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et al.

H.B. No. 1026

A BILL TO BE ENTITLED

1 AN ACT

2 relating to regulating the use of social security numbers by
3 institutions of higher education.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
6 amended by adding Section 51.981 to read as follows:

7 Sec. 51.981. USE OF STUDENT'S SOCIAL SECURITY NUMBER. (a)

8 In this section:

9 (1) "Institution of higher education" means:

10 (A) an institution of higher education as defined
11 by Section 61.003; or

12 (B) a private or independent institution of
13 higher education as defined by Section 61.003.

14 (2) "Coordinating board" means the Texas Higher
15 Education Coordinating Board.

16 (b) An institution of higher education may not:

17 (1) use a student's social security number, or another
18 number that includes consecutively four or more consecutive digits
19 of a student's social security number, as the student's primary
20 student identification number;

21 (2) print or include in electronic or coded form a
22 student's social security number on a student's identification
23 card, library card, or other card or document required for a student
24 to use or access services, information, or facilities;

1 (3) require a student, former student, or applicant
2 for admission to the institution to use or transmit the
3 individual's social security number over the telephone or Internet
4 to obtain information or access services, unless the connection is
5 secure or the number is encrypted in a manner approved by rule of
6 the coordinating board;

7 (4) post or display a student or former student's
8 social security number, with or without the individual's name, in
9 any place or manner accessible to the public or to students or
10 personnel of the institution generally; or

11 (5) include the social security number of a student,
12 former student, or applicant for admission to the institution in
13 any information that is mailed to the student, former student, or
14 applicant.

15 (c) This section does not prohibit an institution of higher
16 education from:

17 (1) requiring a student or applicant for admission to
18 the institution to disclose the individual's social security number
19 to the institution in person or in an application;

20 (2) maintaining a confidential record of a student's
21 social security number if the institution:

22 (A) holds the social security number in a secure
23 storage facility or location; and

24 (B) provides for limited access to the facility
25 or location by approved personnel only;

26 (3) using social security numbers to comply with state
27 or federal law; or

1 (4) disclosing a student's social security number with
2 the student's express consent to enable the student to participate
3 in a program or activity conducted by another person who requires
4 disclosure of the student's social security number.

5 (d) The coordinating board may adopt rules for the
6 administration of this section. The coordinating board by rule may
7 permit institutions of higher education to use a student's social
8 security number in a manner otherwise prohibited by this section
9 that the coordinating board determines is necessary to enable an
10 institution to carry out its mission or programs effectively. In a
11 rule adopted under this subsection, the coordinating board shall
12 attempt to minimize the risk of disclosure of a student's social
13 security number to unauthorized persons.

14 (e) An institution of higher education must be in compliance
15 with this section and any rules of the coordinating board adopted
16 under this section not later than September 1, 2007.

17 (f) If an institution of higher education is not in
18 compliance with this section and the rules of the coordinating
19 board as required by Subsection (e) in an academic year:

20 (1) the institution is ineligible to receive
21 additional TEXAS grant funding through reallocation for that year;
22 and

23 (2) the amount of TEXAS grant funds allocated to the
24 institution for the following academic year is one-half of the
25 amount for which the institution would otherwise be eligible.

26 (g) If the coordinating board determines that an
27 institution of higher education is not in compliance with this

1 section and the rules of the coordinating board as required by
2 Subsection (e) in an academic year, the coordinating board shall
3 notify the president of the institution in writing of that
4 determination and of the sanctions to be imposed under Subsection
5 (f). Not later than the 30th day after the date the notice is
6 delivered, the president of the institution in the manner stated in
7 the notice may request a hearing before the commissioner of higher
8 education to show cause why the sanctions should not be imposed.
9 The determination of the commissioner after the hearing is final
10 and may not be appealed.

11 SECTION 2. This Act takes effect September 1, 2003.