

HB 1200 – AS AMENDED BY THE SENATE

12Mar2014... 0584h
05/08/14 1606s

2014 SESSION

14-2125
04/03

HOUSE BILL ***1200***

AN ACT relative to access to social media by educational institutions.

SPONSORS: Rep. K. Rogers, Merr 28; Rep. P. Sullivan, Hills 10; Sen. Soucy, Dist 18

COMMITTEE: Education

AMENDED ANALYSIS

This bill regulates social media policies established by educational institutions.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to access to social media by educational institutions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; State College and University System; Social Media Policy. Amend RSA 187-
2 A by inserting after section 42 the following new subdivision:

3 Social Media Policy

4 187-A:43 Social Media Policy.

5 I. No educational institution shall adopt a policy to:

6 (a) Require or request a student or prospective student to disclose or to provide access to
7 a personal social media account through the student's or prospective student's user name, password,
8 or other means of authentication that provides access.

9 (b) Require or request a student or prospective student to access a personal social media
10 account in the presence of any employee of the educational institution in a manner that enables the
11 employee to observe the contents of the personal social media account.

12 (c) Compel a student or prospective student to add anyone to his or her list of contacts
13 associated with a personal social media account or require, request, suggest, or cause a student or
14 prospective student to change the privacy settings associated with a personal social media account.

15 (d) Take, or threaten to take any action against a student or prospective student to
16 discipline or prohibit such student or prospective student from participation in curricular or
17 extracurricular activities for refusal to disclose information or to take actions specified in
18 subparagraphs (a)-(c).

19 (e) Fail or refuse to admit a prospective student as a result of the refusal by the
20 prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

21 II. Nothing in this subdivision shall prohibit an educational institution from adopting a
22 policy which permits:

23 (a) Conducting an investigation, without requiring or requesting access to a personal
24 social media account through username, password, or other means of authentication, for the purpose
25 of ensuring compliance with applicable law or school policies against student misconduct based on
26 the receipt of specific information about activity associated with a student's social media account.

27 (b) Conducting an investigation pursuant to subparagraph (a) that requires the student
28 to share specific content on a personal social media account with the school or school district in order

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1 for the educational institution to make a factual determination about that content. Student
2 cooperation required under this subparagraph shall not include requiring the student to disclose his
3 or her user name, password, or other means of authentication in order to provide access to the
4 student’s personal social media account to the educational institution.

5 (c) Revoking a student’s access, in whole or in part, to equipment or computer networks
6 owned or operated by the educational institution.

7 III. This subdivision shall not apply to personal social media accounts that are created or
8 provided by the educational institution if the student has been provided advance notice that the
9 account may be monitored at any time by employees of the educational institution.

10 IV. In this subdivision, “educational institution” means a public college, community college,
11 or university that offers students, participants, or trainees an organized course of study or training
12 that is academic, technical, or vocational. “Educational institution” shall not include kindergarten,
13 elementary, or secondary school.

14 2 Effective Date. This act shall take effect 60 days after its passage.