

76th OREGON LEGISLATIVE ASSEMBLY--2009 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .by Edward Johnston

Senate Bill _____

A BILL FOR AN ACT

Relating to the inclusion cameras in computers given to students to take home

WHEREAS, ABC Good Morning America has reported on Feb. 22, 2010 that the FBI is investigating the Harriton High School of the Lower Merion School District in Pennsylvania for including a spy camera in a computer that the school gave 15-year-old Blake Robbins, after his parents alleged their son's privacy was violated; and

WHEREAS that high school's school district has hired a lawyer to respond to the allegations; and

WHEREAS whatever the outcome of the FBI investigation into the violation of Blake Robbins' privacy and whatever the outcome of any lawsuit that may be brought by the parents of the student, such spying is morally wrong; and

WHEREAS any such spying on a student like Blake Robbins and an undisclosed number of other students from that high school presumptively violates the U.S. Constitution's Fourth Amendment clause against "unreasonable search and seizures; and

WHEREAS the school district's defense--that perhaps it should have disclosed the presence of the camera and then all would be have been legally and ethically fine--may or may not prevail in responding to either a lawsuit by the parents or charges by the FBI; and

WHEREAS it is conceivable that a school or school district might attempt in Oregon to similarly place spy cameras within the bedroom, living room and home in general of students, with or without notice to the student or parents; and

WHEREAS students may not understand the constitutional and ethical implications of such an attempt, nor communicate it to their parents; and

WHEREAS the parents may not understand the constitutional and ethical implications of such an attempt, NOW THEREFORE

Section 336.189 is hereby created

{336,189 PROHIBITION OF COMPUTER SPYING ON STUDENTS AND THEIR FAMILIES

{ + (1) No teacher, teacher' s aide, instructional facilitator or other instructional staff person, nor any administrator or any other person employed by or serving as an agent of any public school in Oregon, including all charter schools chartered by the State of Oregon (hereinafter, school entity) shall give to any student a computer so equipped with a camera or other spying device that it can view the student and/or his or her surroundings and/or family. This prohibition cannot be overcome or overridden by any claim of the school entity of necessity to track the whereabouts of computers, or any other claim of cause or reason. (2) Any person who violates this prohibition shall be subject to suspension for one full semester of school and/or a fine of up to \$5,000. (3) The giving or providing of a computer so equipped to more than one student shall in the instance of each student constitute a separate count and each count shall be punishable as described in subsection (2) above. (4) If the offender is subject to supervision by a school principal or vice principal (hereinafter, an administrator), that administrator shall take action as specified herein. (5) If the offender is a school district board, then the District Attorney of the county in which the involved school is located shall prosecute the case. If a school administrator cannot or will not prosecute the case, then the District Attorney of the county in which the involved school is located shall prosecute the case. + }