

**COMMENTS ON 19-H 5250 – RELATING TO EDUCATION – FEDERAL AID
FEBRUARY 13, 2019**

The ACLU appreciates the opportunity to provide commentary on H 5250, which would grant access to student names, addresses, and phone numbers on request to military recruiters, unless the student or parent of the student opts out of having this information made available.

Based on research that we conducted a number of years ago, we wish to offer an amendment to the legislation. We are concerned that, while the bill allows for students and parents of students to restrict the release of a student's information for this purpose, opt-out provisions for school districts may be inconsistent, and even noncompliant. In 2005, following the implementation of this same policy as mandated by the No Child Left Behind Act, the ACLU conducted a survey in order to determine if any Rhode Island school districts were noncompliant. Our survey uncovered multiple concerns regarding opt-out provisions for disclosing student information, including:

- A number of school districts do not use opt-out forms, but instead simply notified parents about their opt-out rights in newsletters or student handbooks, which were likely to be overlooked
- Some school districts used all-purpose opt-out forms, instead of ones limited to the military; thus, parents were not given a choice of, for example, allowing directory information to be provided to institutions of higher education, but not the military
- Some districts provided very short deadlines for parents to respond to opt-out requests

Our hope is that, should the committee choose to move forward with this piece of legislation, an amendment which more explicitly provides opt-out options and procedures will be added. We have written some suggested language which would achieve this goal; after section (b), add section (c) to state:

(c) The notice required pursuant to subsection (b) shall be included annually on a separate form that is provided to students and their parent or guardian, with instructions that the form may be signed and returned in order to opt-out of providing the student's name, address, and telephone number to military recruiters.

Thank you for your consideration.