

THE SOLOMON AMENDMENT

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American Association of Collegiate Registrars and Admissions Officers
www.aacrao.org

PLEASE NOTE:

The following general information is provided for AACRAO members' professional development. Institutions are strongly encouraged to develop any campus policies through consultation with legal counsel.

CURRENT STATUS OF THE SOLOMON AMENDMENT:

The Solomon Amendment is still the law of the land.

Background: A panel of one of the federal appeals courts (the U.S. Court of Appeals for the Third Circuit, covering Pennsylvania, New Jersey, Delaware and the Virgin Islands) had declared the statute unconstitutional (in November 2004), but that court has stayed its hand on January 20, 2005, pending an appeal by the U.S. Department of Justice, either to the full court of the Third Circuit, or to the U.S. Supreme Court.

In the meantime, THE SOLOMON AMENDMENT IS THE LAW OF THE LAND, in all 50 states. AACRAO will keep you posted on new developments.

BACKGROUND OF THE SOLOMON AMENDMENT:

Relevant statutes, rules and regulations:

See <http://www.law.georgetown.edu/solomon/Rules/html>

Statute (United States Code):

The current Solomon Amendment, 10 U.S.C. sec. 983

Regulations:

January 2000 Interim Regulations

July 2002 Final Regulation

PURPOSE OF THE LAW:

To give military recruiters the same access to students age 17 and older that other recruiters have.

The only exception: An institution of higher education which has “a longstanding policy of pacifism based on historical religious affiliation.”

PENALTIES TO INSTITUTIONS WHICH DO NOT COMPLY:

An institution which does not comply, even if only one of its entities (such as its law school) is not complying, loses access to federal contracts and grants from the U.S. Departments of Education, Defense, Health and Human Services, Labor, Homeland Security, Central Intelligence Agency, Transportation, and National Nuclear Security Administration (a subdivision of the Department of Energy).

DOES IT AFFECT FINANCIAL AID?

No. The penalty does NOT include a cut-off of funds “to be available solely for student financial assistance or related administrative costs.” (Public Law 106-79, title VIII, Sec. 8120, Oct. 25, 1999, 113 Stat. 1260).

HOW DOES SOLOMON INFORMATION RELATE TO FERPA DIRECTORY INFORMATION?

NOTE: Military recruiters are entitled to this 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 KINDS OF INFORMATION ARE MILITARY RECRUITERS ENTITLED TO?

Solomon information:

Name

Address
Telephone (not specific if local or permanent)
Age and date of birth
Place of birth
Level of education
Academic major
Degrees received
Educational institution in which the student was most recently enrolled

WHAT IF YOUR SCHOOL DOES NOT COLLECT SOME OF THE ABOVE DATA ELEMENTS?

You are not required to collect those elements. However, you must provide a written explanation of that fact, and also provide those data points which you do collect.

HOW OFTEN MAY THE MILITARY REQUEST SUCH INFORMATION?

Once each term or semester to 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

CAN STUDENTS AVOID HAVING YOU GIVE OUT THIS INFORMATION?

Only if they have asked for a complete “FERPA block.” Students, in other words, cannot pick and choose. They cannot ask the institution to withhold only information of interest to military recruiters.

CAN YOU CHARGE A FEE TO THE MILITARY?

Yes – A “reasonable and customary” fee.

SOLOMON AMENDMENT QUESTIONS ANSWERED:

Commander Ronda Syring, (703) 695-5529
AACRAO government relations (202) 263-0282

If you question the legitimacy of a military representative requesting information, please also contact Commander Syring, (703) 695-5529