Digital Citizenship

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Social Media and Teen Use

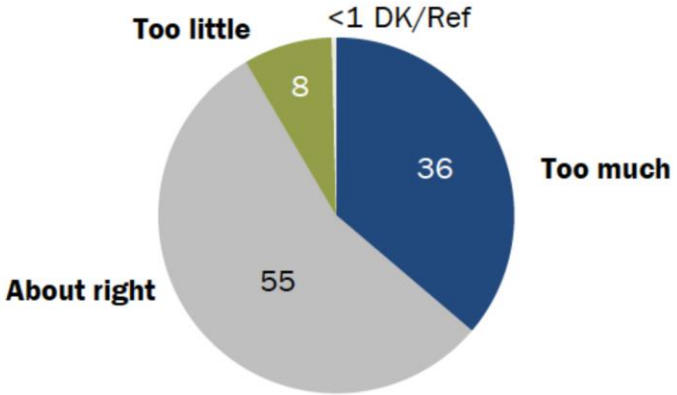


"When I grow up I either want to be a tastemaker or an influencer. But I'd settle for thought leader."

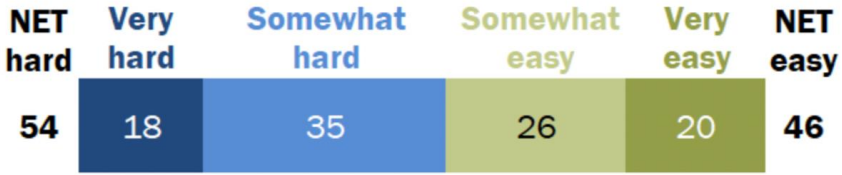
Social Media Use Today

54% of teens say it would be hard to give up social media

% of U.S. teens who say that overall, the amount of time they spend on social media is ...



% of U.S. teens who say it would be ___ for them to give up social media

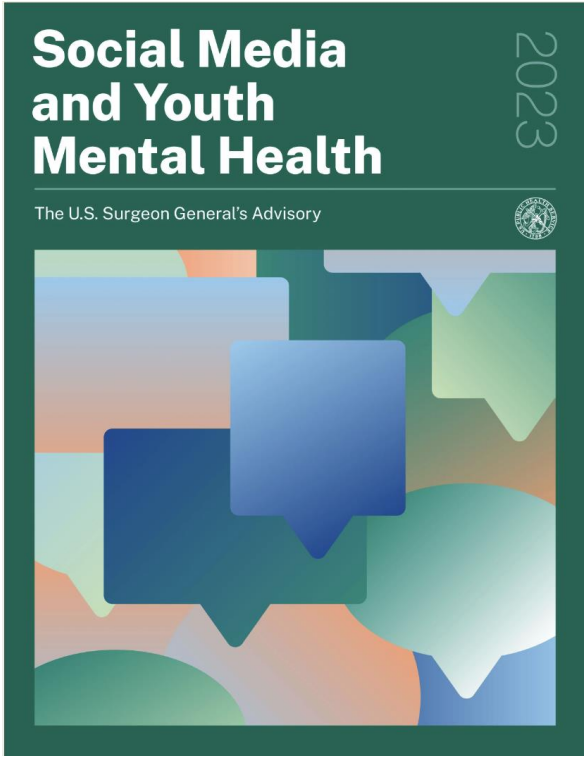


Note: Teens refer to those ages 13 to 17. Figures may not add up to the NET values due to rounding. Those who did not give an answer are not shown.
Source: Survey conducted April 14-May 4, 2022.
"Teens, Social Media and Technology 2022"

PEW RESEARCH CENTER

Surgeon General's Report

- Report can be found at: https://www.hhs.gov/surgeongeneral/priorities/youth-mental-health/social-media/index.html



Surgeon General's Findings

- Urgent call for action to policymakers, technology companies, researchers, families, and young people
- Emphasis on social media's potential harms during a critical stage in brain development
- "Nearly every teenager in America uses social media, and yet we do not have enough evidence to conclude that it is sufficiently safe for them."

SG Report: The Ugly

- Social media use at a young age is predictive of a subsequent decrease in life satisfaction for certain developmental stages
  - Specifically a concern for girls 11-13 and boys 14-15
- Youth who spend more than 3 hours a day on social media face 2x the risk of experiencing poor mental health outcomes (including depression and anxiety)
  - National average is over 3 hours/day for teens
- "Social media may also perpetuate body dissatisfaction, disordered eating behaviors, social comparison, and low self-esteem, especially among adolescent girls."

Surgeon General's Findings

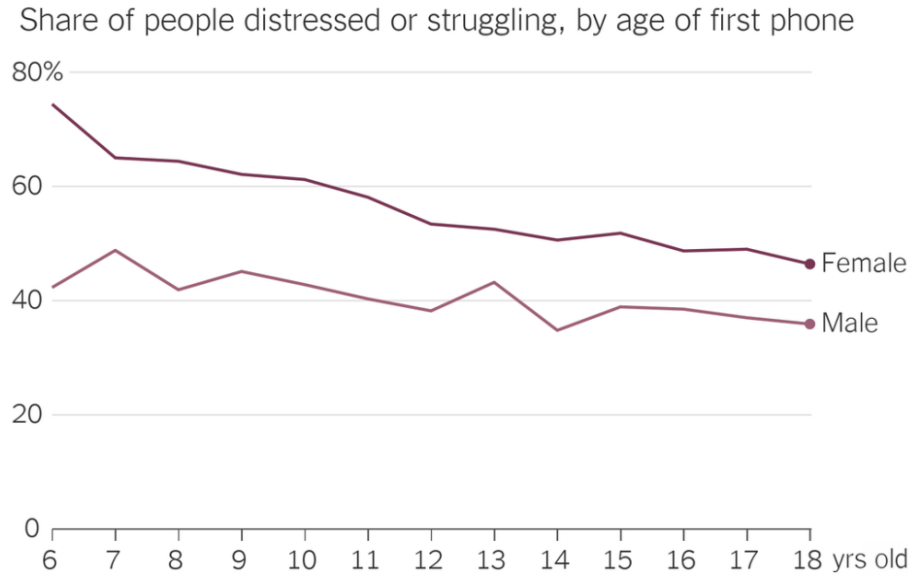


Of adolescents say that social media makes them feel worse about their body image

