

Pain in the App

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Agenda



- The Mental Health Crisis
 - TLDR: The Law
 - Status of Social Media Litigation
 - Artificial Intelligence
 - Deep Fakes
-

Current State of “Crisis”



“When I said to show your work, I didn’t mean to
livestream it.”

Mental Health America: 2023 Youth Data



- 16.39% of youth reported during past year experiencing at least one major depressive episode
 - Over 2.7 million youth are experiencing severe major depression
 - 6.34% of youth reported a substance use disorder
 - 59.8% of youth with major depression did not receive mental health treatment
-

Who are we talking about?



- Recent Statistics Compiled by NAMI
 - 16.5% of US youth aged 6-17 experienced a mental health disorder in 2016 (7.7 million people)
 - 50.6% of US youth aged 6-17 with a mental health disorder received treatment in 2016
 - Suicide is 2nd leading cause of death among people aged 10-34
 - The average delay between onset of mental illness symptoms and treatment is 11 years
 - Half of all mental illness occurs before the age of 14, and 75% by the age of 24 (CMI)
-

Who are we talking about?



- Among children aged 2-8 years, boys were more likely than girls to have a mental, behavioral, or developmental disorder
 - Among children living below 100% of the federal poverty level, more than 1 in 5 (22%) had a mental, behavioral, or development disorder
 - Age and poverty level affected the likelihood of children receiving treatment for anxiety, depression, or behavior problems
-

CDC 2011-2021 Youth Risk Behavior Survey Data Trends



The Percentage of High School Students Who:*	2011 Total	2013 Total	2015 Total	2017 Total	2019 Total	2021 Total	Trend
Experienced persistent feelings of sadness or hopelessness	28	30	30	31	37	42	
Experienced poor mental health†	–	–	–	–	–	29	–
Seriously considered attempting suicide	16	17	18	17	19	22	
Made a suicide plan	13	14	15	14	16	18	
Attempted suicide	8	8	9	7	9	10	
Were injured in a suicide attempt that had to be treated by a doctor or nurse	2	3	3	2	3	3	

- In wrong direction
- No change
- In right direction

Link to Social Media: Surgeon General's Report



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

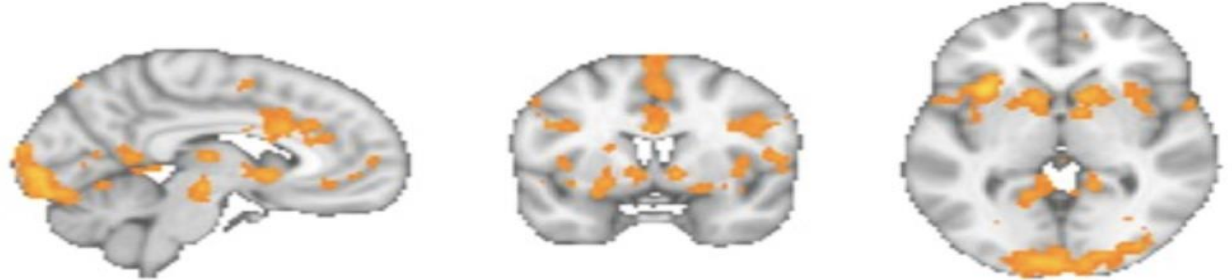


Brain Imaging and Social Media



A

Regions more active for more highly rated images



B

Independent activation associated with **Liking** and **Rating** in the striatum/vmPFC

