

# Everyone is held accountable to the same laws

Section 1983 of Title 42 of the United States Code (42 U.S.C. § 1983) gives an individual the right to sue state and local government entities acting “under color of state law” for civil rights violations. The following case is an example of this type of civil action brought by two high school students who had their personal privacy violated.

## **Robbins v. Lower Merion School District (2010)**

At the start of the 2009-10 school year, the district issued laptops to its high school students for use at school and home. Each computer had a webcam and was loaded with remote activation tracking software.

As an anti-theft measure, without the knowledge or consent of students or parents, officials at the district activated the surveillance software, took photos through the webcam as well as screenshots, and stored them on the district’s servers for review by staff. Many of the images were captured in the students’ homes.

The webcam surveillance program was brought to light in November 2009, when Blake Robbins, a sophomore, was confronted by Vice Principal Lindy Matsko, accusing Robbins of illegal drug use. A photo taken with the laptop webcam of Blake at home in his bedroom was Matsko’s “proof.” Blake’s parents were notified. They disputed the school’s claim of their son’s behavior. The school did not pursue disciplinary action but noted the incident in Blake’s school file. Blake’s parents filed suit on his behalf on Feb. 11, 2010, citing invasion of privacy.

On Feb. 22, a federal judge ordered the school district to stop using the tracking software. In July 2010, a second similar suit was filed against the district by the mother of student Jalil Hasan.

County officials, the U.S. District Attorney and the FBI conducted investigations to determine whether the school district had violated criminal laws. No criminal charges were filed because no evidence was found “...that would establish beyond a reasonable doubt that anyone involved had criminal intent.”

In October 2010, the Lower Merion School District agreed to pay \$610,000 to settle lawsuits over its tracking of student laptop computers. \$175,000 was put in trust for Blake Robbins, \$10,000 was paid to Jalil Hasan and \$425,000 in legal fees was paid to their attorney.

**Newspaper Activity: Look through the news, in print or online, for someone holding a government official or entity accountable for wrongdoing. Compare and contrast this action with that of the Lower Merion SD.**

Next installment: **There are clear & fair processes for enforcing laws**

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