Of adolescents are "often" or "sometimes" exposed to hate-based content

Of parents worry social media can lead their children to struggle with anxiety or depression

Link Between Age of First Phone and Mental Health Struggles

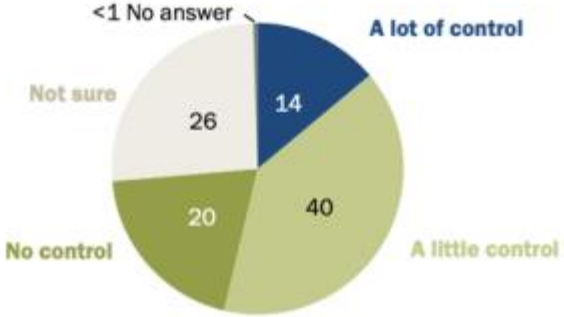


Among people ages 18 to 24, based on the age they first owned a smartphone. Source: Sapien Labs | By The New York Times

Use of Information

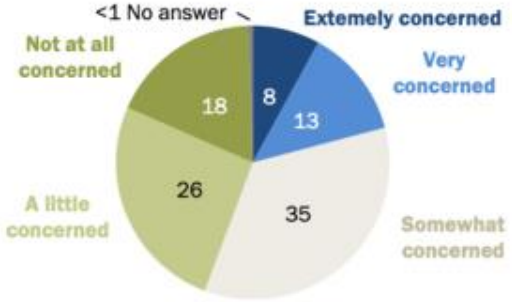
A majority of teens feel as if they have little to no control over their data being collected by social media companies ...

% of U.S. teens who say they think they have ___ over the personal information that social media companies collect about them



... but only one-in-five are extremely or very concerned about the amount of information these sites have about them

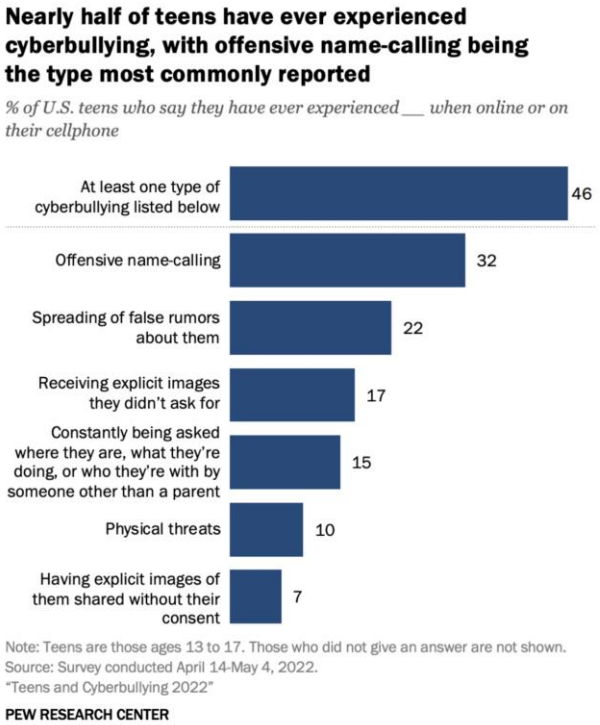
% of U.S. teens who say they are ___ about the amount of personal information social media companies might know about them



Note: Teens are those ages 13 to 17. Values may not add up to 100% due to rounding. Figures may not add up to NET values due to rounding.
Source: Survey conducted April 14-May 4, 2022.
"Connection, Creativity and Drama: Teen Life on Social Media in 2022"

PEW RESEARCH CENTER

Social Media and Cyberbullying



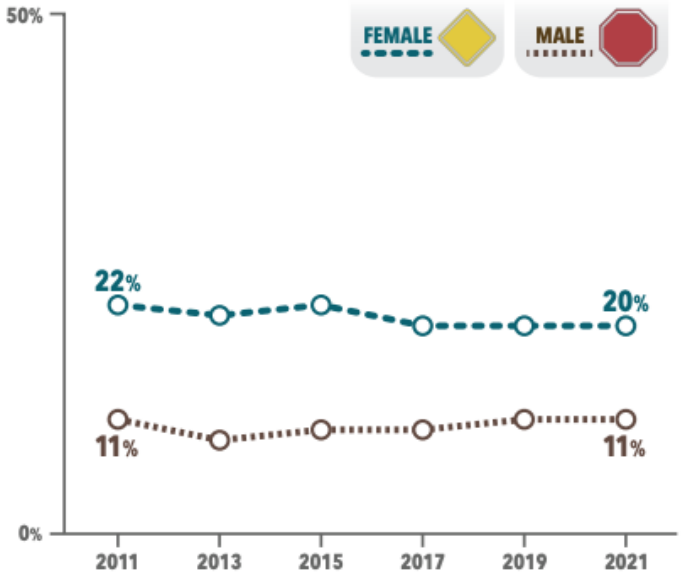
Cyberbullying

Trends in the Percentage of High School Students Who Were Electronically Bullied during the Past Year, United States, YRBS, 2011–2021

10-Year Trend Description

by Sex

The percentage of male students who were electronically bullied increased from 2011 to 2021. The percentage of female students who were electronically bullied did not change.



Nebraska Law on Bullying

79-2,137.

School district; development and adoption of bullying prevention and education policy; review.

(1) The Legislature finds and declares that:

(a) Bullying disrupts a school's ability to educate students; and

(b) Bullying threatens public safety by creating an atmosphere in which such behavior can escalate into violence.

(2) For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events.

(3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.

(4) The school district shall review the policy annually.

