

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2097

Introduced by Assembly Members Melendez, Gonzalez, and Gatto
(Coauthor: Assembly Member Chau)

February 17, 2016

An act to amend Section 56601 of, and to add Section 49076.7 to, the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2097, as amended, Melendez. 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~~ *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~~, *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~~ *districts, county offices of education, and charter schools* 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~~ *Superintendent* and approved by the State Board of Education.

Vote: majority. Appropriation: no. Fiscal committee: 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 for
6 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~~ *district, county office of education, or*
13 *charter school* shall not collect or solicit social security numbers
14 or the last four digits of social security numbers from pupils or
15 their parents or guardians unless otherwise required to do so by
16 state or federal law.

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

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

23 56601. (a) Each special education local plan area shall submit
24 to the ~~superintendent~~ *Superintendent* at least annually information,
25 in a form and manner prescribed by the ~~superintendent~~
26 *Superintendent* and developed in consultation with the special
27 education local plan areas, in order for the ~~superintendent~~

1 *Superintendent* to carry out the evaluation responsibilities pursuant
2 to Section 56602. This information shall include other statistical
3 data, program information, and fiscal information that the
4 ~~superintendent~~ *Superintendent* may require. The ~~superintendent~~
5 *Superintendent* shall use this information to answer questions from
6 the Legislature and other state and federal agencies on program,
7 policy, and fiscal issues of statewide interest.

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