

HOUSE BILL REPORT

ESSB 5274

As Reported By House Committee On:

Education

Title: An act relating to disclosure of students' social security numbers.

Brief Description: Limiting disclosure of students' social security numbers.

Sponsors: Senate Committee on Education (originally sponsored by Senators Schow, Hochstatter, Zarelli, Stevens, Strannigan, Rasmussen, Deccio, Benton, Roach, Horn and Winsley).

Brief History:

Committee Activity:

Education: 3/28/97, 4/4/97 [DPA].

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 7 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Quall; Smith; Sterk; Sump and Talcott.

Minority Report: Do not pass. Signed by 4 members: Representatives Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville and Veloria.

Staff: Pat Shelledy (786-7149).

Background: The federal Privacy Act of 1974 requires all governmental agencies requesting the disclosure of an individual's Social Security number to notify the individual of the following: (1) whether disclosure of the number is required or optional; (2) which authority permits the agency to request disclosure of the number; (3) how the number will be used; and (4) the consequences for failure to provide the number.

Currently, state laws do not provide limitations on a public school's request for disclosure of a student's Social Security number.

Summary of Amended Bill: School districts may not request disclosure of a student's Social Security number, except for Medicaid reimbursement purposes or when explicitly required by federal law. School districts may also request the number

when the student is an employee. When a school district requests disclosure of a student's Social Security number, the school must use a form that contains a disclosure statement and is signed by the parent or guardian. The disclosure statement must notify the parent whether the disclosure is voluntary or mandatory, what federal or state statute, rule, or regulation requires the disclosure, what uses will be made of the number and who will have access to it. A parent's consent on the form for another purpose, such as a medical consent, does not constitute consent to disclosure of the Social Security number. It is unlawful for a public school to deny a student any right, benefit, or privilege if a student or parent refuses to disclose the Social Security number.

Educational institutions may not release a student's Social Security number to a public or private party without the written consent of a student age 18 or older or the parent of a student under age 18. A request for release must notify the student or parent whether the disclosure is mandatory or voluntary, what federal or state statute, rule, or regulation requires the disclosure, what uses will be made of it, and who will have access to it. Again, a general consent for other purposes does not constitute consent to release of the Social Security number.

Schools may develop a system of identifying students by individual student identification numbers, unrelated to the Social Security number.

Amended Bill Compared to Engrossed Substitute Bill: Several provisions are added: The school district must cite the specific laws that require disclosure; the school district must advise the student and parent whether the disclosure is mandatory or voluntary, how it will be used and who will have access to it; the school district may request a student's Social Security number if the student is an employee of the school; a general consent for other purposes does not constitute consent to the request for the student's Social Security number; the number may not be released to a private or public party without the written consent of a student age 18 or older or the parent of a student under age 18; and schools may develop other student identification numbers.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Schools routinely ask for students' Social Security numbers. There is no check on what uses will be made of those numbers. High school students are being tracked by schools after they graduate from high school without the students' knowledge or permission. Because the Social Security number is a universal number,

possession of it can allow an entity to gather a significant amount of information about a person by tracking a Social Security number. This raises privacy concerns.

Testimony Against: The Legislature has directed the Superintendent of Public Instruction to track students in some cases such as tracking drop-outs. In order to do that tracking, each student has to be identified with a unique identifying number and the Social Security number is the number of choice.

Testified: Scott Allen, parent (pro); Marda Kirkwood, Citizens United for Responsible Education (pro); Jean Ameluxen, Office of Superintendent of Public Instruction (con); Cheryl Myers, parent (pro); and Janeane Dubuar, Computer Professionals for Social Responsibility (pro).