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Protecting the Millennial Generation: Beyond the Scope of the Internet

Alexandria Vasquez, Esq.*

I. INTRODUCTION

“Adolescence was difficult enough before there were smartphones and social media.”¹ Cyberbullying has become a reality today, and should not be taken lightly. According to the National Center for Educational Statistics, 22% of students, nearly one of every four, reported being bullied during the school year in 2015.² Additionally, 64% of children who were bullied did not report it, and only 36% of students reported being bullied in 2010.³ The reasons for being bullied reported most often by students were looks (55%), body shape (37%), and race (16%).⁴ In 2015, The Centers for Disease Control (CDC) reports that 15.5% of high school and 24% of middle school students are affected by cyberbullying.⁵ Although cyberbullying is a widespread problem for children of all ages, in the United States, studies have shown that fourteen-year-old students are most likely to be cyberbullied then younger students.⁶ The unfortunate reality of this situation is that it does not always stop due to efforts of the school and can produce various devastating results.

T.K. v. New York City Department of Education, defined cyberbullying as “willful and repeated harm inflicted through the

*JD, 2018 & Forensic Science: Biochemistry Track, B.S.

¹*In re M.H.*, 1 Cal. App. 5th 699, 710-11 (2016).

²Bullying Statistics, PACER’S NATIONAL BULLYING PREVENTION CENTER, <http://www.pacer.org/bullying/resources/stats.asp> (last visited Jan. 14, 2017).

³*Id.*

⁴*Id.*

⁵Cyberbullying, PACER’S NATIONAL BULLYING PREVENTION CENTER, <http://www.pacer.org/bullying/resources/stats.asp> (last visited Jan. 14, 2017).

⁶JOAV MERRICK, BULLYING: A PUBLIC HEALTH CONCERN 81 (Jorge C. Srabstein & Joav Merrick 2013).

use of computer, cell phones and other electronic devices.”⁷ The new technological innovations that children are exposed to are becoming an increased worry in today’s society. There are various restrictions put in place on the internet that put parents at ease with the fact that their child will frequent the internet, sometimes on a daily basis. This article will discuss examples of cyberbullying incidents, methods of prevention, and applications that are often overlooked due to the fact that they are more difficult for parents and schools to monitor. Cyberbullying is the unfortunate reality for the millennial generation today. It is a risk of simply going to school due to the ever-growing popularity of the internet and applications used every day.

Delta Protective Services created an informational video in which Simon Sinek discusses the Millennial Paradox.⁸ Sinek discusses why millennials act the way they do.⁹ Although their actions don’t always result in bullying, there is always a possibility that it will become the result.¹⁰ He first claims that parents continually tell their children that they are special, and they can have anything they want in life simply because they want it.¹¹ This is not always a bad parenting technique, but for those children who attain achievements without putting in the work to have satisfied the requirements of that achievement in the first place, it tends to have a derivative effect on the child.¹² For example: giving out achievement medals to all of the children who are involved in a sport tends to devalue the reward for the person who actually worked hard, and makes those in last place feel embarrassed because they know they do not deserve to have the medal.¹³

The millennials are growing up in a “Facebook/Instagram world” in which children are able to, in essence, put filters on their lives and show people that they are having an amazing life, when in reality they are depressed.¹⁴ In most cases, the child’s first exposure to social media is in the home, which should give parents a cue to keep themselves updated on the new applications that are being

⁷*T.K. v. N.Y.C. Dep’t of Educ.*, 779 F. Supp. 2d 289, 299 (E.D.N.Y. 2011).

⁸David Goose, *Transcript of Simon Sinek’s Millennials in the Workplace Interview*, OCHEN (January 4, 2017), <http://ochen.com/transcript-of-simon-sineks-millennials-in-the-workplace-interview> (last visited, Jan. 14, 2017).

⁹*Id.*

¹⁰*Id.*

¹¹*Id.*

¹²*Id.*

¹³*Id.*

¹⁴*Id.*

released to the community as well as teach their children to be safe on social media.

Sinek then discusses the general effects that social media have on people.¹⁵ Scientifically, engagement with social media releases a chemical called dopamine which activates a pleasure sensation in the brain that is usually achieved through food, money, and sex.¹⁶ Dopamine is highly addictive, which causes children to want to experience the rush of checking their Facebook page and other social media more frequently.¹⁷ This is the reason that kids take it so hard when a person merely unfriends them.¹⁸ It dramatically lowers their self-esteem and it is almost too much for them to handle.¹⁹ One of the aspects of life that millennials tend to be missing is the ability to form meaningful relationships because they live their lives through the internet.²⁰ In addition, children are not being taught coping mechanisms and patience to deal with the stresses of everyday life because they are so connected to a virtual world where everything is accessible.²¹

This is the reality of cyberbullying. If a child becomes so heavily impacted by a simple unfriend, how can they possibly deal with a peer continuously telling them to kill themselves? This is the point at which parents and the school system should come together and work as a community to teach the millennial generation the skills to cope and live through a normal everyday life without a filter.

Part II of this article will discuss the statutes and regulations relating to bullying and cyberbullying, both across the country and in Florida, particularly.

Part III of this article will discuss cases of violence between children, and the impacts that those cases have on the lives of the people involved the incidents of cyberbullying. This will be followed by a discussion of the implications that these cases present for parents and those involved in the children's lives.

Part IV of this article will discuss techniques for schools and library internet access to deal with and prevent cyberbullying. Despite the increasing number of students affected by

¹⁵*Id.*

¹⁶*Id.*

¹⁷*Id.*

¹⁸*Id.*

¹⁹*Id.*

²⁰*Id.*

²¹*Id.*

cyberbullying, the Children's Internet Protection Act has been passed to receive discounts offered by the E-funding program. Schools and libraries must certify they have an internet safety policy that includes technology protection measures.²² In addition, this section discusses the Jeffrey Johnson Stand Up for All Students Act, along with other acts, which have been passed to prevent bullying in schools.

Part V of this article will discuss the methods for preventing cyberbullying at home. In order to help parents try to educate themselves about how to properly discuss internet safety with their children, the Children's Online Privacy Protection Act (COPPA) has provided a website enforced by the Federal Trade Commission.²³ This part will discuss various aspects of online privacy which parents should be practicing in the home, as well as tips for discussing these safety topics effectively with their children.

Part VI of this article will discuss the social media websites that are at the heart of the cyberbullying dangers that are presented to our society. Yik Yak is one of the applications that has caused bullying issues with not only students but professors as well.²⁴ Snapchat is becoming more popular among children and young adults that have access to applications, but unfortunately, this application does not always present the most appropriate images for children to view.²⁵ However, in the midst of all of the applications presenting a danger to children and young adults TeenSafe helps parents become more involved in their child's online safety and allows them to view the activities that their children have taken part in through their phone.²⁶

Part VII will bring this article to a conclusion and pinpoint the major methods of prevention in the home and schools, as well as the statutes that have been enacted to prevent bullying.

This article will discuss some modes of education to learn about prevention of cyberbullying and who should be creating the

²²*Children's Internet Protection Act*, FEDERAL COMMUNICATIONS COMMISSION, <https://www.fcc.gov/consumers/guides/childrens-internet-protection-act> (last visited Sept. 8, 2016).

