

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 prohibit a post-secondary school
9 from conducting an investigation or requiring a student to
10 cooperate in an investigation if there is specific information
11 about activity on the student's account on a social networking
12 website that violates a school disciplinary rule or policy. In
13 the course of an investigation, the student may be required to
14 share the content that is reported in order to make a factual
15 determination. ~~does not apply when a post-secondary school has~~
16 ~~reasonable cause to believe that a student's account on a~~
17 ~~social networking website contains evidence that the student~~
18 ~~has violated a school disciplinary rule or policy.~~

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

20 (105 ILCS 75/15)

21 Sec. 15. Notification. An elementary or secondary school
22 must provide notification to the student and his or her parent
23 or guardian that the elementary or secondary school may not
24 request or require a student to provide a password or other
25 related account information in order to gain access to the

1 student's account or profile on a social networking website ~~if~~
2 ~~the elementary or secondary school has reasonable cause to~~
3 ~~believe that the student's account on a social networking~~
4 ~~website contains evidence that the student has violated a~~
5 ~~school disciplinary rule or policy.~~ An elementary or secondary
6 school must provide notification to the student and his or her
7 parent or guardian that the elementary or secondary school may
8 conduct an investigation or require a student to cooperate in
9 an investigation if there is specific information about
10 activity on the student's account on a social networking
11 website that violates a school disciplinary rule or policy. In
12 the course of an investigation, the student may be required to
13 share the content that is reported in order to make a factual
14 determination. Notification under this Section ~~The~~
15 ~~notification~~ must be published in the elementary or secondary
16 school's disciplinary rules, policies, or handbook or
17 communicated by similar means.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.