Resources to Consider

- https://www.commonsense.org/education/digital-citizenship/lesson/rewarding-relationships-youth-with-idd
- https://www.browardschools.com/cms/lib/FL01803656/Centricity/Domain/13726/Think%20B4U%20Post%20Toolkit.pdf

Research Advances



Neurotech & Generative AI

- Advances in neuro technology and Generative AI now allows wearable tech that can decode continuous language from the brain
  - Translation: Somebody else can read the general gist of what we're thinking even if we haven't uttered a single word
- fMRI scans, which measure blood flow to different areas of the brain, and large AI language models, work together with surprising accuracy

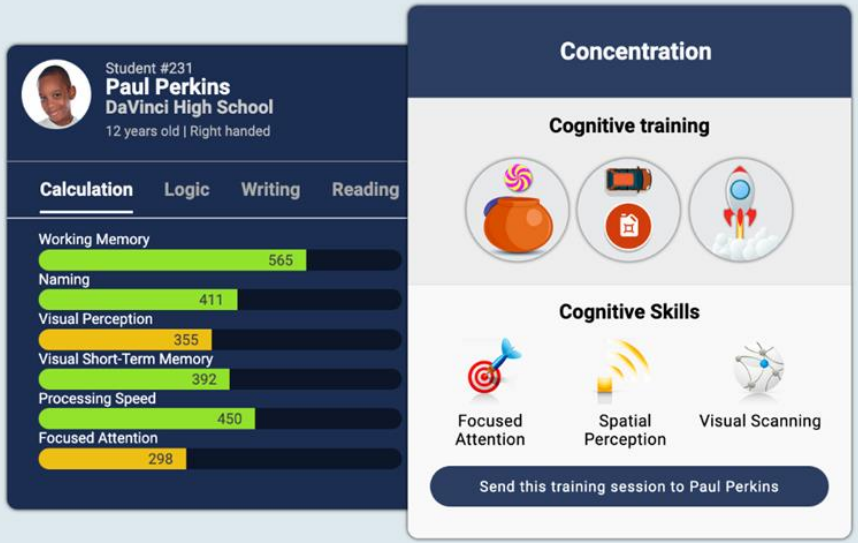
Neurotech & Generative AI



Cognitive Brain Training

- What is cognitive brain training?
  - Cognitive brain training is a series of exercises that can help improve cognitive function, such as memory, attention, and problem-solving.
- Research demonstrates the effectiveness of computerized cognitive training (CCT) in building specific abilities (e.g., working memory) among school-age children

Cognitive Brain Training



Brain based learning platform, cognitive stimulation for schools

This brain based learning platform designed for schools is a professional instrument created by specialists in child neuropsychology that may help educators without specialized training to analyze learning and childhood developmental processes. The brain based learning education platform from CogniFit is designed to help teachers in the following areas:

- **Develop each student's potential**: Learn about the brain processes implicated in learning and neurodevelopment.
- **Implement methodological and didactic improvements**: Incorporate a base to the education process to help focus improvements in teaching and designing learning strategies. Enriching educational and vocational guidance.
- **Prevention of poor school performance**: Find out which cognitive weaknesses may affect the child's performance in school and learn how to properly handle the difficulty.

Student Speech and Social Media



"I don't feel like I say the darnedest things,
but I apparently do."

Mahanoy Area Sch. Dist. v. B.L.

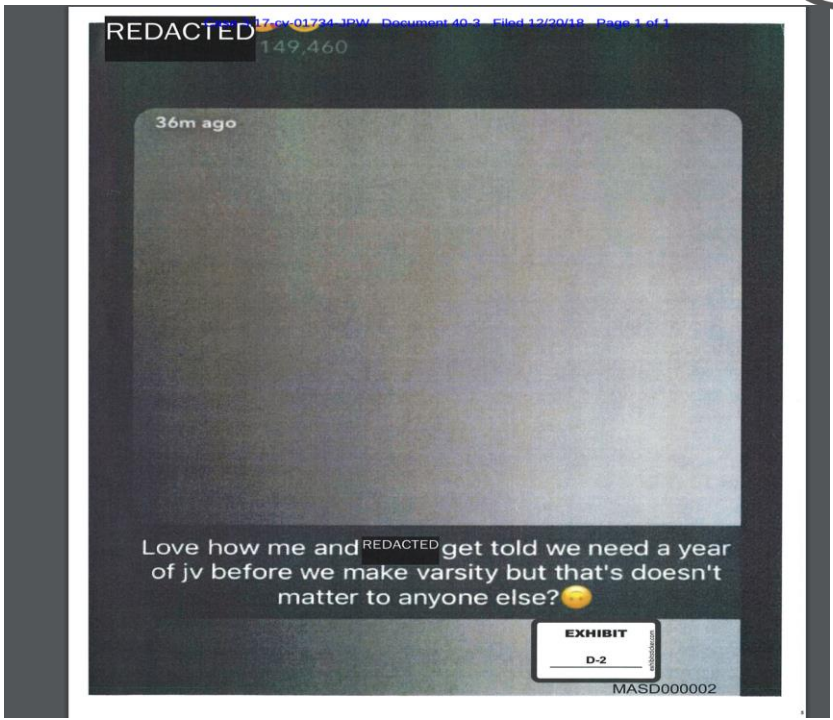
141 S. Ct. 976 (U.S. 2021)

- High school sophomore tries out for cheer, gets assigned to JV while a freshman makes varsity

Mahanoy Area Sch. Dist. v. B.L.

141 S. Ct. 976 (U.S. 2021)





Mahanoy Area Sch. Dist. v. B.L.

141 S. Ct. 976 (U.S. 2021)

- Teammates brought post to attention of coaches
- Coaches determined that the snap violated team and school rules that B.L. acknowledged prior to season
  - Team rules required cheerleaders to "avoid foul language and inappropriate gestures" and to refrain from sharing "negative information regarding cheerleading, cheerleaders, or coaches on the internet."
- B.L. removed from team; decision upheld by administrators and board
- B.L. sued

Mahanoy Area Sch. Dist. v. B.L.

