



NYCLU

NEW YORK CIVIL LIBERTIES UNION

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October 7, 2005

David Greco, Principal
Hutchinson Central Technical High School
256 South Elmwood Avenue
Buffalo, NY 14201

BY FAX 716-838-7530
AND REGULAR MAIL

Re: JROTC and No Child Left Behind

Dear Mr. Greco:

We were pleased to hear that you have allowed Jennifer Brown to withdraw from the JROTC program into which she was involuntarily enrolled. However, we read in The Buffalo News that you believe that the “opt out” system that you have initiated for JROTC was based on a provision of the No Child Left Behind law and that you intend to continue that system. Title 20 of the United States Code, Section 7908(a), a part of No Child Left Behind law, provides for an opt out system with respect to releasing student directory information to military recruiters, a very different matter than the automatic enrollment of students in a military program. It has nothing to do with JROTC which is governed by the state statute, Education Law Section 802(3), which we quoted in our last letter to you. Indeed, if your practice is to automatically enroll students in JROTC, it is our view that all students thus enrolled must be discharged immediately pending the receipt of written parental consent. Moreover, no student may be retained in the program against his or her will.

Given your misinterpretation of No Child Left Behind with regard to JROTC, we are also concerned about your school’s compliance with the notice and opt-out requirements that govern the release of student contact information and access to the schools by military recruiters pursuant to that law. Under No Child Left Behind, both students and parents must be afforded the opportunity to withhold student contact information from the military and must be given adequate time to do so.

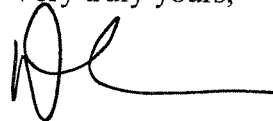
We are advised that your school does not give students the option of removing their names from the list that are sent to the military. Therefore, we’re enclosing a copy of a recent email from the Family Compliance Office of the United States Department of Education which concludes that “a school must honor a request by a student . . . not to disclose his or her name,

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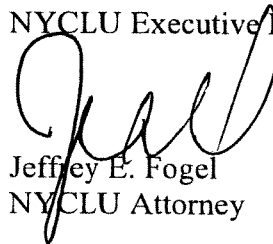
address and telephone number to military recruiters.” We would be pleased to provide you with any additional information to assist you in understanding the provisions of No Child Left Behind.

We would appreciate your providing us with a copy of your policy for the release of student directory information pursuant to No Child Left Behind and your policy with respect to access by military recruiters to the school.

Very truly yours,



Donna Lieberman
NYCLU Executive Director



Jeffrey E. Fogel
NYCLU Attorney

CC: Bruce Beyer
Wendy VanScoeter