

2022 -- S 2436

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LC005208  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- STUDENT COMPUTER DEVICE PRIVACY

Introduced By: Senators Seveney, DiMario, Valverde, and DiPalma

Date Introduced: March 01, 2022

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by  
2 adding thereto the following chapter:

3 CHAPTER 112

4 STUDENT COMPUTER DEVICE PRIVACY

5 **16-112-1. Definitions.**

6 As used in this chapter, the following words and terms shall have the following meanings:

7 (1) "De-identified" means data from which all personally-identifiable information has been  
8 removed.

9 (2) "Educational institution" or "school" means any public institution that offers  
10 participants, students, or trainees an organized course of study or training that is academic, trade  
11 oriented or preparatory for gainful employment in a recognized occupation and shall include any  
12 person acting as an agent of the institution.

13 (3) "Institutional device" means any computing device, including a computer, laptop,  
14 tablet, smartphone or other electronic device owned or maintained by the educational institution or  
15 school district and provided to a student for educational use.

16 (4) "Location data" means records of a global positioning service or other precise location  
17 data either recorded historically or in real time.

18 (5) "Personal device" means any computing device, including a computer, laptop, tablet,  
19 smartphone or other electronic device provided by the end user for educational use.

1 (6) "School district" means any local education agency and shall include any person acting  
2 as an agent of the agency.

3 (7) "Student" means any student, participant, or trainee, whether full-time or part-time, in  
4 an organized course of study at an educational institution.

5 **16-112-2. Restricted access to audio and video functions.**

6 (a) No educational institution or school district shall activate or access, or allow a third  
7 party to activate or access, any audio or video receiving, transmitting, or recording functions on a  
8 student's institutional device or personal device, unless:

9 (1) A student initiates the activation for educational purposes and access is limited to that  
10 purpose;

11 (2) The activation or access is ordered pursuant to a judicial warrant; or

12 (3) The activation or access is necessary in response to an imminent threat to life or safety  
13 and is limited to that purpose.

14 (b) Within seventy-two (72) hours of activating or accessing, or allowing third party  
15 activation or access to, the audio or video receiving, transmitting, or recording functions on a  
16 student's institutional device or personal device pursuant to subsection (a)(3) of this section, the  
17 educational institution or school district shall provide the student and their parent or legal guardian  
18 with a written explanation of the precise threat that prompted the access and the data and features  
19 that were activated or accessed.

20 **16-112-3. Restricted access to location data.**

21 (a) No educational institution or school district may access or use location data for tracking  
22 a student's institutional device or personal device, or allow a third party to do so, unless:

23 (1) Such access or use is ordered pursuant to a judicial warrant;

24 (2) The student to whom the institutional device was provided, or their parent or legal  
25 guardian, has notified the educational institution or school district in writing that the institutional  
26 device is missing or stolen, or the device has not been returned when required for inventory  
27 purposes;

28 (3) The access or use is necessary in response to an imminent threat to life or safety and is  
29 limited to that purpose; or

30 (4) The data is retrieved in a de-identified manner and is used only to determine whether  
31 the device is on-site or off-site.

32 (b) Within seventy-two (72) hours of accessing or using, or allowing a third party to access  
33 or use, the location data for a student's institutional device or personal device pursuant to subsection  
34 (a)(3) of this section, the educational institution or school district shall provide the student and their

1 parent or legal guardian with a written explanation of the precise threat that prompted the access or  
2 use and the data and features that were accessed or used.

3 **16-112-4. Authority to adopt policies.**

4 School districts shall have the authority to adopt policies to further implement this chapter.

5 **16-112-5. Penalties.**

6 (a) In any civil action alleging a violation of this chapter, the court may:

7 (1) Award to a prevailing applicant or student, declaratory relief, damages, and reasonable  
8 attorneys' fees and costs; and

9 (2) Award injunctive relief against any school or agent of any educational institution that  
10 commits or proposes to commit a violation of this chapter.

11 (b) The rights provided a parent or legal guardian under this chapter shall accrue to any  
12 student who is eighteen (18) years of age or older.

13 SECTION 2. This act shall take effect on August 1, 2022.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO EDUCATION -- STUDENT COMPUTER DEVICE PRIVACY

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1           This act would establish student privacy rights with regard to institutional or personal  
2 technology devices and would establish the process and criteria that school officials must follow to  
3 access a student's technology device. The act would also provide penalties for failure to follow the  
4 restrictions in the form of a civil action and/or injunctive relief.

5           This act would take effect on August 1, 2022.

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