



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: Accountability Directors
Technology Directors
Title I Directors

FROM: Dan Ralyea
Director, Research and Data Analysis

DATE: January 10, 2023

RE: Military Recruiters ESSA Requirements (Updated Information)

South Carolina Department of Education (SCDE) entered into a Memorandum of Understanding (MOU) with the Department of the Army to provide directory information in compliance with Section 8025 of Every Student Succeeds Act (ESSA). As outlined in the memos released [September 6, 2022](#) and [February 1, 2022](#), the school districts that receive ESSA funds are required to perform the following actions:

- 1) Provide the name, address, and telephone number of every student in secondary school served by the district unless a parent requested in writing to be excluded from the release.
- 2) The district must provide an opt-out process by which a parent may provide a written request that the information not be released without written permission from the parent.
- 3) The district must inform parents of their right to opt out.
- 4) The district must provide the same access to military recruiters that is provided to colleges and employers.

SCDE undertook to perform this task for districts and high school by entering the MOU.

You will note that email is not listed. However, it is listed in a separate law about which we were previously unaware, the National Defense Authorization Act for Fiscal Year 2021 (effective January 1, 2021). Under 10 U.S.C. § 503(c)(1)(A)(ii), any local education agency receiving assistance under the Elementary and Secondary Education Act shall provide access to

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“secondary student names, addresses, *electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available)*, and telephone listings. . . .” (emphasis added). “Each [LEA] shall notify parents of the rights provided under the preceding sentence.” 10 U.S.C. § 503(c)(1)(B).

To be in compliance, all items of directory information must be released, unless a “student, or parent of a student, has submitted a request to the [LEA] that the student’s information not be released.”

SCDE does not routinely collect student email addresses other than post-graduate email addresses required for digital certificates and credentials. SCDE has not required email addresses fields in PowerSchool for all students. SCDE entered into discussion with the District Data Governance Group (DDGG) to negotiate the use of email address and telephone numbers. SCDE was advised by DDGG that this request was better fulfilled by the school districts. After that time, SCDE learned of the amended law requiring email.

In deference to the DDGG request and to ensure compliance with the law, please amend your disclosure and opt out notice to parents (and students aged 18 or over) to include email. Please note that the opt out form attached to the February 1, 2022 memorandum does mention email as being in the definition of directory information that may be disclosed.

Please also load a CSV file containing requested information for all currently enrolled 11th and 12th grade students (who have not submitted an opt-out) with the following column headings: Grade Level, District Name, School Name, Student Name, Street Address, City, State, Zip Code, Telephone Number, and email address provided by the school, if available. Please load this CSV into the Accountability Coordinator Folder in the Advance Data Transfer System (ADT) by Friday, January 13. Please label the file Military_XXXX.csv where XXXX is the district code.

cc: District Superintendents