

“Sexting”: Fun or Felony?

Sending indecent photos of themselves to their friends may seem harmless to students, but the repercussions can be dire.

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A 15-year-old girl is arrested on child pornography charges for using her cell phone to send nude photos of herself to classmates. A young boy is put on probation after sending an explicit photo of his genitals to a girl's cell phone. Two high school cheerleaders are suspended from the squad after nude photos of them are sent by cell phone to the school's football team. Stories like these are increasingly common as more and more teens regularly engage in “sexting”—the practice of electronically sending nude or seminude images of themselves to others—usually on a cell phone.

Despite typically innocent intentions, distributing nude or sexually explicit photos of underage children is child pornography and is a felony. Accordingly, it's essential that school officials learn about the issue and work with parents and law enforcement officials to impress on teens that sexting can lead to quite a bit of trouble.

Child Pornography?

In October 2008, a 15-year old girl was arrested on child pornography charges after she distributed naked photos of herself to friends using her cell phone. School officials reportedly found the photos on the girl's phone and notified police, who arrested the girl and charged her with “possession of criminal tools and illegal use of a minor in nudity-oriented materials.” If convicted, the high school student would have had to register as a sex-offender. Interestingly, the incident occurred a month after a local prosecutor visited the girl's school to talk to students about the dangers of sexting (Clark-Flory, 2008). Authorities eventually dropped the charges against the student, who even after spending a weekend in jail reportedly did not realize the seriousness of

her behavior. In her mind, she simply sent the photos to some boys who sent similar photos of themselves to her in return.

In another well-known sexting incident, two members of a high school cheerleading squad were suspended after nude and seminude photos of them were distributed by cell phones to members of the school's football team. According to news reports, school officials heard about the photos and then anonymously received printed copies of the pictures in a sealed envelope. One photo, which reportedly had been taken three years earlier and sent to her then-boyfriend's cell phone, showed one of the girls topless. The second photo, which according to court papers was taken the previous summer, was a nude photo of the second cheerleader. That student argued that the photo was accidentally sent to other students at the school.

School officials allegedly showed the pictures first to other school administrators and then eventually to the police. According to an attorney involved with the case, school administrators talked with the two cheerleaders, who allegedly did not reveal the names of other students who had copies of the pictures (Corrigan, 2008).

Unable to identify who had provided the photos in the sealed envelope, school officials explained to the student body that having the photos was inappropriate and that students with information about the pictures should come forward. In addition, football players were allegedly told to delete the photos from their cell phones if they received them (Blanchard, 2008). Later, the two girls were suspended from the cheerleading squad. One cheerleader received a 30-day suspension, and school officials suspended the other cheerleader for a year. (The sexting incident was

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reportedly not that student's first violation of school rules).

In November 2008, the parents of the two suspended cheerleaders filed suit, claiming that school officials violated the girls' constitutional rights. The lawsuit alleges that school officials did not need to share the photos with other administrators and that they did not properly report the incident as required in a case involving child pornography. In addition, the girls' attorney found it "troubling" that school officials did not punish members of the football team who allegedly possessed and distributed the photos on their cell phones (Blanchard, 2008).

A spokesperson for the school district countered that school officials meted out the punishments in accordance with established school policy after giving both students notice of the charges against them and an opportunity to be heard (i.e., to appeal their suspensions to a disciplinary committee and to the school board) (Blanchard, 2008). The school's spokesperson further contended that the incident was reported through proper police channels and that the girls' conduct violated the school district's athletic code, which set a higher standard of proper behavior for those students participating in certain student activities. The girls' attorney has argued that sexting was not prohibited under the school's student handbook and that the school should issue an apology to the girls, expunge their disciplinary records, and pay the legal fees associated with the case.

"No Biggie"

The sexting incidents described here are not uncommon. A recent survey by the National Campaign to Prevent Teen and Unplanned Pregnancy and Cosmogirl.com reveals that

nearly 40% of teens admit to having sent sexually suggestive text or e-mail messages. Even more of the 1,200 teens surveyed said they know someone who has sent such images or that they have received nude photos of a classmate. Interestingly, the survey found that one in five teen girls had sent nude or seminude pictures of themselves by cell phone or had posted such photos online. A press release from the campaign, however, points out that boys are sexting too: 18% have sent or posted online nude or seminude personal photos (National Campaign, 2008).

So why is sexting so common? According to the survey, technology has a notable impact on many teens. Twenty-two percent reported feeling "personally more forward and aggressive" because of technology (e.g., social networking Web sites and cell phones). Two-thirds of the girls surveyed said they engaged in sexting for fun or to be flirtatious, and more than half said they sent racy photos as a sexy present for a boyfriend. Another 40% engaged in sexting as a joke—while 19% of teens believe that sexting is "no big deal" (National Campaign, 2008).

Nevertheless, sexting is a big deal. First, the consequences of sexting can include criminal charges and other punishment or penalties. In addition, although sexting typically starts with an innocent intent at home, explicit photos first intended for a boy- or girlfriend often spread to hundreds of unintended recipients on multiple school campuses. The photos can even make their way onto the cell phones of adult strangers, including pedophiles.

It is clear from the prevalence of sexting, however, that many young people do not grasp the seriousness of the practice. Specifically, because technology (e.g., cell phones, texting) are a part of daily life for some many teens, the



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notion of legal consequences stemming from something so mundane is typically lost. They mistakenly believe that because the photos are of themselves, they cannot be pornography or that having the photo or sending it to a friend cannot be illegal.

In fact, sending a received image to another underage student can also constitute distribution of child pornography (North, 2008). As a result, some schools have invited law enforcement officials to speak to students about the dangers of sexting (e.g., exposure to pedophiles and other strangers) and the very real legal consequences associated with the practice. Police officers tell students about the serious impact of sexting, including damage to a student's chances of getting into college, difficulty finding employment, and jail time (North). Other schools have gone a step further, adding “sexting” to existing policies governing cell phone use in school. In one Pennsylvania school district, students can receive detention,

have their phone taken away, or have their parents brought to school if something they do on their cell phone causes a distraction in the school environment. For sexting, the school takes a zero-tolerance approach that involves law enforcement officials, and suspension from school (North).

Grand-Scale Humiliation

Stiff and extremely serious legal consequences notwithstanding, sexting has a clear hold on many young people. If there is a silver lining, however, it seems that the humiliation, bad reputation, or parental ire that can stem from having a nude or seminude photo fall into hundreds of the “wrong hands,” seems to resonate most with some teens (Morehouse, 2008). Such threat of embarrassment, combined with increased and ongoing educational programs for students about the importance of making smart choices with technology, will hopefully begin to stem the sexting tide. **PL**

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