141 S. Ct. 976 (U.S. 2021)

- Supreme Court
  - Schools can regulate off-campus speech, including on social media
    - Must actually cause or be reasonably likely to case a "material and substantial disruption"
  - Schools are given more deference when the speech constitutes
    - bullying
    - harassment
    - threats
    - violation of online school activities, and
    - breaches of school security devices

Kutchinski v. Freeland Cmty. Sch. Dist.

69 F.4th 350 (6th Cir. 2023)

- High school student, H.K., created a fake Instagram account of one of his teachers
  - Student only made one post to the account
- H.K. shared the account log on information with two friends
  - The two friends made multiple posts aimed at various people
  - Posts were vulgar and much more obscene than what H.K. had originally posted
- Word of the account reached the school and was reported to the principal

Kutchinski v. Freeland Cmty. Sch. Dist.

69 F.4th 350 (6th Cir. 2023)

- Some of the content posted on account:
  - A photo of the student with a disability saying "[g]lad this sicko is out of our school #ass[a]ult #Blessed"
  - A photo of Schmidt (teacher) and his wife with the caption ”Happy 3rd Anniversary to my beautiful wife! #loving #anniversary #STDs"
  - A photo of Anderson (footbal coach) with two unknown students with the caption "I will find and kill @_treyanderson__ [I'm] going to strangle him with my barehands [sic] until he is barely conscious, then let go. Once he is awake again [I'm] gonna run him over with my ****** car and crush [h]is skull into a million pieces. #lol @elite_edge"
- H.K. received 15 total days of suspension
  - H.K. sued alleging violations of 1st and 14th Amendment rights

Kutchinski v. Freeland Cmty. Sch. Dist.

69 F.4th 350 (6th Cir. 2023)

- Court:
  - The "speech" at issue involves serious harassment of teachers and students therefore the school could discipline H.K. if H.K. had some responsibility for the speech and it disrupted classwork
    - "H.K. contributed to the harmful speech by creating the Instagram account, granting K.L. and L.F. access to the account, joking with K.L. and L.F. about their posts, and accepting followers, he bears responsibility for the speech related to the Instagram account."
    - School reasonably believed that posts made would disrupt normal school proceedings given the nature of the posts

Doe v. Hopkinton Pub. Schs.

(U.S. 1st Cir. 2021)

- The two plaintiffs were members of the high school's hockey team
- Both students were part of a SnapChat group that was geared at bullying a fellow team member
- Some of the SnapChat group members would take videos and photos of the bullied team member without his consent while on bus rides to games or at team gatherings and share to the group

Doe v. Hopkinton Pub. Schs.

(U.S. 1st Cir. 2021)

- The two students involved in this suit did not ever take pictures but did provide derogatory commentary in the group
- The school investigated and all members of the SnapChat group were suspended from the hockey team for the remainder of the season
- One plaintiff received a three day suspension from school, the other a five day suspension

Doe v. Hopkinton Pub. Schs.

(U.S. 1st Cir. 2021)

- Plaintiffs sued alleging a violation of their First Amendment rights
- Court said:
  - “Speech or conduct that actively and pervasively encourages bullying by others or fosters an environment in which bullying is acceptable and actually occurs -- as in this case -- is not protected under the First Amendment.”
  - Suspension was upheld and did not violate First Amendment rights

What if it’s just a joke?

- C.G. v. Siegfred, 477 F. Supp. 3d 1194 (D. Colo. 2020)
  - Screenshotted, shared, police called
  - School contacted by parents, news media
  - Student expelled
  - Sued, arguing
    - First Amendment – snap taken and posted off campus on the weekend
    - Post was a joke based on a meme
  - School: caused a “material and substantial disruption”



Jokes are NOT a Defense

- C.G. v. Siegfred, 477 F. Supp. 3d 1194 (D. Colo. 2020)
  - Court:
    - Comments caused a material and substantial disruption
    - Fact that student intended it "as a joke" is no defense
    - The post "collided with the rights of other students to be secure and to be left alone."
  - School Wins



Trends to Be Aware Of



Trend Setter

#1: Terroristic Threats

Neb. Rev. Stat. 28-311.01

Terroristic threats; penalty.

(1) A person commits terroristic threats if he or she threatens to commit any crime of violence:

(a) With the intent to terrorize another;

(b) With the intent of causing the evacuation of a building, place of assembly, or facility of public transportation; or

(c) In reckless disregard of the risk of causing such terror or evacuation.

(2) Terroristic threats is a Class IIIA felony.

M.T.W. v. Juv. Off.

661 S.W.3d 386 (Mo. Ct. App. 2023)

- In class, a friend of M.T.W. told her they wanted to make a threat on Snapchat but did not know how to deactivate their account
  - M.T.W. helped the friend deactivate their Snapchat account
  - Then, M.T.W. assisted in the creation of a new Snapchat account
- A threat of violence was made from the account
- M.T.W. was charged with making a terrorist threat and placed on probation

M.T.W. v. Juv. Off.

661 S.W.3d 386 (Mo. Ct. App. 2023)

- Court was looking at whether M.T.W. had the purpose of making a threat
  - "Two police officers testified that M.T.W. stated that she helped her classmate create the new Snapchat account **after** she overheard him speaking with another student about making the threat."
    - Purpose was also seen in subsequent conduct, "For example, M.T.W. failed to report that her classmates had discussed making a threat directed at the school either before the threat had been posted or later when she reported the posting to a school administrator."

In re A.G.

