option 8 rates increased from 14.7% to 15.5% while the number of students forced to take the test shrunk from 15,805 to 4,825 and the number of schools requiring students to take the ASVAB decreased from 181 to 70.

In many states, smart, targeted community activism has been shown to translate into quantifiable results.

Barbara Harris with the New York Coalition to Protect Student Privacy has been at it for years and has helped to eliminate mandatory testing in the Empire State. "We've witnessed several trends here in New York. The number of test takers continues to drop, the percentage of schools that have selected Release Option 8 continues to rise, and mandatory testing has disappeared. I'm hopeful we'll soon get the Board of Regents to mandate Option 8 across the state."

It's the same in Connecticut and Massachusetts. Seth Kershner with the Connecticut Coalition to Protect Students Privacy reports, "Testing numbers in Connecticut and Massachusetts have plummeted in recent years to about 4,000 in each state. There's no mandatory testing. Nearly half of the students being tested do so under Option 8. We're hoping to duplicate successes in Hawaii and Maryland and have policies or laws enacted that mandate Option 8."

Oregon's school officials have responded to our campaign. Don Chapin with the Oregon Coalition to Protect Student Privacy reports that 57.2 % of students taking the test have Option 8 selected. See the statistics on the National Coalition's website www.studentprivacy.org

Will Hopkins with the Coalition in New Hampshire has lobbied to introduce a bill in the New Hampshire. [HB 1321](#) mirrors Maryland's law.

Outreach to moderate school board members in the north citing privacy concerns are often

taken into consideration, resulting in policy changes. In the South and the Midwest, however, many responses have been hostile, especially after school officials consult with their local military entrance processing command.

If the Pentagon called the shots across the country every high school student would be subjected to taking the ASVAB for enlistment purposes. The program is fraudulent but it is sponsored by the military, a sacrosanct institution that remains above constitutional restraint and the rule of law in the view of many American school officials and state legislators. We must convince them otherwise.

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