

1 AN ACT concerning education.

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

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;

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

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

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

22 Section 10. Prohibited inquiry.

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

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

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

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

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

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

1 student has violated a school disciplinary rule or policy.

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

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