



Legislative Testimony

765 Asylum Avenue
Hartford, Connecticut 06105
860.523.9146 (T)
www.acluct.org
info@acluct.org

Written Testimony Supporting House Bill 7154, An Act Concerning Students' Right to Privacy in Their Personal Mobile Electronics Devices

Senator Slossberg, Senator Boucher, Representative Fleischmann, and distinguished members of the Education Committee:

My name is Meghan Smith, and I am the communications director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of House Bill 7154, which would protect students' data from unlawful searches.

The ACLU of Connecticut strongly supports liberty and justice for all. This includes the right to privacy and freedom from baseless searches of one's personal information. Students do not check their rights at the schoolhouse door. Requiring a student to sacrifice his or her constitutional right to privacy in order to obtain equal access to education is not only wrong; it is unworthy of a twenty-first century educational system.

Today's schools and students must navigate technology in myriad ways: through school-owned devices in school and at home; through personal devices during lunch or other breaks; through educational apps from third-party companies; and more. Each form of technology presents an opportunity to prepare Connecticut's kids for the future. Each also presents privacy concerns if the data that they collect is not secure, or if they are used as another on-ramp for the school-to-prison pipeline. We therefore applaud the committee for taking up the issue of student privacy. By prohibiting unlawful searches of students' electronic devices, HB 7154 helps to protect students' constitutional rights.

Protecting students from suspicionless searches will prevent schools from searching students' devices without reason. Access to a young person's cellphone, tablet, or laptop means access to their private worlds. These devices are like backpacks, if backpacks contained every note a child had passed to a friend, every photo they had taken, every phone call they had made to their parents, and more. Before searching an actual backpack, however, school officials are required to have specific, reasonable suspicion that a student has broken the law or a school rule. Connecticut law should keep up with technology by holding students' electronic devices to the same standard.

Right now, however, Connecticut schools have a patchwork of unequal privacy policies. West Haven High School, for instance, states that students' "electronic devices may be searched as part of any school investigation," and that its more than 1,800 students "should have no expectation of privacy as to any images, messages, or other files such devices may contain." Other school districts have flawed policies that purport to give school administrators the ability to

demand students' passwords for private personal devices without cause. These are grave violations of students' privacy rights.

Preventing schools from conducting suspicionless searches of students' devices would not only uphold students' privacy and Fourth Amendment right to freedom from unreasonable search and seizure; it could also decrease the chance that a student enters the criminal justice system and help to avoid racial disparities in school discipline.

In 2016, statewide data from the State Department of Education found that Black and Latino boys and girls were more likely to be suspended or expelled from school, and that white students received less severe punishments when they were suspended or expelled. The majority of suspensions and expulsions overall were for non-violent school policy violations. Similarly, in 2013, Connecticut Voices for Children found that 2,214 Connecticut students were arrested at school, and arrest rates were higher among minority, special education, and low-income students. Nearly one in ten students was arrested for a non-violent violation of school policy, such as using profanity.

Without protections in place, one could easily imagine a school administrator conducting random searches of students' cellphones and finding profane language or another school policy violation. Even if that discovery only led to a suspension or expulsion, rather than arrest, evidence has shown time and again that days away from school due to disciplinary action increase a child's risk of entering the criminal justice system later in life. Such potentially life-altering consequences should, at the very least, be based on reasonable suspicion, not random acts of intrusion.

For these reasons, I encourage you to support House Bill 7154.