

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF EDUCATION
P.O. BOX 6Q
RICHMOND, VIRGINIA 23216

SUPTS. MEMO NO. 125
June 15, 1988

INFORMATIONAL

TO: Division Superintendents

FROM: S. John Davis, Superintendent of Public Instruction
E. B. Howerton, Jr., Chief Deputy Superintendent for
Public Instruction

SUBJECT: Proposed Guidelines Governing the Requirement for
Students to Obtain Social Security Numbers by the
1988-89 School Year

This is a reference to the guidelines developed to assist local school divisions in implementing Section 22.1-260 of the Code of Virginia requiring all students enrolled in public schools to have a federal social security number. This amendment to the Code was made in 1987 as the result of requests from concerned parents for assistance in the identification and location of missing children. The effective date of the amendment is July 1, 1988.

Section 22.1-260 of the Code of Virginia was further amended by the 1988 General Assembly to state that each student shall present a social security number within ninety days of enrollment. The state statute requires that each student in public school present a social security number. It does not require that students be excluded from school who do not present a social security number. The federal statute does not prohibit states or local government agencies from requesting social security numbers. Federal law requires that no person be denied a right, benefit, or privilege provided by law because of his/her refusal to disclose his/her social security number.

In addition to this state requirement, the 1986 Federal Tax reform Act required taxpayers to show the federal social security number for each dependent age five or older who will be listed on tax returns due on or after January 1, 1988. Federal Law requires that an agency which requests social security numbers inform an individual whether disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it. Section 22.1-260 of the state Code

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does not require that a student be excluded from school for failure or refusal to provide a social security number, and it allows waivers to be granted by the local division superintendents. In summary, school divisions should cite the authority found in the Virginia Code, indicate that disclosure of the social security number is not mandatory and, as stated in the first paragraph of this memorandum, identify the use to be made of the social security numbers.

We request that you provide whatever assistance you can in getting parents/guardians to apply for social security numbers for their children. The following are some suggested activities for providing this assistance.

1. Contact the Social Security Administration office(s) serving your school division. Discuss the situation with them and coordinate your activities. Developing a sample notice for distribution to parents/guardians would be informative. If you decide to use such a notice, we suggest that you review its use with your local social security office.
2. In addition to the notice to parents/guardians suggested in item 1 above, consider communicating with parents/guardians through local media (newspapers, radio, television, etc.) and appropriate organizations (PTA).
3. Initiate planning to incorporate the social security number requirement into the normal student registration routines for incoming kindergarten and first grade students and for students transferring into your school division. For example, notifications of registration should include the requirement for the social security number in similar fashion to the requirement for physical examinations and immunization.

A copy of the Guidelines for Administering the Requirement for Public School Students to Obtain a Social Security Number is attached for your information. If you have questions, please contact Dr. Don S. Ayers, Supervisor for Secondary School Guidance, Virginia department of Education, P. O. Box 6Q, Richmond, Virginia 23216-2060. His telephone number is (804) 225-2072.

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Attachment

ATTACHMENT TO SUPTS. MEMO. NO. 125

Virginia Department of Education

Guidelines for Administering the Requirements for
Public School Students to Obtain a Social Security Number
(Section 22.1-260, Code of Virginia)

1. Eligibility of students to obtain a social security number under Section 22.1-260, Code of Virginia, will be determined by the requirements of appropriate federal laws and regulations of the Social Security Administration.
2. The requirement for students to have a social security number shall be incorporated into the normal student registration routines for enrolling kindergarten and first grade students and for students transferring into the school division.
3. Section 22.1-260 states that each student shall present a social security number within ninety days of enrollment. If a student does not present a social security number within the prescribed number of days of enrollment, the superintendent shall send to the parent/guardian of the student written notice of the requirement of section 22.1-260.
4. The superintendent may waive the requirement for the student to obtain a social security number for any student who, together with his parent/guardian, by reason of bona fide religious training or belief, is conscientiously opposed to having a federal social security number.
5. The superintendent may waive the requirement for the student to obtain a social security number for any student whose application for a social security number for any student whose application for a social security number would require the self-incriminating disclosure of his illegal immigration status in the United States to a federal agency.
6. The superintendent may waive the requirement for the student to obtain a social security number for any student who is a member of a non-immigrant family that is legally temporarily living in the United States. Examples of such families would be those employed in embassies and other international organizations.