



General Assembly

Substitute Bill No. 5170

February Session, 2018



**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 disc or equipment on which
9 digital images are taken or transmitted;
- 10 (2) "School employee" means: (A) A teacher, substitute teacher,
11 administrator, school superintendent, guidance counselor, school
12 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 (3) "School-sponsored activity" means any activity sponsored,
21 recognized or authorized by a board of education and includes
22 activities conducted on or off school property; and

23 (4) "Administrator" has the same meaning as provided in section 10-
24 144e of the general statutes.

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

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

46 (d) A school employee who has taken custody of and turned over a
47 mobile electronic device pursuant to subsection (b) of this section shall
48 immediately submit a written report to the principal that explains the
49 reasonable suspicion that gave rise to such school employee taking

50 custody of such device and to whom such device was turned over to
51 after taking custody of such device.

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

58 (f) For the school year commencing July 1, 2018, and each school
59 year thereafter, each local and regional board of education shall
60 include the requirements of this section in the publication of the rules,
61 procedures and standards of conduct for the school district and in all
62 student handbooks.

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

Statement of Legislative Commissioners:

In Section 1(a), a definition of "administrator" was added for clarity.

ED *Joint Favorable Subst.*