272 Cal. Rptr. 3d 602 (2020)

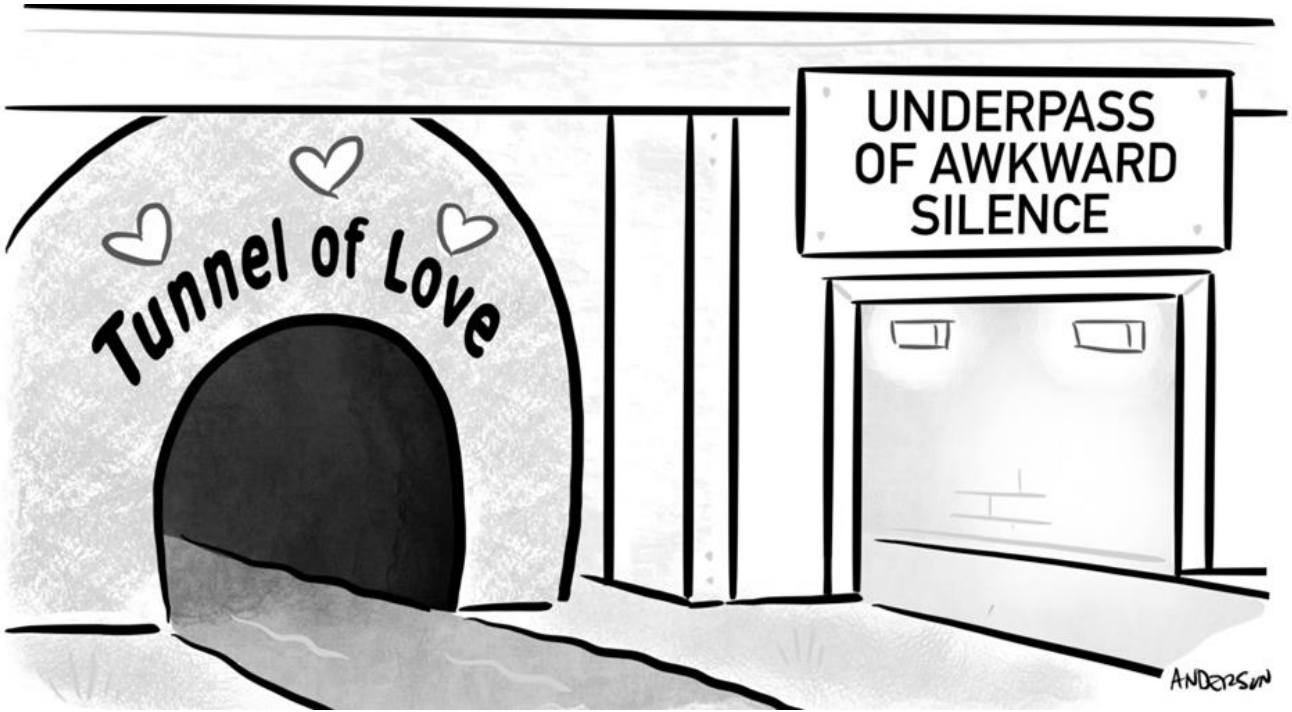
- High school student posted on Snapchat a photo with caption:
  - “Everybody go to school tomorrow. I’m taking gum.”
  - Photo had a realistic replica gun
  - Post was visible to 60 Snapchat friends
- A.G. testified he meant the image as a joke which is evidence by use of the word “gum” and he made a follow-up post saying it was a joke

In re A.G.

272 Cal. Rptr. 3d 602 (2020)

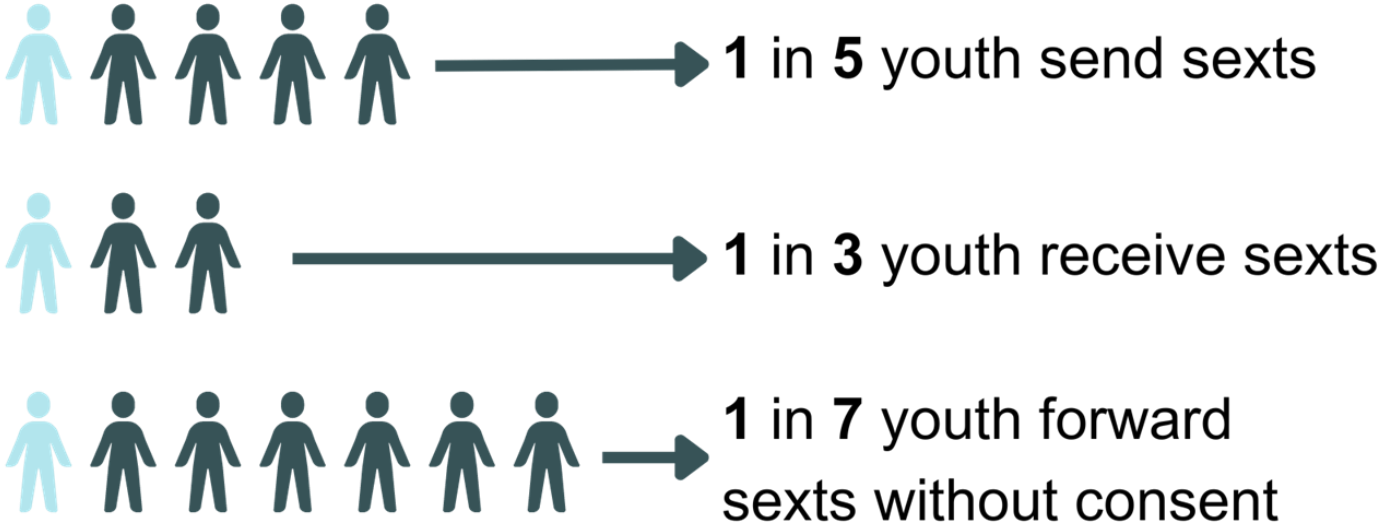
- Court: upheld conviction
  - “In any event, even if A.G. made the post as a joke, a reasonable trier of fact could conclude the joke was made with the intent that it be understood by others as a threat. As A.G. conceded to detective Jeong, he posted the story to see others' reactions. Because people would only react to the story if they perceived it as a threat, a reasonable trier of fact could conclude that A.G.'s post was a willful threat to kill or cause great bodily injury because it suggested he was going to bring the gun to school and harm people with it.”

