

# Navigating Digital Citizenship in Education:

*Legal Perspectives and Practical  
Considerations for Transition Age  
Students*

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# Social Media and Teen Use

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

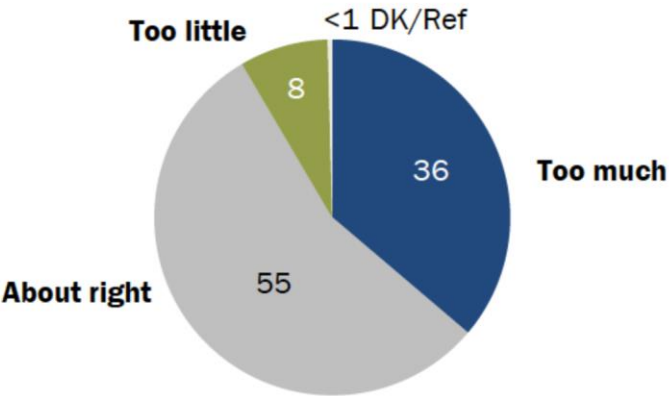
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# Social Media Use Today

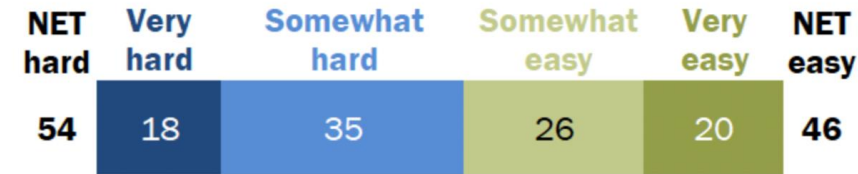


## 54% of teens say it would be hard to give up social media

*% 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"

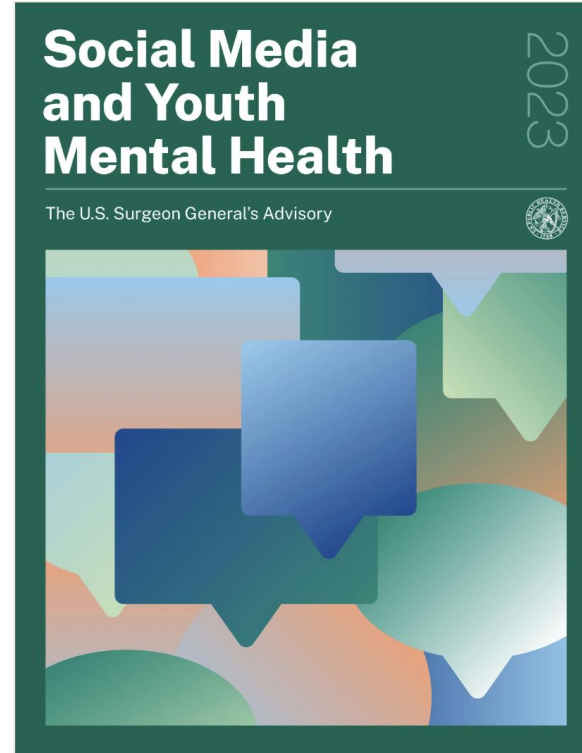
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# Surgeon General's Report

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



# Surgeon General's Findings

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- 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

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- 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

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A circular infographic with a dark teal background and a light teal border. The percentage "46%" is written in large white font in the center.

46%

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

A circular infographic with a light teal background and a dark teal border. The percentage "64%" is written in large white font in the center.

64%

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

A circular infographic with a dark teal background and a light teal border. The percentage "53%" is written in large white font in the center.