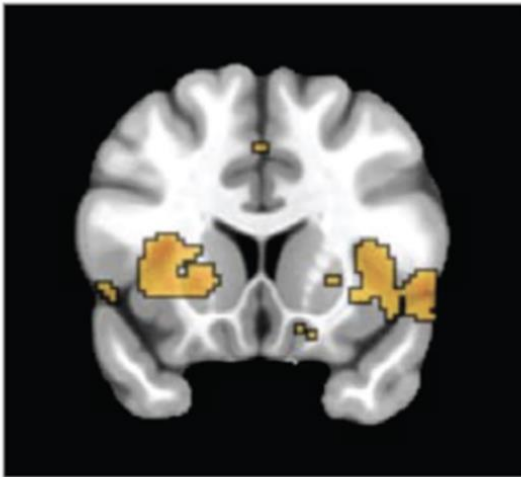


Brain Imaging and Social Media

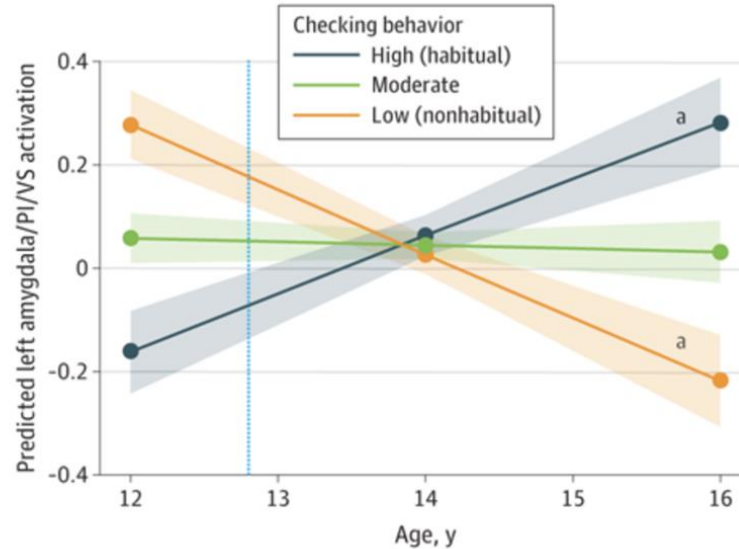


Figure 1. Functional Activation in the Left Amygdala, Posterior Insula (PI), and Ventral Striatum (VS) During the Anticipation of Social Feedback

A Left amygdala/PI/VS activation



B Conditional linear growth model



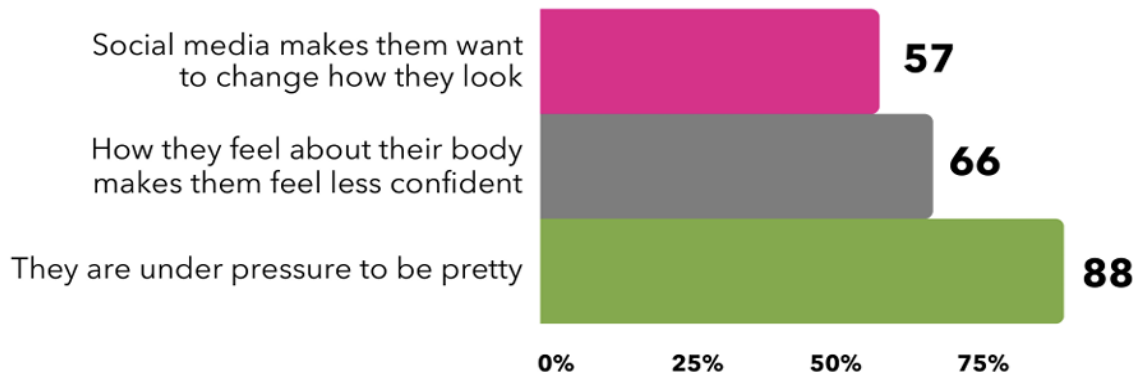
Impacting Students Differently



CONFIDENCE

There are many variables that impact girls' reports of confidence. In the 2023 Girls' Index, the way that girls felt about their bodies and appearance was correlated to their reports of confidence. Additional appearance-related findings are included below.

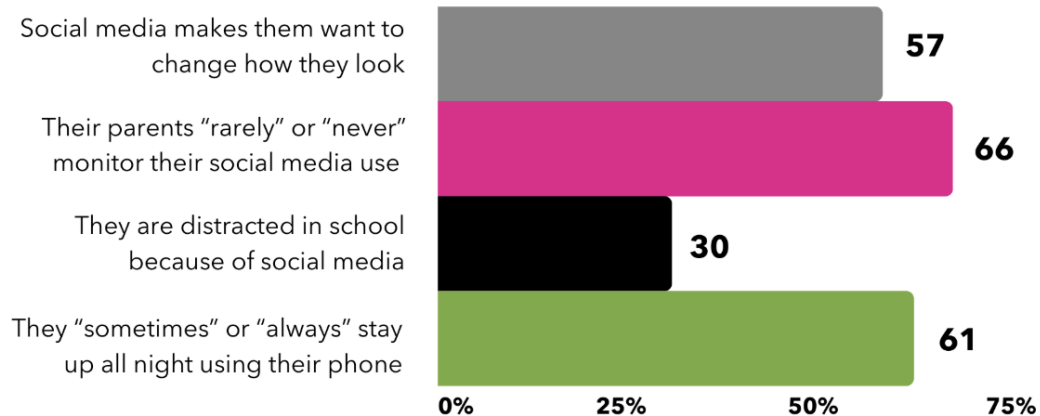
% OF GIRLS WHO REPORT:





SOCIAL MEDIA

% OF GIRLS WHO REPORT:



Nearly all girls who responded to the 2023 Girls' Index reported that they use social media, including 95% of 5th grade girls. Median reported social media use is between 4 and 6 hours per day. Additionally, 69% of high school girls and 54% of middle school girls reported that most students their age send sexually suggestive photos/videos to one another.

