

SENATE BILL REPORT

ESHB 2424

As Reported By Senate Committee On:
Education, February 26, 1998

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

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

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

Brief History:

Committee Activity: Education: 2/24/98, 2/26/98 [DPA].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Staff: Susan Mielke (786-7422)

Background: 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 law or regulation 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 and public schools are prohibited from requesting a student's Social Security number, except for Medicaid reimbursement purposes, employment purposes (if the student is a school employee), school board-approved longitudinal studies, or when explicitly required by federal law. When a school district requests a student's Social Security number for the authorized purposes, the school must use a consent form that contains a disclosure statement and is signed by the student, if age 18 or older, or the student's parent or guardian. The consent form must contain a disclosure statement that includes the following: (1) whether disclosure is mandatory or voluntary; (2) the information that will be collected or matched; (3) the law or regulation requiring the disclosure; and (4) who will have access to the number.

School boards may permit a school, school district, or the Superintendent of Public Instruction to request voluntary participation in longitudinal studies. If the study involves disclosure of student Social Security numbers, then the school board must approve the study. Any request for a student's Social Security number for the study must include a disclosure

statement signed by the student, if age 18 or older or the student's parent, that includes the following: (1) an explanation that the study and the disclosure of the Social Security number is voluntary; (2) an itemization of the information that will be collected; (3) who will have access to the information and the Social Security number; (4) the duration of the study; (5) what will happen to the information after the study is completed; and (6) the date the school board approved the study.

School employees may not release a student's Social Security number without the written consent of the student, if age 18 or older, or the student's parent or guardian. Except when releasing to the Workforce Training and Education Coordinating Board (WTECB), the request for release must include the following: (1) whether disclosure is mandatory or voluntary; (2) the information that will be collected; (3) the law or regulation requires the disclosure; and (4) who will have access to the number. When releasing to the WTECB, the school district must provide written notice to the student's parent or guardian. The notice must include the following: (1) an explanation that disclosure of the Social Security number is voluntary and that no benefit is contingent upon disclosure; (2) disclosure of the Social Security number requires the signed consent of the student, if age 18 or older, or the student's parent or guardian; (3) only WTECB research and data management personnel will have access to the number and the number will be used for only for research purposes; and (4) the school district has a description of the research study for public review.

Consent to disclose a student's Social Security number for one purpose is not consent to disclose for another purpose. A school or school district may not deny a student any right, benefit, or privilege if a student or parent refuses to disclose the student's Social Security number.

Schools may develop a student identification number, unrelated to the student's Social Security number, to maintain student records.

Amended Bill Compared to Substitute Bill: Language is added that requires the student or the student's parent to sign the disclosure statement requesting a student's Social Security number for a longitudinal study.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is about student privacy and student safety. The use of a person's Social Security number is pervasive. The number was never intended to be used as a personal identifier and such use should be stopped. School districts are not complying with the federal law. Changes have already been made to accommodate the research community. This bill should go even farther and add sanctions for non-compliance with the law.

Testimony Against: This bill will decrease participation in longitudinal research studies because it requires active consent instead of passive consent. Some studies require the use of student Social Security numbers to obtain quality information that can be used by a school to improve its educational program offerings. Alternative identification numbers or methods,

such as phone surveys, that do not require the use of Social Security numbers do not provide the quality of information needed.

Testified: Jennifer Grant, Lyn Sharp, New Market Vocational Skills Center; **PRO:** Scott Allen, parent; Marda Kirkwood, Citizens United for Responsible Education; Shavanna Schilling, WA State Grange; Jerry Sheehan, ACLU; Janeane Dubuar, Computer Professionals for Social Responsibility; **CON:** Jerry Litzenbeyer.