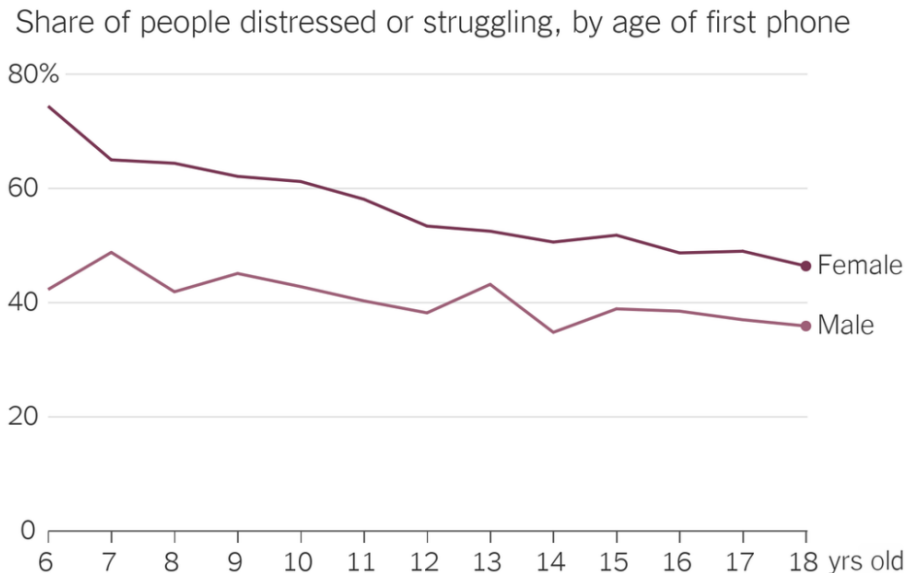
53%

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

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# Link Between Age of First Phone and Mental Health Struggles



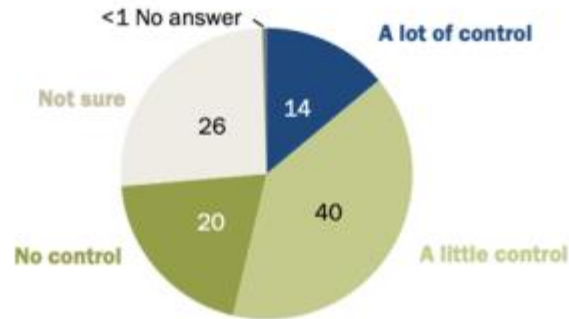
Among people ages 18 to 24, based on the age they first owned a smartphone. Source: Sapient Labs | By The New York Times

# Use of Information



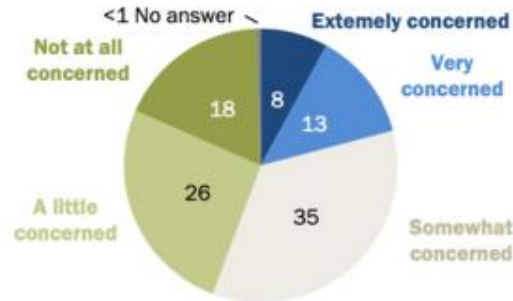
## A majority of teens feel as if they have little to no control over their data being collected by social media companies ...

*% 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"

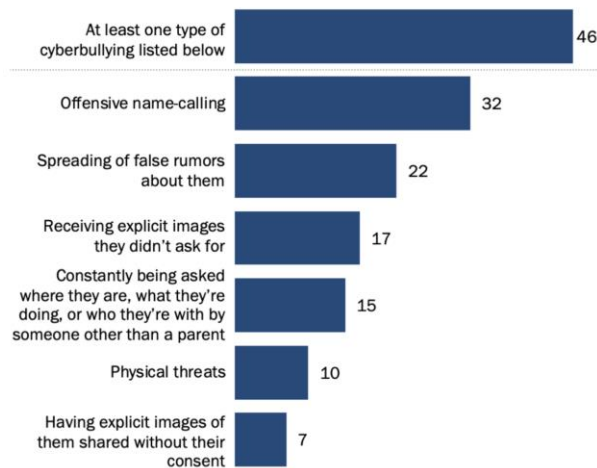
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# Social Media and Cyberbullying



## Nearly half of teens have ever experienced cyberbullying, with offensive name-calling being the type most commonly reported

*% of U.S. teens who say they have ever experienced \_\_\_ when online or on their cellphone*



Note: Teens are those ages 13 to 17. Those who did not give an answer are not shown.

Source: Survey conducted April 14-May 4, 2022.

