

**HOUSE BILL NO. 285**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-NINTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES JOSEPHSON, Kito**

**Introduced: 1/29/16**

**Referred: Education, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to schools, school districts, correspondence programs, private schools,**  
2 **and the employees of those schools, districts, and programs; relating to student social**  
3 **media privacy; relating to postsecondary educational institutions; and providing for an**  
4 **effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **\* Section 1.** AS 14.03 is amended by adding a new section to read:

7 **Sec. 14.03.117. Student personal social media accounts.** (a) Except as  
8 provided in (b) and (d) - (h) of this section, an education program or an employee of  
9 an education program may not require, request, coerce, or compel a student to

10 (1) disclose the student's username, password, or other means of  
11 authentication for the student's personal social media account;

12 (2) provide access to the student's personal social media account  
13 through the student's username, password, or other means of authentication;

14 (3) access the student's personal social media account in the presence

1 of an employee in a manner that enables the employee to observe the contents of the  
2 account;

3 (4) add a person, including an employee, to the list of contacts  
4 associated with the student's personal social media account; or

5 (5) change the settings that affect a third party's ability to view the  
6 contents of the student's personal social media account.

7 (b) An employee of an education program may request a student to take an  
8 action described in (a)(3) or (4) of this section if the employee is a family member or  
9 friend of the student. For the purposes of this subsection, if the employee is a friend of  
10 the student, the friendship must exist before the employee makes a request authorized  
11 under this subsection.

12 (c) An education program or an employee of an education program may not  
13 discipline or penalize a student or prohibit a student from participating in a school  
14 activity for refusing to comply with a requirement, request, or attempt to coerce or  
15 compel a student to take an action described under (a) of this section.

16 (d) If an education program or an employee of an education program  
17 inadvertently receives the username, password, or other means of authentication for a  
18 student's personal social media account through the use of an otherwise lawful virus  
19 scan or firewall that monitors the education program's network or electronic devices  
20 provided by the education program, the education program is not liable for damages in  
21 a civil proceeding or subject to criminal prosecution for receiving the information. The  
22 education program or employee may not use the information received under this  
23 subsection to access a student's social media account and may not share the  
24 information. The education program or employee shall delete the information as soon  
25 as reasonably practicable.

26 (e) Nothing in this section prohibits an education program or an employee of  
27 an education program from obtaining access to publicly available information about a  
28 student.

29 (f) An education program or an employee of an education program may  
30 request or require that a student share specific, identifiable data or information that has  
31 been reported to the education program or employee as long as

1 (1) the education program or employee does not take an action  
2 described under (a) or (c) of this section; and

3 (2) the request or requirement is for the purpose of

4 (A) ensuring compliance with applicable laws or regulations; or

5 (B) investigating an allegation, based on specific information  
6 received by the education program or employee, that the student unlawfully  
7 harassed or bullied another student.

8 (g) An education program or an employee of an education program may  
9 prohibit a student from accessing or using a personal social media account during  
10 school hours or while on the property of the education program.

11 (h) An education program or an employee of an education program who  
12 violates this section is liable in a civil action for actual damages, including mental pain  
13 and suffering, and equitable relief, plus costs and reasonable attorney fees, to a person  
14 injured by the education program's or employee's action.

15 (i) An employee of an education program who violates this section may be  
16 subject to disciplinary proceedings and punishment. For employees who are  
17 represented under the terms of a collective bargaining agreement, this section controls  
18 except where this section conflicts with the terms of the collective bargaining  
19 agreement.

20 (j) In this section,

21 (1) "education program" includes a school, school district, school  
22 board, postsecondary educational institution in the state, and correspondence program  
23 offered by a school, school district, or postsecondary educational institution in the  
24 state;

25 (2) "employee" means a full-time or part-time employee, contractor,  
26 intern, or volunteer of an education program or a full-time or part-time member,  
27 employee, contractor, intern, or volunteer of the governing body of an education  
28 program;

29 (3) "family member" means the spouse, guardian, parent, stepparent,  
30 sibling, stepsibling, grandparent, step-grandparent, child, uncle, or aunt of a student;

31 (4) "friend" means a person with whom a student has a mutual,

1 amicable relationship;

