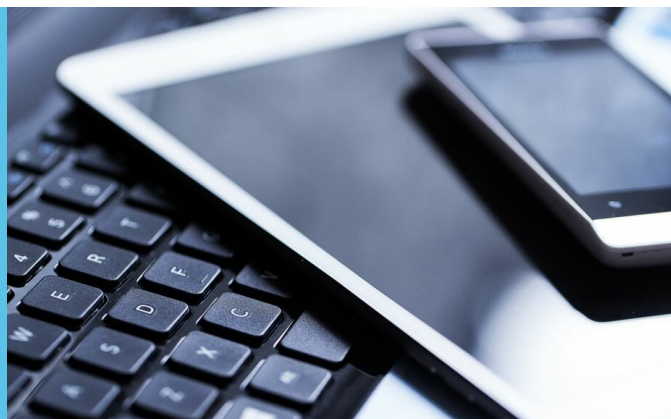




Education Technology



What's it like to work with F3?

With F3, it's always about your mission and how you want to achieve it. It's about students – how they learn and the opportunities you provide for them every day. We're known as the education law firm with a deep understanding of how schools and colleges work, and a commitment to always seeking new ways to help. This applies as much to the often bewildering world of technology in schools as it does to every other aspect of our service to educators.

What can F3 solve for you?

Today's schools and colleges are at the center of the technological revolution, and you should expect a law firm focused on education to be your trusted advisor on how technology is used in schools and by the students you serve. F3 attorneys know well the many benefits the tech world has to offer educators, as well as the minefields and unprecedented challenges you face. Trust our experience and understanding of all things “ed-tech” to make your job easier in this ever-changing universe.

Technology is firmly embedded in all areas of education and the lives of our students. From computers in the classroom to students' social media activities and online interactions with each other, schools are at the center of the digital world in which students live. In many cases, technology moves faster than the law, sometimes making schools and colleges the testing grounds for legal and ethical issues regarding how technology is used in schools and on our college campuses. F3 has emerged as an acknowledged leader in education's digital revolution. As the first education law firm to have a separate educational technology department – now one of the largest in the country – we are on the leading edge nationally in exploring the legal dimensions of how schools and colleges interact with current and evolving technologies, including the social media universe. For example, our team developed a first-of-its-kind model data privacy agreement that is now in use by 38 states and is considered the national agreement for data privacy. We have worked with Microsoft, Apple, Amazon, and Google to modify their data privacy agreements to be more user-



friendly for educational institutions, offering data protections with school districts in mind. In addition, our attorneys have provided legal counsel to California IT in Education (CITE), the state's premier organization for education technology professionals. CITE relies on us for informed advice in this fast-moving and often controversial area of education. We have assisted CITE in forming the largest consortium of software services in the country. We also partner with the U.S. Dept. of Education's Privacy Technical Assistance Center (PTAC) and the Future for Privacy Forum (FPF), a leading national non-profit organization that supports principled data practices in emerging technologies.

Artificial intelligence

F3 Law has advised hundreds of school districts on the development of AI guidelines for staff and students. In this rapidly emerging area, schools need to be prepared to support future-ready learners and at the same time, provide a safe educational environment. AI impacts all areas of school operations and F3 Law partners with school leaders to ensure that AI tools are properly evaluated for risks including protection of data privacy, threat monitoring, and collection of parental consent where required. Staff are excited to utilize AI to streamline school operations, however, schools and colleges need to establish protocols to prevent inadvertent disclosure of personally identifiable information (PII) into open generative AI. Our attorneys work with schools and colleges to establish an AI contract review process and vetting protocol and train staff on these procedures.

Technology contracts

We regularly assist schools and colleges as they seek to identify and acquire the right technologies to suit their educational objectives. This often means negotiating, drafting, and reviewing software licenses or agreements to purchase equipment such as laptops, tablets, and other tools. We assist with compliance in the purchasing process, drafting RFPs, bidding matters, lowest-price guarantees, and financing, including e-Rate financing.

Ensuring data privacy

F3 Law is the architect of the state and federal student data privacy agreement, used by school districts and software companies nationwide. This experience allows F3 Law attorneys to work with school districts and colleges to ensure student safety in the online platforms used by students. Some matters of data privacy are enshrined in federal and state law, such as The Family Educational Rights and Privacy Act (FERPA), the



Children's Online Privacy Protection Rule (COPPA), California's Student Online Personal Information Protection Act (SOPIPA), the Children's Internet Protection Act (CIPA), and the Protection of Pupil Rights Amendment (PPRA). Balancing compliance with laws and regulations against the need to prevent harm to students and schools is a complex matter with which experienced legal counsel can be of significant value. From compliance to best practices, F3 attorneys will help you find the approach and balance that makes.