"Teens and Cyberbullying 2022"

PEW RESEARCH CENTER

# Cyberbullying

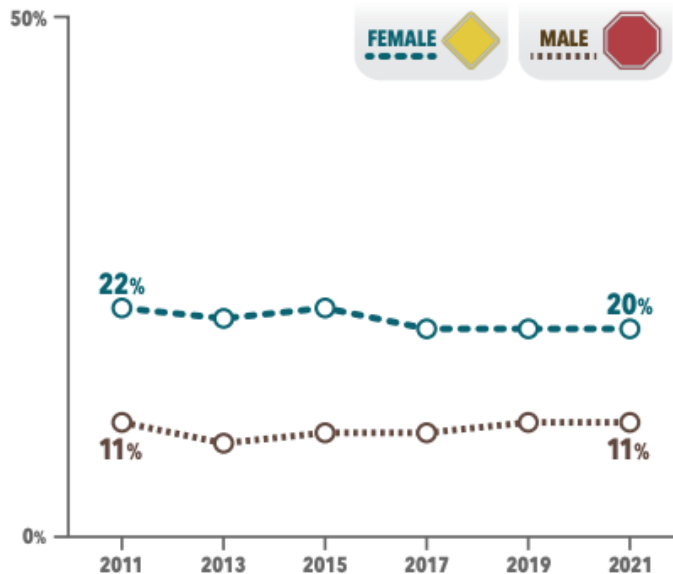


## Trends in the Percentage of High School Students Who

## 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.



# “Bullying”

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- S.D. Codified Laws § 13-32-15
    - Bullying is a **pattern of repeated conduct** that **causes physical hurt or psychological distress** on one or more students that may include threats, intimidation, stalking, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:
      - Places the student in reasonable fear of harm or damage to property
      - Substantially interferes with the student's educational performance, or
      - Substantially disrupts the orderly operation of school
-

# “Bullying”

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- S.D. Codified Laws § 13-32-18
    - Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by a school district for conduct determined to meet the definition of bullying in § 13-32-15.
-

# Resources to Consider

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- <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>
-

# Student Speech and Social Media

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

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

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

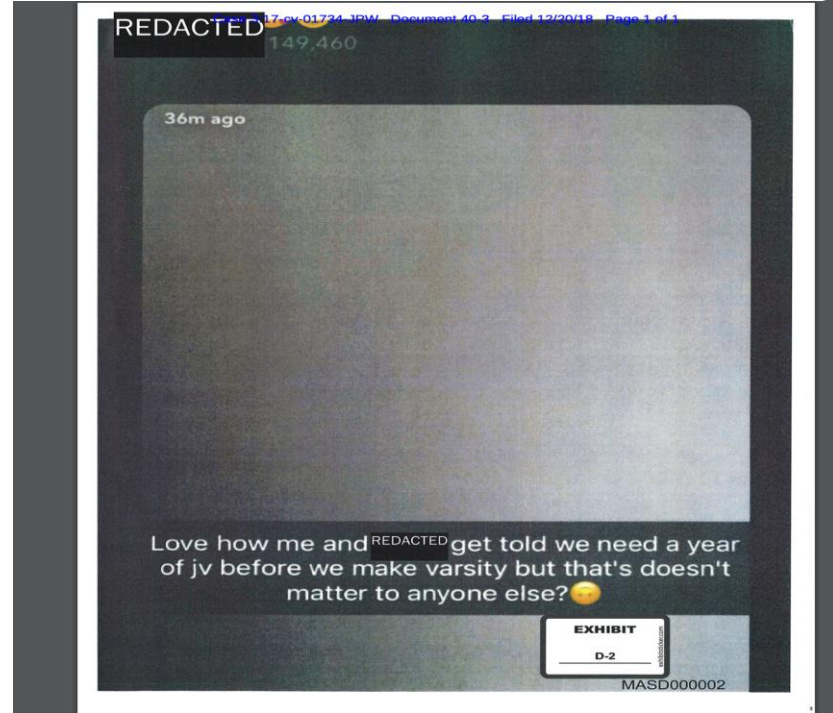
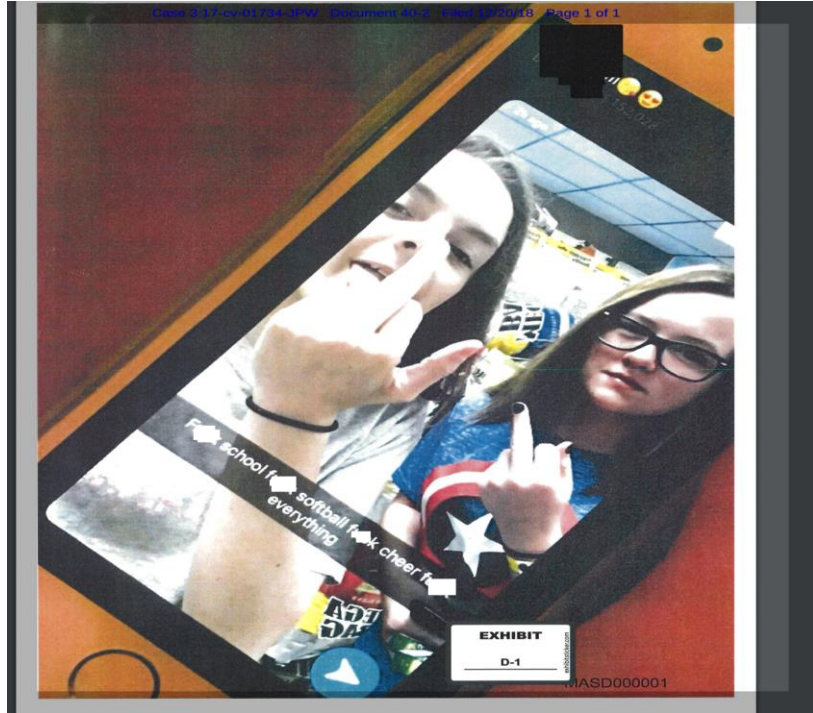
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- High school sophomore tries out for cheer, gets assigned to JV while a freshman makes varsity