Impacting Students Differently

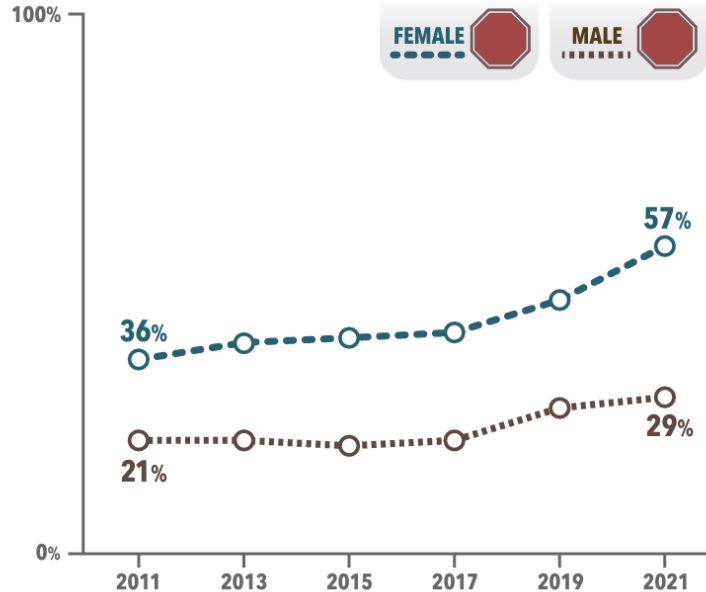


Trends in the Percentage of High School Students Who

Experienced **Persistent Feelings of Sadness or Hopelessness** during the Past Year, United States, YRBS, 2011-2021

10-Year Trend Description by Sex

The percentage of female and male students who experienced persistent feelings of sadness or hopelessness increased from 2011 to 2021.



