

**Proposed Substitute  
Bill No. 5170**

LCO No. 3050

**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 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; and

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.

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

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

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

51 (e) Not later than twenty-four hours after the completion of the

52 search pursuant to subsection (b) of this section, the principal shall  
53 notify the student and the parent or guardian of the student of the  
54 suspected violation and what data, if any, was accessed from such  
55 device during the search of such device, and provide a copy of the  
56 report explaining the reasonable suspicion that gave rise to the search.

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

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