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AN URBAN EDUCATION RESOURCE

No Child Left Unrecruited



Military recruiters have unprecedented access to our nation's students.

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By Harold Jordan

One of the most controversial aspects of No Child Left Behind (NCLB) is a provision (Section 9528) that requires schools to grant military recruiters access to student information and to school grounds and activities.

Few students or educators were aware of this provision when the law passed, because we were focused on its testing and accountability requirements. Most school officials first learned of the military access issue when they began to receive letters from local and regional military officials in the summer of 2002.

Concern and opposition is wide-spread, although few districts appear willing to challenge the law outright. Most activism centers on attempts to enforce another provision of the law that requires schools to provide a parent or student with the option of having student information removed from directory lists distributed to military recruiters.



*The original World War I military recruitment poster by James Montgomery Flagg. AP Wide World Photos
-photo: Jean-Claude Lejeune*

THE POLITICAL CONTEXT

Using the law to support military recruiting is not a new development. The Pentagon has been lobbying for such legislation at the state and federal levels for more than two decades. Today, many districts are faced with the triple whammy of having to contend with the mandates of two new federal laws as well as state law. About half of the states had already enacted laws supporting military recruitment by the time NCLB was even proposed.

Under another recent federal law (National Defense Authorization Act for fiscal year 2002, effective July 2002), a school may deny recruiters access to directory lists or to school facilities and activities only if the majority of the district's governing board votes to do so, or if such access is denied to all post-secondary institutions or prospective employers. Districts with schools deemed noncompliant could be visited by Pentagon officials, who could also request assistance from the governor and representatives from that district. NCLB contains the added sanction of the possible loss of federal funding.

In testimony before Congress, recruiting officials have spoken of an "institutional bias against the

military" among many high school administrators. Criticism of educators for pushing the college option is also a major concern of recruiters. In testimony before a government commission, Marine Corps Master Sergeant John Bailey stated, "Our war starts at the school. ... Counselors would rather sell college." The Pentagon released information to the Senate Armed Services Committee claiming that recruiters had been barred from schools in 19,000 incidents in 1999, and that 2,000 public high schools have policies barring military recruiters.

These laws are an attempt to establish a guaranteed right of access to students by military recruiters. They would accomplish this goal by removing decision-making about such matters from individual school authorities, overriding local and state anti-discrimination policies, and making the protection of student privacy subject to a political process.

EQUAL ACCESS OR PREFERENTIAL TREATMENT?

The situation most students face is quite different from how it is presented by recruiters.

- *Military recruiters typically have a greater degree of access to schools than any outside group or agency.* No other agency runs its own aptitude testing program in the schools (the Armed Services Vocational Aptitude Battery, or ASVAB), which is used to generate many leads, or has a cadet training program (Junior Reserve Officer Training Corps) and military middle school leadership programs. Policies restricting recruitment activity are usually not applied to these programs.
- *Few districts have policies that regulate recruitment behavior at all.* Some schools impose rules about time, place, and advance notice for visits by outsiders, including military recruiters.
- *Few school districts have policies that bar only the military.* Those that do so have adopted these policies principally because the military is in violation of another district, local, or state policy or because of concerns about student privacy rights. For example, in 1995, the school district of Portland, Ore., adopted an anti-discrimination policy in which the district would disallow recruitment by agencies that discriminate on the basis of race, gender, sexual orientation, etc. It then applied that policy to the military based on its discriminatory practices toward lesbians and gays. Likewise, New York State's highest court ruled that a district may restrict military recruitment based on the military's failure to adhere to non-discrimination policies.
- *Most school policies regarding the distribution or sale of directory lists are favorable to the military.* In many areas, state law mandates that recruiters be granted access to student directories even when outside agencies are not.
- *Those few districts that have placed any restrictions on recruitment activities have done so largely in response to complaints from members of the school community about inappropriate recruiting behavior.* Recruiters have used access to pursue students aggressively with undesired phone calls (even to students who have unlisted numbers), unwanted home visits, invitations to social events, or offers of rides. Typically, administrators within individual schools have discretion over when and where outside representatives may contact students while on school grounds. Recruiters often cry foul when they are not allowed to pull students out of class or make unscheduled visits.
- *Policies that regulate recruitment activity do not prevent students from meeting with military recruiters.* School staff are allowed to set up meetings at the students' request. They do not prohibit all contact between students and the military.

OPTING OUT

Many education activists and youth organizations have begun campaigns to have student names removed from contact lists distributed to recruiters. Schools districts have

been slow in providing students and parents with opt-out notices. In many cases, the notices that have been distributed do not provide enough information for parents or students to make informed choices, and they're lumped together with many other handouts about unrelated matters.

Youth and civil liberties groups have developed their own forms. In New York City, Youth Activists-Youth Allies and the New York Civil Liberties Union are organizing a citywide student opt-out campaign.

Education activists have also pressured schools to provide the military with no greater access than is provided to other education and job recruiters. In most cases, this would result in the military being granted less access that it generally has. Unfortunately, many school officials haven't been receptive to this argument because they fear harassment from the Pentagon and public officials.

No Child Left Behind presents many challenges to school districts. Whether the Pentagon will be successful in using "education reform" for recruitment depends largely on how committed schools are to protecting the rights of students.

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*Secretary of Defense Donald Rumsfeld imploring Congress to expand U.S. military powers in a January meeting.
-photo: Reuters*