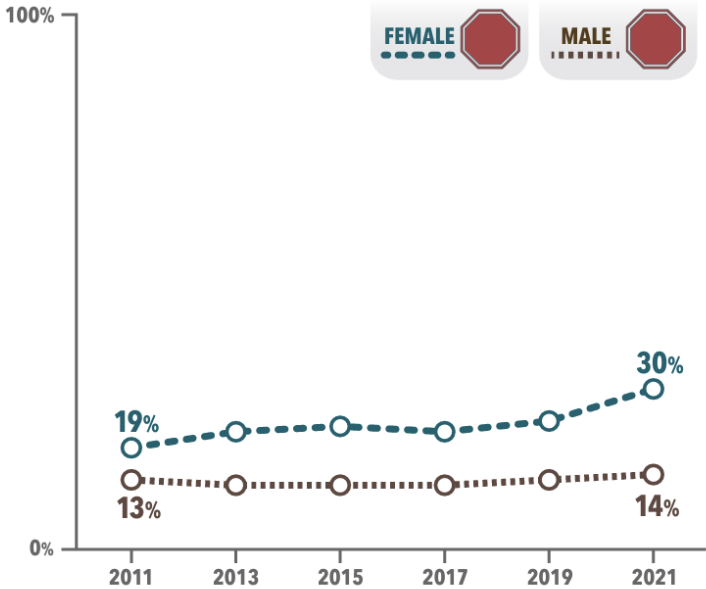
Impacting Students Differently



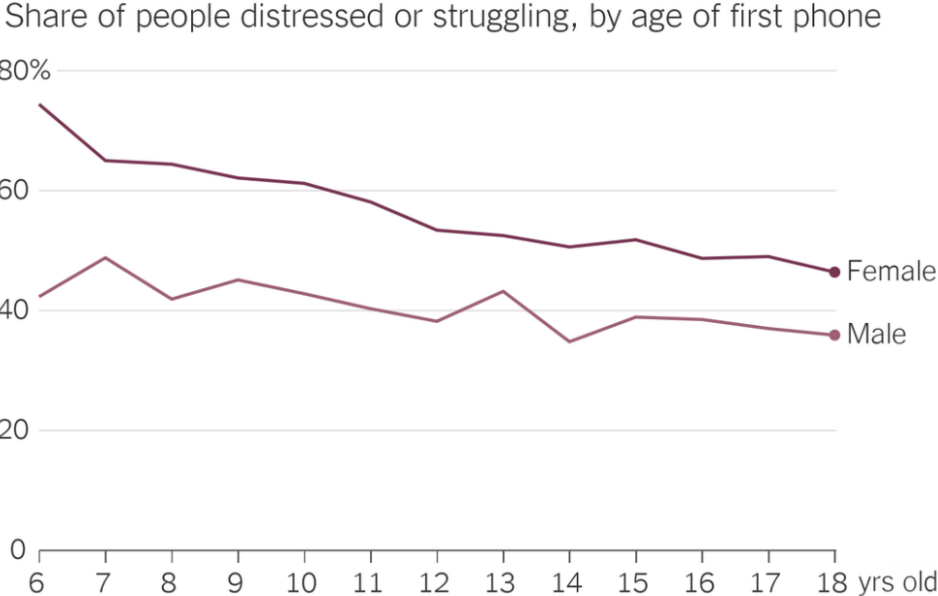
Trends in the Percentage of High School Students Who Seriously Considered Attempting Suicide during the Past Year, United States, YRBS, 2011-2021

10-Year Trend Description by Sex

The percentage of female and male students who seriously considered attempting suicide increased from 2011 to 2021.



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

Benefits of Limited Use



- Limits on the use of social media have mental health benefits for young adults and adults
 - Trial in college-aged youth
 - Limiting to 30 minutes daily over three weeks led to significant improvements in depression severity
 - Particularly large for those with high baseline levels of depression
-

Status of Social Media Litigation



"Oh no, it's Godzilla! And he's spreading disinformation!"

Status of Social Media Litigation



- Northern District of California Multidistrict Litigation
 - *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, Case # 22-MD-3047-YGR*
 - 475 pending cases as of June (families/districts/states)
 - Currently in discovery phase following Defendant's failed motion to dismiss
 - Districts from 23 states involved
-

Status of Social Media Litigation



- Consolidated State Products Liability Litigation
 - *Social Media*, Case # JCCP 5255
 - 489 pending cases as of June (families/districts/states)
 - LA Superior Court just granted motion to dismiss
 - Districts are appealing
-

Status of Social Media Litigation



- LA Superior Court:
 - "To expand the common law in order to provide a remedy for those who are indirectly affected by the negative consequences of social media for youth would create a broad web of indeterminate liability that the common law has heretofore refused to impose."

06/07/2024
12:24

E-Served: Jun 7 2024 9:57AM PDT Via Case Anywhere

FILED
Superior Court of California
County of Los Angeles
06/07/2024
David W. Saylor, Executive Officer / Clerk of Court
By: L. McGeehan Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

Coordinated Proceeding
Special Title (Rule 3.400)

CASE NO. JCCP 5255
Lead Case: 22STCV21355

SOCIAL MEDIA CASES

This Ruling Relates to:
24STCV01468; 23STCV14900;
23STCV14780; 23STCV26875

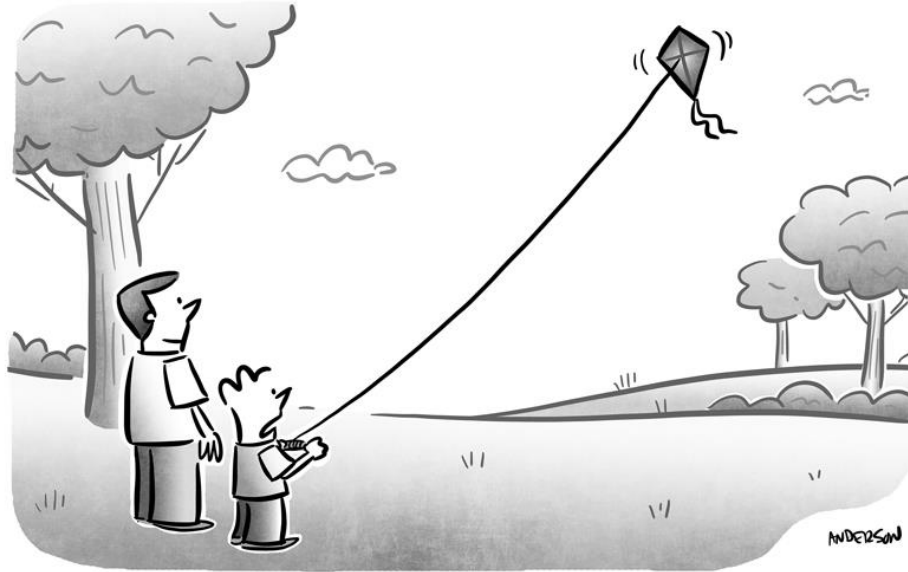
**Opinion and Order re (1) Defendants'
Demurrer to Certain School District
Complaints, (2) Defendants' Motion
to Strike Certain School District
Complaints**

