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Online Bullies Pull Schools Into the Fray

By JAN HOFFMAN

The girl's parents, wild with outrage and fear, showed the principal the text messages: a dozen shocking, sexually explicit threats, sent to their daughter the previous Saturday night from the cellphone of a 12-year-old boy. Both children were sixth graders at Benjamin Franklin Middle School in Ridgewood, N.J.

Punish him, insisted the parents.

"I said, 'This occurred out of school, on a weekend,' " recalled the principal, Tony Orsini. "We can't discipline him."

Had they contacted the boy's family, he asked.

Too awkward, they replied. The fathers coach sports together.

What about the police, Mr. Orsini asked.

A criminal investigation would be protracted, the parents had decided, its outcome uncertain. They wanted immediate action.

They pleaded: "Help us."

Schools these days are confronted with complex questions on whether and how to deal with cyberbullying, an imprecise label for online activities ranging from barrages of teasing texts to sexually harassing group sites. The extent of the phenomenon is hard to quantify. But one 2010 study by the Cyberbullying Research Center, an organization founded by two criminologists who defined bullying as "willful and repeated harm" inflicted through phones and computers, said one in five middle-school students had been affected.

Affronted by cyberspace's escalation of adolescent viciousness, many parents are looking to schools for justice, protection, even revenge. But many educators feel unprepared or unwilling to be prosecutors and judges.

Often, school district discipline codes say little about educators' authority over student

cellphones, home computers and off-campus speech. Reluctant to assert an authority they are not sure they have, educators can appear indifferent to parents frantic with worry, alarmed by recent adolescent suicides linked to bullying.

Whether resolving such conflicts should be the responsibility of the family, the police or the schools remains an open question, evolving along with definitions of cyberbullying itself.

Nonetheless, administrators who decide they should help their cornered students often face daunting pragmatic and legal constraints.

“I have parents who thank me for getting involved,” said Mike Rafferty, the middle school principal in Old Saybrook, Conn., “and parents who say, ‘It didn’t happen on school property, stay out of my life.’ ”

According to the Anti-Defamation League, although 44 states have bullying statutes, fewer than half offer guidance about whether schools may intervene in bullying involving “electronic communication,” which almost always occurs outside of school and most severely on weekends, when children have more free time to socialize online.

A few states say that school conduct codes must explicitly prohibit off-campus cyberbullying; others imply it; still others explicitly exclude it. Some states say that local districts should develop cyberbullying prevention programs but the states did not address the question of discipline.

Judges are flummoxed, too, as they wrestle with new questions about protections on student speech and school searches. Can a student be suspended for posting a video on YouTube that cruelly demeans another student? Can a principal search a cellphone, much like a locker or a backpack?

It’s unclear. These issues have begun their slow climb through state and federal courts, but so far, rulings have been contradictory, and much is still to be determined.

The Cyberdetectives

Benjamin Franklin Middle School conveys an earnest sweetness associated with an earlier era. Its 700 students attend classes in a low-slung building from the mid-’50s, complete with a bomb shelter and generous, shaded playing fields.

During cafeteria lunch duty, a guidance counselor runs a foosball tournament, attracting a throng of laughing, shouting boys. This year’s school musical: “Guys and Dolls.”

For all its charms, Benjamin Franklin, a sixth-through-eighth-grade school in a wealthy New

Jersey suburb, also lives bluntly in the present. A sixth-grade girl dashes to class, wearing a turquoise T-shirt with bold sequined letters: “Texting Is My Favorite Subject.” The seventh-grade guidance counselor says she can spend up to three-fourths of her time mediating conflicts that began online or through text messages.

In April, the burden of resolving these disputes had become so onerous that the principal, Mr. Orsini, sent an exasperated e-mail message to parents that made national news:

“There is absolutely NO reason for any middle school student to be part of a social networking site,” he wrote. If children were attacked through sites or texting, he added, “IMMEDIATELY GO TO THE POLICE!” That was not the response that the parents of the girl who had received the foul messages had wanted to hear.

Mr. Orsini sighed, relenting. After all, the texts were angry and obscene, the parents horrified, the girl badly rattled.

“We can certainly talk to the boy,” the principal said.

Investigating a complaint can be like stumbling into a sinkhole. Over the next few days, an assistant principal, Greg Wu; Mr. Orsini; a guidance counselor; a social worker and an elementary school principal were pulled into this one:

The sixth graders had “dated” for a week, before the girl broke it off. The texts she received that Saturday night were successively more sneering, graphic and intimidating.

But the exchanges shown to Mr. Orsini were incomplete. Before handing her phone to her parents, the girl erased her replies.