#2: Sexting/ Inappropriate Photos



Prevalence of Inappropriate Pictures

Data collected over last 5 years indicate:



Personal Risks

- Study from University of New Hampshire:
  - Nationally representative sample survey data showed:
    - 23.3% of respondents engaged in sexting before age of 18
      - "The **rate of image victimization increased dramatically** from 2.8% for the non-sexting group **to 37.2%** for the any sexting group, a risk ratio of 13.2."
    - "It also appeared to be the case that **limiting their sexting frequency to just occasionally was not strongly protective for youth.** Those who engaged in limited sexting had lower victimization rates than frequent sexting youth, but the victimization rate was still 35%."

Legal Risks: It's Illegal to Create and Share IPs from Places of Privacy

Neb. Rev. Stat. 28-311.08 (Intrusion)

(2) It shall be unlawful for any person to knowingly and intentionally photograph, film, or otherwise record an image or video of the intimate area of any other person without his or her knowledge and consent when his or her intimate area would not be generally visible to the public regardless of whether such other person is located in a public or private place. Violation of this subsection is a Class IV felony.

(3) It shall be unlawful for any person to knowingly and intentionally distribute or otherwise make public an image or video of another person recorded in violation of subsection (2) of this section without that person's consent. A first or second violation of this subsection is a Class IIA felony. A third or subsequent violation of this subsection is a Class II felony.

And it’s not just IPs

Neb. Rev. Stat. 28-311.08 (Intrusion)

“Intimate area” means “the naked or undergarment-clad genitalia, pubic area, buttocks, or female breast of an individual”

It is Illegal to Share IPs of ANYONE without their Consent

Neb. Rev. Stat. 28-311.08 (Intrusion)

(4) It shall be unlawful for any person to knowingly and intentionally distribute or otherwise make public an image or video of another person's intimate area or of another person engaged in sexually explicit conduct (a) if the other person had a reasonable expectation that the image would remain private, (b) knowing the other person did not consent to distributing or making public the image or video, and (c) if distributing or making public the image or video serves no legitimate purpose. Violation of this subsection is a Class I misdemeanor. A second or subsequent violation of this subsection is a Class IV felony.

It is Illegal to THREATEN to Share IPs of ANYONE

Neb. Rev. Stat. 28-311.08 (Intrusion)

(5) It shall be unlawful for any person to threaten to distribute or otherwise make public an image or video of another person's intimate area or of another person engaged in sexually explicit conduct with the intent to intimidate, threaten, or harass any person. Violation of this subsection is a Class I misdemeanor..

IPs of Minors are Illegal for ANYONE to Create or Distribute

Neb. Rev. Stat. 28-1463.01-.06 (Creation)

(1) It shall be unlawful for a person to knowingly make, publish, direct, create, provide, **or in any manner generate** any visual depiction of sexually explicit conduct which has a child other than the defendant as one of its participants or portrayed observers.

(2) It shall be unlawful for a person knowingly to purchase, rent, sell, deliver, distribute, display for sale, advertise, trade, or provide to any person any visual depiction of sexually explicit conduct which has a child other than the defendant as one of its ~~participants or portrayed observers.~~

IPs of Minors are Illegal for ANYONE to Possess

Neb. Rev. Stat. 28-813.01 (Obscenity)

> It shall be unlawful for a person **under nineteen years of age** to knowingly and intentionally possess any visual depiction of sexually explicit conduct which has a child other than the defendant as one of its participants or portrayed observers. Violation of this subsection is a **Class I misdemeanor**. A second or subsequent conviction under this subsection is a **Class IV felony.**

2 possible defenses for **voluntary sharing**—15 to 18, or within 4 years in age if 17 or younger

It is Illegal to ask a Minor to take or send a IPs

- 28-707 (Child Abuse)
- A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be…
  - "Placed in a situation to be sexually exploited by allowing [or] encouraging such minor child to … engage in … pornographic photography, films, or depictions"
- 28-711: "any school employee" **must report child abuse**

In re S.K.

466 Md. 31 (2019)

- Student was involved in a group text chat with two close friends
- She sends to the chat a video of herself with someone else
- Unrelated to the video, the friends had a falling out
- As a result, the two group chat members reported her for the video

In re S.K.

466 Md. 31 (2019)

- Student was held responsible for the distribution of child pornography and displaying an obscene item to a minor
- Consequences included:
  - Placed on electronic monitoring for a month
  - Supervised probation:
    - report to probation officer
    - seek permission to change address or leave state
    - allow regular probation officer visits
    - submit to weekly drug urinalysis
    - attend anger management classes
    - submit to substance abuse assessment

Resources to Consider:

- https://www.commonsense.org/education/digital-citizenship/lesson/sexting-and-relationships
- https://cyberbullying.org/sexting-research-summary-2022.pdf

Issue #3: Sextortion

- National Center for Missing and Exploited Children
  - “Reports of online enticement increased by more than 300% between 2021 and 2023.”
- Thorn Survey Data
  - 1 in 4 survey respondents reported they were 13 or younger when first sextorted
  - 68% of victims of sextortion reported that the threats became more frequent after attempting to comply with demands
  - 84% of victims did not seek help due to feelings of shame and embarrassment

Sextortion on the Rise

13,000	# of reports the FBI and HSI received regarding online financial sextortion of minors, from Oct. 2021 to March 2023
12,600 Victims	out of the 13,000 reports, victims were primarily boys and led to at least 20 suicides
20% Increase In Sextortion Reporting to FBI	20% increase in reporting of financial sextortion involving minor victims from Oct. 2022 to March 2023

It Happens in Nebraska

Lancaster County boys targeted in sextortion scheme, sheriff's office says

By Macy Neumeister

Published: Jul. 24, 2023 at 12:57 PM CDT

LINCOLN, Neb. (KOLN) - The Lancaster County Sheriff's Office wants to warn teenagers and their parents about sextortion schemes after two teen boys were targeted via Instagram recently.

