

Dropout Lists for Military Recruiters

The Issue

AACRAO has received several questions from member institutions regarding military recruiters' request under the Solomon Amendment (Amendment) for lists of students who previously attended an institution, known as a dropout list. Recruiters have cited [32 C.F.R. § 216.3\(d\)](#) as the legal basis for their request.

At the recommendation of the U.S. Department of Education's Student Privacy Policy Office, AACRAO contacted the Department of Defense (DoD) which administers the Amendment. We recently received clarification from DoD regarding this question and their legal interpretation.

Historical Background

AACRAO has historically advised institutions that they are not permitted to disclose dropout lists to military recruiters based on the Amendment's requirement that institutions provide military recruiters access to student recruiting information **only** for students who are "enrolled" at the institution ([10 U.S.C. § 983\(b\)\(2\)](#)). The Amendment does not reference "former students," or "past enrollees," and its use of present enrollment language has been interpreted to limit the required disclosure obligation to a defined class of students.

The Amendment lists the information covered that should be released to military recruiters:

- Names;
- Addresses;
- Electronic mail (e-mail) addresses;
- Telephone listings;
- Date and place of birth;
- Levels of education;
- Academic majors;
- Degrees received; and
- The most recent educational institution enrolled in by the student.

The statutory language does not require institutions to disclose the names of students who previously dropped out because the Amendment is limited to students "enrolled at" the institution. The Amendment does not further define what it means to be "enrolled at" the institution. However, the regulations at [32 C.F.R. § 216.3\(d\)](#), which recruiters claim as the legal basis, defines "enrolled" broadly; indicating that the term includes students registered for at least one credit hour in the most recent, current, or next term, and it also says "students who were enrolled in the most recent term but are no longer attending are still included." "Term" would

mean an institution's regular academic enrollment period, such as a semester, trimester, or quarter, using the institution's own academic calendar.

AACRAO Guidance

AACRAO advises that institutions are required to provide military recruiters with student recruiting information for individuals who fall within the regulation's definition of "enrolled." This can include someone who stopped attending during or after the most recent term. This means that a dropout from an earlier period, outside that definition, is not within the mandatory disclosure rule. By specifying that students from the most recent, current, or next term remain included, the regulation excludes dropouts who are no longer enrolled in the most recent, current, or next academic term.

Practical Application

For example:

- A student who withdrew recently, but was enrolled in the most recent term, falls within the regulation's definition of "enrolled" and that person would be within the required disclosure pool.
- A former student who dropped out earlier than the most recent term falls outside the regulatory definition of "enrolled" and that person is not within the group for whom the institution must provide student-recruitment information.

Questions?

AACRAO will continue to monitor this issue and seek additional clarification as needed. Please contact AACRAO if you have further questions at gr@aacrao.org.