Hon. Carolyn B. Kuhl
Department 12
Spring Street Courthouse

Introduction

The school districts that are plaintiffs in the cases at issue on these motions, like the individual personal injury plaintiffs whose cases also are part of this coordinated proceeding, allege that the social media defendants have maximized their own benefit and advertising revenue at the expense of the health of minor users of the social media companies' applications or websites. Notwithstanding a federal statute that provides internet publishers with immunity that is unavailable to traditional publishers (see 47 U.S.C. § 230), this court has held that the individual personal injury plaintiffs have viable common law personal injury claims against the social media defendants, although not for recovery based on Defendants' publication of third-party content. (Court's Ruling on Defendants' Demurrer to Master Complaint and Three Short Form Complaints, Oct. 13, 2023 (October 2023 Ruling).)

Cell Phone Bans



"I know you didn't have smartphones or drones or the internet, but, seriously, this used to be fun for you?"

Trending? Banning Phones



STUDENT WELL-BEING

Cellphone Bans Can Ease Students' Stress and Anxiety, Educators Say



By Lauraine Langreo — October 16, 2023 ⌚ 7 min read



Anthony Bruno, a student at Washington Junior High School in Washington, Pa., uses the unlocking mechanism as he leaves classes for the day to open the bag that his cellphone was sealed in during class on Oct. 27, 2022, in Washington, Pa. Citing mental health, behavior, and engagement as the impetus, many schools are more strictly limiting students' cellphone use.

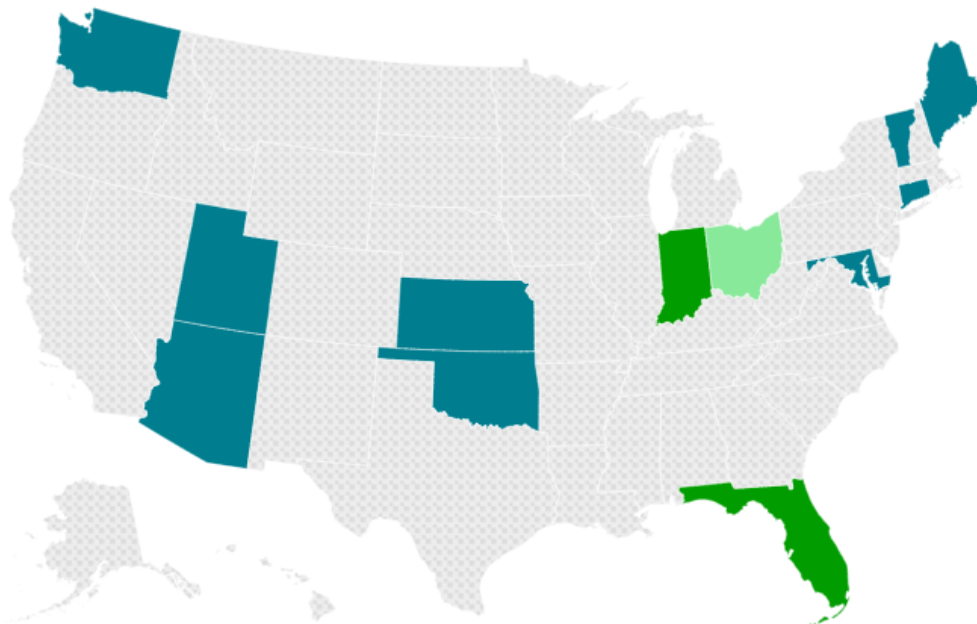
— Keith Srakocic/AP



Before Regina Slage's Algebra I class begins, her Edgewater High School students have to drop their backpacks and phones off at the front of the room, only taking their school-issued laptops and other class materials to their desks.

Which states have passed cell phone bans in schools?

