

Release of Student Information to Military Recruiters

Law will protect student privacy in public schools and parental decision-making rights

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Global Research, April 19, 2010

[After Downing Street](#) 13 April 2010

Region: [USA](#)

Theme: [Law and Justice](#)

Annapolis, MD – Maryland Governor Martin O’Malley signed a measure into law today that prohibits the automatic release of student information to military recruiters gathered as a result of the administration of a military test in the state’s high schools. A cross section of Maryland groups, including the Maryland Coalition to Protect Student Privacy, the Maryland NAACP, MD-PTA, the ACLU-MD, Progressive Maryland, and Peace Action Montgomery lobbied for the passage of the bill.

The law (HB 176/SB778) requires that each public school that administers the Armed Services Vocational Aptitude Battery (ASVAB) shall choose “Option 8” as the reporting option for military recruiter contact to prohibit the general release of any student information to military recruiters. The law will ensure that the decision to share test results and accompanying private information with military recruiters rests solely in the hands of students and their parents. Maryland is the first state to pass such a law.

“This law closes a loophole in the ‘opt-out’ legislation passed overwhelmingly by the Maryland General Assembly in 2008, which allowed parents to opt out of releasing a student’s name, address, and phone number to military recruiters but did not cover the release of information gathered as a result of ASVAB testing,” explained Del. Sheila Hixson, (D-20), lead sponsor of the legislation and Chair of the House Ways and Means Committee.

Sen. Jamie Raskin, (D-20), a constitutional law professor at American University, was the Senate’s lead sponsor. Raskin hailed the bill’s passage as a “big victory” that vindicates the “students’ right to privacy of personal information and the family’s right to decision making.”

“I was pleased to work with so many civil liberties, civil rights, parent/teacher, and peace groups in this important effort,” Raskin added.

In 2007, the last year for which such data are available, 91% of the 6,816 students in 156 public schools across Maryland who took the ASVAB had their results forwarded to Military Recruiting Services by the U.S. Military Entrance Processing Command (which administers the test) because the schools failed to select Option 8. Students taking the ASVAB without having Option 8 selected relinquish social security numbers, ethnicity, detailed career plans, demographic information, and three hours of test results to recruiters, often without parental knowledge or consent. Several schools schedule ASVAB testing for entire classes.

Under the new law, individuals who wish to share their ASVAB results with recruiters may do so themselves (this is an on-the-spot transaction when visiting a recruitment office). This policy is currently working satisfactorily in several Maryland school systems.

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