²³*Protecting Your Child's Privacy Online*, FEDERAL TRADE COMMISSION, <https://www.consumer.ftc.gov/articles/0031-protecting-your-childs-privacy-online> (last visited Oct. 21, 2016).

²⁴See YIK YAK, <https://www.yikyak.com/about> (last visited Jan. 14, 2017).

²⁵Snapchat Facts and Stats, UKNOWKIDS.COM,

<http://resources.uknowkids.com/facts-stats-snapchat> (last visited Jan. 14, 2017).

²⁶*How Easy is it to Stay on Top of Your Child's Online Life?*, HOW LIFE WORKS, <http://teensafe-free.howlifeworks.com> (last visited Oct. 24, 2016).

restrictions that lead to safer schools and lifestyles of children and young adults across the country.

II. STATUTES AND REGULATIONS

The statutory history of cyberbullying is represented through the provisions stated in the Children's Online Privacy Act (COPA). COPA is the specific statute from the Title 15 Commerce and Trade section of the United States Code. One of the major restrictions on bullying stems from 15 U.S.C.S. § 6501-05.²⁷ This statute describes the terms associated with the Act, regulation on unfair and deceptive acts regarding the personal information of children, safe harbors, actions that can be taken by the state, and the administration and applicability of the act.²⁸ It begins with 15 U.S.C.S. § 6501 Definitions.²⁹ This section highlights the definitions of common terms that are used throughout the statute, such as: child, person, online contact information, and parent.³⁰ The term "child" in relation to the statute is defined as "an individual under the age of 13."³¹ Likewise, a "parent" is an individual that is considered to be a "legal guardian".³² The definitions are helpful to the reader when deciphering the meaning of the statute in a legal capacity.

The acts prohibited under 15 U.S.C.S. § 6502: Regulation of Unfair and Deceptive Act and Practices in Connection with the Collection and Use of Personal Information From and About Children on the Internet, states that in general, "it is unlawful for an operator that has actual knowledge that it is collecting personal information from a child, to collect personal information from a child in a manner that violates the regulations prescribed under subsection (b)."³³ The regulation requires that the operator (any

²⁷15 U.S.C.S. §6501-05.

²⁸See 15 U.S.C.S. §6501-05.

²⁹15 U.S.C.S. §6501.

³⁰*Id.*

³¹*Id.*

³²*Id.*

³³See 15 U.S.C.S. § 6502 (Subsection (b) discusses three main regulations, the first of which states that a website obtain verifiable parental consent and allow parents time to refuse or permit the information from being gathered by websites that request personal information form a child. Second, the subsection explains that parental consent to gather information from a child is not required when the information is being used on a one-time basis, not being used to re-contact the child beyond the scope of the request, and when the collection of the information is necessary for security purposes. Third, the website should allow the termination of service when the parent has refused the service to child.)

person who operates a website or online service):³⁴ (1) provide notice on the website of the information collected from the child, how the operator uses the information, and the operators disclosure practices (making the information publicly available in identifiable form)³⁵ for the information; and (2) obtain verifiable parental consent for the collection, use, or disclosure of personal information of a child.³⁶

The safe harbor provisions of the statute are listed out in 15 U.S.C.S. § 6503.³⁷ There are three incentives to follow the guidelines of COPA: (1) the Commission provides incentives for self-regulation by the operators to implement the protections afforded children under the regulatory requirements; (2) incentives will be implemented to ensure that a person will be deemed compliant with the requirements under the statute; and (3) the Commission will act upon requests for the safe harbor treatment within 180 days of filing for the request.³⁸ The safe harbor provisions also detail that the final action by the commission either on request for approval of guidelines, or failure to act within the 180 days may be appealed to the district court of the United States or the appropriate jurisdiction.³⁹

The guidelines concerning actions taken by the state are listed in 15 U.S.C.S. § 6504.⁴⁰ In general, in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person in a practice that violates any regulation of the Commission, the State may bring a civil action on behalf of the residents of the State in a District Court of the United States.⁴¹ Before filing the action, the attorney general must provide the Commission with written notice of the action, and a copy of the complaint for the action.⁴²

The administration and applicability of the Act are detailed in 15 U.S.C.S. § 6505.⁴³ In general, the provisions of the act must be enforced by the Commission under the Federal Trade Commission

³⁴15 U.S.C.S. § 6501.

³⁵*Id.*

³⁶15 U.S.C.S. § 6502.

³⁷15 U.S.C.S. § 6503.

³⁸*Id.*

³⁹*Id.*

⁴⁰15 U.S.C.S. § 6504.

⁴¹*Id.*

⁴²*Id.*

⁴³15 U.S.C.S. § 6505.

Act.⁴⁴ It also lists the various other acts which the compliance to the provisions are imposed under.⁴⁵ However, the Commission has the power under this section to prevent a person from committing a violation of the provision “in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated.”⁴⁶

The Megan Meier Cyberbullying Prevention Act was introduced to the House of Representatives on May 22, 2008.⁴⁷ Congress made six findings of fact regarding the circumstances surrounding the realities of cyberbullying.⁴⁸ The findings started by stating that four out of every five children in the United States between the ages of two and seventeen are currently living in a home in which they or their parents have internet access.⁴⁹ The content on the internet is created by the youth that, in most cases, are the targets of cyberbullying.⁵⁰ To make matters more dangerous than they currently are, the electronic communications made tend to provide the anonymity required to enhance the stamina of those who are participating in cyberbullying.⁵¹

Those who victimize others online have been associated with emotional distress and psychological problems, and can cause a myriad of issues including depression, negative impact on academic performance, safety of the students, and the well-being of children in school among other things.⁵² Finally, six percent of the mental health professionals that have responded to the Survey of Internet Mental Health Issues reported having treated at least one patient in the past five years that has encountered a problematic internet experience.⁵³ Fifty-four percent of these clients were eighteen years-old or younger.⁵⁴

The Act goes on to give the definition of the actions of cyberbullying that are to be prohibited. Cyberbullying is defined as:

⁴⁴*Id.*

⁴⁵*See* 15 U.S.C.S. § 6505.

⁴⁶*Id.*

⁴⁷Megan Meier Cyberbullying Prevention Act, 110 H.R. 6123.

⁴⁸*Id.*

⁴⁹*Id.*

⁵⁰*Id.*

⁵¹*Id.*

⁵²*Id.*

⁵³*Id.*

⁵⁴*Id.*

Whoever transmits in interstate or foreign commerce any communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behavior, shall be fined under this title or imprisoned not more than two years, or both.⁵⁵

To allow a better understanding, the Act defines two of the terms that are used in the definition: communication, and electronic means. Communication, as it applies to this Act refers to the electronic transmission that occurs between users without the change in the form of content or information as sent and received.⁵⁶ Electronic means refers to the equipment that is necessary to gain access to informational services, “including email, instant messaging, blogs, websites, telephones, and text messages.”⁵⁷

Jeffrey Johnston was in high school when he committed suicide as a result of enduring years of bullying that had relentlessly followed him since middle school.⁵⁸ In response to his mother’s campaign for Florida’s Anti-Bullying Law, Florida enacted the Jeffrey Johnston Stand Up for All Students Act was created to encourage learning throughout the public-school system and discourages bullying of any kind, including cyberbullying.⁵⁹ The statute begins by stating that, “bullying or harassment of any student or employee of a public K-12 educational institution is prohibited: during any educational program or activity,” “during school-related or school-sponsored program or activity or on a school bus,” and “through the use of data or computer software that is accessed through a computer, computer system, or computer network,” within the scope through school or a non-school related location.⁶⁰

The statute defines bullying as “systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: teasing; social exclusion; threat; intimidation; stalking; physical violence; theft, sexual, religious, or racial harassment; public or private humiliation; or destruction of

⁵⁵*Id.*

⁵⁶*Id.*

⁵⁷*Id.*

⁵⁸K. Emily Bond, *I Couldn't Get Them to Stop*, LADIES HOME J. (2006), https://www.polk-fl.net/parents/generalinformation/documents/bullying_JeffreyJohnstonStory.pdf (last visited Oct. 18, 2018).

