

2022 -- H 7563

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LC004240
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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

Introduced By: Representatives Speakman, Ajello, Morales, Carson, Cortvriend, and
Cassar

Date Introduced: February 18, 2022

Referred To: House Innovation, Internet, & Technology

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 For the purpose of this chapter the following words and phrases are construed as follows:

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

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

14 (3) "Location data" means records of global positioning service or other precise location
15 data either recorded historically or in real time.

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

18 (5) "School district" means any local education agency and shall include any person acting
19 as an agent of the agency.

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

3 **16-112-2. Restricted access to audio and video functions.**

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

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

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

10 (3) Activation and/or access is necessary in response to an imminent threat to life or safety
11 and is limited to that purpose.

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

18 **16-112-3. Restricted access to location data.**

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

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

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

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

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

30 (b) Within seventy-two (72) hours of accessing or using, or allowing a third party to access
31 or use, the location data for a student's institutional device or personal device pursuant to subsection
32 (a)(3) of this section, the educational institution or school district shall provide to the student and
33 their parent or legal guardian a written explanation of the precise threat that prompted the access
34 or use and the data and features that were accessed or used.

1 **16-112-4. Authority to adopt policies.**

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

3 **16-112-5. Penalties.**

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

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION

1 This act would prohibit an educational institution or school district from accessing any
2 audio or video recording, transmitting or recording function on a student's institutional or personal
3 device or using location data for tracking a student's institutional device or personal device, or allow
4 a third party to do so, except in limited circumstances.

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

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