



**MARICOPA**  
COMMUNITY COLLEGES

Office of the  
General Counsel  
Compliance

## FERPA AND THE SOLOMON AMENDMENT

This month's Melissa Talks will cover FERPA and the Solomon Amendment. The 1996 Solomon Amendment (10 U.S.C. §983) is a federal law that allows the Secretary of Defense to deny federal grants (including research grants) to institutions of higher education (IHEs) if they prohibit or prevent ROTC or military recruitment on campus. The Solomon Amendment also requires IHEs to fulfill military recruitment requests for lists containing student recruiting information—information that would have otherwise been denied under the Family Educational Rights and Privacy Act (FERPA).

Under the Solomon Amendment, information will be released for military recruitment purposes only. The request for information must be in writing on letterhead that clearly identifies the military recruiting organization. The military recruiters may request student recruitment information once each term for each of the 12 eligible units within the five branches of the service:

Army: Army, Army Reserve, Army National Guard

Navy: Navy, Navy Reserve

Marine Corps: Marine Corps, Marine Corps Reserve

Air Force: Air Force, Air Force Reserve, Air Force National Guard

Coast Guard: Coast Guard, Coast Guard Reserve

### **What student information are military recruiters entitled to under the Solomon Amendment?**

Recruiters may receive "student recruiting information" for either the immediately previous, current or future term for all students, aged 17 and older, who are/were registered for at least 1 credit hour in the requested semester/term. If a request is received between terms, the recruiter and IHE should determine from which term the information is preferred. Student recruitment information includes:

Names

address

e-mail addresses (which shall be the electronic mail addresses provided by the institution, if available)<sup>1</sup>, and telephone number

Date and place of birth

levels of education

academic majors

degrees received, and

the most recent educational institution enrolled in by the student

IHEs are not required to collect all of this information but if they do, it is required to be released.

### **What if the information sought is not part of MCCC'D's designated directory information?**

Military recruiters are entitled to student recruitment information even if your institution has not designated it as directory information under FERPA. In other words, Solomon information is, or can be, broader than what you may have designated as directory information under FERPA.

### **What if the student has a FERPA privacy hold on their records?**

If a student requests that their directory information be withheld under FERPA, this protection will be honored under Solomon and the student's records will not be released.

### **Is there information that is not considered student recruitment information under the Solomon Amendment?**

Race/Ethnicity/Nationality

Gender

Social Security Numbers (or part of an SSN)

Grades

GPA

Religion

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<sup>1</sup> National Defense Authorization Act Sec. 521 Increased Access to Potential Recruits (January 2021)

The National Defense Authorization Act for Fiscal Year 2021, effective January 1, 2021, included language that updates the student recruitment information entitled to military recruiters under the Solomon Amendment. The legislation added "electronic mail addresses (which shall be the electronic mail addresses provided by the institution, if available)."

Students with loans in default

Veteran status

Students no longer enrolled (drop-out or stop-out students)

### **Who receives these requests for information?**

If the military branch is seeking information for all ten colleges, Teresa Toney's office (Office of Public Stewardship) handles the request. If the information is being sought for one college, typically the Registrar will receive the request and process the data release.

If you have any questions, please feel free to contact Melissa Flores.



**Melissa Flores**

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