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ACLU OF RI POSITION: AMEND

TESTIMONY ON 25-S 771, RELATING EDUCATION – HEALTH AND SAFETY OF PUPILS March 26, 2025

This proposed legislation would require every public school district to adopt a policy regarding the use of personal electronic devices on school grounds, including a prohibition on physical access to the device during the day. While we are aware of the use of locked technology pouches to prevent student access to their cell phones, the ACLU of Rhode Island requests that this bill be amended to include privacy protections prohibiting searches of those cell phones – or any other electronic devices covered by the bill – by school officials if the devices are kept in the school’s possession during the day and not with the student in a locked pouch.

As technology has evolved and advanced, so has the amount of data and information stored on a student’s cell phone. As the Supreme Court of the United States has noted, cell phone owners “keep on their person a digital record of nearly every aspect of their lives – from the mundane to the intimate.”¹ In *New Jersey v. T.L.O.*, the Supreme Court found that students have legitimate expectations of privacy in the school setting, and that they and their belongings can only be subject to searches based on reasonable suspicion that the student has violated school rules or the law and there is reason to believe that evidence of the violation will be found through a search.² Thus, the Fourth Amendment does not allow school officials to search student cell phones or similar devices when they have been turned over for safekeeping.

We believe it would be appropriate for this legislation to be amended to codify that principle and ensure that school officials do not read the requirement that students cede physical access of their electronic devices as authority for them to examine the contents of those devices while in the school’s possession.³ We fear some school officials might act otherwise without clear guidance in the law.

We recognize that the intent of this legislation is to reduce distractions to learning. However, we believe that by also codifying protections for student privacy, the bill would help assuage student concerns about handing over these devices for the duration of the school day. Thank you for considering our views.

¹ *Riley v. California*, 573 U.S. 373 (2014).

² *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

³ In addressing this general issue, the committee might also consider further delineating in the bill the circumstances when a search is allowed, including limitations on the scope of any device search where cause exists to only that which is reasonably related to the objective of the search.