The boy claimed he was innocent, telling Mr. Wu he had lost his cellphone that Saturday. “Yeah, right,” said Mr. Wu.

The boy insisted he had dropped it while riding his bicycle that April afternoon with his brother and his brother’s friend, both fifth graders.

By Wednesday, the girl’s father called Mr. Orsini. “How is this boy still in school, near my daughter? Why can’t you suspend him?”

The boy was a poor student in language arts classes, yet the text messages were reasonably grammatical. Mr. Wu dictated a basic sentence for the boy to write down. It was riddled with errors.

Next, an elementary school principal interviewed the fifth-grade boys separately.

By Thursday, Mr. Orsini telephoned the girl's parents with his unsettling conclusion:

The boy had never sent the texts. The lost phone had been found by someone else and used to send the messages. Who wrote them? A reference or two might suggest another sixth grader.

The identity would remain unknown.

Mr. Orsini told the girl's shaken parents that, aside from offering her counseling, the school, which had already devoted 10 hours to the episode, could do no more. "They were still in so much pain," Mr. Orsini said. "They wanted us to keep investigating."

Middle School Misery

Meredith Wearley, Benjamin Franklin's seventh-grade guidance counselor, was overwhelmed this spring by dramas created on the Web: The text spats that zapped new best friendships; secrets told in confidence, then broadcast on Facebook; bullied girls and boys, retaliating online.

"In seventh grade, the girls are trying to figure out where they fit in," Mrs. Wearley said. "They have found friends but they keep regrouping. And the technology makes it harder for them to understand what's a real friendship."

Because students prefer to use their phones for texting rather than talking, Mrs. Wearley added, they often miss cues about tone of voice. Misunderstandings proliferate: a crass joke can read as a withering attack; did that text have a buried subtext?

The girls come into her office, depressed, weeping, astonished, betrayed.

"A girl will get mad because her friend was friends with another girl," Mrs. Wearley said.

They show Mrs. Wearley reams of texts, the nastiness accelerating precipitously. "I've had to bring down five girls to my office to sort things out," she said. "It's middle school."

Recently, between classes, several eighth-grade girls from Benjamin Franklin reflected about their cyberdramas:

"We had so many fights in seventh grade," one girl said. "None of them were face-to-face. We were too afraid. Besides, it's easier to say 'sorry' over a text."

Another concurred. "It's easier to fight online, because you feel more brave and in control," she said. "On Facebook, you can be as mean as you want."

Studies show that online harassment can begin in fourth grade. By high school, students inclined

to be cruel in cyberspace are more technologically sophisticated, more capable of hiding their prints. But that is also when older students may be more resilient:

"By high school, youths are developing more self-confidence, engaged in extracurricular activities and focusing on the future," said Sameer Hinduja, a professor at Florida Atlantic University and an author of "Bullying Beyond the Schoolyard."

"Their identity and self-worth come from external things that don't revolve around social relationships."

But during middle school, he said, "Peer perception largely dictates their self-worth." With their erupting skin and morphing bodies, many seventh-grade students have a hard enough time just walking through the school doors. When dozens of kids vote online, which is not uncommon, about whether a student is fat or stupid or gay, the impact can be devastating.

While research shows that traditional at-school bullying is far more pervasive than cyberbullying, each type of hostility can now blur and bleed into the other. Jeff Taylor, principal of Frank Lloyd Wright Intermediate School in West Allis, Wis., wades into cyber-related conflicts at school several times each week.

Recently, a seventh-grade girl held a weekend birthday party and her jealous former friend showed up. By Tuesday night, the uninvited guest had insulted the birthday girl's dress on Facebook, calling it and the girl's mother cheap. The remarks were particularly wounding, because the birthday girl's family is not well-off.

By Wednesday, Mr. Taylor said, "There were rumblings about it in the cafeteria. When kids start posturing and switching lunch tables, you can tell." He and an assistant tried to calm them.

But the posturing continued online. A confrontation at school was planned, and the details were texted. On Friday, during the four minutes between seventh-grade lunch and the next period, 20 girls showed up in a hallway and began shrieking.

At least four adults pulled the girls apart and talked them down.

"We must have spent five or six hours on this, throughout the week," Mr. Taylor said. "We got to the bottom of that pain and rejection. I don't consider it a waste of time. But at 3:03 those buses were pulling out and you know that as soon as the girls got home, they'd be blasting away about it on Facebook."

Though resolving cyberwars can be slippery and time-consuming, some schools would like students to report them at the outset, before they intensify. But experts on adolescence note

that teenagers are loath to tell adults much of anything.

