



# Utah State Board of Education

Sydnee Dickson, State Superintendent of Public Instruction

Phone: (801) 538-7500

16 December 2022

LEA and Secondary School Administrators

Subject: Military Recruiter Student Access

Dear Utah School Leaders,

The Utah State Board of Education (USBE) has received anecdotal evidence that some schools have been resistant to allow military recruiters access to the schools and students. There is also concern that other schools have imposed limitations on military recruiters, allowing access to the recruiters only if they do not wear their uniforms on the school campus. If a school is receiving federal ESSA funding, these restrictions would be contrary to federal law.

20 U.S.C. § 7908 states:

(1) Notwithstanding section 1232g(a)(5)(B) of this title, each local educational agency receiving assistance under this chapter shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local education agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

....

(3) Each local education agency receiving assistance under this chapter shall provide military recruiters the same access to secondary school students as is provided to institutions of higher education or prospective employers of those students.

Under the law, military recruiters should have access to secondary student contact information, unless the student's parents have opted out of sharing this information, and military recruiters should have the same opportunities to come on campus as other college and employment recruiters. No dress restriction should be placed on military recruiters that aren't placed on other campus recruiters.

Our state and nation have a great need for National Guard and active duty armed forces recruiters to attract talent to defend our national interests in the coming years. Your LEA's compliance with federal law is necessary to meet this need. Please share this with your secondary administrators and feel free to contact USBE staff if you have questions about your LEA's obligations towards military recruiters under ESSA.

Respectfully,

Ben Rasmussen  
Director of Law and Professional Practices

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