

1 S.284

2 Introduced by Senators Williams, Perchlik, Collamore and Weeks

3 Referred to Committee on Education

4 Date: January 17, 2024

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.

~~An act relating to the use of electronic devices and digital and online  
products in schools. An act relating to student use of cell phones and other  
personal electronic devices in schools~~

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

16 ~~Sec. 1. FINDINGS~~

17 ~~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  
16 a 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  
8 student and is maintained by a public education agency, institution, school  
9 district, or a person acting for or contracting with the agency or institution that  
10 relates to a student, including data held by a technology provider.

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

12 (A) transmits sounds, images, text, 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 (D) “Online or digital services provider” means any person or entity

4 that:

5 (A) contracts with a supervisory union, school district, public school,

6 independent school, career and technical education center, or prequalified

7 private prekindergarten provider as part of a one digital device to one student

8 program, to provide technological devices for student use or to provide access

9 to a software or online application; and

10 (B) creates, receives, or maintains educational data pursuant to or

11 incidental to a contract with a supervisory union, school district, public school,

12 independent school, career and technical education center, or prequalified

13 private prekindergarten provider.

14 (7) “Parent” means a parent of a student and includes legal guardians

15 who are legally authorized to make education decisions for the student.

16 (8) “School” means any public school, independent school, career and

17 technical center, or prequalified private prekindergarten provider located in

18 Vermont.

19 (9) “Social media” means the use of web-based and mobile technologies

20 to communicate through interactive dialogue. “Social media” includes social

21 media platforms, blogs, picture-sharing vlogs, internet application wall-

1 ~~postings, instant and direct messaging, music sharing, crowdsourcing, voice~~  
2 ~~over IP, communications through video games, and any successor protocol to~~  
3 ~~transmit information.~~

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

6 § 601. PERSONAL ELECTRONIC DEVICES

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

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

1 ~~documentation to support an exception under this subsection. Any medical use~~  
2 exception shall prohibit use of a personal electronic device for nonmedical  
3 purposes.

4 § 602. PROHIBITION OF INTEGRATION OF SOCIAL MEDIA

5 PLATFORMS INTO EDUCATION

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

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

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

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

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

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

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

4 (1) in-person assembly;

5 (2) in-person meeting;

6 (3) paper communication;

7 (4) phone call;

8 (5) e-mail; and

9 (6) the school's public-facing website.

10 § 603. ELECTRONIC DEVICE, INTERNET USE, AND DIGITAL AND  
11 ONLINE OPT-OUT

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

19 (1) the option to partially opt out of the use of personal and school-  
20 issued electronic devices and digital and online products, including no access  
21 to the school district network and website and no access to applications and



1 services provided by the school district to support curriculum, including  
2 products like Google Suite, Prodigy Education, Duolingo, IXL, Naviance,  
3 Instructure, Illuminate Education, GoGuardian, and Lightspeed;

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

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

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

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

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

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

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

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

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

1 ~~(b) Private right of action. If a school district fails to comply with this~~  
2 ~~section, a parent whose student has been denied the options required under this~~  
3 ~~section may bring an action in the Civil Division of the Superior Court for~~  
4 ~~damages, injunctive relief, punitive damages in the case of an intentional~~  
5 ~~violation of this section, and reasonable costs and attorney's fees.~~

6 § 604. ELECTRONIC DEVICE SAFETY EDUCATION

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

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

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

19 (d) Each supervisory union shall coordinate with community resources to  
20 offer electronic devices and online safety education to parents and community  
21 stakeholders.

1 ~~Sec. 3. EFFECTIVE DATE~~

2 ~~This act shall take effect on July 1, 2024.~~

*Sec. 1. CELL PHONE USE IN SCHOOLS; MODEL POLICY*

*(a) On or before December 31, 2024, the Secretary of Education shall develop a model policy and accompanying guidance regarding student use of cell phones and other personal electronic devices in schools. The guidance shall address, at a minimum, the following:*

*(1) the specific circumstances or time periods during which students are permitted to use cell phones or personal electronic devices, which shall include use of such devices for approved academic purposes;*

*(2) the specific circumstances or time periods during which students are prohibited from using cell phones or personal electronic devices;*

*(3) acceptable locations for cell phone and personal electronic device storage during times when their use by students is prohibited;*

*(4) consequences for violation of the model policy, including options for educators and staff to collect a cell phone or personal electronic device if a student is found violating the policy; and*

*(5) a process for parents or guardians to get messages to students during times when cell phone or personal electronic device use is prohibited.*

*(b) On or before January 15, 2026, the Agency of Education shall submit a written report to the Senate and House Committees on Education regarding the prevalence and substance of cell phone use policies adopted by school districts after the development of the Agency's model policy pursuant to subsection (a) of this section. The report shall include the following:*

~~*(1) information on how many school districts have adopted cell phone or personal electronic device use policies and whether and how those policies differ from the Agency's model policy and guidance;*~~

*(1) information on how many school districts have adopted cell phone or personal electronic device use policies, whether and how those policies differ from the Agency's model policy and guidance, and qualitative information regarding the effectiveness of those policies, including:*

*(A) information regarding student compliance;*

*(B) information regarding whether such policies are being enforced, including information on the effort required on the part of educators to ensure student compliance; and*

(C) information regarding parent, student, and educator satisfaction with such policies;

(2) information on how many school districts do not have a cell phone or personal electronic device use policy and any information as to why such a policy has not been adopted at the time of the report; and

~~(2) in consultation with the Vermont Department of Health, recommendations for further legislative action regarding cell phone or personal electronic device use in schools.~~

(3) in consultation with the Department of Mental Health and the Department of Health, recommendations for:

(A) further legislative action regarding cell phone or personal electronic device use in schools; and

(B) age-appropriate educational opportunities regarding media literacy and the safe and appropriate use of cell phones or personal electronic devices.

*Sec. 2. EFFECTIVE DATE*

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