■ State considered cell phone ban ■ Cell phones banned in class ■ Cell phone use restricted in schools





Justin Pistorius, left, is a math teacher at Illing Middle School in Manchester, Conn. Michael Wilson, right, is a student. Wilson's phone, center, is placed in a locked pouch during school. (Tony Luong for The Washington Post)

How a Connecticut middle school won the battle against cellphones

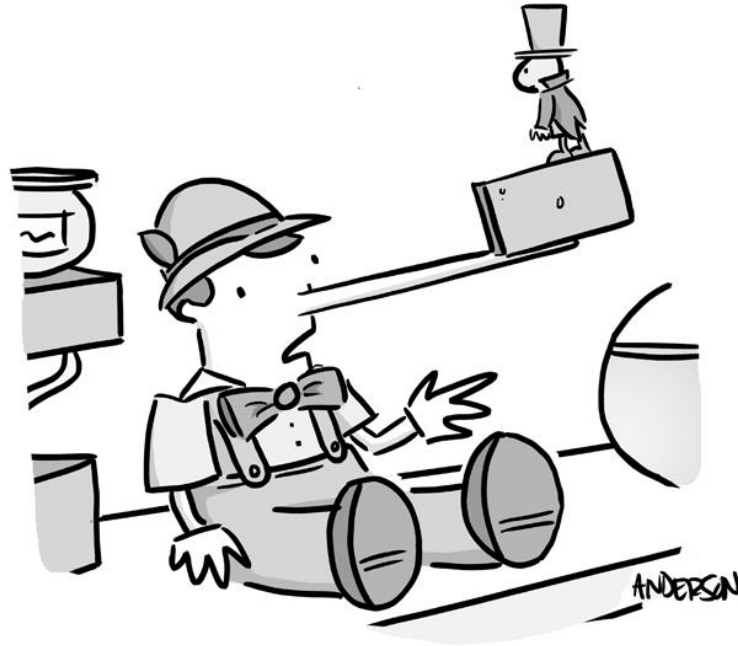
When Raymond Dolphin became assistant principal of a middle school in Connecticut two years ago, it was clear to him that the kids were not all right. The problem was cellphones.



By Joanna Slater

May 1, 2024 at 5:00 a.m. EDT

TLDR: The Law



"The up side is it makes a nice selfie stick."

SD Student Discipline & First Amendment



- SDCL 13-32-1
 - Broad disciplinary authority
 - Superintendents, principals, supervisors, and teachers have disciplinary authority over all students while the students are in school or participating in or attending school sponsored activities whether on or off school premises. **Superintendents and principals may also discipline students for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs.**
-

SD Student Discipline & First Amendment



- SDCL 13-32-18
 - Let's not forgot about the bullying statute
 - 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.
-

C.G. v. Siegried

477 F. Supp. 3d 1194 (D. Colo. 2020)



C.G. v. Siegried

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”
-

C.G. v. Siegried

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
-

A.S. v. Lincoln Cty. R-III Sch. Dist.

429 F. Supp. 3d 659 (E.D. Mo. 2019)



- A.S. made a meme to post to Snapchat
 - The meme included an edited photo of another student C.S. posed in a casket
 - The snapchat text made reference to a funeral and visitation and featured the 'crying' and 'praying hands' emojis
 - A.S. sent the meme to a private snapchat group of other students and encouraged them to post the meme to their own stories
 - The meme was seen by many other students
-

A.S. v. Lincoln Cty. R-III Sch. Dist.

429 F. Supp. 3d 659 (E.D. Mo. 2019)



- Students acted like C.S. was dead, made comments to C.S. about him being a ghost, and held a moment of silence for him
 - This caused C.S. great distress
 - After the administration found out about this, A.S. was suspended for ten days for violating the cyberbullying policy
 - The board of education eventually upheld an extended suspension
-

A.S. v. Lincoln Cty. R-III Sch. Dist.

429 F. Supp. 3d 659 (E.D. Mo. 2019)



- A.S. challenged this saying it violated his 1st Amendment rights:
 - Court: Speech not protected
 - A.S. says he did not intend for the meme to reach the school
 - Here the meme “targeted a specific student at the high school and was specifically, deliberately, and purposefully shared with other high school students on social media” meaning it was purposely designed to reach the school
 - The meme caused actual disruption at school, and it was reasonably foreseeable that if left unchecked there would be substantial disruption
-

M.F. v. Carroll Indep. Sch. Dist.

2023 U.S. Dist. LEXIS 199351 (N.D. Tex. Nov. 4, 2023)



- 6th grade student, M.F., created a shared TikTok account with his friends
 - On a Friday after school and off school grounds M.F. made a TikTok regarding another student with the following text:
 - “[Minor #1] sucks at sports and is so ugly. He meatrudes [student] amd nobody likes him. he is super dumb and as smart [*3] as [student] which isnt saying much. His ugly side [p]art looks terrible and idk how he pulled [student] but seeing as how [student] looks im not surprised she said yes.”
-

M.F. v. Carroll Indep. Sch. Dist.