Some students think they can handle the ridicule themselves. Or are just too embarrassed to speak up. Others fear that parents will overreact.

If the child is texting at school or has a Facebook page without permission, “and now they’re being bullied on it,” said Parry Aftab, executive director of WiredSafety.org, “they can’t admit it to parents. The parents will take away the technology and the kids are afraid of that. Or the parents will underreact. They’ll say: ‘Why read it? Just turn it off!’ ”

The most threatening impediment to coming forward can be the cyberbully’s revenge. Graffiti on a cyberwall can’t be blacked out with a Sharpie.

Mindful of risks to students who report bullies, some school districts have created anonymous tip sites. At Benjamin Franklin, the staff has many ways to give students cover.

“When girls ask their friends, ‘What were you doing in the guidance counselor’s office?’ ” Mrs. Wearley said, “I tell them, just say ‘Mrs. Wearley was fixing my schedule.’ ”

The Legal Battles

Tony Orsini, the Ridgewood principal, learned about a devastating Facebook group last November, two months after it started.

“I had a 45-year-old father crying in my office,” Mr. Orsini said. “He kept asking, ‘Why would someone do this to my son?’ ”

A Facebook page had sprung up about the man’s son, who was new in town. The comments included ethnic slurs, snickers about his sexuality and an excruciating nickname. In short order, nearly 50 children piled on, many of them readily identifiable. “Kids deal with meanness all the time and many can handle it,” said Mr. Orsini, 38, a father of two children. “But it never lasts as long as it does now, online.”

The boy could not escape the nickname. At soccer and basketball games around town, opposing players he’d never met would hoot: “Oh, you’re that kid.”

The boy began missing school. He became ill. After weeks, he reluctantly told his parents.

“We don’t always get to address these problems until the damage is done,” Mr. Orsini said.

Because the comments had been made online and off-campus, Mr. Orsini believed that his ability to intervene was limited.

Rulings in a handful of related cases around the country give mixed signals.

A few families have successfully sued schools for failing to protect their children from bullies. But when the Beverly Vista School in Beverly Hills, Calif., disciplined Evan S. Cohen's eighth-grade daughter for cyberbullying, he took on the school district.

After school one day in May 2008, Mr. Cohen's daughter, known in court papers as J. C., videotaped friends at a cafe, egging them on as they laughed and made mean-spirited, sexual comments about another eighth-grade girl, C. C., calling her "ugly," "spoiled," a "brat" and a "slut."

J. C. posted the video on YouTube. The next day, the school suspended her for two days.

"What incensed me," said Mr. Cohen, a music industry lawyer in Los Angeles, "was that these people were going to suspend my daughter for something that happened outside of school." On behalf of his daughter, he sued.

Last November, Judge Stephen V. Wilson of Federal District Court found that the off-campus video could be linked to the school: J. C. told perhaps 10 students about it; the humiliated C. C. and her mother showed it to school officials; educators watched it and investigated.

But the legal test, he wrote in his 57-page decision, was whether J. C.'s video had caused the school "substantial" disruption. Judge Wilson ruled in favor of the young videographer, because the disruption was only minimal: administrators dealt with the matter quietly and before lunch recess.

This legal test comes from a 1969 Supreme Court case, Tinker v. Des Moines Independent Community School District, in which a school suspended students for wearing black armbands to protest the Vietnam War.

The court overturned the suspension, but crafted a balance between a school's authority and a student's freedom of expression. When a student's speech interferes substantially with the school's educational mission, a school can impose discipline.

The district had to pay J. C.'s costs and lawyers' fees: $107,150.80.

Judge Wilson also threw in an aside that summarizes the conundrum that is adolescent development, acceptable civility and school authority.

The good intentions of the school notwithstanding, he wrote, it cannot discipline a student for speech, "simply because young persons are unpredictable or immature, or because, in general, teenagers are emotionally fragile and may often fight over hurtful comments."

The lesson Mr. Cohen hopes his daughter learns from the case is about the limits on governmental intrusion. “A girl came to school who was upset by something she saw on the Internet,” Mr. Cohen said in a telephone interview, “and these people had in their mind that they were going to do something about it. The school doesn’t have that kind of power. It’s up to the parents to discipline their child.”

He did chastise his daughter, saying, “That wasn’t a nice thing to do.”

He describes her video as “relentlessly juvenile,” but not an example of cyberbullying, which he said he did not condone. His daughter offered to remove it from YouTube. But Mr. Cohen keeps it posted, he said, “as a public service” so viewers can see “what kids get suspended for in Beverly Hills.”

