



General Assembly

February Session, 2018

Raised Bill No. 5170

LCO No. 1270



Referred to Committee on EDUCATION

Introduced by:
(ED)

***AN ACT CONCERNING STUDENTS' RIGHT TO PRIVACY IN THEIR
MOBILE ELECTRONIC DEVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2018*) (a) As used in this section:
- 2 (1) "Mobile electronic device" means any hand-held or other
3 portable electronic equipment capable of providing data
4 communication between two or more individuals, including, but not
5 limited to, a mobile telephone, as defined in section 14-296aa of the
6 general statutes, a text messaging device, a paging device, a personal
7 digital assistant, a laptop computer, equipment that is capable of
8 playing a video game or a digital video disk or equipment on which
9 digital images are taken or transmitted; and
- 10 (2) "School employee" means: (A) A teacher, substitute teacher,
11 school administrator, school superintendent, guidance counselor,
12 school counselor, psychologist, social worker, nurse, physician, school
13 paraprofessional or coach employed by a local or regional board of
14 education or working in a public or private elementary, middle or high

15 school; or (B) any other person who, in the performance of his or her
16 duties, has regular contact with students and who provides services to
17 or on behalf of students enrolled in a public elementary, middle or
18 high school, pursuant to a contract with the local or regional board of
19 education.

20 (b) No school employee may take custody of a student's mobile
21 electronic device for purposes of accessing any data or other content
22 stored upon or accessible from such device, or compel a student to
23 produce, display, share or provide access to any data or other content
24 stored upon or accessible from such device, except a school employee
25 may take custody of a student's mobile electronic device if (1) such
26 device is located on school property, and (2) the school employee has a
27 reasonable suspicion that a student (A) has violated or is violating an
28 educational policy and that such device contains evidence of the
29 suspected violation, or (B) poses a risk of imminent personal injury to
30 such student or others. Upon taking custody of a student's mobile
31 electronic device, the school employee shall immediately turn over
32 such device to a school administrator.

33 (c) A school administrator may conduct a search of a student's
34 mobile electronic device taken pursuant to subsection (b) of this
35 section. Any such search shall (1) be strictly limited to finding evidence
36 of the suspected policy violation or to prevent imminent personal
37 injury to such student or others, and (2) immediately cease upon (A)
38 finding sufficient evidence or no evidence of the suspected violation,
39 or (B) preventing such imminent personal injury to such student or
40 others.

41 (d) A school employee who has taken custody of and turned over a
42 mobile electronic device pursuant to subsection (b) of this section shall
43 immediately submit a written report to the principal that explains the
44 reasonable suspicion that gave rise to such school employee taking
45 custody of such device and to whom such device was turned over to
46 after taking custody of such device.

47 (e) Not later than twenty-four hours after the completion of the
48 search pursuant to subsection (b) of this section, the principal shall
49 notify the student and the parent or guardian of the student of the
50 suspected violation and what data, if any, was accessed from such
51 device during the search of such device, and provide a copy of the
52 report explaining the reasonable suspicion that gave rise to the search.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	New section

Statement of Purpose:

To prohibit a school employee from taking custody of or searching a student's mobile electronic device except in certain circumstances.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]