Responsible use of technology

Responsible use of technology is a broad and complex area focused on how students, faculty and staff engage with online tools such as social media. We assist schools and colleges as they seek to develop policies that establish rules regarding personal mobile devices in schools, promote online safety, and prevent a wide range of bad online behaviors such as cyberbullying, sexting, and drug dealing. There may be first and fourth amendment issues in play when schools engage in online monitoring for purposes of preventing other issues, such as self-harm and violent threats and acts. But prevention is far from the only issue, as schools struggle with how to respond to these behaviors within the law. What are a school's legal exposures? How should a school district or college work with law enforcement? These are all complex questions but well within the experience of F3 attorneys.

Social media management

The U.S. Supreme Court has issued recent rulings impacting school board members, staff, and students and their rights to free speech and social media. F3 Law had the opportunity to represent the California School Board Association (CSBA) before the Supreme Court as a real party in interest in a favorable ruling in support of school board members.

School districts, school sites, college campuses, and school-related organizations maintain multiple social media platforms, which schools and colleges can be legally responsible for. As such, it is important that education institutions are aware of which platforms they are legally responsible for and understand the scope of the duty to monitor these platforms. Social media guidelines are a helpful tool in establishing social media expectations in the school community. F3 Law provides guidance and training to school boards, administrators, faculty and staff regarding social media legal requirements, monitoring protocols, and reduction of legal liability.

Cybersecurity: prevention and response

Cybersecurity is a complex matter that includes both preventative measures and response planning. On the front end, we assist with contracts with cybersecurity companies as well as security components of software licenses and equipment agreements. Training and planning for breach responses also help ensure that if there is a problem, school personnel know how to handle it. On the response side, should there be a data breach, a ransomware attack, or other problem, we're ready to jump in and advise on initial responses, notification requirements, crisis communications, and more.

Professional development in technology use and safety

We regularly provide training and professional development programs to school boards, administrators and higher education organizations on topics like managing responsible social media use, development of AI policy, software contract review process for student data privacy compliance, and more.

F3 is known for these strengths

- Understanding of and compliance with changing federal and state regulations
- Developing AI guidelines for employees and students
- Providing guidance on social media management
- Risk analysis and guidance for software threat monitoring tools and response protocol
- Advising technology companies on best practices in working with schools
- Ensuring cybersecurity best practices are developed and followed
- Balancing data privacy and safety requirements
- Advising on emerging technology acquisition, implementation, and safety
- Negotiating and drafting software and hardware purchase and licensing agreements
- Ensuring best-price policies on technology procurement are met
- Technology financing under the eRate program
- Advising on responsible use of technology by students and employees
- Advising on student and employee disciplinary matters in technology issues
- Resolving technology-related disputes when necessary

Technology & Privacy Tools

- **Ask Before You App**
- **Pause Before You Post**
- **Data Privacy Guidebook - Guidelines and Tips**
- **Tackling Student Data Privacy on a National Level**
- **AI Policy - Sample**
- **Sample AI Language to Insert in Student Acceptable Use of Technology Policy**
- **Sample Insert into Employee AR or Acceptable Use of Technology Policy**
- **Legal Considerations For AI In Education Presentation**
- **Procurement Benchmarks for AI in K-12 Education**
- **PowerSchool Data Breach Mass Action Lawsuit**

Related Professionals



Namita S. Brown
Partner
Oakland
510.550.8217
nbrown@f3law.com



Christopher J. Fernandes
Partner
San Diego
760.304.6006
cfernandes@f3law.com



Christopher D. Keeler
Partner
Inland Empire
951.215.4910
ckeeler@f3law.com



M. Alejandra León
Partner
Oakland
510.550.8237
aleon@f3law.com



Gretchen M. Shipley
Partner
San Diego
760.304.6015
gshipley@f3law.com



Cynthia M. Smith
Partner
Sacramento
916.604.3072
csmith@f3law.com



Anisha Asher
Associate
San Diego
760.304.6039
aasher@f3law.com



Mary Breffle
Associate
Oakland
510.550.8215
mbreffle@f3law.com



F3 Law



Sabrina Buendia
Associate
Los Angeles
323.330.6318
sbuendia@f3law.com



Pat Kernan
Of Counsel
Sacramento
916.604.3071
pkernan@f3law.com



Treesineu McDaniel
Associate
Oakland
510.550.8229
tmcdaniel@f3law.com



Dhara J. Patel
Associate
Los Angeles
323.330.6824
dpatel@f3law.com



Lauren Rubio
Associate
San Diego
760.814.6127
lrubio@f3law.com



Jasmine Tauer
Associate
San Diego
760.814.6122
jtauer@f3law.com



Katie Yoshida
Associate
Sacramento
916.604.3092
kyoshida@f3law.com



Peter K. Fagen
Partner
San Diego
760.304.6000
pfagen@f3law.com



Bill Liu
Associate
Oakland
510.852.8525
bliu@f3law.com



Ryan Donoghue
Associate
Sacramento
916.604.3091
rdonoghue@f3law.com



John Vierra
Associate
San Diego
760.814.6103
jvierra@f3law.com



Andrew McCraven
Associate
San Diego
amccraven@f3law.com