HOUSE BILL REPORT
ESHB 2424

As Passed House:
February 13, 1998

Title: An act relating to disclosure of social security numbers by schools and school districts.

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

Sponsors: By House Committee on Education (H) (originally sponsored by Representatives Mulliken, Johnson, Thompson, Smith, Cairnes, McDonald, Lambert, Koster and B. Thomas).

Brief History:
  Committee Activity:
    Education: 1/23/98, 2/4/98 [DPS].
  Floor Activity:
    Passed House: 2/13/98, 98-0.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Smith; Sterk; Sump; Talcott and Veloria.

Staff: Jim Morishima (786-7191).

Background: In general, federal law (the 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; and (3) how the number will be used.

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

Summary of Bill: School districts and public schools are prohibited from requesting or releasing a student's Social Security number without the consent of a parent or guardian unless: (1) the Social Security number is needed for Medicaid reimbursement; (2) the

Social Security number is needed for compliance with federal law explicitly requiring disclosure; or (3) the Social Security number is needed for employment purposes when the student is an employee of the school district.

When a school requests disclosure of a student's Social Security number, a parent or guardian must sign a consent form that contains a disclosure statement. The disclosure statement must detail (1) whether the disclosure is mandatory or voluntary, (2) the information that will be collected using the number, (3) the federal or state law that requires the disclosure, and (4) who will have access to the number. A parent's consent for any other purpose does not constitute consent for disclosure of the parent's child's Social Security number.

A school cannot release a student's Social Security number without the written consent of the student (if the student is over 18) or the student's parent (if the student is under 18). The request for release must detail the same four factors as the disclosure statement described above. A parent's consent for any other purpose does not constitute consent for disclosure of the parent's child's Social Security number.

Longitudinal studies that involve the disclosure of a student's Social Security number must be approved by the school board. Any request for disclosure of the student's Social Security number for this purpose must include: (1) an explanation that participation is voluntary, (2) the information that will be collected using the number, (3) who will have access to the number, (4) how long the study will last, what will happen to the information after the study, and (5) the date the school board reviewed and approved participation in the study.

A school can disclose a student's social security number to the Work Force Training and Education Coordinating Board if the school notifies the student's parent or guardian and acquires the parent or guardian's consent. Such notification must include an explanation that: (1) participation is voluntary; (2) parental consent is required; (3) the social security number will be used for research only by the Workforce Training and Education Coordinating Board; (4) only research and data management personnel will have access to the number; (5) individually identifiable information will not be disseminated to other persons; and (6) a description of the study shall be on file at the school district.

A school can still develop individual identification numbers as long as the numbers are unrelated to the students' Social Security numbers. If a student's Social Security number is collected or released, it can only be used for the purpose it was collected and for which the student's parent has given prior written permission. If a student's parent refuses to disclose the student's Social Security number, the school cannot deny the student any right, benefit, or privilege provided by law.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Many schools are unaware of the Privacy Act of 1974 which regulates the collection of Social Security numbers. This act would make sure that the protections of the Privacy Act of 1974 are followed by all schools. This bill gives parents more of a say in the education of their children. The collection and release of Social Security numbers needs to be regulated because Social Security numbers are a gateway to a variety of personal information about the holder of the number. This bill does more to protect the privacy of students than the Privacy Act of 1974 and FERPA.

Testimony Against: Many important studies use student Social Security numbers to collect data which are more accurate than data that are gathered using other means. Student privacy can be protected through greater enforcement of federal law which already does a great deal to regulate the collection and disclosure of student Social Security numbers.

Testified: Representative Mulliken, prime sponsor; Sandy Elliot, citizen (pro); Scott Allen, citizen (pro); Shevanna Schilling, Washington State Grange (pro); Doug Klunder, American Civil Liberties Union of Washington (pro); Ellen O'Brien Saunders and Brian Wilson, Workforce Training and Education Coordinating Board (concerns); Gail Corativo, parent (pro); Cyndy Lelli, citizen (pro); and Janeane Dubuar, Computer Professionals for Social Responsibility (pro).