

A Law Proposal in Rhode Island Will Allow A School or School District to Access A Student’s Personal Device

This is the Bill

2024 -- H 7046

LC003795

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO EDUCATION -- STUDENT COMPUTER DEVICE PRIVACY

Is This Privacy? Below is Definition #5 on Page 1

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

This Part Right here is a BIG "or" - the end user becomes the student the device becomes anything used for school.

Page 3 says this about access to precise location data

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

This activity is not necessary for a device that is NOT School Property!

Contact your local State Representative and tell them to HOLD House Bill 7046.

Find your Representative here: <https://www.rilegislature.gov/representatives/default.aspx>

RI House Bill 7046 will allow a public school or a third party to access a student's personal device.

5 16-114-2. Restricted access to audio and video functions.

6 (a) No educational institution or school district shall activate or access, or request a third
7 party, other than a student's parent or legal guardian, to activate or access, any audio or video
8 receiving, transmitting, or recording functions on a student's institutional device or personal device,

9 unless:

These are the 3 instances when a School or third party may access a student's personal device (from page 2):

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

11 purpose:

What if religious or other education?

12 (2) The activation and/or access is ordered pursuant to a judicial warrant; or

13 (3) Activation and/or access is deemed reasonably necessary in order to respond to a

14 suspected imminent threat to life or safety and is limited to that purpose.

There should be a definition or more details to clarify reason (3).

Every time a student's device is accessed the public school or district must (from page 2):

#1

19 provide to the student and their parent or legal guardian a written explanation of the precise threat

#2

20 that prompted the access and the data and features that were activated and/or accessed.

Within 72 hours of accessing a device the third party must provide the information above to the public school. Once the information is received by the public school the information must be forwarded to the student and parent within 72 hours. (subsections (c) and (d) on page 2.)

It will take 5 to 6 days for a student and parent to receive a notice in writing explaining the access / activation for surveillance.

Students and Parents deserve better. Contact your State Representative and tell them to HOLD House Bill 7046, because a student device privacy bill should place students and parents first!

RI House Bill 7046 called “Student Computer Device Privacy” is a dangerous bill to pass as written.

Why???

Because: The bill language includes the personal devices of students and... provides **3** reasons a public school may use to access the:

★ **Audio** ★ **Visual** ★ **Microphone** ★ **Messaging &** ★ **Location** info. of a device.

2 of the 3 reasons listed in the bill are **NOT CLEAR** enough to justify access.

Plus ... students and parents may wait up to **6** Days to receive a written notice after their electronic device is accessed / activated for surveillance.

The section below on page 3, allows school districts to go further.

16 16-114-4. Authority to adopt policies.

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

Today, the largest School District in Rhode Island disregards the concerns of students and parents!

How can parents trust a law with all these gaps if:

#1 The bill allowing law enforcement agencies to access electronic data without a warrant was introduced for the past three years. **House Bill 5296 in 2023**

#2 The bill that would **NOT** allow the interrogation of a minor to occur without the presence or knowledge of the parent or guardian was held in Committee last year. **House Bill 5221**

Students and Parents deserve better. **Our Communities Deserve Better!** Contact your House Representative and tell them to hold House Bill 7046 because a student privacy bill should place students and parents first!