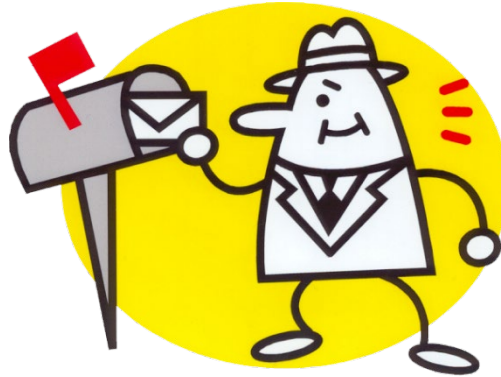


# LEGAL MAILBAG – MAY 15, 2025



By Attorney Thomas B. Mooney, Neag School of Education, University of Connecticut

*The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: [legalmailbag@casciac.org](mailto:legalmailbag@casciac.org).*

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Dear Legal Mailbag,

If a school district delivers curriculum through a student iPad, what rights do parents have to maintain a device-free/technology-free home? In other words, if I prefer to keep my child off devices at least until age 14 or high school (as is recommended by many specialists), but the school assigns homework through the iPad, do I have any legal right to request that my child have an alternate method of doing homework?

I realize I cannot mandate what is done at school, and I know that students may work on iPads longer than two hours each day. However, as a parent I feel strongly about having a digital-free space at home.

Is there any legislation regarding this matter?

Signed,  
*No Screens at Home*

Dear No Screens:

Your objection to requiring your child to complete homework on an iPad at home after school invites a discussion between you and your child's teacher about what is best for your child (and all children) and whether either (1) your request will be accommodated or (2) the practice of which you complain will stop. You are not alone in raising concerns about the impact that using screens has on the cognitive development of children. However, technology holds great promise for learning, and school officials have broad discretion in how best to deliver instruction.

It is well-established that school officials have broad discretion in establishing the curriculum, and indeed such discretion is logical. Different parents have different perspectives on what should be taught. Deferring to various parental requests for modification of or excusal from certain topics in the curriculum would put educators in an impossible position of accommodating diverse parental concerns. Accordingly, in a leading case on the subject, the Second Circuit Court of Appeals ruled as follows:

The *Meyer* and *Pierce* cases, we think, evince the principle that the state cannot prevent parents from choosing a specific educational program-whether it be religious instruction at a private school or instruction in a foreign language. We do not think, however, that this freedom encompasses a fundamental constitutional right to dictate the curriculum at the public school to which they have chosen to send their children. If all parents had a fundamental constitutional right to dictate individually what the schools teach their children, the schools would be forced to cater a curriculum for each student whose parents had genuine moral disagreements with the school's choice of subject matter. We cannot see that the Constitution imposes such a burden on state educational systems.

*Leebaert v. Harrington*, 332 F.3d 134 (2d Cir. 2003).

Legal Mailbag concedes that this ruling deals with the curriculum, not whether it may be delivered through the use of technology at school and at home. However, Legal Mailbag is not aware of any cases in Connecticut in which the courts have issued rulings limiting the use of technology in public education. Moreover, Legal Mailbag believes that logic of the ruling in *Leebaert v. Harrington* is applicable to questions of how the curriculum is delivered. If a parent brings a claim to court demanding that the use of technology be limited, Legal Mailbag expects that the court would defer to the decisions of school officials and dismiss the complaint.

Legal Mailbag, however, offers three further observations.

First, the legal analysis is entirely different if the objection to the use of technology is based on religious grounds. In such case, the objection would almost certainly be broader and would include objection to the use of technology in school as well. When parents raise religious

objections to school activities, school officials must provide reasonable accommodations to the religious practices of families. What is and what is not a “reasonable accommodation,” however, is subject to debate, and this year we will likely receive further guidance on this point from the United States Supreme Court. Last month, the Court heard oral argument in *Mahmoud v. Taylor*, an appeal from a Fourth Circuit Court of Appeals decision denying parents’ objection on religious grounds to the use of books in the English Language Arts curriculum with LGBTQ themes without providing parents notice or the option to opt their children out of exposure to these books. That guidance may or may not be helpful in determining whether and how religious objections to the use of technology in public education may be accommodated.

Second, you asked whether there is “any legislation regarding this matter.” There is not, but related issues have been addressed. In 2016, the General Assembly enacted Public Act 16-189, An Act Concerning Student Data Privacy, now codified at Conn. Gen. Stat. § 10-234aa *et seq.* Moreover, in August 2024, the Connecticut State Board of Education issued a position statement advising school districts to adopt a policy restricting cell phone use in schools, found at [POSITION STATEMENT AND POLICY GUIDANCE, Personal Technology Use in Connecticut Schools: Impact of Social Media and the Use of Cell Phones on Student Learning and Mental Health](#). Similarly, the concerns that you have raised may give rise to further guidance or legislation in the future.

Finally, in considering your concerns, we should differentiate between what school officials *may* do from what school officials *must* do. Although Legal Mailbag is not aware of any right that a parent would have to force school officials to refrain from assigning homework that involves use of technology, it is certainly appropriate for a parent to engage teachers and others in conversation about parental wishes and possible accommodation. Teachers and administrators are often receptive to requests for accommodation based on parent requests as long as such accommodations can reasonably be made.