

Introduction

Legal regulation of education is not new. It has just become a lot more complicated now that computers are in the classroom. The 21st-century classroom is markedly different from classrooms of the past. In the 21st-century classroom, teachers deliver computer-assisted and Web-based lessons; students conduct **Internet** research, accessing sources from across the globe; departments develop curriculum based on course content supplied by major universities; and students engage in real-time communication with scientists and explorers conducting experiments and traversing polar regions. The 21st-century classroom is not without pitfalls. It is well stocked with nonschool resources—iPods, cell phones, digital cameras, and recording devices—found in the hands, pockets, and backpacks of its students. These devices come with their own set of educational and legal problems. Lawmakers are trying to keep up, but the reality is, that is not always possible. As a result, the job of managing the day-to-day legal issues relating to technology falls squarely on schools.

This book is intended to help schools manage those legal issues. It is written for those on the “front lines”: the teacher in the classroom, the librarian in the media center, and the information technology (IT) staff person monitoring Internet access, many of whom are *digital immigrants* still working to learn and adapt to the technology that their students, the *digital natives*, have been exposed to since birth. It is also written for the school administrator charged with drafting and enforcing school policy, particularly policy that relates to the growing array of electronic devices available to students, teachers, and staff in our kindergarten through Grade 12 schools.

With these readers in mind, this book has three main goals. First, the book is intended to provide some context for the application of civil and criminal laws in the K–12 classroom where computers and the Internet are used. This is provided primarily through the introductory scenarios at the beginning of the chapters and the legal discussion of the scenarios that follows.

Second, it is intended that readers of this book will experience a heightened awareness of the legal implications and risks of technology in the classroom and will be encouraged to develop preventative strategies—the proverbial ounce of prevention. Material to support this is provided in the discussion of laws and how these laws apply to schools, as well as the sections in each chapter that focus on the role of the schools.

Third, the book is intended to provide its readers with practical first steps, information that will allow schools to take action. This is accomplished by the addition of special features to this book: the sample policy language, the sidebars citing to helpful resources, and the end of chapter checklists and resource lists that help readers gauge where their schools stand on the legal issues discussed.

HOW THIS BOOK IS ORGANIZED

With the exception of the final chapter, each chapter begins with three scenarios based on actual occurrences in K–12 schools. The scenarios are followed by an analysis of the current law. The K–12 school’s role in or response to the issues is then examined and supplemented by a discussion of strategies schools have successfully employed. Sidebars and sample policies are included, with helpful links to resources. In addition, checklists are included at the end of each chapter that assist readers in evaluating their schools’ position with regard to the issues presented and to help identify strategies schools may adopt to more effectively position themselves to deal with **liability** risks.

HOW TO USE THIS BOOK

Keep the different sources of law in mind as you read this book. (See Resource A: How Laws Affect the Schools and Teachers Who Embrace Technology in Learning for a discussion of the different sources of law.) Where **statutory laws** are involved, ask whether your school’s policies and procedures comply with the law as written. Where **common law** cases are discussed, ask yourself whether similar cases could arise in your school district and what action could be taken by your school district to reduce the risk of lawsuits. And finally, where school policy is reviewed, consider which options might work for your school district or whether other options exist that are not discussed in this book. Keep the flexible nature of **contract law** in mind, and be creative in crafting the best *law* for your school.

The ever changing technological terrain demands flexibility and smarts. Schools that work to understand technology, brainstorm options, tap available resources, and create action plans will be well ahead of the curve. Those schools will be able to capitalize on all the benefits technology brings to the educational environment. Just as important, they will reduce the risks of legal distractions and legal actions for their students, teachers, parents, and communities.