# 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)

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- 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)

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- Supreme Court
    - Schools can regulate off-campus speech, including on social media
      - Must actually cause or be reasonably likely to cause 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
-

# **Doe v. Hopkinton Pub. Schs.**

(U.S. 1st Cir. 2021)

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- 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)

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- 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)

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- 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
-

# Example Social Story

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## **The Story of Two Students:**

There were two students who were part of the high school hockey team. They were in a Snapchat group where some of the members were bullying another teammate. Some of the group members took photos and videos of the teammate without his permission, sharing them in the group to make fun of him.

Even though these two students didn't take any pictures or videos, they still said mean things about the teammate in the group chat. They added hurtful comments and made the situation worse.

## **What I Should Do:**

When I use social media, I need to:

- Be kind and respectful to everyone, even if they're not in my immediate group of friends.
  - Understand that words and actions online can hurt others, even if I don't mean for them to.
  - Avoid being part of any online group or conversation that encourages bullying or negativity.
  - If I see someone being bullied online, I should speak up in a positive way or let an adult know so they can help.
-



# A.F. v. Ambridge Area Sch. Dist.

2021 U.S. Dist. LEXIS 162835

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- A.F. participated in a Snapchat group with his fellow football players and coaches.
  - A coach and other players confronted A.F. for not attending practices.
  - A.F. answered with threats:
    - "show up at practice to beat yo ass bitch,"
    - "grab a f\*\*king bottle and bash that sh\*t on your face till I see your brain b\*tch,"
    - "send you b\*tch ass to the father,"
    - "it ain't gib be stupid when yo ass dead"
    - "I sincerely wish death upon your soul."
  - A.F. posted his photo with a gun, which was believed at the time to be a real gun.
-

# A.F. v. Ambridge Area Sch. Dist.

2021 U.S. Dist. LEXIS 162835

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- The principal contacted the superintendent, police, and A.F.'s parents.
  - Ultimately, school administrators removed A.F. from the football team.
  - A.F. sued for an injunction claiming that the school could not regulate his online speech under Mahanoy.
-

# A.F. v. Ambridge Area Sch. Dist.

2021 U.S. Dist. LEXIS 162835

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- Court said this isn't Mahanoy:
    - In Mahanoy, the student's statements "were, no doubt, profane. Yet, they threatened nobody, did not allude to any actual or proposed danger to anyone, and could reasonably be construed as a crudely articulated commentary on the state of her cheer and softball programs."
-

