

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2097

Introduced by Assembly Members Melendez, Gonzalez, and Gatto

February 17, 2016

An act to amend Section ~~52372~~ of 56601 of, and to add Section 49076.7 to, the Education Code, relating to ~~career technical education~~ pupil records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2097, as amended, Melendez. ~~Career technical education~~. *Pupil records: social security numbers.*

Existing law authorizes the Superintendent of Public Instruction, in order to assist the state in evaluating the effectiveness of special education programs, including transition and work experience programs, to collect and utilize social security numbers of individuals with exceptional needs as pupil identification numbers beginning in the 1993–94 fiscal year and phased in over a 2-year period. In a situation where a social security number is not available, existing law requires the superintendent to assign another student identification number for purposes of evaluating special education programs and related services.

This bill would repeal that authorization and would instead require the superintendent, commencing with the 2017–18 fiscal year and phased in over a 2-year period, to assign a student identification number to individuals with exceptional needs for purposes of evaluating special education programs and related services. The bill would prohibit school districts from collecting or soliciting social security numbers or the last 4 digits of social security numbers from pupils or their parents or guardians unless otherwise required to do so by state or federal law,

and would authorize the State Department of Education to additionally prohibit the collection and solicitation of other personally identifiable information, as recommended by the superintendent and approved by the State Board of Education.

Existing law authorizes, among other things, the governing board of any high school district to establish and maintain, in connection with any high school or regional occupational center or program under its jurisdiction, cooperative career technical education programs or community classrooms as part of a career technical education course, as specified:

~~This bill would make nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49076.7 is added to the Education Code,
2 to read:

3 49076.7. (a) The Legislature finds and declares both of the
4 following:

5 (1) Pupil data privacy is a priority because pupils are at risk
6 for identity theft when providing their social security numbers.

7 (2) A technical brief titled “Data Stewardship: Managing
8 Personally Identifiable Information in Electronic Student Education
9 Records” published by the United States Department of Education
10 states that social security numbers are the single most misused
11 piece of information by criminals perpetrating identity thefts.

12 (b) A school district shall not collect or solicit social security
13 numbers or the last four digits of social security numbers from
14 pupils or their parents or guardians unless otherwise required to
15 do so by state or federal law.

16 (c) The department may additionally prohibit the collection and
17 solicitation of other personally identifiable information, as
18 recommended by the Superintendent and approved by the state
19 board.

20 SEC. 2. Section 56601 of the Education Code is amended to
21 read:

22 56601. (a) Each special education local plan area shall submit
23 to the superintendent at least annually information, in a form and
24 manner prescribed by the superintendent and developed in

1 consultation with the special education local plan areas, in order
2 for the superintendent to carry out the evaluation responsibilities
3 pursuant to Section 56602. This information shall include other
4 statistical data, program information, and fiscal information that
5 the superintendent may require. The superintendent shall use this
6 information to answer questions from the Legislature and other
7 state and federal agencies on program, policy, and fiscal issues of
8 statewide interest.

9 (b) In order to assist the state in evaluating the effectiveness of
10 special education programs, including transition and work
11 experience programs, the superintendent ~~is authorized to collect~~
12 ~~and utilize social security numbers of individuals with exceptional~~
13 ~~needs as pupil identification numbers beginning in the 1993-94~~
14 ~~fiscal year and phased in over a two-year period. In a situation~~
15 ~~where a social security number is not available, the superintendent~~
16 ~~shall assign another~~ *shall, commencing with the 2017-18 fiscal*
17 *year and phased in over a two-year period, assign a student*
18 *identification number to individuals with exceptional needs for*
19 *purposes of evaluating special education programs and related*
20 *services. The superintendent shall not disclose personally*
21 *identifiable, individual pupil records to any person, institution,*
22 *agency, or organization except as authorized by Section 1232g of*
23 *Title 20 of the United States Code and Part 99 of Title 34 of the*
24 *Code of Federal Regulations.*

25 ~~SECTION 1. Section 52372 of the Education Code is amended~~
26 ~~to read:~~

27 ~~52372. The governing board of any high school district, subject~~
28 ~~to the provisions of this code relating to courses of study for high~~
29 ~~schools, the governing board of any joint powers regional~~
30 ~~occupational center or program, or the county superintendent of~~
31 ~~schools that conducts any county-operated regional occupational~~
32 ~~center or program may establish and maintain, in connection with~~
33 ~~any high school or regional occupational center or program under~~
34 ~~its or his or her jurisdiction, cooperative career technical education~~
35 ~~programs or community classrooms as part of a career technical~~
36 ~~education course in accordance with rules and regulations~~
37 ~~prescribed by the Superintendent.~~

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