⁵⁹FLA. STAT. § 1006.147 (2018).

⁶⁰*Id.*

property.”⁶¹ This includes cyberbullying; however, cyberbullying also has its own definition with regards the scope of the statute’s protection:

“Cyberbullying” means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.⁶²

The statute continues by defining harassment, and gives a thorough description of exactly the kind of behavior that is prohibited in the public-school system.⁶³

There are completely mixed reviews on the anti-bullying regulations in private schools.⁶⁴ While the government does not fund private schools and their regulations do not apply to them either.⁶⁵ According to an article written in April of 2012, bullying does not only happen in the public-school setting.⁶⁶ The article discusses the facts that private schools generally have more teachers per student and have more resources and programs to help students stay out of

⁶¹*Id.*

⁶²*Id.*

⁶³*Id.* (Harassment refers to threatening, insulting, dehumanizing gestures, the use of software, written, verbal, or physical conduct directed against a student (or school official if applicable) that: (1) places the student in reasonable fear of harm to his/her person or property; (2) substantially effects the student’s educational performance, opportunities, or benefits; or (3) substantially disrupts the operation of the school).

⁶⁴Nicholas Roddy, *Private School Bullying*, THE NEW BULLYING (April 1, 2012), <http://news.jrn.msu.edu/bullying/2012/04/01/private-school-bullying/> (last visited Jan. 14, 2017).

⁶⁵*Id.*

⁶⁶*Id.*

trouble, and ultimately, reduce the number of incidents related to bullying.⁶⁷ The article discusses an incident that occurred in the Seattle Girl's School from May 2011 in which an eighth grader was told by her advisor to "man up" after being harassed by her classmates.⁶⁸ The victim's mother claimed that the school tolerated the bullying because they did not want to jeopardize their funding from other parents.⁶⁹

The Seattle Girl's School is a member of the National Association of Independent Schools (NAIS), which is an association aimed at being the national voice of independent schools.⁷⁰ The NAIS website defines an independent school to be:

Non-profit private schools that are independent in philosophy: each driven by a unique mission. They are also independent in the way they are managed and financed: each is governed by an independent board of trustees and each is primarily supported through tuition payments and charitable contributions. They are accountable to their communities and are accredited by state-approved accrediting bodies.⁷¹

The president of NAIS, Patrick Bassett, claimed that the organization is "very serious about (bullying) because it is so damaging."⁷² He also stated that those who should take the responsibility of stopping the bullying are the students, teachers, and parents.⁷³ "Adults should be conscious and intervene quickly and dramatically."⁷⁴ The responses to this article by users to this site have opposed this idea by stating that private schools are too tolerant of bullying.⁷⁵ A user going by the name Angry Parent stated, "[s]ome private schools think they are immune to accountability. My daughter was a victim of years of exposure to explicit content harassment; and bullying which became assaultive in nature."⁷⁶ The other responses to this article are similar in nature to the quote given.

It appears the root of this problem becomes: who is supposed to be preventing bullying from happening. Obviously, parents

⁶⁷*Id.*

⁶⁸*Id.*

⁶⁹*Id.*

⁷⁰About NAIS, NAT'L ASS'N OF INDEP. SCHS., <http://www.nais.org/About/Pages/About-NAIS.aspx?src=footer> (last visited Oct. 18, 2018).

⁷¹*Id.*

⁷²*Id.*

⁷³*Id.*

⁷⁴*Id.*

⁷⁵*Id.*

⁷⁶*Id.*

cannot follow their child around day-in and day-out to ensure that they are protected, and schools do not always have the resources to be able to stop every occasion of bullying. However, so long as the parents, teachers, and schools continue to educate themselves on the newest forms of bullying, social media, and prevention there is a hope that bullying and cyberbullying can be eradicated in the future.

III. VIOLENCE BETWEEN CHILDREN

According to *The Truth About Bullying: What Educators and Parents Must Know and Do*, bullying, generally, can be characterized into two individual methods: direct and indirect bullying.⁷⁷ Direct bullying relates to both physical and verbal manifestations of an attack to either a person or property.⁷⁸ Conversely, indirect bullying is usually subtle and can include: isolation, exclusion, or covert threats.⁷⁹ Cyberbullying has been classified as a form of indirect bullying involving the internet and other digital forms of communication technology.⁸⁰

*Commonwealth v. Carter*⁸¹ is one of the newest cases relating to cyberbullying, in which the cyberbullying was done through texting rather than the conventional method of social media.⁸² While cyberbullying through social media has been very prominent in the news, “text-bullying” is an additional new form of bullying that the internet protections just do not seem to protect.⁸³ In fact, even though this is clearly a case in which the term “text-bullying” is applicable, it is not even mentioned in the piece.⁸⁴ As a newer concept, “text-bullying” should be implemented in the methods of prevention throughout modern communication between children.

In *Carter*, Michelle Carter, the seventeen-year-old defendant, was charged with involuntary manslaughter for encouraging her eighteen-year-old boyfriend Conrad Roy to commit suicide through text messages.⁸⁵ While they would not be considered to be children

⁷⁷JAN URBANSKI & STEVE PERMUTH, *THE TRUTH ABOUT BULLYING: WHAT EDUCATORS AND PARENTS MUST DO AND KNOW* 68, (Rowan & Littlefield Education, 2009).

⁷⁸*Id.*

⁷⁹*Id.*

⁸⁰*Id.*

⁸¹*Commonwealth*, 474 Mass.624, 624 (2016).

⁸²*Id.*

⁸³*Id.*

⁸⁴*See generally Carter*, 474 Mass. 624.

⁸⁵*Id.* at 624-25.

under 15 U.S.C.S. § 6501⁸⁶ there should still be a method of preventing this type of situation from occurring. The opinion explained that in order to establish probable cause for the charge of involuntary manslaughter, the prosecutor was required to prove: (1) Carter was between the ages of fourteen and eighteen at the time of the offense; (2) the offense, if committed by an adult, would be punishable by imprisonment; and (3) the offense involved the infliction of serious bodily harm.⁸⁷ The issue in this case referred to whether the evidence presented to the jury was sufficient to warrant an indictment of involuntary manslaughter “where the defendant’s conduct did not extend beyond words”.⁸⁸ The Appellate Court affirmed the ruling that the conduct was enough to warrant the indictment of involuntary manslaughter against the defendant.⁸⁹

This case alone should remind parents that they should be involved in their child’s life. While it may not be proper to check a seventeen or eighteen-year old’s text messages, it is ultimately the parent’s job to teach their children how to avoid making mistakes that could follow them throughout their lives. There is an application available to parents that allows them to do just this; the app is called TeenSafe (which will be discussed later in the article) and it enables a parent to: view teen’s text messages (including deleted texts), view Tinder activity, find the location of the device through GPS, monitor call logs and browsing history, as well as monitor WhatsApp and Kik messages.⁹⁰

*United States v. Drew*⁹¹ presents another example of cyberbullying, in which the defendant, Lori Drew, “entered into a conspiracy in which the members agreed to intentionally access a computer used in interstate commerce without...authorization in order to obtain information for the purpose of committing the tortious act of intentional infliction of emotional distress upon M.T.M.”⁹² Megan Meier was identified as a thirteen-year-old classmate of Drew’s daughter, Sarah, and the victim in this case.⁹³ The conspirators contacted Megan through Myspace under the

⁸⁶15 U.S.C.S. § 6501.

