

(2) Consent**(A) Opt-out process**

A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

(B) Notification of opt-out process

Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

(3) Same access to students

Each local educational agency receiving assistance under this chapter shall provide military recruiters the same access to secondary school students as is provided to institutions of higher education or to prospective employers of those students.

(4) Rule of construction prohibiting opt-in processes

Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

(5) Parental consent

For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

(b) Notification

The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after December 10, 2015, notify school leaders, school administrators, and other educators about the requirements of this section.

(c) Exception

The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

(Pub. L. 89-10, title VIII, §8528, formerly title IX, §9528, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1983; renumbered title VIII, §8528, and amended Pub. L. 114-95, title VIII, §§8001(a)(6), 8025, Dec. 10, 2015, 129 Stat. 2088, 2089, 2114.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 7908, Pub. L. 89-10, title IX, §9208, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat.

3802, related to Native Hawaiian special education programs, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, §8025, added subsecs. (a) to (c) and struck out former subsecs. (a) to (d) which related to policy regarding access to student recruiting information, notification of requirements of this section, exception for a private secondary school that maintains a religious objection to service in the Armed Forces, and special rule regarding Connecticut State law, respectively.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2015 AMENDMENT**

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 7908a. Military recruiter access to secondary school campuses

Each local educational agency receiving assistance under this chapter shall provide military recruiters the same access to the campus of each secondary school served by the local educational agency for the purpose of recruiting students who are at least 17 years of age that is provided to any prospective employer, institution of higher education, or other recruiter.

(Pub. L. 89-10, title VIII, §8528A, as added Pub. L. 118-159, div. A, title V, §533(a), Dec. 23, 2024, 138 Stat. 1887.)

DELAYED EFFECTIVE DATE OF SECTION

Section effective one year after Dec. 23, 2024, see Effective Date note below.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Pub. L. 118-159, div. A, title V, §533(b), Dec. 23, 2024, 138 Stat. 1887, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect one year after the date of the enactment of this Act [Dec. 23, 2024].”

COMPLIANCE MONITORING AND REPORTING

Pub. L. 118-159, div. A, title V, §533(c), Dec. 23, 2024, 138 Stat. 1887, provided that: “On an annual basis, the Secretary of Defense shall—

“(1) collect information from military recruiters regarding the compliance of local educational agencies with the requirements of section 8528A of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7908a] (as added by subsection (a)); and

“(2) based on such information, prepare and submit to the Committees on Armed Services of the Senate and House of Representatives a report that—

“(A) identifies each local educational agency that the Secretary determines to be in violation of such section; and

“(B) explains the reasons for such determination.”

§ 7909. Prohibition on federally sponsored testing**(a) General prohibition**

Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this chapter to the Secretary or to the recipient of any award may

be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

(b) Exceptions

Subsection (a) shall not apply to international comparative assessments developed under the authority of section 9543(a)(6) of this title and administered to only a representative sample of pupils in the United States and in foreign nations.

(Pub. L. 89–10, title VIII, § 8529, formerly title IX, § 9529, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; amended Pub. L. 107–279, title IV, § 404(d)(9), Nov. 5, 2002, 116 Stat. 1986; renumbered title VIII, § 8529, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8026, Dec. 10, 2015, 129 Stat. 2088, 2089, 2115.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7909, Pub. L. 89–10, title IX, § 9209, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3803, related to Native Hawaiian curriculum development and teacher training and recruitment programs, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8026, amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to general prohibition on federally sponsored testing and exceptions, respectively.

2002—Subsec. (b). Pub. L. 107–279 substituted “section 9543(a)(5) of this title” for “section 9003(a)(6) of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7910. Limitations on national testing or certification for teachers, principals, or other school leaders

(a) Mandatory national testing or certification of teachers, principals, or other school leaders

Notwithstanding any other provision of this chapter or any other provision of law, no funds available to the Department or otherwise available under this chapter may be used for any purpose relating to a mandatory nationwide test or certification of teachers, principals, other school leaders, or education paraprofessionals, including any planning, development, implementation, or administration of, or incentive regarding, such test or certification.

(b) Prohibition on withholding funds

The Secretary is prohibited from withholding funds from any State educational agency or

local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

(Pub. L. 89–10, title VIII, § 8530, formerly title IX, § 9530, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8530, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8027, Dec. 10, 2015, 129 Stat. 2088, 2089, 2116.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7910, Pub. L. 89–10, title IX, § 9210, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3804, related to Native Hawaiian community-based education learning centers, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8027(1), inserted “, principals, or other school leaders” after “teachers” in section catchline.

Subsec. (a). Pub. L. 114–95, § 8027(3), inserted “, principals, other school leaders,” after “teachers” and “, or incentive regarding,” after “administration of”.

Pub. L. 114–95, § 8027(2), which directed amendment of subsection heading by inserting “, principals, or other school leaders” after “teachers”, was executed by making the insertion in the heading of subsec. (a) to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7910a. Prohibition on requiring State participation

Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this chapter shall not be required to carry out any of the requirements of such program or programs, and nothing in this chapter shall be construed to require a State to participate in any program under this chapter.

(Pub. L. 89–10, title VIII, § 8530A, as added Pub. L. 114–95, title VIII, § 8028, Dec. 10, 2015, 129 Stat. 2116.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7911. Prohibition on nationwide database

Nothing in this chapter (other than section 6398(b) of this title) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this chapter.