



April 18, 2013

**ANTI-BIG BROTHER ACT
STRENGTHENS STUDENT PRIVACY PROTECTIONS**

On April 15, 2013, Governor Christie signed into law the “Anti-Big Brother Act,” approved as P.L. 2013, c.44. (the “Act”). The Act was enacted to strengthen student privacy protections in response to a Pennsylvania incident in which a school district furnished laptops equipped with cameras to students and surreptitiously recorded certain student activity.

Under the Act, public school districts and charter schools who choose to monitor pupil use of school-provided electronic devices may do so only provided that such monitoring does not violate student privacy rights. Specifically, the Act mandates that a school district or charter school furnishing a student with an electronic device equipped with recording capability must provide the student with “written or electronic notification that the electronic device may record or collect information on the student’s activity or the student’s use of the device if the . . . device is equipped with a camera, global positioning system, or other feature capable of recording or collecting information on the student’s activity or use of the device.” The notification must state that the “district or charter school shall not use any of the capabilities in a manner that would violate the privacy rights of the student or any individual residing with the student.” The Act requires the parent or guardian of the student to acknowledge the receipt of the notification. Districts or charter schools, failing to provide students with the proper notice, will be fined \$250 per student, per incident.

Although the Act strengthens student privacy protections, nothing in the law prevents a district or charter school from monitoring student electronic conduct on district computers located inside its buildings. Moreover, nothing in the Act prevents a district from ensuring that students, using school-furnished computer devices outside of the school, comply with the district’s acceptable use policy. We recommend that you review your acceptable use policies to ensure compliance with this new law.

As always, please do not hesitate to contact the school law attorneys at Schenck, Price, Smith, & King, LLP, if you have any questions regarding this new law.

DISCLAIMER: This Legal Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client. If someone you know would like to receive this Legal Alert, please send a message to Marc H. Zitomer, Esq., at mhz@spsk.com. Mr. Zitomer is co-chair of the School Law Practice Group as well as a member of the Labor and Employment Practice Group at Schenck, Price, Smith & King, LLP.

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