⁸⁷*Carter*, 474 Mass. at 625.

⁸⁸*Id.*

⁸⁹*Id.*

⁹⁰*How Easy is it to Stay on Top of Your Child’s Online Life?*, HOW LIFE WORKS, <http://teensafe-free.howlifeworks.com> (last visited Oct. 24, 2016).

⁹¹*United States v. Drew*, 259 F.R.D. 449, 552 (C.D. Cal. 2009).

⁹²*See Drew*, 259 F.R.D. at 522 (This is the case that ultimately led to the initiation of the Megan Meier Cyberbullying Prevention Act, *supra* note 47).

⁹³*Id.*

pseudonym Josh Evans, a fictitious sixteen-year-old boy, after they created a false profile.⁹⁴ They additionally posted a picture of a boy without his consent to help form their illusory profile, which violates Myspace's terms of service.⁹⁵

The conspirators used the profile to flirt with Megan for a number of days, but then "Josh" informed Megan that he was moving away.⁹⁶ However, they took it a step further when they informed her that he no longer liked her and "the world would be a better place without her in it."⁹⁷ The very same day Megan learned this information, she killed herself and Drew caused Josh Evans to delete the Myspace account.⁹⁸ This case is a constant reminder that children are not only cyberbullied by other children in their school, but can be cyberbullied by adults within, and outside, the community.

The next case of cyberbullying resulted in the suicide of Jeffrey Johnston. Jeffrey was a twelve-year-old honor student who attended Trafalgar Middle School.⁹⁹ In the Fall of 2002, Jeffrey claimed that "out of the blue, this kid I barely knew started trashing me at school, cursing me out under his breath, and telling everyone I was gay."¹⁰⁰ Within weeks of this event, many of Jeffrey's friends were shunning and taunting him, including his girlfriend.¹⁰¹ His mother, Debra Johnston, was an eighth-grade teacher at his school and found out about the bullying when Jeffrey visited her in her classroom crying.¹⁰² Debra immediately complained to the assistant principal, John Stephens, but he was unable to do much because Jeffrey would not say the name of the bully, and the instant messages he was receiving were untraceable. Although the bullying subsided through the school year, Jeffrey continued to feel like a target and felt that the bully would "come back for him."¹⁰³

When school resumed in the fall, Jeffrey shared three classes with the bully and the anguish began again.¹⁰⁴ The bully went so far as to hack into the website designed by Jeffrey and two classmates

⁹⁴*Id.*

⁹⁵*Id.*

⁹⁶*Id.*

⁹⁷*Id.*

⁹⁸*Id.*

⁹⁹Bond, *supra* note 58.

¹⁰⁰*Id.*

¹⁰¹*Id.*

¹⁰²*Id.*

¹⁰³*Id.*

¹⁰⁴*Id.*

to post vicious comments towards Jeffrey.¹⁰⁵ One of the entries read, “Jeff is a faget [sic]. He needs to die...it seems everythime [sic] I write on the computer I build up rage.”¹⁰⁶ Although the bully was suspended from school for bullying, beyond that, the school replied that there was only so much that they can do.¹⁰⁷ Jeff continued to struggle with the bullying issues through high school, where he became introverted and obsessed with his appearance.¹⁰⁸

This seemingly changed when the Johnston family took a vacation to Disney World, but when they arrived back home Jeffrey began to feel moody and depressed again.¹⁰⁹ On the morning of June 29, Debra and Joe, one of her elder sons, found Jeffrey’s body in his bedroom closet where he had hanged himself during the night.¹¹⁰ He left a suicide note that stated, “Hello Friends, I’m just writing to tell you all I won’t be in school anymore. I decided to commit suicide because my life is too hard...It’s just difficult to explain...I hope none of you miss me...I’m really sorry.”¹¹¹ The unfortunate end to this case brings to reality the fact that both schools and parents need to remain on the alert for this type of behavior, and be aware of the prevention techniques that can be put in place. When the school faculty and parents are not on the same page, it can, at times, result in actions that lead to crucial consequences for students.

Yet another case of cyberbullying occurred in 2016. *In re M.H.*, discusses the incident in which a 16-year-old high school student used his smartphone to “surreptitiously” record another high school student, Matthew B., in a school bathroom stall while Matthew was either masturbating or pretending to do so.¹¹² Although the video did not show Matthew’s face, it did reveal distinctive socks and shoes, which could be identified to Matthew.¹¹³ The 10-second video was posted to the Snapchat application with the caption, “I think this dude is jacking off.”¹¹⁴ Two weeks after the video was released Matthew took his own life.¹¹⁵ He left a suicide note stating, “I have

¹⁰⁵*Id.*

¹⁰⁶*Id.*

¹⁰⁷*Id.*

¹⁰⁸*Id.*

¹⁰⁹*Id.*

¹¹⁰*Id.*

¹¹¹*Id.*

¹¹²*In re M.H.*, 205 Cal. Rptr. 3d 1, 699 (2016).

¹¹³*Id.*

¹¹⁴*Id.*

¹¹⁵*Id.*

killed myself. I can't handle school anymore and I have no friends. I don't like my life. I've been planning this for months now."¹¹⁶

Due to the severity of the reaction to cyberbullying the court decided that M.H. violated the California Penal Code § 647,¹¹⁷ which states that:

A person who looks through a hole or opening, into, or otherwise views, by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile phone, the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside. This subdivision does not apply to those areas of a private business used to count currency or other negotiable instruments.¹¹⁸

The court sentenced M.H. to probation on numerous conditions, including the implementation of several restrictions to his social media.¹¹⁹ Upon appeal, the court determined that "a student in a high school bathroom stall reasonably expects he will not be videoed and have that video disseminated on social media."¹²⁰ Ultimately, the simple fact that a person can be physically seen by someone else does not mean that he or she can be forced, legally, to be subject to being seen by everyone. *In re M.H.* defines Snapchat as a smartphone application in which users are allowed to send pictures and videos that cannot exceed 10 seconds in length to friends or followers.¹²¹ However, unlike other social media, in which the pictures remain on the application, when a picture or video is uploaded to the Snapchat story it disappears after 24 hours.¹²²

This case is the epitome of how a victim of cyberbullying is torn to shreds by their classmates. Without the proper prevention techniques and remedies for enforcement, there is no hope for the millennial generation due to the growing popularity of social media. Although Matthew B. claimed to have been thinking of committing suicide for months, children in his position tend to just need one

¹¹⁶*Id.*

¹¹⁷CAL PEN. CODE § (Deering 2016)

¹¹⁸*Id.*

¹¹⁹*Supra* note 112.

