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## Students should know consequences of sexting

A quick search of recent youth- and school-related news yields headlines from local papers such as “Nude Snapchat Selfie Spurs Discussion About Minors’ Use of Social Media,” “Students Sent to Peer Jury in Sexting Case” and “When Sexting Becomes a Crime.”

Though students’ electronic misconduct does not necessarily originate at school — it often occurs when students use personal electronic devices outside of school hours — the effects quickly bleed into the school setting as students send and resend sexually explicit material to one another or make disparaging and sometimes threatening comments on social media.

For years, schools have attempted to prevent such electronic misconduct by explicitly prohibiting it as much as is legally permissible in student codes of conduct and school board discipline policies, by educating students about appropriate electronic conduct and by educating students and parents alike about the pitfalls of electronic misconduct.

Most student codes of conduct and school board discipline policies prohibit electronic misconduct by barring the use of electronic devices in any manner that disrupts the educational environment or violates the rights of others. Many also

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explicitly prohibit sexting.

Proposed legislation, House Bill 1509, would amend the Illinois School Code to require that each school board adopt a rule regarding the sending of sexually explicit texts or images by students through the use of a computer, cellphone or other portable electronic device and that parents be advised of the rule and penalties for violating it.

School districts continue to actively educate students and parents about electronic misconduct, though often it is the students who inform their educators and parents about the latest hot apps — Snapchat, Tinder, Blendr, Kik, Whisper, Ask.fm, Yik Yak, Poof, Omegle or Down.

Regardless of the amount of time and resources that schools dedicate to preventing electronic misconduct and educating students on this topic, the key to prevention is for parents to discuss the pitfalls of electronic misconduct with their students and to monitor their students’ electronic devices and accounts.

Pitfalls of electronic miscon-

duct include social and emotional repercussions that can range from momentary embarrassment if, for example, a student’s crush is outed on social media to depression and suicidal ideation if a student sends a nude photograph to a significant other expecting it to remain private but finds it widely distributed to peers.

Educational repercussions may include suspension or expulsion depending on the type of misconduct committed and the school board’s discipline policy.

Legal pitfalls of electronic misconduct will depend on the nature and severity of the misconduct as well as the ages of students involved. Students aged 18 years or older who engage in sexting are subject to prosecution for child pornography under Section 11-20.1 of the Criminal Code. In such cases, each individual image constitutes a single and separate violation unless they are multiple copies of the same image.

Significantly, students convicted under Section 11-20.1

are subject to sex-offender registration.

Prior to 2011, the same was true for students under 18 who engaged in sexting. Public Act 96-1087, however, created a new Section 3-40 in the Juvenile Court Act to address minors “involved in electronic dissemination of indecent visual depictions in need of supervision.”

As stated by Rep. Darlene Senger in a debate regarding PA 96-1087, “We’re making this not a felony violation but basically we’re putting in the Juvenile Court, the civil court, for education which is the key component.”

Pursuant to Section 3-40, minors (defined by the Juvenile Court Act as someone under 21) who distribute or disseminate an indecent visual depiction of another minor through the use of a computer or electronic device are subject to a petition for adjudication and adjudged a minor in need of supervision. Minors who violate section 3-40 may be ordered to obtain counseling or other support services to address the acts that led to their offense or may be ordered to perform community service.

Such minors, however, may still be prosecuted for disorderly conduct, public indecency, child pornography, a violation of Article 26.5 (Harassing and Obscene Communications) of the Criminal Code, or any other applicable provision of law.