



Rep. La Shawn K. Ford

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LRB098 02685 NHT 41213 a

1 AMENDMENT TO HOUSE BILL 64

2 AMENDMENT NO. _____. Amend House Bill 64 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Right
5 to Privacy in the School Setting Act.

6 Section 5. Definitions. In this Act:

7 "Elementary or secondary school" means a public elementary
8 or secondary school or school district or a nonpublic school
9 recognized by the State Board of Education.

10 "Post-secondary school" means an institution of higher
11 learning as defined in the Higher Education Student Assistance
12 Act.

13 "Social networking website" means an Internet-based
14 service that allows individuals to do the following:

15 (1) construct a public or semi-public profile within a
16 bounded system created by the service;

1 (2) create a list of other users with whom they share a
2 connection within the system; and

3 (3) view and navigate their list of connections and
4 those made by others within the system.

5 "Social networking website" does not include electronic mail.

6 Section 10. Prohibited inquiry.

7 (a) It is unlawful for a post-secondary school to request
8 or require a student or his or her parent or guardian to
9 provide a password or other related account information in
10 order to gain access to the student's account or profile on a
11 social networking website or to demand access in any manner to
12 a student's account or profile on a social networking website.

13 (b) Nothing in this Section limits a post-secondary
14 school's right to do the following:

15 (1) promulgate and maintain lawful school policies
16 governing the use of the post-secondary school's
17 electronic equipment, including policies regarding
18 Internet use, social networking website use, and
19 electronic mail use; and

20 (2) monitor usage of the post-secondary school's
21 electronic equipment and the post-secondary school's
22 electronic mail without requesting or requiring a student
23 to provide a password or other related account information
24 in order to gain access to the student's account or profile
25 on a social networking website.

1 (c) Nothing in this Section prohibits a post-secondary
2 school from obtaining information about a student that is in
3 the public domain or that is otherwise obtained in compliance
4 with this Act.

5 (d) This Section does not apply when a post-secondary
6 school has reasonable cause to believe that a student's account
7 on a social networking website contains evidence that the
8 student has violated a school disciplinary rule or policy.

9 Section 15. Expectations and notification. An elementary
10 or secondary school must establish expectations for students
11 regarding the use of social networking websites, which shall
12 include notification to the student and his or her parent or
13 guardian that the elementary or secondary school may request or
14 require a student to provide a password or other related
15 account information in order to gain access to the student's
16 account or profile on a social networking website if the
17 elementary or secondary school has reasonable cause to believe
18 that the student's account on a social networking website
19 contains evidence that the student has violated a school
20 disciplinary rule or policy. These expectations and the
21 notification must be published in the elementary or secondary
22 school's disciplinary rules, policies, or handbook or
23 communicated by similar means.

24 Section 20. Penalty. A post-secondary school or an agent

1 of a post-secondary school who violates this Act is guilty of a
2 petty offense."