¹²⁰*Id.* at 704.

¹²¹*Id.*

¹²²*Id.*

extra event to set them over the edge. Had a proper cell-phone use restriction been enforced in this school, this event may not have been the final nail in his coffin. Not to mention, had the parents been involved in both child's lives and social media, Matthew B. may have been able to get the psychological help that he needed to overcome the hardships in his life. Although these are speculations, Matthew B. represents millions of children across the country who are dealing with this type of bullying on a daily basis, and parents and schools need to be actively aware of these incidents and learn how they can start to prevent any more of these macabre scenarios from occurring.

IV. PREVENTION THROUGH SCHOOL AND LIBRARIES INTERNET ACCESS

It is important to keep in mind that cyberbullying is occurring somewhat invisibly in the sense that it is not usually a physical manifestation of the act of bullying.¹²³ There is no pushing to the ground, or calling other students bad names in class as it has been in the past, which complicates the extent to which school officials can act.¹²⁴ Cyberbullying can happen at any time, and using the internet to bully others, unfortunately, allows more students to "pile on" as the aggressors.¹²⁵ It is equally important for the teachers, and even the parents, to recognize and embrace the team of people established at the school to help prevent cyberbullying: the principal, the school psychologist, school counselor, and the media specialist.¹²⁶ The purpose of this group is to teach social-emotional skills to reduce aggressive behavior, encourage empathy and anger management techniques, and to review any reports and take action to prevent cyberbullying.¹²⁷

Cyberbullying: Protecting Kids & Adults from Online Bullying also discusses four more important realizations about cyberbullying that will help set the tone for prevention.¹²⁸ First, cyberbullying has become treacherous with the new forms of online abuse that is able

¹²³SAMUEL C. MCQUADE, III, JAMES P. COLT, & NANCY B.B. MEYER, *CYBERBULLYING: PROTECTING KIDS & ADULTS FROM ONLINE BULLYING* 59 (Praeger Publishers, 2009).

¹²⁴*Id.*

¹²⁵*Id.*

¹²⁶Merrick, *supra* note 6, at 85.

¹²⁷*Id.*

¹²⁸*Id.* at xii.

to occur due to the evolution from traditional forms of bullying.¹²⁹ Cyberbullying is becoming more prevalent because technology has become the primary method of communication for children and young adults.¹³⁰ Next, the consequences of cyberbullying range from harmless to devastating depending on the length of time and the individual affected.¹³¹ Finally, communities as a whole should be working together to intervene and prevent cyberbullying.¹³²

The National Association of Independent Schools empowers the independent schools and the students by offering: research and trend analysis, leadership and governance guidance, and professional development opportunities for the school and board leaders.¹³³ The Florida Council of Independent Schools is a member of the National Association of Independent Schools, and their mission is to promote the highest standards for PK-12 education through accreditation process, professional development programming, and advocacy efforts.¹³⁴ Associations like these promote respectable social values into the school system and aim to lead educational excellence.¹³⁵

The Children's Internet Protection Act (CIPA) was enacted by Congress in 2000, and addresses the concerns of parents that children have access to obscene or harmful content over the internet.¹³⁶ CIPA requires schools and libraries to have an internet safety policy in place which includes technology protection measures.¹³⁷ The schools and libraries are required to do this to receive E-rate funding, which is enforced by the Federal Communications Commission.¹³⁸ The protection measures refer to blocking or filtering the internet access to pictures that are: obscene, child pornography, or harmful to minors.¹³⁹ There also must be reasonable notice to the public about these internet safety policies.¹⁴⁰ In order to provide this reasonable notice, the schools and libraries

¹²⁹*Id.*

¹³⁰*Id.*

¹³¹*Id.* at xiii.

¹³²*Id.*

¹³³About NAIS, *supra* note 70.

¹³⁴History and Mission, FLORIDA COUNCIL OF INDEPENDENT SCHOOLS, <https://www.fcis.org/about/history-and-mission> (last visited Jan. 14, 2017).

¹³⁵*Id.*

¹³⁶*Children's Internet Protection Act*, *supra* note 22.

¹³⁷*Id.*

¹³⁸*Id.*

¹³⁹*Id.*

¹⁴⁰*Id.*

must hold at least one public hearing or meeting to address the proposal.¹⁴¹

Schools that are subject to CIPA have two additional certification requirements: (1) their internet safety policies must include monitoring online activities of children under the age of eighteen; and (2) they must provide educational materials to minors in regards to appropriate online behavior.¹⁴² This includes interacting with others on social media and chat rooms. It should also include information about cyberbullying awareness and response.¹⁴³

To summarize, schools and libraries subject to CIPA must adopt internet safety policies that address: “access by minors to inappropriate matter on the [i]nternet; the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications; unauthorized access, including so-called “hacking,” and other unlawful activities by minors online; unauthorized disclosure, use, and dissemination of personal information regarding minors; and measures restricting minors’ access to materials harmful to them.”¹⁴⁴

V. PREVENTION AT HOME

The first step for parents in learning methods of cyberbullying prevention is to begin to see the signs that their child is being bullied. It is extremely important to be able to recognize when there is a problem, and there are a myriad of websites that parents can look to when determining what constitutes cyberbullying as well as prevention techniques.¹⁴⁵ The parent should always keep personal computers public and crack down on abusive emails.¹⁴⁶ By keeping the family computer public, the parents are able to be alert for negative emotional reactions by their children.¹⁴⁷ This is imperative because not every child will reveal that they are being bullied to their parents.¹⁴⁸ When cracking down on abusive emails, the parent should be ready to take action against the bully and save the

¹⁴¹*Id.*

¹⁴²*Children’s Internet Protection Act, supra note 22.*

¹⁴³*Id.*

¹⁴⁴*Id.*

¹⁴⁵Bond, *supra* note 58.

¹⁴⁶*Id.*

¹⁴⁷*Id.*

¹⁴⁸*Id.*

evidence of bullying behavior so that he/she can report it as abuse.¹⁴⁹ The parent should not be afraid to exercise their rights, not only in placing rules upon their children, but also in defending them over the internet if cyberbullying occurs.¹⁵⁰

The Federal Trade Commission implemented a web-page that directly connects parents with valuable information and tips for protecting their children at home. This website discusses not only cyberbullying, but also the Acts that the government has set in place to protect children from the dangers of internet exploration on a daily basis.¹⁵¹

Parents have control over the personal information that children can provide to online companies when the child is under thirteen years old.¹⁵² The Children's Online Privacy Protection Act (COPPA) provides tools to aid parents in this task, and is enforced by the Federal Trade Commission.¹⁵³ If the website is covered by COPPA, it must receive consent from the parent before collecting any personal information from the child, and it also must abide by the parent's decisions on how the information provided will be used.¹⁵⁴ The term "personal information" under COPPA's restrictions refers to: name, address, phone number, email address, physical whereabouts, photos, videos, recordings of child, and persistent identifiers.¹⁵⁵ Once a parent has given the site permission for a site to collect the personal information, he/she is still in control.¹⁵⁶ The parent can review the information provided, retract consent, and have the information deleted at any time.¹⁵⁷ The website will also take the extra step of ensuring that the parent is the actual parent of the child from which the site will collect the information.¹⁵⁸

This website also gives parents information that they should be sharing with their children, and urges parents to talk to their children

¹⁴⁹*Id.*

¹⁵⁰*Id.*

¹⁵¹*Protecting Your Child's Privacy Online*, FED. TRADE COMMI'N, <https://www.consumer.ftc.gov/articles/0031-protecting-your-childs-privacy-online> (last visited Oct. 21, 2016).

