

HOUSE BILL No. 2094

By Committee on Vision 2020

I-24

Proposed Amendments for HB 2094
For Committee on Education

March 11, 2013

Re: Removing certain exceptions
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Office of Revisor of Statutes

1 AN ACT concerning public and private postsecondary educational
2 institutions; relating to student electronic privacy.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Except as provided in subsection (c), no public or
6 private postsecondary educational institution shall request or require a
7 student or prospective student to:

8 (1) Disclose the existence of any personal account or service or any
9 user name, password or other means of access to such personal account or
10 service;

11 (2) access a personal account or service in a way that allows the agent
12 of such public or private postsecondary educational institution to observe
13 the content or information related to the account or service; or

14 (3) disclose any personal electronic content from a personal account
15 or service.

16 (b) No public or private postsecondary educational institution shall:

17 (1) Dismiss, discipline, penalize or otherwise retaliate or threaten to
18 dismiss, discipline or otherwise penalize a student for such student's
19 refusal to comply with any request or requirement described in subsection
20 (a); or

21 (2) fail or refuse to admit a prospective student for such student's
22 refusal to comply with any request or requirement described in subsection
23 (a).

24 (c) Nothing in this section shall be construed to affect the existing
25 rights or obligations of a public or private postsecondary educational
26 institution to:

27 (1) Request a student to disclose personal electronic content
28 reasonably believed to be relevant to an investigation of an allegation of
29 misconduct, solely for the purposes of such investigation or a related
30 proceedings;

31 (2) require a student to disclose a username, password or other means
32 of access to:

33 (A) Accounts or services that provide access to the internal computer
34 or information systems of a public or private postsecondary educational
35 institution; _____

36 (B) electronic devices issued by such institution;

or

- 1 ~~(C) when student participation in social media networks or chats is a~~
- 2 ~~requirement of a class in which the student is enrolled; or~~
- 3 ~~(D) when the student voluntarily provides access to their personal~~
- 4 ~~media network or account information in order to obtain assistance from~~
- 5 ~~the postsecondary education institution or in a personal capacity; or~~
- 6 ~~(3) request access to personal accounts or services when a student:~~
- 7 ~~(A) Seeks employment at the institution and the employer requires a~~
- 8 ~~background check for the position in question;~~
- 9 ~~(B) is enrolled in a course or program requiring clinical, internship or~~
- 10 ~~residency experiences that require a background check; or~~
- 11 ~~(C) has exhibited high-risk behaviors indicating that there is a risk of~~
- 12 ~~that student causing harm to self or others.~~
- 13 ~~(d) As used in this section:~~
- 14 ~~(1) "Community college" means any community college established~~
- 15 ~~under the laws of this state;~~
- 16 ~~(2) "institute of technology" or "Washburn institute of technology"~~
- 17 ~~means the institute of technology at Washburn university;~~
- 18 ~~(3) "misconduct" means a violation of state or federal laws, or~~
- 19 ~~institution policy;~~
- 20 ~~(4) "municipal university" means Washburn university of Topeka or~~
- 21 ~~any other municipal university established under the laws of this state;~~
- 22 ~~(5) "personal account or service" means an account, service or profile~~
- 23 ~~on an email, social networking website or any other website that is not~~
- 24 ~~owned, provided or maintained by the postsecondary education institution,~~
- 25 ~~and is used by a person for personal communications unrelated to the~~
- 26 ~~business purposes of the public or private postsecondary educational~~
- 27 ~~institution but shall not include a bank or other financial account when the~~
- 28 ~~student has requested direct deposit or other assistance related to financial~~
- 29 ~~aid;~~
- 30 ~~(6) "personal electronic content" means the electronically stored~~
- 31 ~~content of an individual including, but not limited to, pictures, videos,~~
- 32 ~~emails and other data files;~~
- 33 ~~(7) "postsecondary educational institution" means any public~~
- 34 ~~university, municipal university, community college, technical college and~~
- 35 ~~institute of technology, and includes any entity resulting from the~~
- 36 ~~consolidation or affiliation of any two or more of such postsecondary~~
- 37 ~~educational institutions;~~
- 38 ~~(8) "private postsecondary educational institution" has the meaning~~
- 39 ~~ascribed thereto in K.S.A. 2012 Supp. 74-32,163, and amendments thereto;~~
- 40 ~~(9) "prospective student" means an individual who has submitted an~~
- 41 ~~application for admission to the postsecondary educational institution;~~
- 42 ~~(10) "public university" means any state educational institution;~~
- 43 ~~(11) "social networking website" means a privacy-protected internet~~

1 website which allows individuals to construct a public or semi-public
2 profile within a bounded system created by the service, create a list of
3 other users with whom the individual shares a connection within the
4 system, and view and navigate the list of users with whom the individual
5 shares a connection and those lists of users made by others within the
6 system;

7 (12) "state educational institution" means any state educational
8 institution, as defined in K.S.A. 76-711, and amendments thereto; and

9 (13) "technical college" means any technical college established
10 under the laws of this state.

11 Sec. 2. This act shall take effect and be in force from and after its
12 publication in the statute book.

