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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 21 – H 5700, AN ACT RELATING TO EDUCATION – STUDENT PRIVACY ON SCHOOL-OWNED TECHNOLOGY March 29, 2021

The ACLU of Rhode Island is very appreciative of the opportunity to provide testimony in support of this critical bill which would aim to provide comprehensive privacy protections for students using school-loaned computers. Though this legislation has always been necessary – as students currently rely on a patchwork of protections which differ simply depending on the district that they happen to be a student in – its importance has only been reinforced by the past year of virtual learning due to the COVID-19 pandemic.

Our affiliate has been focused on protecting student data and school-loaned computer privacy for years. In 2017, we released a report which indicated that most districts allow school officials to access a vast array of student information and remotely access their computers, including the camera or microphone, with no warning, putting the privacy of students and their families at risk. Unfortunately, our most recent student in 2020 indicated the same. As of last year, **67% of districts** allowed themselves the ability to access the camera or microphone on a school-loaned device at any time. **64% of districts** explicitly advised students that they have no expectation of privacy whatsoever on a school-loaned device. Considering the proportion of education that has occurred within the private home over the past year, these are extraordinarily harmful measures which could facilitate and allow for massive encroachment on student and familial privacy.

We have brought these issues to the attention of local school officials in the past year, but policies among the districts remain far from uniform and still often fail to give sufficient attention to these basic privacy concerns. But families' privacy rights should not vary from community to community, which is why we believe the General Assembly should act to codify strong and comprehensive protections for them. This legislation would do so.

Those devices being loaned to students for school use are given with the express expectation that they will be used in the private home, and, for a majority of the past year, they have been relied upon for nearly all of the academic work being done by students. Some districts in their policies even encourage students – and sometimes their parents – to use the devices for reasonable personal endeavors. Yet, regardless of these school policies, it is inevitable that a large proportion of students – many of whom have not been educated as to what an “expectation of privacy” is – are going to use the laptops to some extent for personal use at home. This could include a whole host of benign behaviors, and it is further likely that, especially with the

perspective of the pandemic, a school-loaned computer that is the only device in a family home may be used for personal activities, such as filing for unemployment or accessing medical information. The activity on these computers has the potential to expose far more information about a student than can be found in their backpack or their locker at school.

For all these reasons, the ACLU supports the passage of H-5700 in order to establish uniform standards for these programs, including restrictions on remote access to the content of these devices or nonconsensual activation of the webcam or microphone for non-academic purposes, and the implementation of protocols for searching the laptops.

The ACLU has been working with a group of school personnel to further update the language to ensure that the bill is relevant to the current technology being used, so we find it important to note that while the concept of the bill being heard today will be the same, we are working on an amended version to address those issues.

Over the past year, we have heard from many parents who have deep concerns about their students' privacy and who have been met by resistance from their school administrators. Passage of a bill on this subject would make Rhode Island a leader in student privacy rights, and it would also clarify and ease the concerns that we know have escalated over the past year about the accessing of private student information. We strongly urge your support for this legislation, and to provide students and families alike with privacy protections that are sorely needed.

Thank you for your consideration.

Submitted by: Hannah Stern, Policy Associate