



October 28, 2010

Board of Education
San Diego Unified School District
4100 Normal St.
San Diego, CA 92103

Dear Board Members:

I am writing on behalf of the American Civil Liberties Union of San Diego & Imperial Counties to support the proposed Policy on Recruiting Activities in San Diego City Schools (“Policy”). The Policy protects student privacy and complies with applicable law.

The Policy would safeguard private student information collected during the administration of the Armed Services Vocational Aptitude Battery Test (“ASVAB”) from being automatically disclosed to military recruiters. The ASVAB is a three and a half hour test offered to schools as a career exploration tool. In past years, however, the ASVAB has increasingly become more of a recruiting tool used by the military, giving them access to private student information in order to directly target individual students.

However, distribution of data collected on the ASVAB can seriously infringe students’ right to privacy. The information collected goes far beyond name, address, and test scores. During the administration of the ASVAB, students release their gender, race, ethnicity, test results, career desires, and social security numbers. The ASVAB allows recruiters to override the choice that parents may have made to opt out when schools release student contact information to recruiters under 10 U.S.C. § 503(c).

Schools administering the ASVAB can select one of eight different release options. Under the Policy, schools will be mandated to choose Option 8, which the military offers to schools so that student information will not be automatically released to recruiters. Option 8 has now been adopted by some of the largest school districts in the United States and by the entire state of Maryland. The Policy allows individuals to later make the choice to provide ASVAB test information and other information to the military if a student wants to explore a military career path.

Moreover, the Policy complies with federal requirements for access to schools by recruiters for civilian and military employment. 10 U.S.C. § 503(c). It specifically allows military recruiters to visit schools on the same terms as civilians. It simply

Board of Education
San Diego Unified School District
October 28, 2010
Page 2

prevents all recruiters, civilian and military, from exercising unfettered access to schools. The Policy therefore allows students to receive information from the military, colleges, and civilian employers at appropriate times and places while protecting their ability to participate fully in school activities.

Thank you for your attention to this issue. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Blair-Loy', with a stylized flourish extending to the right.

David Blair-Loy
Legal Director