

LESC bill analyses are available on the New Mexico Legislature website ([www.nmlegis.gov](http://www.nmlegis.gov)). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 2nd Session, 2018**

<b>Bill Number</b>	<u>HB84</u>	<b>Sponsor</b>	<u>Roch</u>
<b>Tracking Number</b>	<u>.208915.1</u>	<b>Committee Referrals</b>	<u>HCPAC/HEC</u>
<b>Short Title</b>	<u>Educational Use of Social Security Numbers</u>		
<b>Analyst</b>	<u>Force</u>	<b>Original Date</b>	<u>2/9/18</u>
		<b>Last Updated</b>	<u></u>

---

---

**BILL SUMMARY**

Synopsis of Bill

House Bill 84 (HB84) amends the Public School Code section creating the Educational Data System, Section 22-1-11 NMSA 1978, to bar the inclusion of social security numbers (SSN) in the data system. Information about individual educators and students may be gathered in consultation with school districts, charter schools, and public postsecondary educational institutions so long as the data reveal no personally identifiable information.

HB84 adds a new section to the Assessment and Accountability Act barring the use of SSNs for any purpose under the act.

HB84 also adds a new section to the School Personnel Act barring the use of SSNs for any purpose other than background checks, licensure, payroll and benefits, court orders, or to satisfy a request from the person associated with the SSN.

**FISCAL IMPACT**

HB84 does not contain an appropriation.

The Higher Education Department (HED) notes that its Data Editing and Reporting System (DEAR), which collects information from public colleges and universities on students, courses, financial aid, degrees and certificates, does use the SSN as a unique identifier. In contrast, the Public Education Department's (PED) Student Teacher Accountability Reporting System (STARS) uses a unique identifier other than a student's SSN, necessitating a careful matching process between the two tracking systems, which HED says is costly. HED further notes that, if the provisions of HB84 were more broadly applicable to the HED DEAR system, the additional cost of the matching process would increase substantially.

## SUBSTANTIVE ISSUES

According to an audit report from the Office of the Inspector General of the Social Security Administration (SSA), *Kindergarten Through 12<sup>th</sup> Grade Schools' Collection and Use of SSNs*, while no single body of federal law regulates the use and disclosure of SSNs, several sources do contain provisions governing SSNs and privacy concerns, including the Privacy Act of 1974, the Social Security Act, and the Family Educational Rights and Privacy Act of 1974 (FERPA). Moreover, the Office of Management and Budget has directed that federal agencies are to reduce the volume of personally identifiable information to the minimum amount necessary, including the elimination of unnecessary collection and storage of SSNs. Efforts by state primary and secondary schools to collect SSNs are common and a number of states have established longitudinal databases on education, students, and student outcomes, which may include the use and storage of SSNs as a unique identifier that most students either already have, or for which they are eligible.

Recent data suggest that the number of children younger than 19 who are victims of identity theft is growing, as this population is especially vulnerable to such abuse, since children have clean credit histories, about which most will have no need to inquire until they are much older. Between 2005 and 2010, at least 40 cases of school-related breaches of children's personal information, including SSNs, were reported. States should take steps to limit their collection of SSNs, and implement stringent controls to protect the data, once it is collected. At least 32 percent of states warehouse student SSNs in their longitudinal data systems; while many states collect SSNs, they may no longer need to do so, as all states now assign other unique identifiers to students in their K-12 databases.

The Inspector General recommends that state departments of education and K-12 school systems coordinate their efforts to inform the education community about the potential risks attendant upon the use of SSNs as student identifiers. States and K-12 school systems should reduce unnecessary collection and use of SSNs, and implement stringent safeguards to protect the collected data. Finally, states and school systems should promote best practices that already take steps to limit SSN collection and use.

At a field hearing not long after the publication of the audit report, SSA noted that SSNs are often used unnecessarily, increasing the likelihood of them being used for criminal purposes. SSA emphasized that although some schools use SSNs an identifier as a matter of convenience, administrative convenience should never be more important than safeguarding children's personal information.

## ADMINISTRATIVE IMPLICATIONS

HED indicates the Data System Council includes New Mexico job placement data as an important component of the Educational Data System (EDS). The simplest way to accomplish this is matching to the unemployment insurance wage data maintained by the Department of Workforce Solutions. The use of SSNs is critical, because most employers do not use birthdates, and matches using names would likely return many false matches. Currently, matches from HED to unemployment insurance wage data are made using SSNs, but employment data entered into EDS would not include SSNs. Without them, it would be impossible to match PED students who do not attend a New Mexico public college or university to unemployment insurance data.

**SOURCES OF INFORMATION**

- LESC Files
- Higher Education Department

**RKF/rab**