In a Monday morning press briefing, Lancaster County Sheriff Chief Deputy Ben Houchin said in both recent cases, the conversations began on Instagram and then moved to other platforms, one of them being Snapchat. Houchin said the teen will be asked to sent explicit photos of themselves, sometimes of their face. Once they have the photos, they'll threaten to release the photos if they don't send money. Houchin said they'll often continue asking for money and sometimes release the photos anyway.

Resources to Consider

- https://www.stopsextortion.com/educators/
- https://www.missingkids.org/content/dam/netsmartz/downloadable/Module%201.pdf
- https://www.dhs.gov/hsi/ops-and-initiatives/sextortion

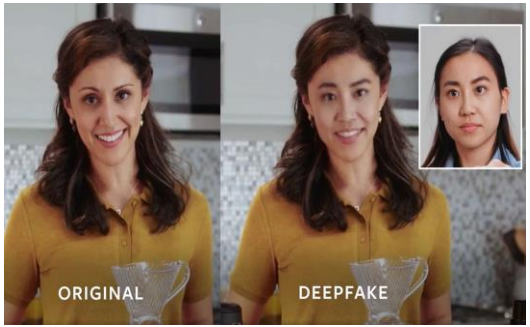
Issue #4: AI and Deepfakes



"You know what's weird? Nobody's ever said anything."

Rise of “Deepfakes”

- Videos or images that are digitally manipulated to replace one person’s likeness convincingly with that of another
- Uses artificial intelligence to make images/videos of people or events
- Becoming more accessible and convincing as AI tech develops



Rise of "Deepfakes"

Long Island Man Jailed in Deepfake Sex Scheme Targeting 11 Women From His High School

By **Pei-Sze Cheng** and **Jennifer Millman** • Published April 18, 2023 • Updated on April 19, 2023 at 6:26 am

A 22-year-old Long Island man has been sentenced to six months in jail and must register as a sex offender for taking photos from social media accounts of nearly a dozen women when they were in high and middle school, altering them to make them sexually explicit and then posting them on a porn website for years, prosecutors say.

Carey pleaded guilty in December to multiple felonies in the deepfake scheme, including promoting a sexual performance by a child, aggravated harassment as a hate crime and stalking.

Cyberbullying and Deepfakes

High school student allegedly used real photos to create pornographic 'deepfakes' of female classmates

MARISA SARNOFF | Nov 3rd, 2023, 1:32 pm

She reported the incident to the school principal and has learned that it was a group of boys using around a dozen images of girls to make the AI-generated pornography, according to WNYW. The boy was reportedly suspended for a few days but has since returned to the school.

"All the other girls agree with me, they don't want him in this school," Mani said. "They are very scared."

Your Considerations

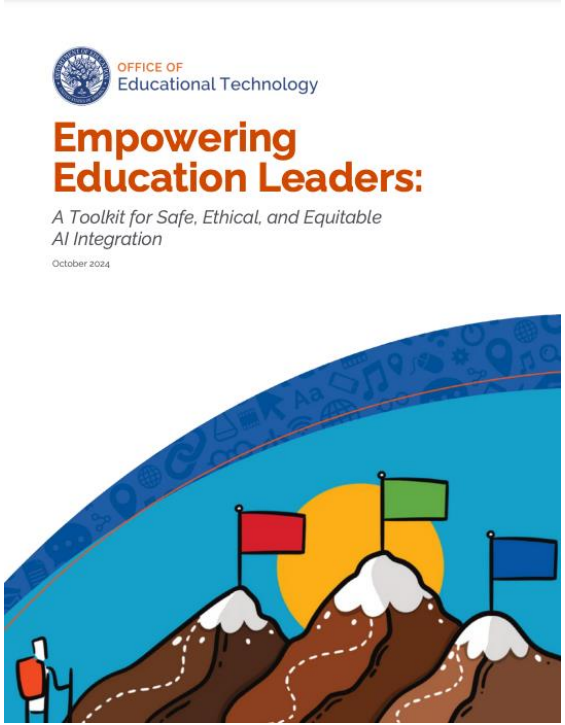
- Do you have an AI policy?
- Does your student discipline policy apply?
  - Should include sexting and possession of pornography
  - Bullying--maybe not state law, but you can broaden the definition
  - Violating acceptable use of tech and audio/video policy
- Where did the misconduct occur?
  - On school grounds, in a school vehicle, at a school activity?
- Title IX

Resources to Consider

- https://www.commonsense.org/education/digital-citizenship/lesson/ai-chatbots-friendship
- https://www.pbs.org/newshour/classroom/lesson-plans/2022/12/lesson-plan-how-to-detect-deepfakes-to-ensure-you-dont-fall-for-disinformation

Department of Education Guidance

- October 2024, Office of Educational Technology released a toolkit for education leaders integrating AI
- https://tech.ed.gov/files/2024/10/ED-OET-EdLeaders-AI-Toolkit-10.24.24.pdf



Issue #5: Not Practicing Internet Safety



"Thanks a lot, Carl!"

State v. Raymond Ching

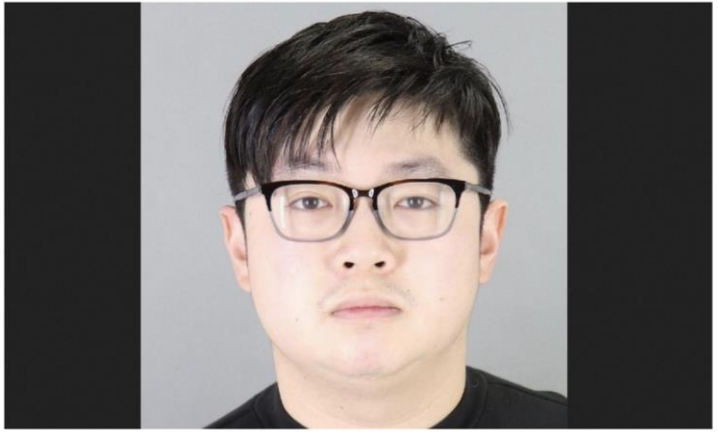
CA (2021)

