

Hampton Susan

Subject: FW: ACLU proposed amendment to HB 2426
Attachments: HB2426_5_2013_Regular_Session[1].pdf

From: Becky Straus [<mailto:bstraus@aclu-or.org>]
Sent: Thursday, April 04, 2013 8:12 PM
To: Rep Gelser; Rep Reardon; Rep Sprenger; Rep Fagan; Rep Gomberg; Rep Gorsek; Rep Huffman; Rep Parrish; Rep Whisnant
Subject: ACLU proposed amendment to HB 2426

Chair Gelser and Members of the House Education Committee:

You will remember that you heard HB 2426 on February 27, a bill that directs school districts to develop policies for student use of "personal electronic devices that support academic activities and independent communications." The ACLU takes no position on the bill and certainly we do not have any concerns. I am writing to send along and ask for your support of the attached Dash 5 that would clarify that nothing in the bill should be construed to authorize schools to access private social media or email accounts of students.

Sitting on the Business & Labor Committee as well as this committee, Representatives Doherty and Fagan know that there are two bills pending this session (HB 2654 and SB 344) to ensure privacy of Oregonians' social media accounts, both from intrusion by employers and from intrusion by institutions of higher education. The intention of this amendment is not to expand the privacy protections contemplated in these two bills to the area of all Oregon schools, but simply to ensure that HB 2426 is not construed to mean that schools are explicitly authorized to compel access to students' private accounts such as Facebook. For example, just because a student brings his/her iPad to school for use at school should not mean that the school may require him/her to provide access to his/her private messages on Facebook and possibly subject that student to ongoing monitoring of private activities.

The Dash 5 is not intended to and would not have any impact on the ability of school districts to fully implement the provisions of the underlying bill. The language in the Dash 5 is not exactly as we had requested it, but I still believe that this is the case.

I have attached the Dash 5 and hope to have the opportunity to check in with each of you before the 1pm hearing tomorrow. Do you think the Dash 5 is something you can support?

Thank you for your consideration. Please feel free to contact me at any time.

Best,
Becky

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