

NEWS HEADLINES

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Administrators Confront Student ‘Sexting’

Schools Urged to Develop Policies and Programs to Curb the Practice

By Kathleen Kennedy Manzo

Cellphone-savvy students have created instructional and disciplinary challenges for educators for years. But the recent emergence of “sexting” by adolescents over their mobile phones caught many school administrators off guard, and the practice is prompting efforts around the country to craft policy responses.

Students’ sharing of nude or otherwise sexually provocative photos of themselves or classmates via messages over digital devices might be dismissed as just the latest fad in out-of-school adolescent expression—or be deemed the criminal distribution of child pornography. And the attitudes among principals, superintendents, and school boards have ranged from inattention to overreaction, education and child-safety experts say.

As sexting has grabbed public attention, and teenagers and educators have gotten caught up in the legal and other consequences of the practice, school officials have been urged to respond with more precise rules around cellphone use. They’ve also been encouraged to provide information to students, teachers, and parents about the dangers of sexting, including the permanent digital record it creates.

Cellphone Safety

“Clearly, there are major legal issues, policy issues, and educational issues here, and the easiest for us to deal with are education issues,” said Daniel A. Domenech, the executive director of the American Association of School Administrators, based in

Arlington, Va. The group has offered webinars and tip sheets on the subject and is developing a toolkit for administrators.

“Children have to be educated about what’s wrong with [sexting], and that means involving parents to make sure they are monitoring how their children are using cellphones and computers,” Mr. Domenech said. “All these elements we know about Internet safety now apply to cellphones.”

The issue has moved to the forefront over the past year or so as the most sensational cases have garnered national headlines. A year ago, a teenage girl in Ohio committed suicide after nude photos of herself she had sent via a cellphone to a boyfriend were later circulated to other students. The 18-year-old became distraught, her parents said in media interviews, after she was taunted by classmates who had seen the photos.

Students in California, Florida, Massachusetts, Pennsylvania, and other states have been arrested and charged with a range of offenses related to sexting, including child pornography and other sex crimes. Such cases have led to moves for less draconian approaches to handling sexting incidents through the legal system.

The activity is not isolated to risk-takers or students with disciplinary problems. One in five teenagers, and a third of young adults, have reported sending nude or semi-nude pictures or videos of themselves to others, according to a survey conducted last year by the Washington-based National Campaign to Prevent Teen and Unplanned Pregnancy.

‘Visibly Shaken’

When teachers and administrators are confronted with such cases, often there is no formal disciplinary process for them to follow, and they may see no choice but to call the police, according to Rebecca Randall, the vice president for outreach for Common Sense Media, a San Francisco-based nonprofit organization that provides free class materials and parent education programs to districts on curbing cyberbullying and sexting.

“School districts are either being proactive or reactive, but our message is around education and prevention,” Ms. Randall said. “Technology is an integral part of teens’ lives these days, so they need to know how to use it in a safe, smart, and ethical way. ... It’s up to parents and educators to give them the skills and judgment they need.”

Officials at the Greater New Bedford Regional Vocational Technical High School in New Bedford, Mass., are trying to do just that. They held workshops for freshmen and their parents this month on Internet safety that placed a special emphasis on the legal, social, and psychological issues around sexting.

The school began incorporating such lessons into technology classes for all students after administrators recognized the potential for students to use social networking sites and other digital media inappropriately.

“Some students get visibly shaken in the workshops because they realize the potential trouble they could face” by sharing inappropriate images, said Linda Enos, the school’s academic principal. “It’s a personal device they’re using outside of school, but when it affects kids in school it becomes our business.”

That’s the stance school leaders in Kendallville, Ind., have taken in incorporating texting policies into the student handbook. Students attending schools within the East Noble School Corporation are instructed that they can be suspended or expelled for sending or receiving disruptive or obscene content electronically, according to Assistant Superintendent Ann Linson.

The 3,900-student district drafted the policy to reflect the recommendations of the Indiana School Boards Association as “a proactive stance,” Ms. Linson wrote in an e-mail.

Organizations that promote online safety have seen a rise in the demand for instructional materials and training programs as well.

Officials of the Carlsbad, Calif.-based i-SAFE, for example, say the nonprofit group has had a significant increase in requests for some of its 300 lesson plans, as well as workshops it offers for parents, teachers, students, and law-enforcement officials.

Recently i-SAFE conducted more than two dozen such workshops in Greater New Bedford and other Massachusetts high schools after several students in the region were arrested in sexting incidents.

“Every student has easy access to a cellphone, ... so it’s critical to talk about the implications of irresponsible use,” said Jonathan King, i-SAFE’s community-outreach coordinator. “Unfortunately, we’re in reaction mode right now, where school districts are interested in the topic, but they’re not doing anything until something happens.”

For some students, the consequences of sexting have been severe: They have been threatened with jail time and a requirement that they register as sex offenders, a record that could follow them into adulthood. Such cases, however, have led to a call for greater discretion in confronting the problem.

Earlier this month, Vermont became what is believed to be the first state to pass a law that heads off the harshest sex-crime charges for most underage students accused of “disseminating indecent material,” particularly if they are first-time offenders. Students who are charged for sexting will be treated as juveniles and, if convicted, their records will be cleared when they turn 18.

Ohio legislators are also considering passing a law intended to protect teenagers from overly harsh punishments for sexting.

The legal community has also been debating the issue and calling for a more careful consideration of laws used to charge offending teenagers.

Sexting “technically can meet the definition of some state child pornography laws, but it’s incumbent upon prosecutors to take into account the intention of [those] laws, which were drafted for adult offenders who acquire or distribute photos of children with the

intent of exploiting them,” said Toolsi G. Meisner, the staff attorney for the National Center for Prosecution of Child Abuse, an arm of the Alexandria, Va.-based National Association of District Attorneys.

Ms. Meisner said that in a system that protects minors under statutory-rape laws because they are deemed too young to consent to sexual intercourse, under the same framework it makes no sense to charge them with child pornography offenses for sexting and similar behaviors.

“There can be very long-lasting effects for something a child doesn’t truly comprehend, including sex-offender registration requirements upon potential conviction,” she said.

In situations where charging teens for their behavior may be appropriate, prosecutors should consider alternative statutes, including cyberbullying or electronic harassment laws, Ms. Meisner said.

“These are children we are dealing with and we have to look at them differently from adult predators,” she said.

Educator’s Plight

Legal experts also stress that without policies and protocols for dealing with sexting incidents, educators themselves can get into serious trouble.

Several districts are now fighting lawsuits filed by parents who say school officials did not do enough to address the harassment and bullying their children endured after nude pictures of them were shared electronically.

Investigating such incidents can also pose problems for administrators. An assistant principal in Loudoun County, Va., for example, was arrested last August and charged with possession of child pornography after he investigated rumors that students were circulating provocative pictures of classmates via cellphone.

In securing a record of the offense, as the Freedom High School principal had requested, Assistant Principal Ting-Yi Oei had the photo of an unidentifiable partially nude girl transferred to his personal cellphone and then his school computer. All the charges against Mr. Oei were eventually dropped, but only after months of legal wrangling and undue stress, he said.

Mr. Oei, who has since returned to Freedom High, said he hadn't been given any guidance about how to deal with such issues.