

1 S.284

2 Introduced by Senators Williams, Perchlik, Collamore and Weeks

3 Referred to Committee on

4 Date:

5 Subject: Education; electronic devices; social media; digital and online
6 products

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the
8 use of personal digital products and social media in public schools,
9 independent schools, career and technical centers, and prequalified private
10 prekindergarten programs, as well as to require the adoption of policies that
11 would allow students to opt out of the use of electronic devices and online
12 products, with schools required to provide alternative instruction methods. It
13 also proposes to require electronic device and digital product and online safety
14 education.

15 An act relating to the use of electronic devices and digital and online
16 products in schools

17 It is hereby enacted by the General Assembly of the State of Vermont:

18 Sec. 1. FINDINGS

19 The General Assembly finds that:

1 (1) School should be a safe environment for all students where learning
2 and focus are prioritized. Phone and social media use both inside and outside
3 of school, required exposure to online and digital products in school, and the
4 collection and misuse of student data, which perpetuates bias and
5 discrimination, violates student civil rights by creating an unsafe, disruptive,
6 and distracted learning environment for students.

7 (2) Youth in Vermont are in a mental health crisis. Suicide is the second
8 leading cause of death in Vermont youth.

9 (3) Electronic devices and the access such devices provide to social
10 media and other applications contribute significantly to the youth mental
11 health, and therefore public health, crisis.

12 (4) Digital and online products are used in schools, and currently,
13 students are not given a choice in the use of such products. The companies
14 that own these digital and online products collect and misuse data associated
15 with students.

16 (5) Misuse of student data negatively impacts the safety of students and
17 contributes to health harms by limiting access to opportunities such as
18 education, credit, employment, and housing. These are all categories of social
19 determinants of health. Social determinants of health contribute to wide health
20 disparities and inequities that impact an individual's health and safety. Digital

1 and online products are commercial determinants of health as they both
2 directly and indirectly impact the health of children.

3 (6) In 2023 alone, by mid-October there were nearly 1,000 suicide-
4 related youth emergency room visits in Vermont. This imposes a significant
5 financial cost on the State and health care system. In 2021, 1,466 Vermont
6 youth 17 years of age and younger were seen in Vermont emergency rooms
7 due to mental, behavioral, and neurodevelopmental disorders. The average
8 facility charges were \$2,890.00 per visit for a total of \$4,236,760.00 for youth
9 mental health-related emergency room visit costs in 2021. Many of these
10 youth suicide-related emergency room visits could be prevented by providing
11 youth a safe school environment free of electronic devices and digital and
12 online harms.

13 (7) In order to reverse the current inadequate conditions of schools as an
14 unsafe environment, students must be protected against electronic device and
15 digital and online product harms. It is in the public interest to provide as safe a
16 school environment as possible and to provide education for stakeholders on
17 the risks and harms of exposure to these products. It is our responsibility to
18 provide an environment free of these harms where students can thrive and
19 optimize their future potential.

1 Sec. 2. 16 V.S.A. chapter 9, subchapter 7 is added to read:

2 Subchapter 7. Digital Products and Social Media

3 § 600. DEFINITIONS

4 As used in this subchapter:

5 (1) “Digital or online product” means any platform or service that can
6 be utilized on an electronic device and connects to the internet.

7 (2) “Educational data” means data on individuals that relates to a student
8 and is maintained by a public education agency, institution, school district, or a
9 person acting for or contracting with the agency or institution that relates to a
10 student, including data held by a technology provider.

11 (3) “Electronic device” means any device that:

12 (A) transmits sounds, images, texts, messages, videos, or electronic
13 information;

14 (B) electronically records, plays, or stores information; or

15 (C) accesses the internet or private communication or information
16 networks.

17 (4) “Independently funded research” means evidence-based research not
18 funded by commercial interests that would lead to a real or perceived bias.

19 (5) “Nondigital teaching methods and instructional materials” means:

20 (A) educational materials that are composed of printed paper or
21 printed books;

1 (B) writing that utilizes graphite pencils and ink pens; and

2 (C) in-person teaching.

3 (6) “Online or digital services provider” means any person or entity that:

4 (A) contracts with a supervisory union, school district, public school,
5 independent school, career and technical education center, or prequalified
6 private prekindergarten provider as part of a one digital device to one student
7 program, to provide technological devices for student use or to provide access
8 to a software or online application; and

9 (B) creates, receives, or maintains educational data pursuant to or
10 incidental to a contract with a supervisory union, school district, public school,
11 independent school, career and technical education center, or prequalified
12 private prekindergarten provider.

13 (7) “Parent” means a parent of a student and includes legal guardians
14 who are legally authorized to make education decisions for the student.

15 (8) “School” means any public school, independent school, career and
16 technical center, or prequalified private prekindergarten provider located in
17 Vermont.

18 (9) “Social media” means the use of web-based and mobile technologies
19 to communicate through interactive dialogue. “Social media” includes social
20 media platforms, blogs, picture-sharing vlogs, internet application wall-
21 postings, instant and direct messaging, music sharing, crowdsourcing, voice

1 over IP, communications through video games, and any successor protocol to
2 transmit information.

3 (10) “Student” means an individual currently enrolled or registered at a
4 school located in Vermont, as defined under subdivision (8) of this section.

5 § 601. PERSONAL ELECTRONIC DEVICES

6 (a) Each school board or governing body of an independent school or
7 prequalified private prekindergarten provider shall develop, adopt, and ensure
8 implementation of, and make available in the manner described under
9 subdivision 563(1) of this title, a policy to prohibit student use of smartphones,
10 smart devices, and cellular phones while students are physically located on
11 school property or while under the supervision of and control of an employee
12 of the school district, school, or program. The policy may prohibit a student
13 from bringing a personal electronic device to school, require personal
14 electronic devices to be placed in a designated area on school property, or
15 allow for utilization of a product that functions to secure the personal
16 electronic device such as a device locker or lockable pouch.

