

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BLAKE J. ROBBINS, et al.,	:	Civil Action
	:	
Plaintiffs,	:	No. 10-665
	:	
v.	:	Hon. Jan E. DuBois
	:	
LOWER MERION SCHOOL DISTRICT, et al.,	:	
	:	
Defendants.	:	
	:	

**DECLARATION OF DAVID A. EBBY**

I, David A. Ebby, an adult resident of Pennsylvania, state as follows:

1. I am President of the Board of School Directors of the Lower Merion School District (the "District"), and have served in that capacity since December 2009. I was elected to the Board in December 2007. By way of background, I am a partner in the law firm Drinker Biddle & Reath LLP.
2. The District learned of this lawsuit and its allegations concerning the District's use of the TheftTrack feature of the LANrev computer management software on February 18, 2010.
3. Promptly after learning of the complaint on the morning of February 18, 2010, the District discontinued its use of TheftTrack.
4. The next day, the Board appointed Ballard Spahr LLP as special counsel to conduct an independent investigation of the District's use of TheftTrack for laptops issued to students ("Student Laptops"). Consistent with its authority granted by the Board, Ballard Spahr engaged L-3 Services, Inc., a computer forensic consulting firm, to assist with its investigation.

5. On February 22 and 23, 2010, L-3 powered down and took physical custody of the servers through which LANrev was administered. The District has not used LANrev (whether for its TheftTrack feature or any of its other computer management functions) since then and will not use LANrev again.

6. Also immediately after the lawsuit was filed, the District undertook a review of its policies and regulations relating to its One-to-One Laptop Initiative. Consistent with agreed-upon terms of the Court's Order dated May 14, 2010, the District will adopt new policies and regulations by September 1, 2010, before the 2010-2011 school year begins.

7. To assist with this review and the development of new policies and regulations, the District engaged SunGard, a technology services firm with expertise in privacy issues.

8. Over the last several months, the Board's Policy Committee, in consultation with SunGard and the District's Technology Council – which the District recently expanded and which consists of teachers, parents, students, community members, and administrators – developed a series of new and revised policies and an expanded plan for information technology governance.

9. The new and revised draft policies and administrative regulations currently under consideration for adoption next month include:

- (a) LMSD Policy No. 8: *One to One Responsibility Tree*;
- (b) LMSD Policy No. 134: *LMSD-NET and District-Issued Laptops: Student Use, Rights and Responsibilities*;
- (c) LMSD Administrative Regulation No. 134: *LMSD-NET and District-Issued Laptops: Student Use, Rights and Responsibilities*;
- (d) LMSD Administrative Regulation No. 224: *Care of School Property*;

- (e) LMSD Policy No. 390: *Employee Laptop Security Procedures and Training*;
- (f) LMSD Administrative Regulation No. 390: *Employee Laptop Security Procedures and Training*; and
- (g) LMSD Policy No. 893: *Remote Access, Monitoring and Tracking*.

10. The full Board reviewed these draft policies and administrative regulations at its meeting on July 19, 2010, and published them on the District's website the next day. They are available at [http://www.lmsd.org/sections/laptops/default.php?t=pages&p=laptops\\_docs](http://www.lmsd.org/sections/laptops/default.php?t=pages&p=laptops_docs), and copies are attached hereto at Tabs 1-7.

11. Proposed LMSD Policy No. 8 delineates the specific responsibilities of teachers and administrators, principals and assistant principals, the Supervisor of Instructional Technology, the Director of Information Systems, and Information Systems personnel with respect to the District's One-to-One program.

12. Proposed LMSD Policy No. 134 is a revision of a policy that previously governed only the acceptable use of the District's computer network; as revised, it specifically governs student use of, and rights and responsibilities with respect to, Student Laptops. Among other things, proposed LMSD Policy No. 134 sets forth "Special Rules for District-Issued Laptops," including that:

- (a) at the outset of each school year, the Superintendent shall issue formal written notification to District parents and guardians containing information about the One-to-One program and how it works;
- (b) each student and the student's parent or guardian must sign an agreement for Student Laptop use;
- (c) District technicians may remotely access Student Laptops only for troubleshooting purposes and only if (i) the student's permission is documented before the Student Laptop is remotely accessed, and (ii) a permanent record of the time, date, and duration of the access is logged;

- (d) District employees may not look at or review the student's files stored on a Student Laptop except in specifically enumerated circumstances; and
  - (e) the District shall conduct training sessions for students and orientation sessions for parents and guardians.
13. Proposed Administrative Regulation 134 provides, among other things:
- (a) a specific procedure for reporting Student Laptops missing or stolen (during school hours, the student must report a missing or stolen laptop to the Assistant Principal in his or her school either in person, by telephone, or by e-mail; after school hours, the student may report the missing laptop to a particular telephone number or e-mail address);
  - (b) procedures for accommodating parents, guardians, and students who decline to sign the agreement for Student Laptop use;
  - (c) requirements for Student Laptop insurance payments and the use of Student Laptops for which required insurance payments are not made; and
  - (d) forms of an Agreement for Use of Laptop – for Use On or Off Campus), an Agreement for Use of Laptop – On Campus Only; a letter to parents and guardians providing specific information about the One-to-One Laptop Initiative, Best Practice Guidelines for Use of Student Laptops, and a Remote File Access Consent Form.

14. Proposed LMSD Administrative Regulation No. 224, which governs the consequences of loss of and damages to school property, has been revised to refer to the specific rules for Student Laptops.

15. Proposed LMSD Policy No. 390 requires: (i) the establishment and enforcement of procedures for District personnel covering responsibilities of District personnel, with respect to Student Laptops, issues concerning remote access and laptop tracking, privacy of student information, and forensics and laptop searches; and (ii) training for Information Systems personnel, administrative employees, principals and assistant principals, and teachers to ensure awareness of all policies and procedures concerning the One-to-One Laptop Initiative. Proposed

Administrative Regulation No. 390, which will implement Policy No. 390, sets forth detailed procedures with respect to Student Laptop security and detailed requirements for the required training programs.

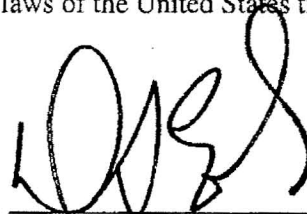
16. Proposed LMSD Policy No. 893 governs remote access, monitoring, and tracking of student laptops. It provides that the District may remotely access Student Laptops in two situations: (i) to address a technical problem, provided that the student gives permission and the remote access is permanently logged; and (ii) when a student or parent or guardian files a written report that a Student Laptop has been lost or stolen. The proposed policy explicitly states that “[a]t no time will the Laptop camera be activated remotely nor will screen shots, audio, video, or on-screen text be remotely monitored.”

17. Proposed LMSD Policy No. 893 also governs review of student files, and specifically describes the limited circumstances in which the District may review student files contained on Student Laptops.

18. The Board anticipates that it will adopt final versions of the proposed and revised policies and regulations described herein – after several weeks of further review – at its meeting on August 16, 2010.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 27<sup>th</sup> day of July 2010



David A. Ebby