2 (5) "personal social media account" means an account with a provider  
3 of electronic communication services in which a user may create, share, and view  
4 user-generated content, including uploading or downloading videos or photographs,  
5 blogs, video blogs, podcasts, messages, electronic mail, or Internet website profiles or  
6 locations; a personal social media account does not include an account

7 (A) opened at the request of an education program or an  
8 employee of an education program;

9 (B) provided by an education program; or

10 (C) intended to be used solely on behalf of an education  
11 program;

12 (6) "postsecondary educational institution" has the meaning given in  
13 AS 14.48.210;

14 (7) "school district" has the meaning given in AS 14.30.350;

15 (8) "student" means a current or prospective student or participant,  
16 whether full-time or part-time, in an organized course of study at an education  
17 program;

18 (9) "username" means a series of characters used to identify a person  
19 to allow access to a personal social media account.

20 \* **Sec. 2.** AS 14.45.100(a) is amended to read:

21 (a) Except as provided in (b) of this section, a religious or other private school  
22 that complies with AS 14.45.100 - 14.45.130 is exempt from other provisions of law  
23 and regulations relating to education except **the provisions of AS 14.03.117 and** law  
24 and regulations relating to physical health, fire safety, sanitation, immunization, and  
25 physical examinations.

26 \* **Sec. 3.** AS 14.48.060(b) is amended to read:

27 (b) A postsecondary educational institution must be maintained and operated,  
28 or, in the case of a new institution, must demonstrate that it can be maintained and  
29 operated, so that

30 (1) the quality and content of each course or program of instruction,  
31 training, or study are such as may reasonably and adequately achieve the stated

1 objective for which the course or program is offered;

2 (2) the institution has or has access to adequate space, equipment,  
3 instructional materials, and personnel where applicable to achieve the stated objective  
4 of the course or program of study and to provide education of good quality;

5 (3) the education or experience qualifications of directors,  
6 administrators, supervisors, and instructors are such as may reasonably ensure that the  
7 students will receive education consistent with the objectives of the course or program  
8 of study;

9 (4) the institution provides a catalog or brochure containing  
10 information describing the programs offered, program objectives, length of program,  
11 schedule of tuition, fees, and all other charges and expenses necessary for completion  
12 of the course of study, cancellation and refund policies, and other material facts  
13 concerning the institution and the program or course of instruction that are reasonably  
14 likely to affect the decision of the student to enroll, together with any other disclosures  
15 specified by the commission by regulation; and that this information is provided to  
16 prospective students before enrollment;

17 (5) upon satisfactory completion of training, the student is given  
18 appropriate educational credentials by the institution, indicating that the course of  
19 instruction or study has been satisfactorily completed by the student;

20 (6) adequate records are maintained by the institution to show  
21 attendance, progress, or grades, and that satisfactory standards are enforced relating to  
22 attendance, progress, and performance;

23 (7) the institution is maintained and operated in compliance with all  
24 pertinent ordinances and laws relating to the safety and health of persons on the  
25 premises of the institution;

26 (8) the institution is financially sound and capable of fulfilling its  
27 commitments to students;

28 (9) neither the institution nor its agents engage in advertising, sales,  
29 collection, credit, or other practices that [WHICH] are false, deceptive, misleading, or  
30 unfair;

31 (10) the chief executive officer, trustees, directors, owners,

1 administrators, supervisors, staff, and instructors of the institution are of good  
 2 reputation and character and have not been convicted of a violation of AS 14.48.020  
 3 or 14.48.150 or AS 45.50.471 - 45.50.561 or a comparable law in another state or  
 4 province;

5 (11) the student housing owned, maintained, or approved by the  
 6 institution is appropriate, safe, and adequate;

7 (12) the institution has a fair and equitable cancellation and refund  
 8 policy;

9 (13) the charges set by the institution for tuition, fees, books, and  
 10 supplies are fair and equitable; [AND]

11 (14) the institution accepts military education, training, or service  
 12 credit or hours toward a degree or technical program offered by the institution if

13 (A) the institution otherwise accepts transfer credits or hours;

14 and

15 (B) the credit or hours transfer process meets the requirements  
 16 of the accrediting body of the institution or the commission; **and**

17 **(15) the institution has adopted policies that protect student and**  
 18 **prospective student privacy related to personal social media accounts; the**  
 19 **policies required under this paragraph must be consistent with AS 14.03.117.**

20 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).