

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/SB 422aa

51st Legislature, 1st Session, 2013

Tracking Number: .194062.1

Short Title: No College Requests for Student Social Media

Sponsor(s): Senator Jacob R. Candelaria and Other

Analyst: Travis Dulany

Date: March 20, 2013

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE BILL 422

AS AMENDED

The House Education Committee amendment corrects a typographical error on page 2, line 12, by replacing the word “refual” with “refusal.”

The Senate Floor Amendment replaces the terms “higher education” with “post-secondary education.”

Original Bill Summary:

CS/SB 422 makes it unlawful for a public or private postsecondary institution to:

- request or require social networking account passwords from students, applicants, or potential applicants;
- deny admission to an applicant or potential applicant for admission on the basis of the applicant’s or potential applicant’s refusal to provide an agent of a postsecondary institution access to the applicant’s or potential applicant’s account or profile on a social media networking site; and
- take disciplinary action against a student for the student’s refusal to grant access to an agent of the postsecondary educational institution to the student’s account or profile on a social media networking site.

Furthermore, the bill specifies that nothing in the provisions of the bill prohibits postsecondary institutions from obtaining information that is in the public domain about a student, applicant, or potential applicant for admission.

Finally, CS/SB 422 defines *social networking web site* to mean “an internet-based service that allows individuals to:

- construct a public or semi-public profile within a bounded system created by the service;
- create a list of other users with whom they share a connection within the system; and
- view and navigate their list of connections and those made by others within the system.”

Fiscal Impact:

CS/SB 422 does not contain an appropriation.

Substantive Issues:

According to the National Conference of State Legislatures, at least four states – California, Delaware, Michigan, and New Jersey – have enacted laws prohibiting academic institutions from requesting personal social media information from applicants or students. Many other states have laws that prohibit employers from requesting such information from potential or current employees.

Based on survey data from Kaplan Test Prep, an increasing number of colleges and universities are using social networking sites to learn more about applicants. Whereas only 10 percent of admissions officers surveyed in 2008 responded that they used social networks in order to find out more about college and university applicants, the most recent survey in 2012 noted that 27 percent of admissions officers had visited applicants' social networking profiles.

Based on additional 2012 data from Kaplan Test Prep:

- 15 percent of graduate school admissions officers had visited social networking pages of graduate school applicants; and
- 36 percent of law school admissions officers had visited social networking pages for law school applicants.

Technical Issues:

Page 2, line 12 refers to the “student’s refusal.” This appears to be a typographical error intending to use the words “student’s *refusal*.” The sponsor may wish to amend the bill to correct this error.

Subsections “B” and “C” refer to the “social media networking site,” whereas other subsections, including the subsection defining the term, refer to the “social networking *web* site.” The sponsor may wish to amend the bill for consistency with regard to this term.

Committee Referrals:

SEC/SJC/HEC

Related Bills:

SB 371aa *No Social Media Access for Employers*