2023 U.S. Dist. LEXIS 199351 (N.D. Tex. Nov. 4, 2023)



- The post was made at 6 p.m. and taken down by M.F. at 8:30 p.m. that night
 - On Monday, several parents called the school concerned about the post and multiple students approached administration
 - School obtained original version of the post and began an investigation
 - M.F. was questioned by the SRO and eventually admitted to making the post- parents were called after this
-

M.F. v. Carroll Indep. Sch. Dist.

2023 U.S. Dist. LEXIS 199351 (N.D. Tex. Nov. 4, 2023)



- M.F.'s mother was informed he had to serve a 3 day out of school suspension and that the district was contemplating the disciplinary alternative education program (DAEP)
 - Mother asked how long the DAEP placement could be and was told 1-6 weeks
 - Hearing was held for the DAEP placement
 - District decided to place M.F. in DAEP for 45 days
 - Parents filed for a temporary restraining order
-

M.F. v. Carroll Indep. Sch. Dist.

2023 U.S. Dist. LEXIS 199351 (N.D. Tex. Nov. 4, 2023)



- District Court: Granted TRO
 - Court analyzed whether M.F. is likely to succeed on 1st Amendment claim
 - Looking to Mahanoy, schools can regulate off-campus speech if, for example, the speech is “serious or severe bullying or harassment” that causes a substantial disruption to school
 - Court says not a sufficient showing of substantial disruption:
 - Most of the outcry from the community was not about M.F. but rather another student who at the same time engaged in bullying and had a history of bullying
 - Subsequent speech by students and parents caused the commotion- M.F. took the post down right away
-

M.F. v. Carroll Indep. Sch. Dist.

2023 U.S. Dist. LEXIS 199351 (N.D. Tex. Nov. 4, 2023)



- District Court: Granted TRO
 - “Perhaps most fatal to Defendants is this lack of evidence showing how M.F.’s isolated speech is directly responsible for the disruption. Something more than **unadorned speculation** is required.”
 - Irreparable harm from placement in DAEP weighs in favor of granting TRO
 - M.F.’s punishment due to his speech is likely protected
 - DAEP placement is normally for students who have engaged in different conduct than M.F. like criminal activity
 - Placement at DAEP carries social stigmatization
-

Deep Fakes



“I have a photographic memory, but I can’t figure out how to download the pictures to my computer!”

Child Porn



- SB 79
- SDCL 22-24A-2

"Computer-generated child pornography," any visual depiction of:

- (a) An actual minor that has been created, adapted, or modified to depict that minor engaged in a prohibited sexual act;
 - (b) An actual adult that has been created, adapted, or modified to depict that adult as a minor engaged in a prohibited sexual act; or
 - (c) An individual indistinguishable from an actual minor created by the use of artificial intelligence or other computer technology capable of processing and interpreting specific data inputs to create a visual depiction;
-

Teen Girls Confront an Epidemic of Deepfake Nudes in Schools

Using artificial intelligence, middle and high school students have fabricated explicit images of female classmates and shared the doctored pictures.

Deep Fakes



Public Service Announcement

FEDERAL BUREAU OF INVESTIGATION



**Alert Number: I-032924-PSA
March 29, 2024**

Child Sexual Abuse Material Created by Generative AI and Similar Online Tools is Illegal

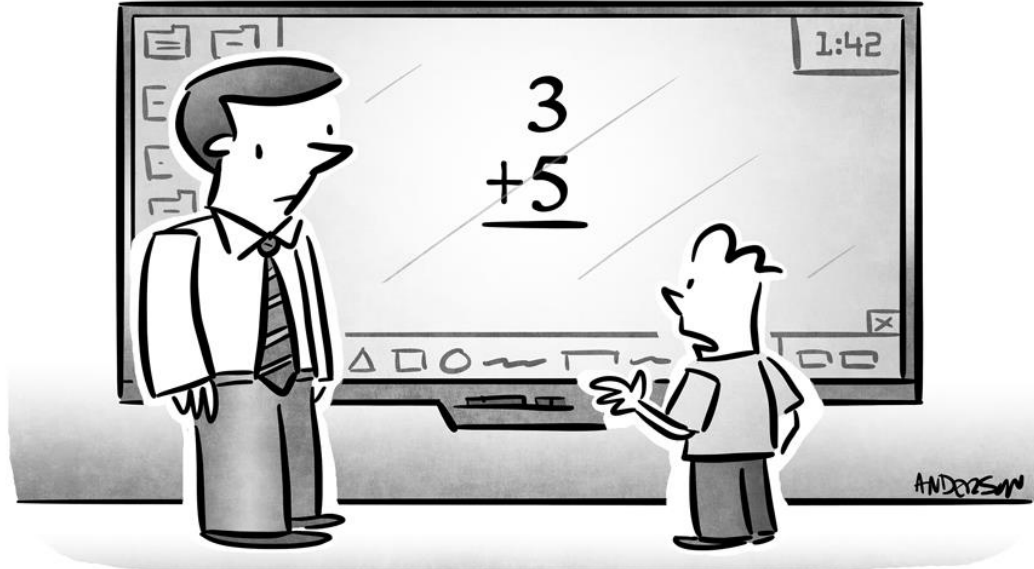
The FBI is warning the public that child sexual abuse material (CSAM) created with content manipulation technologies, to include generative artificial intelligence (AI), is illegal. Federal law prohibits the production, advertisement, transportation, distribution, receipt, sale, access with intent to view, and possession of any CSAM,¹ [including realistic computer-generated images.](#)

