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Lawsuit: Pennsylvania School Spied on Students

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Today's lesson: Students shouldn't eat colorful candy in front of their computers.

Michael and Holly Robbins, the parents of a 16-year-old Pennsylvania high school sophomore, allege in a class-action lawsuit Harriton High School officials in Ardmore photographed their son at home, violating his privacy. The Lower Merion School District distributed 2,300 laptops installed with remote-access webcams and spyware, to students in the district, according to the complaint filed in federal district court in February.

Blake J. Robbins was charged with "improper behavior in his home," the lawsuit says. A photograph of the boy handling Mike & Ikes candy in front of his computer was used as evidence by his school's vice principal, Lynn C. Masko, who allegedly mistook the candy for illicit drugs.

FBI Investigating

The FBI is currently investigating the school district's webcam program. In a statement, the school said webcams are activated only on laptops that have been stolen or removed from campus without proper permission.

Robbins says his laptop was broken but he had permission to borrow a computer from a pool of loaners the district maintains.

The district admits it has activated 42 of the webcams remotely in the past 14 months, and it says it has suspended its program until after the lawsuit is resolved. The school has placed two information-technology workers on administrative leave pending investigation, but the district admits no wrongdoing.

A federal judge has since imposed a gag order in the case.

'Frankly, I'm Flabbergasted'

Students and teachers in the nation's heartland reacted with outrage to the school district's program.

"A district covertly using web cameras to spy on high school students is very disconcerting," said Zachary Brown, an assistant debate coach at East High School in Wichita, Kansas. "I believe that students should have a reasonable expectation of privacy both in the classroom and at home, and the recent events in Pennsylvania show an utter disregard for the expectation of privacy for students who were otherwise innocent" of any wrongdoing.

Spying on students "not only reveals the increasing disregard for student privacy but is a violation of trust between students and faculty," said Hope F., a junior at Wichita East High School.

"Schools need to know what students do at school," said Antonia D., a senior at Wichita East. "At home, the school should never be able to invade students' lives. Frankly, I'm flabbergasted that the technical department even did this."

School's Excuses Doubted

Policymakers and privacy advocates agree with the students.

"In this case the students were required to use school appointed equipment in their homes that had software installed that could conduct a search and activate a webcam to take pictures of the students without student or parent consent,"

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said Lisa Snell, director of education and child welfare for the Reason Foundation in Los Angeles.

"This seems to be a clear violation of privacy," she added. "In this case, the district abused the student's privacy even more by threatening to punish the student for images that were obtained through an unlawful search without the parent's consent."

Snell doesn't accept the school's explanation that it was trying to keep track of public property. "The possibility of risk to both the district and the student seems greater than the risk of losing a stolen laptop," she said.

"This also further perpetuates a kind of zero-tolerance mentality where school administrators are quick to enforce inflexible rules on students without using reasonable judgment," Snell added. "That the child in question was accused of drug activity while eating candy goes to how these cameras could potentially be used as a tool for compiling evidence against and punishing student rather than just to track stolen computers."

Probable Cause Essential

Clint Bolick, director of the center for constitutional litigation at the Goldwater Institute in Phoenix, Ariz., agrees the school likely violated students' privacy. "Unless the district had probable cause to believe the laptop was stolen and used the camera in a limited way, it has absolutely no authority to activate the camera or take photos of a student outside of school," he said.

"If the camera was used without probable cause to believe the computer was stolen, and even then if it was not used in a very limited manner, a court should enjoin the use of the cameras and [the district and school] should be subject to damages to deter such conduct from occurring in the future," Bolick said.

School Choice Seen as Solution

Neal McCluskey, associate director of the Cato Institute's Center for Educational Freedom, agrees: "School district officials have no authority to peer into the homes and rooms of students, whether the given justification is to find a lost laptop or to check whether the student is working on a term paper.

McCluskey says school districts need clear policies precluding school officials from looking in on students at home.

"Having the ability to remotely turn on computer cameras might be a very valuable feature to prevent property loss, and parents who are comfortable with it could choose schools that feature computers with such technology," McCluskey said.

"But in the long term, we need school choice," he added. "Choice would balance the need for privacy against government intrusion with what might be very real benefits of those webcams."

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Internet Info:

Robbins v. Lower Merion School District: http://www.heartland.org/schoolreform-news.org/Article/27289/Blake_J_Robbins_v_Lower_Merion_School_District.html

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