The J. C. decision has ignited debate. Nancy Willard, an Oregon lawyer who consults with schools, said that the judge could have applied another, rarely cited prong of the Tinker standard: whether the student’s hurtful speech collided with “the rights of other students to be secure.”

The Supreme Court has not yet addressed online student speech. Lower-court judges in some districts have sided with schools that have disciplined students for posting threatening videos about educators from their home computers.

In two recent cases, students were suspended for posting parodies of their principals. Each case reached the Court of Appeals for the Third Circuit. But one three-judge panel sided with a school for disciplining a student whose site suggested the principal was a pedophile; another panel sided with its case’s student, whose site suggested the principal used steroids and smoked marijuana. To resolve the contradictory rulings, both cases were re-argued earlier this month before 14 judges on the Third Circuit, whose jurisdiction includes New Jersey, Delaware, Pennsylvania and the United States Virgin Islands.

Nationwide, principals have responded to students who demean others online in dramatically different ways.

In January, 28 Seattle middle school students who wrote noxious comments on Facebook about one student received suspensions. The school also held assemblies about digital citizenship.

But when the mother of a seventh-grade boy in Fairfax County, Va., who requested anonymity to protect her son’s identity, sent his principal the savage e-mail messages and Facebook jeers that six boys posted about her son, the principal wrote back that although the material was unacceptable, “From a school perspective this is outside the scope of our authority and not

something we can monitor or issue consequences for."

Many principals hesitate to act because school discipline codes or state laws do not define cyberbullying. But Bernard James, an education law scholar at Pepperdine University, said that administrators interpreted statutes too narrowly:

"Educators are empowered to maintain safe schools," Professor James said. "The timidity of educators in this context of emerging technology is working to the advantage of bullies."

Whether suspension is appropriate is also under discussion. Elizabeth Englander, a psychology professor at Bridgewater State College in Massachusetts and founder of the Massachusetts Aggression Reduction Center, believes that automatic discipline for cyberbullies is wrong-headed.

"We tend to think that if there's no discipline, there's no reaction," she said. "But discipline should never be the only thing we consider in these cases. There are many things we can do with children first to guide and teach them about behavior and expectations."

Tony Orsini wanted to help his middle school student who was being teased mercilessly on Facebook. But he believed he had to catch the bullies at school.

He alerted teachers. At lunch, they spotted the three ringleaders as they forced the boy from their table.

"I called them into my office," Mr. Orsini said, "and talked to them strongly about the lunchroom incident. Then I lied. I said I heard that the cops were looking at a Facebook group they had posted.

"It came down the next day."

He rubbed his face in his hands. "All we are doing is reacting," he said. "We can't seem to get ahead of the curve."

Gathering Evidence

Administrators who investigate students tangled in online disputes often resort to a deft juggle of artfulness, technology and law.

First challenge: getting students to come clean.

Mr. Wu, the assistant principal at Benjamin Franklin, is a former household handyman and English teacher with a fondness for scraps, gadgets and imagination. Hence his lie detector:

It's really an ancient tuner, connected to a helmet labeled "The Anti-Prevaricator" — the inner webbing from a football helmet refurbished by Mr. Wu, who glued on bells and a keypad from an old telephone.

When students balk or obfuscate, Mr. Wu may suggest they don the Anti-Prevaricator. They answer questions; sparks flash from the tuner.

When sixth graders realize the joke, Mr. Wu said, "they start laughing with relief and we talk about the importance of telling the truth."

He continues his cyberinvestigations the old-fashioned way, with conversations, confrontations, cajoling and copious handwritten notes.

But the second challenge is gathering the evidence itself: looking at material typed on personal cellphones or online accounts.

School officials have both greater and lesser investigative authority than the police have over students. Certainly they cannot use lie detectors. But though police officers need probable cause and a warrant to search a student's locker or backpack, school administrators need only "reasonable suspicion" that a school rule has been violated.

The police also need probable cause and a warrant to search social networking sites and cellphones. School officials are uncertain what they need.

"I can't look into Facebook accounts," said Jeff Taylor, the middle school principal from West Allis, Wis. If students or parents want him to see something online, "they have to show it to me or bring me a printout."

But Deb Socia, the principal at Lilla G. Frederick Pilot Middle School in Dorchester, Mass., takes a no-nonsense approach. The school gives each student a laptop to work on. But the students' expectation of privacy is greatly diminished.

