

California Assembly Bill 2944 (AB 2994), an important bill that would help high school students keep confidential information out of the hands of military recruiters, passed the full California Assembly by a vote of 45-33 and is now set for a vote in the Senate Education Committee on Wed., June 11.

Please call or fax the committee chair, plus any committee members who represent your area (see list at bottom).

In your message, make sure to emphasize that this a privacy bill, not an antimilitary bill. There is no need to bring up militaristic aspects of the issue unless someone during conversation raises concern over military access to students. Focus on the need to protect the confidentiality of student records and respect parent custodial rights.

Below are more detailed talking points in favor of AB 2994.

Primary points:

1. AB 2994 would protect and improve the ability of students and parents to exercise their right to opt out when private contact information is about to be released by high schools under the No Child Left Behind Act.
2. AB 2994 would address an egregious violation of student confidentiality and parent custodial rights that occurs when the Dept. of Defense's military aptitude test, the ASVAB, is given to thousands of students in California secondary schools.

Regarding op-out and NCLB recruiting lists:

- a. Currently, there is a wide variation in how school districts notify families of this federally mandated op-out right.
- b. Most local school opt-out forms require a parent's signature and say nothing about students exercising this right, which the federal law entitles them to do.
- c. The notification itself is often buried in thick packets, and opt-out forms are not easily accessible on school district Web sites.
- d. Because of the uneven, often irresponsible ways that many school districts are implementing opt-out procedures, thousands of California students and parents never learn that they have a right to keep student contact information private. AB 2994 would solve the problem by establishing a uniform method of placing the opt-out notice and relevant check-off boxes on emergency information forms filled out by parents and students during school registration.

Regarding ASVAB testing in California high schools:

- a. Approximately two-thirds of all high schools voluntarily give their students the military's aptitude test, the Armed Services Vocational Aptitude Battery (ASVAB).
- b. When the ASVAB is administered in secondary schools, it is used by military recruiters to

obtain contact information on students even if the students or their parents have exercised their right to opt-out of the student contact lists released under the No Child Left Behind Act.

c. The ASVAB goes beyond exposing mere contact information: the data released includes a student's Social Security number, gender, race, ethnicity, birth date, statement of future plans and aptitude profile.

d. Students are asked to sign a "privacy act statement" when they sit down to take the test that does NOT disclose that the data will be used by recruiters.

e. Even more disturbing, the ASVAB test is given mostly to students who are under the age of 18 (10th-12th graders), yet the ASVAB school testing program does NOT require that parents be notified. This makes it not only a violation of students' privacy rights, but also of the right of parents to control outsiders' access to their minor children.

f. Parents are not aware that if they or their children opted out of the release of school lists to recruiters under NCLB, that choice will be overridden if a school gives the ASVAB to their children.

g. Some schools are making the ASVAB mandatory.

h. The Dept. of Defense gives schools the option of giving the ASVAB test without releasing data to recruiters, and its regulations prohibit discrimination against schools if they choose that option. Nevertheless, according to the Military Entrance Processing Command, which oversees the school testing program, in the '06-'07 school year, less than 6% of schools elected that option nationwide.

i. AB 2994 offers a reasonable solution to this compelling problem. It would allow ASVAB testing to continue if schools desire it, but mandate that the DoD's confidentiality option be a universal policy.

j. If AB 2994 is adopted and students who take the ASVAB later wish to explore military enlistment, they would still be able to release their test scores by signing a waiver used for such purposes at each Military Entrance Processing Station.

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Thanks to Rick Jahnkow of Project Yano for this information.