

CHAPTER 270
HB 142 – FINAL VERSION

4Mar2015... 0424h
04/30/2015 1357s
04/30/2015 1504s
04/30/2015 1511s
24June2015... 2185CofC
24June2015... 2355EBA

2015 SESSION

15-0091
04/01

HOUSE BILL ***142***

AN ACT relative to student social media policies by educational institutions and nonpublic sessions under the right-to-know law.

SPONSORS: Rep. Rogers, Merr 28; Rep. Cushing, Rock 21; Rep. Boehm, Hills 20

COMMITTEE: Education

AMENDED ANALYSIS

I. Specifies permissible conduct by an educational institution regarding access to a student's social media account.

II. Allows a school board to consider certain contracts in nonpublic session under the right-to-know law under certain circumstances.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT relative to student social media policies by educational institutions and nonpublic sessions under the right-to-know law.

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

1 270:1 New Subdivision; Educational Institution Policies on Social Media. Amend RSA 189 by
2 inserting after section 69 the following new subdivision:

3 Educational Institution Policies on Social Media

4 189:70 Educational Institution Policies on Social Media.

5 I. An educational institution shall not:

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 co-curricular 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 educational institution's policies against student

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1 misconduct based on the receipt of specific information about activity associated with a student's
2 social media account. In the case of a minor, the educational institution may request the student's
3 parent or guardian to provide specific data from the student's social media account.

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

6 (c) Monitoring the usage of the educational institution's computer network.

7 (d) Requesting a student voluntarily share a printed copy of a specific communication
8 from the student's social media account that is relevant to an ongoing investigation.

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

12 IV. In this section:

13 (a) "Educational institution" means a public or private school, college, university, or
14 other institution that offers students, participants, or trainees an organized course of study or
15 training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for
16 employment. "Educational institution" shall not include a military school.

17 (b) "Social media account" means an account, service, or profile on a social networking
18 website that is used by a current or prospective student primarily for personal communications.
19 This definition shall not apply to an account opened or provided by an educational institution and
20 intended to be used solely on behalf of the educational institution.

21 270:2 New Subparagraph; Right-to-Know; Nonpublic Sessions. Amend RSA 91-A:3, II by
22 inserting after subparagraph (j) the following new subparagraph:

23 (k) Consideration by a school board of entering into a student or pupil tuition contract
24 authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or
25 parties whose interests are adverse to those of the general public or the school district that is
26 considering a contract, including any meeting between the school boards, or committees thereof,
27 involved in the negotiations. A contract negotiated by a school board shall be made public prior to its
28 consideration for approval by a school district, together with minutes of all meetings held in
29 nonpublic session, any proposals or records related to the contract, and any proposal or records
30 involving a school district that did not become a party to the contract, shall be made public.
31 Approval of a contract by a school district shall occur only at a meeting open to the public at which,
32 or after which, the public has had an opportunity to participate.

33 270:3 Effective Date.

34 I. Section 2 of this act shall take effect September 1, 2015.

35 II. The remainder of this act shall take effect 60 days after its passage.

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- 1 Approved: Enacted in accordance with Part II, Article 44, of N.H. Constitution, without signature of
2 the governor, July 21, 2015.
- 3 Effective Date: I. Section 2 shall take effect September 1, 2015
- 4 II. Remainder shall take effect September 19, 2015