# A.F. v. Ambridge Area Sch. Dist.

2021 U.S. Dist. LEXIS 162835

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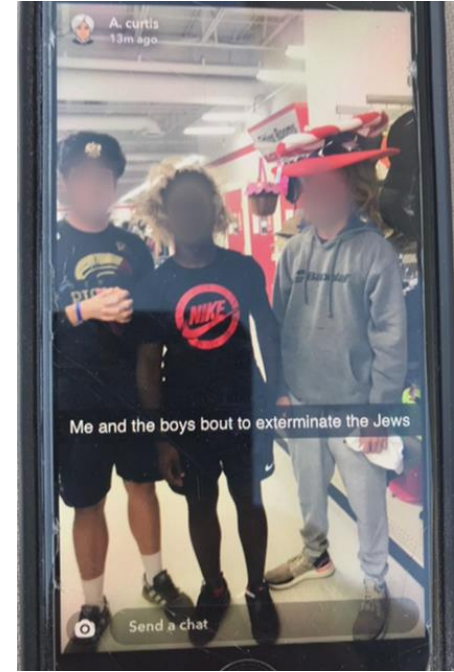
- Court said this isn't Mahanoy:
    - “Here, A.F.'s communications were not merely profane, but they were actual threats. Much of the threatening language was directed, primarily, at one student, R.G. Rather than a generic “f\*ck school f\*ck softball f\*ck cheer f\*ck everything,” A.F. threatened to A.F.'s communications are threats, fighting words, and the very type of communications that the Supreme Court recognized as falling outside the protective scope of the First Amendment and, conversely, within the right of a school to regulate.”
  - School wins
-

# What if it's just a joke?

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- C.G. v. Siegfried, 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”

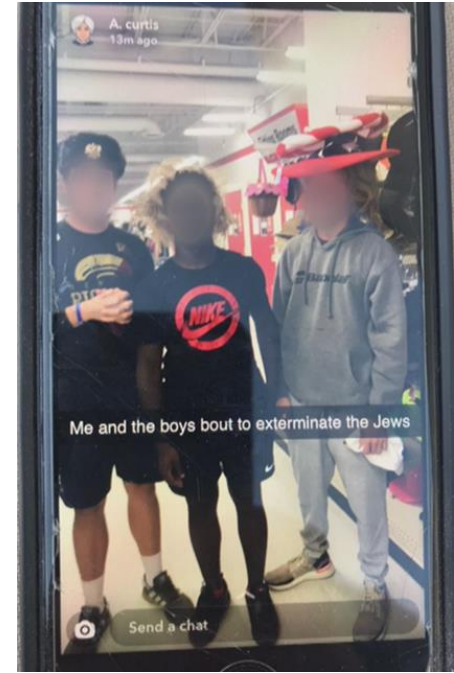


# Jokes are NOT a Defense

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- C.G. v. Siegfried, 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

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Trend Setter

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# #1 - Terroristic Threats

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- Terrorist Threats:
    - threatens to commit any crime of violence with the intent to
      - intimidate or coerce
      - influence conduct of any government
      - substantially impair or interrupt public services
    - Class 5 felony (S.D. Codified Laws § 22-8-13)
  - Falsely reporting a threat:
    - "Any person who makes a false report, with intent to deceive, mislead, or otherwise misinform any person . . . is guilty of falsely reporting a threat."
    - Class 6 felony (S.D. Codified Laws § 22-11-9.2)
-



# **M.T.W. v. Juv. Off.**

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

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- 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)

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- 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.”
-

# Example Social Story

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## The Story of M.T.W.:

One day, a friend asked M.T.W. for help. The friend wanted to make a scary message on Snapchat but didn't know how to turn off their account. M.T.W. helped the friend turn off the account.

Then, M.T.W. helped her friend make a new Snapchat account. After that, a scary message was sent from the new account.

## What I Should Do:

When I help my friends, I need to:

- Think before I help. Is it safe? Is it the right thing to do?
  - Always tell an adult or teacher if I hear or see something that could hurt someone or make people feel scared.
  - Help others in kind, safe, and respectful ways.
-

# In re A.G.

272 Cal. Rptr. 3d 602 (2020)

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- 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)

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- 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

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# Prevalence of Inappropriate Pictures

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Data collected over last 5 years indicate:



# It is Illegal to Share Nudes of ANYONE without their Consent

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- S.D. CODIFIED LAWS § 22-21-4
    - No person may use or disseminate in any form any visual recording or photographic device to photograph or visually record any other person without clothing or under or through the clothing, or with another person depicted in a sexual manner, for the purpose of viewing the body of, **or the undergarments worn by,** that other person, **without the consent or knowledge of that other person,** with the intent to self-gratify, to **harass, or embarrass and invade the privacy of that other person,** under circumstances in which the other person has a reasonable expectation of privacy.
-



