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Testimony Supporting, Senate Bill 423 An Act Concerning Student Privacy and the Administration of the Armed Services Vocational Aptitude Battery

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Senator Stillman, Representative Fleishman and distinguished members of the Education Committee, my name is Isa Mujahid. I'm the field organizer for the American Civil Liberties Union of Connecticut and I'm here to support Senate Bill 423, An Act Concerning Student Privacy and the Administration of the Armed Services Vocational Aptitude Battery (ASVAB). This bill would ensure that parents and students decide whether they want students' detailed personal information sent to military recruiters, a decision that is now left to school administrators or military recruiters themselves. This is a matter of social and personal concern to me, as a parent and a U.S. Army veteran.

The ASVAB is a three-and-a-half-hour test offered to high school sophomores, juniors and seniors as a career exploration tool. Students must provide their Social Security numbers, telephone numbers, home addresses, sex, ethnic group identification and intentions after graduation. If they don't provide that information, their tests will not be scored. During the 2012-13 school year in Connecticut, 56.1 percent of the students tested had sensitive personal information released to military recruiters without the opportunity for parents to object to the disclosure. The ASVAB is a recruiting tool for the military that provides the Department of Defense unfettered access to private student information that allows recruiters to target and communicate with impressionable minors without parental supervision.

School administrators decide what information from the test will be shared with recruiters by selecting one of eight "recruiter release options," all but one of which authorize the release of student information without the consent of the parents or students.¹ Option 8 states that "[a]ccess to student information is not provided to recruiting services," and it's the only selection school administrators can make to protect their students' information. This bill requires administrators to select that non-disclosure option, now known as Option 8, which appropriately protects sensitive and private student information collected during the administration of the ASVAB from being disclosed to military recruiters without the informed consent of students and parents.

The No Child Left Behind Act provides a mechanism for parents to keep their child's personal information confidential. The parents or a student over the age of 18 may fill out a form instructing schools not to release even directory information – that is name, address and telephone number—to

¹ Option 7 indicates invalid test results.

military recruiters. Yet that form does not cover the ASVAB results. Overriding the direct request for exemption from the release of directory information, the schools can and do release far more personal information in the ASVAB results – unless school administrators have selected Option 8. The Family Educational Rights and Privacy Act (FERPA) does not protect ASVAB test scores and the personal information provided during testing because of a technicality -- these “education records” are not “maintained” by schools. No parental consent is required for a student to sit for the ASVAB, so the release of information occurs not only without the specific permission of parents or student, but most often without their knowledge. This is unacceptable. When it happens in contravention of the family’s stated wishes, it is utterly unreasonable.

Other states and cities have enacted administrative regulations and laws to ensure that ASVAB testing respects student privacy. Maryland, Hawaii, the New York City Department of Education, the Los Angeles Department of Education, and the San Diego City Schools have laws and policies that explicitly state that Option 8 must be selected when the ASVAB is administered.

Please pass Senate Bill 423 and allow parents and students to choose whether information is shared with military recruiters.