

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2094

By Committee on Vision 2020

1-24

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 proceeding; **and**

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; **or**

36 (B) electronic devices issued by such institution;

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.