

ROGER J. ARONSON

ATTORNEY AT LAW

P.O. BOX 19350

DIAMOND LAKE STATION

MINNEAPOLIS, MINNESOTA 55419

OFFICE (612) 339-5254

CELL (612) 865-1459

FAX (612) 339-5249

rogeraronson@qwest.net

MASSP WINTER WORKSHOP

JANUARY 2010

BREAKOUT SESSION

SEXTING AND CYBERBULLYING

What is Sexting and Cyberbullying?

1. The law in Minnesota: Minnesota Statutes 121A.0695: "Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and form involving Internet use."

1. How often is it happening? Some surveys indicate 1 in 5 transmit images of themselves
2. Off campus to campus—what is the standard for discipline? When not to discipline off campus behavior? Is it simply a speech case?
 - a. Disruption at school
 - b. Direct or immediate effect on school discipline/safety
3. School district liability
 - a. How do you refute the claim that you did nothing?
 - b. Did you investigate and do you have a record?
 - c. Human Rights Act/Title IX
 - i. Sexual Harassment—do you have actual knowledge
 - ii. Deliberately indifferent
 - iii. Gender oriented the is severe, pervasive, or objectively offensive
 - iv. Victim deprived of educational opportunity or benefit?

4. Cases:

- a. *Jasperson v. Anoka Hennepin* (2007) 13 year old threatened by two boys, death threat. Complaint to school. Student commits suicide.
 - b. *Montgomery v. Indep School Dist. 709* (2000) Alleged years of harassment and that the district did nothing about the complaints. Case allowed to go forward.
5. Cell Phone Search
- a. *Klump v. Nazareth Area Schools* (2006) Confiscated phone used to call other students. Dismissed on immunity grounds.
6. Criminal Statutes cases involving convictions
- a. Indecent Exposure M.S. 617.23
 - b. Obscene Performance M.S. 617.241
 - c. Possession of Minor Porn M.S. 617.247
 - d. Solicitation to Engage M.S. 609.352
7. The checklist
- a. Is there a complaint?
 - b. Is this a speech case?
 - c. Is this a harassment case?
 - d. Is this a general misconduct case?
 - e. Is this a terroristic threat case?
 - f. What investigation was done?
 - g. What record of the investigation was made
 - h. What discipline was imposed?