¹⁵²*Id.*

¹⁵³*Id.*

¹⁵⁴*Id.*

¹⁵⁵*Id.*

¹⁵⁶*Id.*

¹⁵⁷*Protecting Your Child's Privacy Online*, *supra* note 151.

¹⁵⁸*Id.*

about protecting themselves online “early and often.”¹⁵⁹ There are three types of inappropriate conduct that parents should educate their children about: inappropriate conduct, inappropriate contact, and inappropriate content.¹⁶⁰ Inappropriate conduct occurs when children forget that when they are online, they are still held accountable for their actions.¹⁶¹ It is always a good idea to remind them of this fact. Inappropriate contact occurs when people online decide to act on bad intentions such as: bullying, predators, hackers, and scammers.¹⁶² Finally, inappropriate content refers to: pornography, violence, or hate speech online.¹⁶³ A parent should inform their child of these risks by continuously talking and “encouraging them to engage in conduct they can be proud of.”¹⁶⁴

It is also important to teach children how to navigate through the vast world of online socializing. Children must be able to navigate through chat rooms, virtual worlds, and blogs safely. Along with navigation, a child should be aware of the risks of sharing too much information or posting comments, videos, or photos that hurt someone emotionally and possibly even damage their reputation. The site provides a few methods for passing along this information: children should only post what they are comfortable with others seeing; remind children that once something gets posted, it cannot be taken back; and tell children that they should not try to impersonate someone else.¹⁶⁵

Another helpful suggestion is to tell children to limit what they share.¹⁶⁶ Some information should remain private, such as: social security number, street address, phone number, etc.¹⁶⁷ It is important to remind children that this information could be very damaging if it were to be released on the internet.¹⁶⁸ Additionally, they should avoid sex talk online, period.¹⁶⁹ Research has shown that those who

¹⁵⁹*Talk to Your Kids*, FED. TRADE COMM’N, <https://www.consumer.ftc.gov/articles/0006-talk-your-kids> (last visited Oct. 18, 2018).

¹⁶⁰*Id.*

¹⁶¹*Id.*

¹⁶²*Id.*

¹⁶³*Id.*

¹⁶⁴*Id.*

¹⁶⁵*Kids and Socializing Online*, FED. TRADE COMM’N, <https://www.consumer.ftc.gov/articles/0012-kids-and-socializing-online> (last visited Oct. 18, 2018).

¹⁶⁶*Id.*

¹⁶⁷*Id.*

¹⁶⁸*Id.*

¹⁶⁹*Id.*

do not participate in this type of behavior are less likely to come into contact with predators.¹⁷⁰

To help in the prevention of cyber bullying, it is important to encourage children to maintain manners when they are socializing online.¹⁷¹ There is no reason why children would not want to practice the same etiquette they use offline as they use online.¹⁷² This can become a synonymous character trait in the child. Although texting can be considered to be a quick method of communication, and often informal, there is also room for a please and thank you.¹⁷³ Children often don't realize that bolding letters, or using all capital letters may send of an impolite message to the recipient.¹⁷⁴ Therefore, they should be reminded that this is just as important any other polite gesture.¹⁷⁵

As a parent, it should be a common practice to review the child's friends list.¹⁷⁶ This is not only a good idea to ensure that the child is not interacting with a possible predator, or inappropriate person, but also to prevent bullies from gaining access to the child's account and further bully the child.¹⁷⁷ Regardless of whether the friend list is frequently checked, parents should have a continuous flow of conversation with their child about what they are doing online.¹⁷⁸ This could be the opportunity that a child needs to come forth and tell their parent about any inappropriate behavior, or cyberbullying that has been happening online.¹⁷⁹ This should be a casual conversation that embraces children to trust their gut if they are feeling suspicious about anything that is happening online.¹⁸⁰ Parents should always be informed of their children's online behaviors and experiences.¹⁸¹

The Truth About Bullying: What Educators and Parents Must Know and Do discusses tips for parents to regulate cyberbullying, and urges that the overreaction of parents could potentially close the lines of communication, but not actually put an end to

¹⁷⁰Kids and Socializing Online, *supra* note 166.

¹⁷¹*Id.*

¹⁷²*Id.*

¹⁷³*Id.*

¹⁷⁴*Id.*

¹⁷⁵*Id.*

¹⁷⁶Kids and Socializing Online, *supra* note 166.

¹⁷⁷*Id.*

¹⁷⁸*Id.*

¹⁷⁹*Id.*

¹⁸⁰*Id.*

¹⁸¹*Id.*

cyberbullying.¹⁸² The tips first suggest that the parent stay calm while talking to their child, and allow themselves the time to think about the information their child conveys to them before reacting.¹⁸³ Then, the parent should educate themselves on the cyber language so that they may be able to save any evidence of cyberbullying, including: identifying the person who is bullying; and ignore, block, or filter the conversations.¹⁸⁴ The parent should send a message to the bully stating that if he/she contacts their child again, they will contact the authorities.¹⁸⁵ If the bullying is severe, or persists after taking this step, the parents should contact law enforcement, and an attorney.¹⁸⁶ The parent can also report the abuse and contact the website engineers for further assistance in the matter.¹⁸⁷

VI. SOCIAL MEDIA

Social media currently lies at the heart of cyberbullying, so it is crucial that parents and schools learn about the social media that is available to children. From applications like Yik Yak to Snapchat, students are finding completely new forms of cyberbullying that slip through the cracks of monitoring applications such as TeenSafe. Since so many incidents are going unnoticed¹⁸⁸, parents and schools should come together as a community and determine what it takes to combat these new methods of cyberbullying to end it altogether.

One of the applications that have slipped through the cracks is Yik Yak.¹⁸⁹ The website describes the application as a mode which “helps you find your herd.”¹⁹⁰ Yik Yak is a location-based social network that helps connect the user with other users around their area by allowing them to share news, ask questions, offer support, and interact freely.¹⁹¹ This application is used mainly on school campuses, as it was started on one college campus and has grown to

¹⁸²Urbanski & Permuth, *Supra* note 77, at 82.

¹⁸³*Id.*

¹⁸⁴*Id.*

¹⁸⁵*Id.*

¹⁸⁶*Id.* at 83.

¹⁸⁷*Id.*

¹⁸⁸*Cyber-Bullying: What Parents Should Know*, CHILD LAW, <http://childlaw.sc.edu/Status%20Offense%20Task%20Force/Cyberbullying%20handout.pdf> (last visited Sep. 29, 2017).

¹⁸⁹See YIK YAK, <https://www.yikyak.com/about> (last visited Jan. 14, 2017).

¹⁹⁰*Our Product*, YIK YAK, <https://www.yikyak.com/about> (last visited Oct. 18, 2018).

