

SENATE BILL REPORT

SB 6326

As Reported By Senate Committee On:
Education, January 27, 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: Senators Schow, Rasmussen, Patterson, Horn, Zarelli, Stevens, Brown, Hochstatter, Swecker and Heavey.

Brief History:

Committee Activity: Education: 1/23/98, 1/27/98 [DPS].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 6326 be substituted therefor, and the substitute bill do pass.

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 Substitute Bill: School districts 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 disclosure of a student's Social Security number for required purposes, including employment or Medicaid purposes, the school must use a consent form that contains a disclosure statement and is signed by the parent or guardian. The disclosure statement must include the following: (1) whether disclosure is mandatory or voluntary; (2) the information that will be collected or matched; (3) which law or regulation requires 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.

A student's participation in the study must be granted in writing by the student or the student's parent, as appropriate. The disclosure statement must include the following: (1) an explanation that the study and the disclosure of the Social Security number is voluntary; (2) 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; (6) and 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 or the student's parent. The request for release must include the following: (1) whether disclosure is mandatory or voluntary; (2) the information that will be collected; (3) which law or regulation requires the disclosure; and (4) who will have access to the number.

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. School districts must destroy student records within 30 days after a student graduates from high school, except for grades, transcripts and standardized test results.

Substitute Bill Compared to Original Bill: School districts must destroy student records within 30 days after a student graduates from high school. Technical changes are made.

Appropriation: None.

Fiscal Note: Requested on January 21, 1998.

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

Testimony For: Many school districts are requesting the disclosure of students' Social Security numbers and not following the notice requirements of federal law. Since a person's Social Security number is a key to obtaining personal and confidential information, school districts should be prohibited from requesting it.

Testimony Against: Some research requires the use of Social Security numbers to obtain valid research results. There needs to be a balance of individual privacy rights with the necessity of research to improve the effectiveness of the system.

Testified: Senator Schow, prime sponsor; Scott Allen (pro); Cyndy Lelli (pro); Gayle Corativo, parent (pro); Ellen O'Brien-Saunders, Brian Wilson, WTECB; Marda Kirkwood, Citizens United for Responsible Education (pro); Doug Klunder, American Civil Liberties Union of Washington (pro); Sandy Elliot (pro).