CHAPTER 271
HB 1626 - FINAL VERSION

04/21/2022 1555s

2022 SESSION

22-2114
10/04

HOUSE BILL *1626*

AN ACT relative to the unique pupil identification system.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Ladd, Graf. 4; Rep. Boehm, Hills. 20; Rep. Ford, Rock. 4

COMMITTEE: Education

AMENDED ANALYSIS

This bill includes chartered public schools, scholarship organizations, and adult education programs in the procedures and requirements for the unique pupil identification system.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 271
HB 1626 - FINAL VERSION

04/21/2022 1555s 22-2114
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the unique pupil identification system.

Be it Enacted by the Senate and House of Representatives in General Court convened:

271:1 Adequate Public Education; Unique Pupil Identification; References to Chartered Public Schools, Scholarship Organizations. Amend RSA 193-E:5, I to read as follows:

I. The department of education shall,[~~ using federal funds only,~~] implement and maintain a unique pupil identification system on a statewide basis that complies with the following requirements:

(a) Except as provided in RSA 193-C:12, no personally identifiable information about a pupil including name and social security number, shall be collected or maintained by the state in such a manner as to allow such information to be connected with the unique pupil identifier. Under no circumstances shall the department of education obtain or use a social security number as an identifier for any pupil. The department shall not use unique pupil identifiers except in connection with the data warehouse and such use shall not be accessible to the public.

(b) The random number generator shall make available to each early childhood program, district, ***chartered public school, scholarship organization, adult education program,*** or postsecondary institution a unique pupil identifier for each pupil pursuing an education in a New Hampshire early childhood program, district, ***chartered public school, scholarship organization, adult education program,*** or postsecondary institution. The unique pupil identifier itself shall not permit pupil identification within a subcategory including, but not limited to, early childhood program, district, ***chartered public school, scholarship organization, adult education program,*** postsecondary institution, sex, age, grade, or county of residence.

(c) The unique pupil identifier shall be requested and maintained by the early childhood program, district, ***chartered public school, scholarship organization, adult education program,*** or postsecondary institution. The unique pupil identifier shall remain in the pupil's file throughout his or her academic career in New Hampshire.

(d)(1) Access to the random number generator shall be limited to an early childhood program director or designee, a district superintendent or designee, ***chartered public school director or designee, scholarship organization director or designee, adult education program director or designee,*** or a postsecondary institution registrar or designee, and only for pupils pursuing an education in that early childhood program, district, ***chartered public school, scholarship program, adult education program,*** or postsecondary institution.

(2) A parent or legal guardian shall, upon request made in person to the early child program director, school district superintendent for the district which the child last attended, ***chartered public school director, scholarship organization director, an adult education program director,*** or postsecondary institution registrar, have access to their child's unique pupil identifier and their child's data

maintained in the data warehouse. A person who is 18 years of age or older shall, upon request made in person to the early child program director, school district superintendent for the district which the person last attended, *chartered public school director, scholarship organization director, adult education program director,* or postsecondary institution registrar, have access to their unique pupil identifier and their data maintained in the data warehouse.

(3) Any person who knowingly violates the provisions of this subparagraph is guilty of a class B felony and may be subject to involuntary termination of employment.

(e) The random number generator shall create and maintain a comprehensive audit trail for all users accessing the random number generator.

(f) The data warehouse shall create and maintain an audit trail for all users accessing secure information.

(g) No person, including an individual, business, government, or governmental entity, shall require an individual to provide a unique pupil identifier as a condition of doing business, providing a service, or receiving a benefit of any kind, except as provided in RSA 193-E:5, I(c). Any person or entity who knowingly violates the provisions of this subparagraph shall be liable for actual damages or $25,000, whichever is greater, for each violation. Each denial of services or benefits shall constitute a separate offense under this subparagraph.

(h) If a pupil's records become part of an administrative action outside of the pupil's early childhood program, district, *chartered public school, scholarship program, adult education program,* or postsecondary institution, or a part of any judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil identifier shall be redacted by the early childhood program, district, *chartered public school, scholarship organization, adult education program,* or postsecondary institution prior to release.

(i) The information maintained in the data warehouse shall be available to the department of education and to the public using the data maintained by the department of education. No personally identifiable information shall be required as a condition of access or usage under this subparagraph, nor shall such access or usage be tracked. Under no circumstances shall the unique pupil identifier be made available to the public.

(j) Information maintained in the random number generator shall be exempt from the provisions of RSA 91-A.

(k) Authorized personnel at the department of education shall administer and maintain the unique pupil identification system.

(l) Except as provided in RSA 193-C:12, the department of education shall provide no personally identifiable information collected pursuant to this chapter, including but not limited to name, date of birth, or social security number to any person or entity, other than an early childhood program, district, *chartered public school, scholarship organization, adult education program,* or postsecondary institution authorized to access this data, absent a court order. Under no circumstances shall personally identifiable information or the unique pupil identifier be provided to any person or entity outside of New

Hampshire. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(m) Early childhood programs not receiving Head Start or child care scholarship funds, private schools comprised of kindergarten through grade 12, and all private postsecondary institutions may participate in the data warehouse and random number generator. Participating early childhood programs may volunteer to include data for pupils for which Head Start or child care scholarship funds are not received. Permission of a parent or legal guardian of a pupil enrolled in an early childhood program shall be obtained before a pupil may participate in the data warehouse and random number generator. For the purposes of this section, such voluntary participating early childhood programs shall be included in the definition set forth in RSA 193-E:4.

(n) Notwithstanding subparagraphs (a)-(m), to enable the department of education to ensure the accuracy of the data, the commissioner of the department of education may, in writing, grant individuals access to the data warehouse, including but not limited to, access to the unique pupil identifier for the purpose of connecting information in the warehouse with the random number generator.

(o) At the request of an early childhood program, school district, ***chartered public school, scholarship organization, adult education program,*** or postsecondary institution, the department of education shall provide pupil-level data from the unique pupil identification system to an early childhood program, school district, ***chartered public school, scholarship organization, adult education program,*** or postsecondary institution for pupils pursing an education in that entity. Except as otherwise specifically provided in statute, the department shall not provide for any purpose any student personally-identifiable data to any public or private individual or entity, including the local, state, or federal government, or department or agency thereof, regardless of whether such individual or entity is for profit or not-for-profit, and regardless of whether the public or private individual or entity is involved in any way with the pupil's education.

(p) New Hampshire home educated pupils pursing an education in a postsecondary institution who have not been assigned a unique pupil identifier may, without penalty, opt out of being included in the unique pupil identification system for postsecondary pupils.

(q) Nothing in this chapter shall prohibit institutions in the university system of New Hampshire and the community college system of New Hampshire from exchanging data between themselves without the consent or involvement of the department of education.

271:2 Effective Date. This act shall take effect upon its passage.

Approved: June 24, 2022
Effective Date: June 24, 2022