



## Student Surveillance Technology Acquisition Standards Act

WHEREAS, the *[Name of Legislative Body]* finds that, over the past several years and especially since the onset of the COVID-19 pandemic, the acquisition and use of student surveillance technologies has grown exponentially.

WHEREAS, the *[Name of Legislative Body]* finds that, in response to numerous high-profile school shootings and other risks to students' health and well-being, parents, teachers, and administrators have prioritized efforts to improve student safety.

WHEREAS, the *[Name of Legislative Body]* finds that a growing number of well-financed companies are using massive promotional budgets to capitalize on these parents', teachers', and administrators' fears to promote the purchase of their student surveillance products.

WHEREAS, the *[Name of Legislative Body]* finds that these companies regularly make claims that their products deter violence and promote student safety without providing any reliable, independent, transparent data or studies that verify the accuracy of their claims.

WHEREAS, the *[Name of Legislative Body]* finds that the acquisition, use, and maintenance of student surveillance technologies and the data therefrom has significant opportunity costs; namely, it diverts financial and organizational resources away from other student safety interventions whose efficacy is better established.

WHEREAS, the *[Name of Legislative Body]* finds that all school community members – including parents, legal guardians, students, faculty, staff, and administrators – should have an opportunity to learn about student surveillance products, examine their efficacy or lack thereof, and consider the unintended, adverse consequences and opportunity costs of their use before limited school funds are expended to acquire and operate them;

WHEREAS, the *[Name of Legislative Body]* finds that some of the unintended adverse consequences of the use of student surveillance technologies include negatively impacting students' civil rights and liberties, privacy, academic freedom, and even safety, such technologies should not be used in the absence of clear evidence that their claimed benefits are real and that they substantially outweigh the harms such technologies can cause;

WHEREAS, the *[Name of Legislative Body]* finds that a uniform standard of evidence-based analysis should be established to help school districts and school community members arrive at well-informed opinions about whether a student surveillance technology should be acquired and used.

THEREFORE BE IT RESOLVED, that the *[Name of Legislative Body]* adopts the following:

SECTION 1. Definitions.

(A) “Surveillance Technology” shall mean any digital device, system, hardware, or software that is capable of analyzing, capturing, collecting, intercepting, monitoring, processing, or recording audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group.

(1) “Surveillance technology” shall not include any digital device, system, hardware, or software that only collects data that is directly related to the teaching and/or academic testing of students.

(a) For purpose of this subsection, a digital device, system, hardware, or software does not “only collect data that is directly related to the teaching and/or academic testing of students” if it:

- (i) Uses biometrics to identify or track a student;
- (ii) Monitors a student’s movements, such as eye movements or keystroke tracking;
- (iii) Captures or monitors a student’s location or surroundings;
- (iv) Captures words or terms entered by a student into an internet search engine;
- (v) Identifies websites visited by a student; or
- (vi) Intercepts or monitors any student communication that is not directed towards the student’s school or an employee thereof, unless required by law.
- (vii) The above examples are an illustrative, non-exclusive list.

(B) “Surveillance Data” shall mean any electronic data that is analyzed, captured, collected, intercepted, processed, recorded, retained, or shared by surveillance technology.

## SECTION 2. Standards

- (A) Consistent with the “School Safety Evidence-based Practices” standard contained in the federal Bipartisan Safer Communities Act, Public Law 117–159 (June 25, 2022), Subtitle C, Sec. 2220D(b)(2)(B), no school or school district shall be permitted to acquire, borrow, install, or use a surveillance technology or surveillance data unless the technology “has been shown to have a significant effect on improving the health, safety, and welfare of persons in school settings.”
- (1) Consistent with the federal Bipartisan Safer Communities Act, Sec. 2220D(b)(2)(B)(i), proof of such efficacy must be established through independent, peer-reviewed, published, “relevant research that is evidence-based, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), supporting the evidence-based practice or recommendation.”
- (B) In determining if the acquisition and use of a school surveillance technology is in the best interest of a school’s students and other relevant community members, a school or school district should investigate and consider any unintended harms or other consequences that might accompany the use of such a technology, as well as the opportunity costs of electing to acquire and use such a technology.

## SECTION 3. School Community Member Engagement

- (A) Prior to acquiring, borrowing, installing, or utilizing a student surveillance technology or surveillance data, or renewing a contract for the same whose prior approval did not comply with the provisions of this Act, the school or school district shall present its rationale for wanting to acquire, borrow, install, or utilize a student surveillance technology or surveillance data, and the evidence-based research establishing it meets the efficacy standards set forth in Section 2, along with any available evidence-based research to the contrary of which the school or school district is aware, to the school’s or school district’s community of parents, legal guardians, students, faculty, staff, administrators, and other relevant community members.
- (B) The presentation of the information required in Section 3(A) of this Act shall be provided:
- (1) At least 14 days in advance of a well-noticed public hearing in which all school community members are given a reasonable opportunity to ask questions and present their views, both orally and in writing, before the school or school district officials who are authorized to make the final determination regarding the acquisition, borrowing, installation, or use of the student surveillance technology or surveillance data under consideration; and

- (2) At least 28 days before any vote or other final determination is made by the school or school district with respect to the acquisition, borrowing, installation, or use of the student surveillance technology or surveillance data under consideration.

#### SECTION 4. Applicability

This law shall apply to all public schools in the State of (STATE NAME) as well as any other schools that receive funding from the State of (STATE NAME).

#### SECTION 5. Enforcement

Any violation of this Act constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or a writ of mandate in any court of competent jurisdiction to enforce this Act.

#### SECTION 6. Severability

The provisions in this Act are severable. If any part or provision of this Act, or the application of this Act to any person or circumstance, is held invalid, the remainder of this Act, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

#### SECTION 7. Effective Date

This Act shall take effect immediately upon adoption.