

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

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

Section 5. Definitions. In this Act:

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

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

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

- (1) construct a public or semi-public profile within a bounded system created by the service;
- (2) create a list of other users with whom they share a connection within the system; and
- (3) view and navigate their list of connections and those made by others within the system.

"Social networking website" does not include electronic mail.

Section 10. Prohibited inquiry.

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

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

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

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

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

(d) This Section does not apply when a post-secondary school has reasonable cause to believe that a student's account on a social networking website contains evidence that the

student has violated a school disciplinary rule or policy.

Section 15. Notification. An elementary or secondary school must provide notification to the student and his or her parent or guardian that the elementary or secondary school may request or require a student to provide a password or other related account information in order to gain access to the student's account or profile on a social networking website if the elementary or secondary school has reasonable cause to believe that the student's account on a social networking website contains evidence that the student has violated a school disciplinary rule or policy. The notification must be published in the elementary or secondary school's disciplinary rules, policies, or handbook or communicated by similar means.

Section 20. Penalty. A post-secondary school or an agent of a post-secondary school who violates this Act is guilty of a petty offense.