Online Bullies Pull Schools Into the Fray

Jan Hoffman, *New York Times*

The girl’s parents, wild with outrage and fear, showed the principal the [text messages](http://topics.nytimes.com/top/reference/timestopics/subjects/t/text_messaging/index.html?inline=nyt-classifier): a dozen shocking, [ ] 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](http://www.cyberbullying.us/), an organization founded by two criminologists who defined cyberbullying 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](http://www.adl.org/education/cyberbullying/%20%20), 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.

**The Cyberdetectives**

Investigating a complaint can be like stumbling into a sinkhole. Over the next few days (following the parent complaint at Benjamin Franklin Middle School), 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

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](http://www.wiredsafety.org/index.html), “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.

**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 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 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](http://lawyersusaonline.com/wp-files/pdfs/jc-v-beverly-hills-a.pdf), 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.

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](http://www.cyberbully.org/), 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.”

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.”

(This is an excerpt of an 18-page New York Times article by the same name. If you are interested in the full transcript, you may visit this link:

http://www.nytimes.com/2010/06/28/style/28bully.html?\_r=0

A version of this article appears in print on June 28, 2010, on page A1 of the New York edition with the headline: POISONED WEB; Online Bullies Pull Schools Into the Fray