# Nudes of Minors are Illegal to Create, Distribute, or Possess

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- S.D. CODIFIED LAWS § 26-10-33
    - No minor ... may intentionally create, produce, distribute, present, transmit, post, exchange, disseminate, or possess, through any computer or digital media, any photograph or digitized image or any visual depiction of a minor in any condition of nudity ... or involved in any prohibited sexual act ....
    - “Prohibited sexual act:”
      - **includes encouraging, aiding, abetting or enticing any person to commit any such acts**
-

# In re J.C.L.

No. A21-1018, 2022 Minn. App. Unpub. LEXIS 248 (Apr. 25, 2022)

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- J.C.L. was in high school and was snapchatting an eighth grade student
  - J.C.L. asked her to send him nude photos 15-20 times one night
    - Next morning J.C.L apologized and said that "he was under the influence and that he doesn't realize what he is doing when he is high"
  - Next night J.C.L. proceeds to ask for more nudes
-

# In re J.C.L.

No. A21-1018, 2022 Minn. App. Unpub. LEXIS 248 (Apr. 25, 2022)

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- The victim asked J.C.L. to stop and said he would regret it if he did not stop
  - J.C.L. sent an image of his privates with the text "regret what"
  - Victim asked J.C.L. to stop again and instead J.C.L. sent approximately 20 more images
  - Victim informed the school of the exchange and law enforcement intervened
-

# In re J.C.L.

No. A21-1018, 2022 Minn. App. Unpub. LEXIS 248 (Apr. 25, 2022)

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- J.C.L. was found guilty, and adjudicated delinquent of dissemination of pornographic work among other charges
  - J.C.L. was ordered to comply with predatory offender registration requirements for 10 years
-

# Resources to Consider:

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

# Issue #3: Sextortion

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- 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

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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

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# Resources to Consider

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- <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>
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# Issue #4: AI and Deepfakes

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

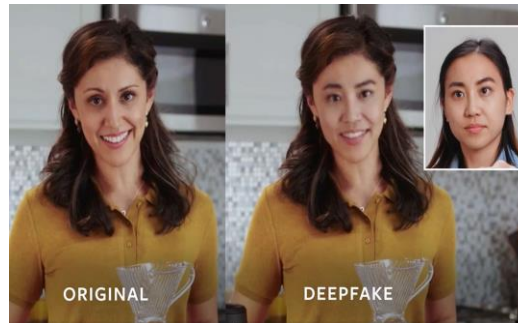
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# Rise of “Deepfakes”

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- 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”

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## 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](#).

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# Cyberbullying and Deepfakes

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## 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."

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# Your Considerations

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- Do you have an AI policy?
  - Does your student discipline policy apply?
    - Should include sexting and possession of pornography
    - Bullying
    - Violating acceptable use of tech and audio/video policy
  - Where did the misconduct occur?
  - Title IX
-

# Resources to Consider

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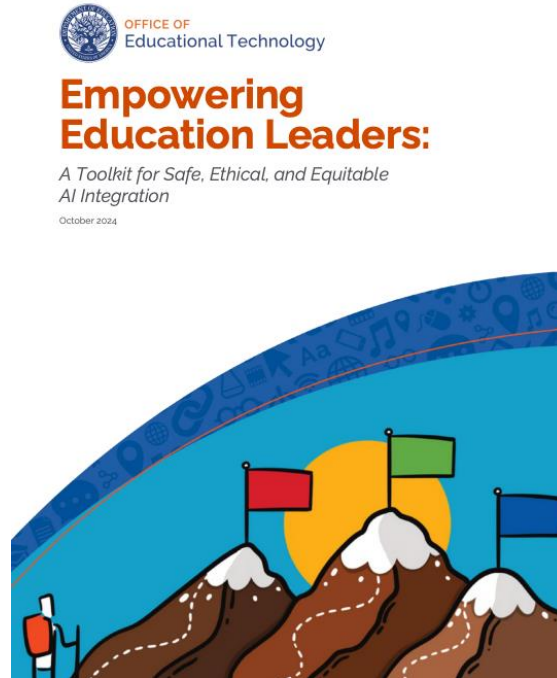
- <https://www.commonsense.org/education/digital-citizenship/lesson/ai-chatbots-friendship>
  - <https://www.pbs.org/newshour/classroom/lesson-plans/2022/12/lesson-plan-how-to-detect-deepfakes-to-ensure-you-dont-fall-for-disinformation>
-

# Department of Education Guidance

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- 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

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"Thanks a lot, Carl!"