¹⁹¹*Id.*

over 2,000 campuses in the United States and is expanding internationally.¹⁹²

Although this may sound like a great way for children and young adults to stay connected with their community, the reality is that the users on this application are anonymous and as such have almost no consequences for the communications made in day-to-day conversations. Unfortunately for a professor at Eastern Michigan University, a teaching assistant approached her with the Yik Yak application open on her phone to show the professor that about 230 of her students had been communicating negatively about her through the application.¹⁹³ They were saying the most demeaning, crude, and sexually explicit comments with regards to the professor.¹⁹⁴ Immediately after class, the professor involved decided to take screenshots of the worst messages and send them to various university officials along with a message that urged them to take some sort of action since she had been defamed and her reputation was “besmirched.”¹⁹⁵ However, due to the anonymity of the application, there was no way for the school to be able to deduce who wrote the posts.¹⁹⁶ Additionally, the privacy policy of the application prevents schools from identifying users without a subpoena, court order, or search warrant.¹⁹⁷

One of the responses to this incident was an article entitled *Who Spewed That Abuse? Anonymous Yik Yak App Isn't Telling*, which claims schools can block access Yik Yak on their Wi-Fi networks.¹⁹⁸ However, even this can cause controversy since the article claims blocking a popular social media network is “arguably tantamount to curtailing freedom of speech.”¹⁹⁹ Ultimately, it does not matter if they fight for the right to ban access to Yik Yak on their Wi-Fi networks because students will still be able to gain access to the site by using their cell phone’s data service.²⁰⁰

¹⁹²*Our Story*, YIK YAK, <https://www.yikyak.com/about> (last visited Oct. 18, 2018).

¹⁹³Jonathan Mahler, *Who Spewed That Abuse? Anonymous Yik Yak App Isn't Telling*, NEW YORK TIMES (March 8, 2015), https://www.nytimes.com/2015/03/09/technology/popular-yik-yak-app-confers-anonymity-and-delivers-abuse.html?_r=1 (last visited Oct 18, 2018).

¹⁹⁴*Id.*

¹⁹⁵*Id.*

¹⁹⁶*Id.*

¹⁹⁷*Id.*

¹⁹⁸*Id.*

¹⁹⁹*Id.*

²⁰⁰Mahler, *supra* note 193.

In response to the complaints being received by Yik Yak, the engineers to the application have made some changes such as: adding filters to prevent full names from being posted, and key words, like “Jewish” or “bomb” prompting a message stating, “pump the brakes, this yak may contain threatening language. Now it’s probably nothing and you’re probably an awesome person but just know that Yik Yak and law enforcement take threats seriously. So you tell us, is this yak cool to post?”²⁰¹

Since the application has been created, it has quickly made its way into high schools, middle schools, and college campuses.²⁰² However, the application had to be completely shut down in the city of Chicago when an alarming amount of complaints flew in from various schools around the city.²⁰³ In response, the creators of Yik Yak have built virtual fences, known as geo-fences, around about 90% of the nation’s high schools and middle schools.²⁰⁴ The geo-fences make the application impossible to open on school grounds.²⁰⁵ They have also changed the age rating in the App Store from 12-years-old to 17-years-old and older.²⁰⁶ The founders have said that even though there have been some “growing pains” since the start-up of the application, “it’s definitely still a learning process for us.”²⁰⁷

Ask.fm is another social networking site that has become overlooked when preventing cyberbullying, since it is set up in a question and answer format.²⁰⁸ According to a 2013 article there are ten frightening facts about Ask.fm that all parents should know.²⁰⁹ The first is the application only grants its service to persons 13-years-old and older, meaning tweens cannot use this site unless a parent allows them to record an older age than they are at the time of signing up.²¹⁰ This is a good tool for parents to simply say no to protect their child.²¹¹ Second, no one monitors the content on

²⁰¹*Id.*

²⁰²*Id.*

²⁰³*Id.*

²⁰⁴*Id.*

²⁰⁵*Id.*

²⁰⁶Mahler, *supra* note 193..

²⁰⁷*Id.*

²⁰⁸Shannan Younger, *10 Frightening Facts About Ask.fm All Parents Should Know*, BETWEEN US PARENTS (October 24, 2013), <http://www.chicagonow.com/between-us-parents/2013/10/facts-about-ask-fm-parents/> (last visited Oct. 18, 2018).

²⁰⁹*Id.*

²¹⁰*Id.*

²¹¹*Id.*

Ask.fm because the service allows for anonymous content.²¹² Therefore, agreeing to the use of service is at the users own risk. Third, the website has been increasingly used to communicate abusive, bullying, and sexualized content, and is reportedly “associated with the worst forms of cyberbullying.”²¹³ It has also been linked to numerous suicides around the world.²¹⁴

Fourth, the site allows users to be blocked from participating in the site by another user after giving a reason for the action.²¹⁵ However, this does not mean that the blocked party is banned from having access to their profile, as the site still allows them to view all other interactions.²¹⁶ Fifth, due to the anonymity that the site provides its users, there is no way of knowing who is bullying or harassing other users.²¹⁷ Sixth, Ask.fm has been integrated with Facebook and Twitter, so all of the accounts can be easily connected.²¹⁸ This means that what is posted on Ask.fm can be easily shared and appear on the other sites with almost no effort on the part of the user.²¹⁹

For the seventh fact, the article urges the reader to stop future tragedies after discussing a case in which a 14-year-old girl in Britain had been bullied on Ask.fm.²²⁰ The British Prime Minister, David Cameron, has actually made a statement regarding the matter: “[t]here’s something all of us can do as parents and as users of the internet and that is not to use some of these vile sites. Boycott them, don’t go there, don’t join them – we need to do that as well.”²²¹ The eighth fact lists the shocking statement made by Ask.fm, the company, which stated, “We only have this situation in Ireland and the U.K. most of all. It seems that children are more cruel in these countries.”²²² However, in the United States, it was reported that a teenager has received messages like “drink bleach,” “go get cancer,” and “go die.”²²³

The ninth fact reveals that Ask.fm is based in Riga, Latvia, which is the reason that the United States and British authorities

²¹²*Id.*

²¹³*Id.*

²¹⁴*Id.*

²¹⁵*Id.*

²¹⁶*Id.*

²¹⁷*Id.*

²¹⁸*Id.*

²¹⁹*Id.*

²²⁰*Id.*

²²¹*Id.*

²²²*Id.*

²²³*Id.*

have often had a long wait to gather data from the site.²²⁴ Finally, the article discusses the fact that users are unable to increase their privacy settings on Ask.fm as they are allowed to on various other social media sites and applications.²²⁵ It is ill-fated that this application gets overlooked when it comes to prevention of cyberbullying since it could possibly have the most red flags of all of the applications. However, if parents stay involved in their child's life and internet activity, there is hope that parents as a whole can try to stop the disadvantages this application presents to their children.

A living example of the dangers presented in social media occurred in Florida in 2013 and incorporated Kik, Ask.fm, and Facebook.²²⁶ Rebecca Sedwick, 12-years-old, decided to commit suicide after being bullied by a 12-year-old and a 14-year-old.²²⁷ The prosecution decided to bring felony charges for both children who bullied Rebecca subsequent to the actions taking place.²²⁸ Initially, Rebecca was friends with the 12-year-old who bullied her, but the 14-year-old decided to turn them against one another.²²⁹ The bullies not only said heinous things to Rebecca, but they often suggested that she kill herself, sometimes suggesting the manners in which she should do so, such as: drinking bleach or jumping off of a building.²³⁰ Unfortunately this was not the end of the bullying towards Rebecca; it was reported that the bullies used Kik and Ask.fm to cyberbully Rebecca since these are sites that are more difficult for a parent to monitor.²³¹

The 14-year-old girl was arrested after police found her post on Facebook, which read, "Yes ik [I know] I bullied REBECCA nd [sic] she killed her self but IDGAF [I don't give a f***]."²³² In addition to the charges imposed upon the girls, they also wanted to bring charges against the parents as well since they continued to allow the girls access to social media.²³³ The sheriff in this case said,

²²⁴*Id.*

²²⁵*Id.*

²²⁶Shannan Younger, *Arrests in Florida Tween Bullying Case Raise Issue of Parental Responsibility*, BETWEEN US PARENTS (October 17, 2013), <http://www.chicagonow.com/between-us-parents/2013/10/tween-bullying-suicide-florida-arrest-parents/> (last visited Oct. 18, 2018).

