

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 506

H.P. 399

House of Representatives, February 14, 2011

An Act To Prevent the Disclosure of Student Social Security Numbers

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PETERSON of Rumford.
Cosponsored by Representatives: KNAPP of Gorham, MARTIN of Eagle Lake, O'CONNOR of Berwick, Senator GOODALL of Sagadahoc, Senator COURTNEY of York and Representatives: CROCKETT of Bethel, DAVIS of Sangerville, GOODE of Bangor, HARVELL of Farmington, McFADDEN of Dennysville, NELSON of Falmouth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §6005**, as enacted by PL 2009, c. 448, §1, is amended to
3 read:

4 **§6005. Maine Statewide Longitudinal Data System**

5 The department shall develop and maintain the Maine Statewide Longitudinal Data
6 System, a continuing program of information management, the purpose of which is to
7 compile, maintain and disseminate information concerning the educational histories,
8 placement, employment and other measures of success of participants in state educational
9 programs. ~~The commissioner may require a school administrative unit to collect and
10 report individual student social security numbers to implement the Maine Statewide
11 Longitudinal Data System only if additional federal funding is received to expand the
12 department's kindergarten to grade 12 longitudinal data system existing as of the effective
13 date of this section to a statewide system.~~

14 **1. Placement information.** A project conducted by the department that requires
15 placement information must use information provided through the Maine Statewide
16 Longitudinal Data System. The department shall implement an automated system that
17 matches ~~the social security numbers of~~ former participants in state educational and
18 training programs with information in the files of state and federal agencies that maintain
19 educational, employment and United States armed services records and shall implement
20 procedures to identify the occupations of those former participants ~~whose social security
21 numbers are found in employment records.~~

22 **2. Dissemination of education records.** The Maine Statewide Longitudinal Data
23 System may not make public any information that could identify an individual or the
24 individual's employer. The department must ensure that the purpose of obtaining
25 placement information is to evaluate and improve education programs or to conduct
26 research for the purpose of improving education services. Education records must be
27 managed in compliance with the federal Family Educational Rights and Privacy Act of
28 1974, 20 United States Code, Section 1232g, referred to in this section as "FERPA."
29 Personally identifiable information in an education record that is not directory
30 information may be released to other agencies within State Government, including
31 postsecondary institutions, only under a signed memorandum of understanding requiring
32 compliance with FERPA.

33 ~~**3. Notification and consent.** If the commissioner requires a school administrative
34 unit to collect and report individual social security numbers pursuant to section 15689-B,
35 subsection 7, the school administrative unit must notify parents in the annual notice
36 required under FERPA that the data is being collected and used for longitudinal data
37 purposes and must request the parent to provide written consent to use the child's social
38 security number for the collection of longitudinal data. The parental notification must
39 include an explanation of the parent's right that the child's social security number is not
40 required as a condition of enrollment and that the child's social security number may not
41 be used for longitudinal data purposes unless the parent provides prior written consent.
42 When a student attains 18 years of age, the written consent must be obtained from the~~

1 student, and the rights accorded to the parent before the student attained 18 years of age
2 are then accorded to the student.

3 **Sec. 2. 20-A MRSA §15689-B, sub-§7**, as amended by PL 2009, c. 448, §2, is
4 further amended to read:

5 **7. Required data; subsidy payments withheld.** A school administrative unit shall
6 provide the commissioner with information that the commissioner requests to carry out
7 the purposes of this chapter, according to time schedules that the commissioner
8 establishes. ~~For the purposes of the Maine Statewide Longitudinal Data System~~
9 ~~established pursuant to section 6005, the commissioner may require a school~~
10 ~~administrative unit to collect and report individual student social security numbers.~~ The
11 commissioner may withhold monthly subsidy payments from a school administrative unit
12 when information is not filed in the specified format and with specific content and within
13 the specified time schedules. If the school administrative unit files the information in the
14 specified format, the department shall include the payment of the withheld subsidy in the
15 next regularly scheduled monthly subsidy payment.

16 **SUMMARY**

17 This bill repeals the provisions authorizing the Commissioner of Education to require
18 local school units to request and report student social security numbers to the Department
19 of Education.