"I regularly scan every computer in the building," Ms. Socia said. "They know I'm watching. They're using the cameras on their laptops to check their hair and I send them a message and say: 'You look great! Now go back to work.' It's a powerful way to teach kids: 'I'm paying attention, you need to do what's right.' "

Administrators are skittish about searching cellphones because of the increase in sexting, in which students have sent compromising photos of themselves. Principals fear being caught up in child pornography investigations. In these situations, they generally turn over cellphones to the police.

"The question of searching a cellphone is a gray area," said Mary Ann McAdam, an assistant principal at Governor Livingston High School in Berkeley Heights, N.J. "We only do it when a student says, 'so-and-so sent threatening messages.' Even then, they look through their phones and find it for us. If I felt there might be something on a cellphone, I'd invite parents to go through it with me."

Legal experts disagree on this issue. Professor James argues that cellphones are like backpacks: if the search's purpose is reasonably related to a school infraction, like cheating, the principal's search is legal. Others believe that cellphones belong in another category, protected by electronic communication privacy laws.

While a cellphone search may yield an incriminating text, it may not point to the author.

Last year, an eighth-grade girl at Benjamin Franklin vowed on Facebook that her boyfriend would beat up another eighth grader, a girl she had been bullying throughout middle school. Mr. Orsini called the police.

Mr. Orsini ordered the girls to have no contact at school. Nonetheless, the bullied girl received veiled texted threats at school, sent from a phone owned by a friend of the bully.

"Everyone knows who did it," said Mr. Orsini, looking miserable. "But I couldn't prove who really sent them. So I had to punish the girl whose phone was used. The bully was a masterful manipulator. Her friend took the hit for her."

By now, the targeted girl had become more self-confident. She was furious that the bully escaped punishment. When the bully began picking on a second, weaker girl, she grew further incensed.

One bristling morning, the two girls came to blows, which the bully sorely came to regret. Although teachers quickly broke up the fight, word of the outcome spread more swiftly:

"All the kids chanted the victim's name," Mr. Orsini said, "in triumph in the lunchroom."

The Cybersages

What a difference a few years can make in the life of a tween.

Earlier this month, a proud posse of Benjamin Franklin eighth-grade girls strode into homerooms of sixth graders: inches taller than the 12-year-olds, skin calmer, they radiated a commanding exuberance as they tossed their long, glossy manes. They wanted to offer advice about social networking sites and cyberbullying.

"How many of you have discussed Mr. Orsini's letter with your parents?" asked Annie Thurston, one of the eighth graders, referring to his admonitions about online activity.

Slumped in their desks, at least a dozen students in one class glumly hoisted their hands.

In April, a parent alerted Mr. Orsini about Formspring, a site on which comments can be sent anonymously to mailboxes, and posted at the mailbox owner's discretion. Many adults seem confounded at why girls, in particular, would choose to post the leering, scabrous queries; some teenagers say they do so in order to toss back hard-shelled, tough-girl retorts.

The principal found the names of some Benjamin Franklin students on Formspring. As Mr. Orsini later recounted the experience, he couldn't bring himself to utter even a sanitized version of the obscene posts he had read. His face reddened, tears filling his eyes.

"How does a 13-year-old girl recover her sexual self-esteem after reading that garbage?" he whispered.

It prompted his e-mail message to parents, in which he wrote that no middle school student needed to be on social networking sites. Many parents agreed. But others said that schools and families should work harder to teach students digital responsibility.

These eighth-grade girls thought Mr. Orsini was right: younger students shouldn't be on Facebook.

They grilled the sixth graders, almost all of whom said they had cellphones.

Do your parents read your texts, they asked.

Only a smattering of palms.

"My mom keeps threatening to get software so she can monitor them," one boy said, shrugging his shoulders. "But she never gets around to it."

What impact did Mr. Orsini's letter have?

"I lied to my parents," another boy said. "I told them I deactivated my Facebook page. But in two days, I started it again."

The girls looked solemn.

"If you're under 13, you shouldn't even be on Facebook," said Maeve Cannon, 14. "We think you guys can handle it but you're still really young. It's not that necessary, you know. We just want you to be safe."

The sixth graders were rapt.

“The Internet is a scary place,” said Sabrina Spatz, an eighth grader. “It can really hurt you. Our parents didn’t grow up with it so they don’t really understand it that well.”

So if any of the sixth graders were cyberbullied, the older girls said, “Just come talk to us.”

Then they hesitated. They were, after all, about to graduate.

“You can tell Mr. Wu, he’s awesome!” said Maeve, bubbling over. “Tell your guidance counselor or a teacher.” The other girls nodded eagerly.

“Yeah, go to the school,” Emily Cerrina chimed in.

“The school will make it stop,” she said, “immediately!”