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# State v. Raymond Ching

CA (2021)

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- 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)

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- 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

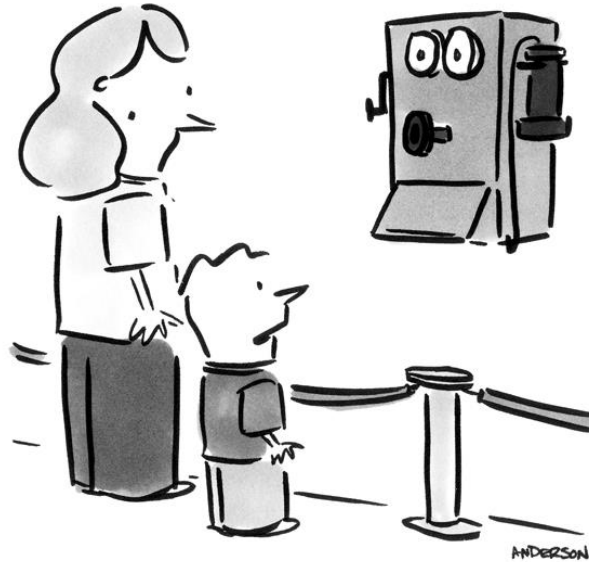
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- <https://fl01803656.schoolwires.net/cms/lib/FL01803656/Centrality/Domain/13726//Violence%20PDFs/Think%20B4U%20Post%20Toolkit.pdf>
  - <https://www.commonsense.org/education/digital-citizenship/lesson/teen-voices-oversharing-and-your-digital-footprint-quick>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

# Teaching to Students

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"How'd they fit it into their pockets?"

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# Let's Practice

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Hey did you get that video of Sara singing on the bus?

No, why?

It is so cringey, who told her she can sing?!? She is soooooooo bad



How do you respond?



- What would be a red flag response?



- What would be a green flag response?

# Let's Practice



Jordan

Did you see what Bobby was wearing to school today?

Amanda

Yes, omg he is so ugly

Jordan

Right!!! He smells so bad and is such a loser

Amanda

Im gonna text him and tell him how much everyone hates him



## How do you respond?



- What would be a red flag response?



- What would be a green flag response?



- If you were Bobby, what would you want to happen?

# Activity

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- Have students open their cell phones and view their “weekly screen time report”
    - On iPhone, settings → screen time → see all app & website activity → week
    - On Android, digital wellbeing & parental controls in settings
  - Ask the students on average what their screen time is per day.
    - Typically, students will report between 3 to 8 hours
  - Ask one student to open a cell phone calculator to help students with a math problem
    - Based on what student responses are for question #2, use that as the starting point
    - Ex. I usually use three hours
    - Ask the student with the calculator to put in 3 hours per day x 7 days per week.
    - After they have that number, ask the students how many weeks are in a year. Multiply the answer to c by 52 weeks.
      - Ex.  $21 \times 52 \text{ weeks} = 1,092$
    - Ask the students how many hours are in a day. Divide 24 by answer in d.
      - Ex.  $1,092/24 = 45.5$  full days per year a student will be on a cell phone if they use their cell phone 3 hours per day
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# Activity #2

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- Discuss the Surgeon General findings with the students about cell phone usage
    - <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>
    - Key notes
      - Using devices 3+ hours per day increases likelihood of depression, anxiety, and ADHD
      - There is not enough data to suggest teen social media usage is safe
      - Students are staying up past midnight using devices
-

# Activity #3

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- Talk about some of the legal cases in these slides
  - Ask students what are the green flags and red flags
  - Turn the cases into social stories for the students
  - Discuss how to report if they feel unsafe/receive unsafe snaps/etc.
-

**JUST ASK**

**YOUR GRANDMA!**



# The Grandma Rule:

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- If you wouldn't show it to your Grandma, **don't photograph or take a video of it!**
  - If you wouldn't write it to your Grandma, **don't text it or snap it!**
  - If you wouldn't say it to your Grandma, **don't say it during a phone call!**
-

**Questions?**  
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