17 (b) The policy shall provide an exception for students to possess and use a
18 personal electronic device if a licensed physician or licensed advanced practice
19 registered nurse determines the possession or use of a personal electronic
20 device is necessary for the health of the student. A school may require
21 documentation to support an exception under this subsection. Any medical use

1 exception shall prohibit use of a personal electronic device for nonmedical
2 purposes.

3 § 602. PROHIBITION OF INTEGRATION OF SOCIAL MEDIA

4 PLATFORMS INTO EDUCATION

5 (a) Schools, school districts, and supervisory unions are prohibited from:

6 (1) utilizing social media for communication with students directly or
7 indirectly;

8 (2) allowing students to access social media while the student is on
9 school property or while under the supervision and control of a school
10 employee;

11 (3) allowing students to access social media on school-issued electronic
12 devices; or

13 (4) permitting students and teachers to use social media for school
14 activities, out-of-school academic work, homework, school sports, or
15 extracurricular clubs and any other school-sponsored activities.

16 (b) Schools shall have in place measures to prevent students from accessing
17 social media while on school-issued electronic devices and while under the
18 supervision of the school.

19 (c) Schools, school districts, and supervisory unions shall not use social
20 media to communicate. Schools may use any of the following communication
21 means in lieu of social media communications:

- 1 (1) in-person assembly;
- 2 (2) in-person meeting;
- 3 (3) paper communication;
- 4 (4) phone call;
- 5 (5) e-mail; and
- 6 (6) the school's public-facing website.

7 § 603. ELECTRONIC DEVICE, INTERNET USE, AND DIGITAL AND
8 ONLINE OPT-OUT

9 (a) Opt-out policy. Each school board and governing body of an
10 independent school or prequalified private prekindergarten provider shall
11 develop, adopt, and ensure implementation of, and make available in the
12 manner described under subdivision 563(1) of this title, a policy to provide
13 students the option to opt out of electronic device use, internet use, and digital
14 and online product use, including the option to opt out of the use of school
15 computers and other digital and online products. The policy shall provide:

16 (1) the option to partially opt out of the use of personal and school-
17 issued electronic devices and digital and online products, including no access
18 to the school district network and website and no access to applications and
19 services provided by the school district to support curriculum, including
20 products like Google Suite, Prodigy Education, Duolingo, IXL, Naviance,
21 Instructure, Illuminate Education, GoGuardian, and Lightspeed;

1 (2) the option to opt out of any program or activity that allows a
2 curriculum, test, or assessment from an online or digital service provider to
3 have access to a student’s educational or personal data;

4 (3) the option to opt out of the use of any product that school
5 administration utilizes that accesses or retains a student’s educational or
6 personal data, provided that the policy shall not allow the option to opt out of
7 the use of products used by school administration to access or retain
8 educational or personal data that is required to be collected by State or federal
9 law; and

10 (4) an alternative instruction method through which a student that has
11 opted out under any provision of this section may learn and be assessed on
12 material required by the school without being deprived of equal access to
13 education and advancement.

14 (b) Nondigital option. Each school, school district, or supervisory union
15 that contracts with an educational services or curriculum provider that provides
16 a digital component shall also provide a nondigital option. The nondigital
17 option shall be provided for every class offered, irrespective of the current
18 status of any opt-outs.

19 (c) Educational benefits. Schools shall not penalize or withhold an
20 educational benefit from a student who opts out of any program or activity as
21 detailed in this section.

1 (d) Observed distraction. The policy required under this section shall also
2 require schools to provide students who have opted out under this section
3 educational benefits without any observed distraction of digital products. This
4 may be achieved by having physical parameters to prevent a student who has
5 opted out under this section from having sight of a device.

6 (e) Discrimination prohibited. No student shall be discriminated against or
7 penalized if the student opts out as authorized under this section.

8 (f) Teacher rights. Teachers who wish to opt out of digital product use and
9 use a fully nondigital curriculum shall have the right to do so without
10 retaliation or discrimination.

11 (g) Enforcement. The policy shall provide a process for a parent to file a
12 complaint if the parent believes the school is in violation of the opt-out policy
13 required under this section. Complaints shall be determined first by the school
14 board of the district or the governing body of an independent school or a
15 prequalified private prekindergarten provider, and if the school or parent is
16 unsatisfied with the decision of the board or governing body, the decision may
17 be appealed to the Secretary of Education.

18 (h) Private right of action. If a school district fails to comply with this
19 section, a parent whose student has been denied the options required under this
20 section may bring an action in the Civil Division of the Superior Court for

1 damages, injunctive relief, punitive damages in the case of an intentional
2 violation of this section, and reasonable costs and attorney's fees.

3 § 604. ELECTRONIC DEVICE SAFETY EDUCATION

4 (a) The Secretary shall develop or adopt an electronic device and online
5 safety education curriculum for elementary and secondary schools that shall
6 focus on the harms and risks related to electronic devices and online safety.
7 The curriculum shall be based on independently funded research and shall
8 meet the educational needs of all students.

9 (b) The Secretary shall provide training programs for school personnel on
10 electronic devices and online safety education.

11 (c) Each supervisory union and governing board of an independent school
12 or prequalified private prekindergarten provider shall include electronic
13 devices and online safety education curriculum in its union-wide or school-
14 wide curriculum and ensure implementation of the curriculum as required
15 under section 261a of this title.

16 (d) Each supervisory union shall coordinate with community resources to
17 offer electronic devices and online safety education to parents and community
18 stakeholders.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on July 1, 2024.