It is enacted by the General Assembly as follows:

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

CHAPTER 112

STUDENT COMPUTER DEVICE PRIVACY

16-112-1. Definitions.

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

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

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

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

4. "Location data" means records of global positioning system or other precise location data either recorded historically or in real time.

5. "Personal device" means any computing device, including computer, laptop, tablet, smartphone or other electronic device provided by the end user being used for educational purposes.
(6) "School district" means any local education agency and shall include any person acting as an agent of the agency.

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

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

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

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

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

(3) Activation and/or access is deemed reasonably necessary in order to respond to a suspected imminent threat to life or safety and is limited to that purpose.

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

(c) No third party, other than a student's parent or legal guardian, shall activate or access any audio or video receiving, transmitting, or recording functions on a student's institutional device or personal device for any reason other than those provided in subsection (a) of this section. Within seventy-two (72) hours of activating and/or accessing such functions pursuant to subsection (a)(3) of this section, the third party shall provide to the educational institution or school district a written explanation of the precise threat that prompted the access and the data and features that were activated and/or accessed.

(d) Within seventy-two (72) hours of receiving information pursuant to subsection (c) of this section, the educational institution or school district shall forward the explanation to the student and their parent or legal guardian.

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

(a) No educational institution or school district may access or use location data for tracking a student's institutional device or personal device, or request a third party other than a student's parent or legal guardian, to do so, unless:
(1) Such access or use is ordered pursuant to a judicial warrant;

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

(3) The access or use is deemed reasonably necessary in order to respond to a suspected imminent threat to life or safety and is limited to that purpose; or

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

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

16-112-4. Authority to adopt policies.

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

16-112-5. Penalties.

(a) In any civil action alleging a violation or proposed violation of this chapter, the court may award to a prevailing plaintiff appropriate injunctive and declaratory relief, damages, and reasonable attorneys' fees and costs.

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

SECTION 2. This act shall take effect on August 1, 2022.
This act would prohibit an educational institution or school district from accessing any audio or video recording, transmitting or recording function on a student's institutional or personal device or using location data for tracking a student's institutional device or personal device, or allow a third party to do so, except in limited circumstances.

This act would take effect on August 1, 2022.