- Alicia Harris
  - 15-year old
  - Meets boy on Instagram
  - Shares photos and videos
  - Alicia meets boy in person
  - Parents find out, call the cops
- Police arrested…

State v. Raymond Ching

CA (2021)

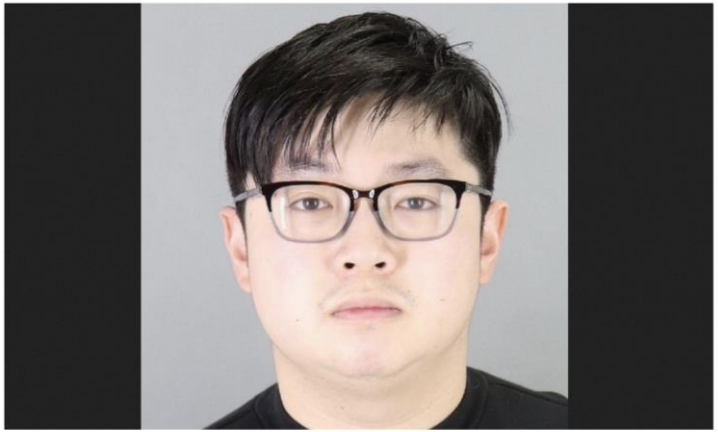
- Alicia Harris
  - 15-year old
  - Meets boy on Instagram
  - Shares photos and videos
  - Alicia meets boy in person
  - Parents find out, call the cops
- Police arrested… Alicia



State v. Raymond Ching

CA (2021)

- "The investigation uncovered Ching had allegedly communicated with hundreds of teenage boys between via these fake Instagram accounts: @alchas04 and/or @alchas04_priv.
- "Investigators believe Ching would solicit photos and video of the victims' genitalia … for his own sexual gratification."



San Mateo 'sexual predator' posed as teen girl on Instagram

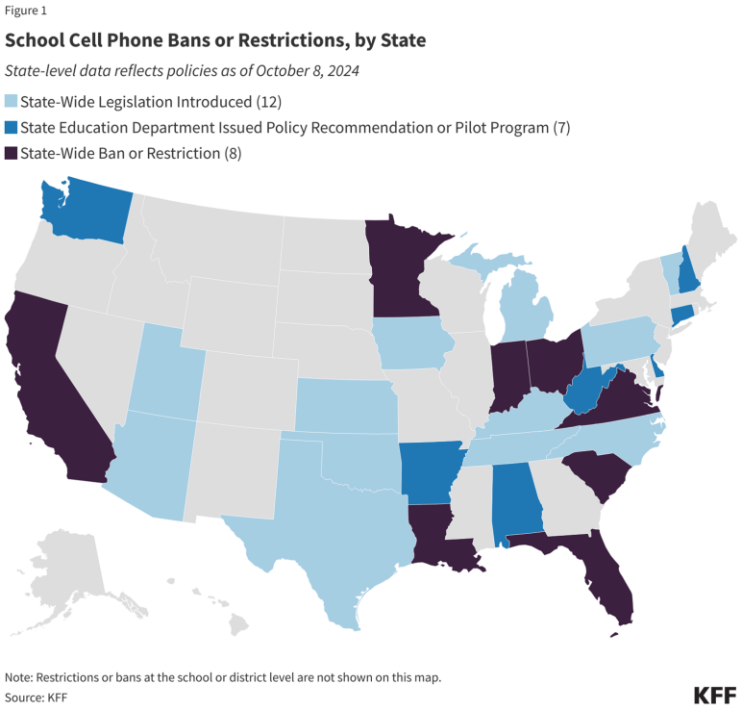
Published on October 2, 2020 — in Crime — Staff

Resources

- https://fl01803656.schoolwires.net/cms/lib/FL01803656/Centricity/Domain/13726//Violence%20PDFs/Think%20B4U%20Post%20Toolkit.pdf
- https://www.commonsense.org/education/digital-citizenship/lesson/teen-voices-oversharing-and-your-digital-footprint-quick

Issue #6: Cell Phone Bans

Eight states have passed state-wide policies that ban or restrict cellphone use in schools as of October 3, 2024



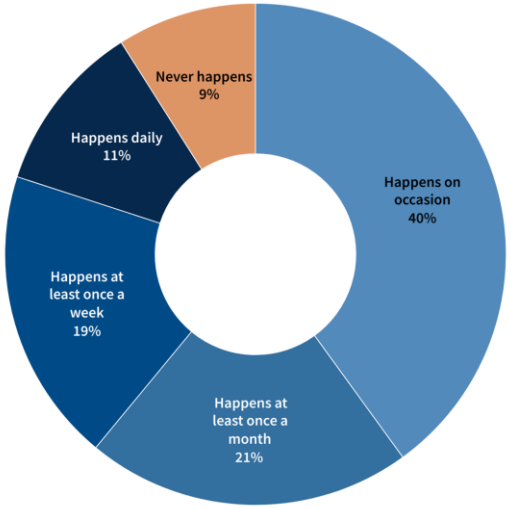
Cell Phone Bans

- Approximately nine in ten public schools report occurrences of cyberbullying among students.
- In 2023, a Gallup survey of adolescents found that 51% reported using social media for at least four hours per day.

Figure 2

9 in 10 Public Schools Report Occurrences of Cyberbullying Among Their Students During the School Year

Distribution of public schools by reported frequency of cyberbullying among students during the school year



Note: Cyberbullying may occur at school or away from school, and refers to a form of bullying through technological devices including cellphones.

Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, School Pulse Panel 2023-24.

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Cell Phone Bans

4/10 Public Schools	report That Student Learning and Teacher Morale are Negatively Impacted by Unpermitted Use of Electronic Devices
40% Schools Report	moderate to severe negative impacts on student learning.
41% Decrease	to teacher/staff morale due to staff morale when students use their electronic devices without permission.

Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, School Pulse Panel 2023-24

Questions?



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