



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3527

by Rep. Mike Fortner

#### SYNOPSIS AS INTRODUCED:

105 ILCS 75/10  
105 ILCS 75/15

Amends the Right to Privacy in the School Setting Act. In provisions allowing a school to request or require a student (or, in addition, his or her parent or guardian with respect to post-secondary schools) 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, in addition, to demand access with respect to post-secondary schools) if the 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, provides that a school does not have reasonable cause unless a victim or concerned party, such as a parent or guardian, has filed a complaint with the school or school personnel have observed cyber-bullying taking place. Effective immediately.

LRB099 07342 NHT 27454 b

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 5. The Right to Privacy in the School Setting Act  
5 is amended by changing Sections 10 and 15 as follows:

6 (105 ILCS 75/10)

7 Sec. 10. Prohibited inquiry.

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

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

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

21 (2) monitor usage of the post-secondary school's  
22 electronic equipment and the post-secondary school's  
23 electronic mail without requesting or requiring a student

1 to provide a password or other related account information  
2 in order to gain access to the student's account or profile  
3 on a social networking website.

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

8 (d) This Section does not apply when a post-secondary  
9 school has reasonable cause to believe that a student's account  
10 on a social networking website contains evidence that the  
11 student has violated a school disciplinary rule or policy. A  
12 post-secondary school does not have reasonable cause unless a  
13 victim or concerned party, such as a parent or guardian, has  
14 filed a complaint with the school or school personnel have  
15 observed cyber-bullying taking place.

16 (Source: P.A. 98-129, eff. 1-1-14.)

17 (105 ILCS 75/15)

18 Sec. 15. Notification. An elementary or secondary school  
19 must provide notification to the student and his or her parent  
20 or guardian that the elementary or secondary school may request  
21 or require a student to provide a password or other related  
22 account information in order to gain access to the student's  
23 account or profile on a social networking website if the  
24 elementary or secondary school has reasonable cause to believe  
25 that the student's account on a social networking website

1 contains evidence that the student has violated a school  
2 disciplinary rule or policy. An elementary or secondary school  
3 does not have reasonable cause unless a victim or concerned  
4 party, such as a parent or guardian, has filed a complaint with  
5 the school or school personnel have observed cyber-bullying  
6 taking place. The notification must be published in the  
7 elementary or secondary school's disciplinary rules, policies,  
8 or handbook or communicated by similar means.

9 (Source: P.A. 98-129, eff. 1-1-14.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.