²²⁷*Id.*

²²⁸*Id.*

²²⁹*Id.*

²³⁰*Id.*

²³¹*Id.*

²³²*Id.*

²³³*Id.*

“[W]atch what your children do online. Pay attention. Quit bring [sic] their best friend and be their best parent. That’s important.”²³⁴

When the parents of the 14-year-old were interviewed, her father stated, “[m]y daughter’s a good girl and I’m 100 percent sure that whatever they’re saying about my daughter is not true.”²³⁵ However, the father of the 12-year-old girl said, “I feel horrible about the whole situation. It’s my fault, maybe that I don’t know more about that kind of stuff. I wish I did.”²³⁶ It seems as though different parents will treat this tragedy in different ways. Education starts in the home, and it is the parent’s job to teach their children about internet safety as well as interacting with others online. Just as the sheriff stated, “[a]s a child, I can remember sticks and stones can break your bones but words will never hurt you. Today, words stick because they are printed and they are there forever.”²³⁷ Unfortunately, some children do not learn this lesson until it is too late.

Snapchat is yet another application that is frequently overlooked in cyberbullying prevention because it is harder to monitor.²³⁸ *In re M.H.* defines Snapchat as a smartphone application in which users are allowed to send pictures and videos that cannot exceed 10 seconds in length to friends or followers.²³⁹ However, unlike other social media, in which the pictures remain on the application, when a picture or video is uploaded to the Snapchat story it disappears after 24 hours.²⁴⁰ Unfortunately, seven out of ten young people are victims of cyberbullying on the Snapchat application.²⁴¹

A direct example of a victim of snapchat is (as discussed above) *In re M.H.*, filed in 2016. This case discusses the incident in which a 16-year-old high school student, M.H. used his smartphone to “surreptitiously” record another high school student, Matthew B. in a school bathroom stall while he was either masturbating or pretending to do so.²⁴² Although the video did not show Matthew’s face, it did reveal distinctive socks and shoes, which could be identified to Matthew. Two weeks later, Matthew took his own

²³⁴*Id.*

²³⁵*Id.*

²³⁶*Id.*

²³⁷*Id.*

²³⁸Snapchat Facts and Stats, *supra* note 25.

²³⁹*In re M.H.*, 1 Cal. App. 5th at 704.

²⁴⁰*Id.*

²⁴¹Snapchat Facts and Stats, *supra* note 25.

²⁴²*In re M.H.*, 1 Cal. App. 5th 699.

life.²⁴³ Although Snapchat was not the only reason for the suicide of Matthew B., it would be beneficial to look at methods to prevent users from using Snapchat to cyberbully their colleagues.

While parents should educate their children on the dangers of online interaction and hostile forms of communication between their peers, they should still ensure that their children are implementing these valuable lessons. TeenSafe is an application that has been working for the last five years, to aid parents in this process.²⁴⁴ This app enables a parent to: view teen's text messages (including deleted texts), view Tinder activity, find the location of the device through GPS, monitor call logs and browsing history, as well as monitor WhatsApp and Kik messages.²⁴⁵ It also enables parents to put parental restrictions on social media as well.²⁴⁶ It works for both iPhones and Android smartphones, so there should be no issue with compatibility.²⁴⁷ It is also optional for a parent to tell their child that they are monitoring them in this way.²⁴⁸ However, it is illegal to do this once the child turns eighteen because they are legally an adult. Not only is this app beneficial to ensure that the child is not "befriending less-than-desirable characters," it also aids the parents in making sure that their child is not participating in conduct for which the ramifications would haunt them throughout their lives.²⁴⁹

However, there are some restrictions to using TeenSafe as a parent, one of which is that the child's phone must be plugged in and have the Wi-Fi turned on at night so that the data will be backed up to their iCloud (for iPhone users).²⁵⁰ Once the data is backed up to iCloud, the parent can view screenshots of the data through the TeenSafe application.²⁵¹ TeenSafe presents a different set of problems for Android users as the Android does not have an iCloud.²⁵² Ultimately, this application is beneficial, and with technology rapidly improving upon itself daily there is a hope that the bugs will be worked out of its system to produce an even greater surveilling application for parents. They don't currently have a

²⁴³*Id.*

²⁴⁴How Easy is it to Stay on Top of Your Child's Online Life?, *supra* note 90.

²⁴⁵*Id.*

²⁴⁶*Id.*

²⁴⁷*Id.*

²⁴⁸*Id.*

²⁴⁹*Id.*

²⁵⁰*Id.*

²⁵¹*Id.*

²⁵²*Id.*

solution for Android users, but there is hope that future developments will improve compatibility.

VII. CONCLUSION

The children of the millennial generation face cyberbullying as a reality everyday due to the rapidly growing, ever-changing role that technology plays in everyday life. As technology becomes more prevalent, so do the statutes and regulations regarding the proper uses and consequences of social media. The Children's Internet Protection Act,²⁵³ 15 U.S.C.S. § 6501-5,²⁵⁴ and the Jeffrey Johnston Stand Up for All Students Act²⁵⁵ are just a few examples of the regulations that the government has put into place to try to secure the users of the internet from cyberbullying.

Despite these efforts, children are still bullying others as in *Commonwealth v. Carter*,²⁵⁶ and *In re M.H.*²⁵⁷ This signifies that prevention techniques should be put in place to ensure that children are not only shielded from cyberbullying, but also educated in methods of protecting themselves from falling victim to cyberbullying. There are prevention techniques to be employed both at school and in the home. However, parents and teachers must be an active part in the child's life for them to be employed properly.

One of the most important aspects to remember when employing cyberbullying prevention techniques is that there are too many applications that children use that are overlooked or not easily accessible to parents, and especially to teachers. These are the applications that should be focused on or avoided altogether, which is, again, only possible when (at the very least) the parents are involved in their children's online life. Nevertheless, there are applications that benefit the parents as well, such as TeenSafe.²⁵⁸ While this application is not perfect, and cannot prevent from cyberbullying in every application that the child may use, it is still better than not being knowledgeable about the child's activities at all. Overall, the largest battle going forward is merely education to

²⁵³*Children's Internet Protection Act*, *supra* note 21.

²⁵⁴15 U.S.C.S. §6501-05.

²⁵⁵The 2016 Florida Statutes, *supra* note 54.

²⁵⁶*Carter*, 474 Mass. 624.

²⁵⁷*In re M.H.*, 1 Cal. App. 5th 699.

²⁵⁸*See How Easy is it to Stay on Top of Your Child's Online Life?*, *supra* note 90.

the parents and teachers with regards to updated technology and the activities of the children in their care.