

**COMMENTARY ON THE REVIEW OF REMOTE LEARNING BY THE RHODE ISLAND
DEPARTMENT OF EDUCATION, GRADES K-12
June 3, 2020**

The ACLU of Rhode Island appreciates the opportunity to provide commentary on the remote learning process in Rhode Island. We recognize that the facilitation of virtual learning has been an involved and considerable process for both schools and the Rhode Island Department of Education and that an extraordinary amount of work has occurred to ensure that Rhode Island students are still able to access critical educational resources. Our testimony today builds upon a piece of legislation that we testified on earlier in the session and which we believe faces increased urgency with the perspective of the last few months of virtual education.

When we initially testified on H 7509, which would provide a comprehensive set of student privacy policy requirements for school-loaned computer programs, the COVID crisis had yet to escalate and the entirety of students' education was not by necessity taking place exclusively in the home and, in most cases, through a school-loaned device or home computer. However, with the increased reliance on virtual learning, we believe passage of H 7509 this year has become even more essential.

In April, at the outset of virtual learning, we reviewed the privacy policies implemented by each school district and found very little protection of the privacy of students (or their families) through school-loaned devices. 26 districts explicitly noted within their policies that students were afforded no expectation of privacy in their use of the laptops; 24 districts fail to ban remote access to the camera or microphone on a school-loaned device; and 24 districts explicitly maintain the right to monitor all data and content, including files, photos, and web history, on the computer. Throughout the course of virtual education, a majority of students were provided practically no privacy protections while utilizing their school-loaned computers for the entirety of their education.

Although this most prominently places student privacy at risk, this access can additionally jeopardize the privacy rights of a student's family. Some districts encourage families to use the laptops, and, in a family where a student's school-loaned device may be the only computer available, indiscriminate access on the part of the school and district may inadvertently reveal sensitive information relating to a family member's unemployment, medical benefits, or financial information.

Since the implementation of these programs, the ACLU of RI has heard from many parents who felt uncomfortable signing away their child's privacy rights in accepting use of these devices but were given no other option. While we appreciate the substantial and impressive efforts that have gone into ensuring that all students in Rhode Island have access to remote education, it is just as critical that throughout the COVID-19 pandemic and its aftermath, students have the statutory assurance that their privacy will not be compromised in extremely intrusive ways, especially when they are required to utilize such devices and programs to participate in their right to an education. In sum, no school district should claim the right to be able to spy on their students at any time of day or night.

Thank you for your consideration of these important views. For your reference, attached is a survey of school districts' privacy policies governing school-loaned computers.

**DISTRICT SCHOOL-LOANED DEVICE PRIVACY POLICIES
APRIL 2020**

DISTRICT	Policies Explicitly Note No Expectation of Privacy	Policies Do Not Ban Remote Access to Camera and Microphone	School Maintains the Right to Monitor Data and Content
Barrington	X	X*	X
Bristol Warren		X*	X
Burrillville		X	X
Central Falls		X	
Chariho	X		X
Coventry	X	X	X
Cranston	X	X	
Cumberland	X	X	X
East Greenwich		X	X
East Providence	X	X	X
Exeter-West Greenwich^			X
Foster	X	X	X
Foster-Glocester	X	X	X
Glocester		X	X
Jamestown	X(2017)		
Johnston	X	X	X
Lincoln	X	X	X
Little Compton		X	X
Middletown		No response	
Narragansett	X	X	X
New Shoreham	X		
Newport		X*	
North Kingstown	X		
North Providence	X		X
North Smithfield	X		
Pawtucket	X	X	X
Portsmouth	X	X*	X
Providence	X	X	X
Scituate	X		
Smithfield	X		X
South Kingstown^	X		
Tiverton	X	X	X
Warwick	X		
West Warwick	X	X	
Westerly	X	X	X
Woonsocket		X	X
TOTAL	26	24	24

^Exeter-West Greenwich and South Kingstown additionally are the only districts which prohibit remote location tracking of a school-loaned device.

X(2017) indicates that the district has not responded to our recent request and reflects the district's policy as of 2017

* Access to a school-loaned computer's camera, but not microphone, is explicitly banned