Deep Fakes



- Consider adding AI/deep fakes to your student discipline policy or discipline grid
-

Artificial Intelligence



"I'm just saying, with all the computing power in this electronic board, I bet it could take care of this itself."

Artificial Intelligence



- It's here to stay
 - Anecdotally, there seem to be 2 camps
 - Schools should avoid it, because it leads to cheating, plagiarism, and academic dishonesty
 - Concerns over copyright, trademark, etc.
 - Schools should embrace it and teach the "right" way to use it
-

Artificial Intelligence - Positives



Write a short summary explaining why use of AI in schools is positive with citations to research



The use of AI in schools offers numerous positive impacts that enhance learning outcomes and educational experiences for students. Research underscores several key benefits:

1. **Personalized Learning:** AI can tailor educational content to individual student needs, pacing, and learning styles, thereby improving engagement and comprehension (Education Week, 2019).
-

Artificial Intelligence - Positives



2. **Efficiency and Automation:** AI-powered systems can automate administrative tasks, such as grading, scheduling, and attendance tracking, freeing up teachers to focus more on teaching and student interaction (EdTech Magazine, 2020).
 3. **Data-Driven Insights:** AI analytics can analyze large datasets to identify trends in student performance, predict learning gaps, and recommend interventions to improve educational outcomes (OECD, 2021).
 4. **Accessibility and Inclusivity:** AI tools can assist students with disabilities by providing customized learning resources and adaptive technologies, fostering a more inclusive educational environment (The Guardian, 2020).
-

Artificial Intelligence – Positives



5. **Innovative Teaching Practices:** AI can support teachers in designing innovative teaching strategies, such as virtual simulations and interactive tutorials, which enhance student engagement and understanding (EdSurge, 2021).

In conclusion, the integration of AI in schools not only enhances the efficiency of administrative tasks but also enables personalized learning experiences, fosters inclusivity, and supports teachers in delivering effective and engaging education. These benefits contribute significantly to improving overall educational quality and student success.

Artificial Intelligence – Negatives



Write a short summary explaining why use of AI in schools is negative with citations to research



The integration of AI in schools presents several potential drawbacks and concerns, supported by research findings:

1. **Data Privacy and Security Risks:** AI systems in education often collect vast amounts of student data, raising concerns about privacy breaches and unauthorized access (OECD, 2021).
 2. **Bias and Fairness Issues:** AI algorithms can perpetuate biases present in training data, leading to unfair treatment or discrimination against certain student groups (The Guardian, 2019).
-

Artificial Intelligence – Negatives



3. **Dependency on Technology:** Over-reliance on AI tools may hinder critical thinking and problem-solving skills among students, as well as reduce their ability to learn through traditional methods (EdTech Magazine, 2020).
 4. **Job Displacement Concerns:** There are worries that AI automation in education could potentially replace human jobs, such as teaching assistants and administrative roles (EdSurge, 2021).
 5. **Equity and Access Disparities:** Schools with limited resources may struggle to adopt and implement AI technologies, exacerbating inequalities in educational opportunities (Education Week, 2020).
-

Just for Fun



Write a song in Taylor Swift's voice that uses themes from a Harry Potter book



(Verse 1)

In a castle where the candles flicker bright,
There's a boy with a scar, his heart's alight.
With friends by his side, they brave the night,
Through the halls of magic, where dreams take flight.

(Pre-Chorus)

Oh, the spells we cast and the potions we brew,
In the world of wizards, me and you.
With a wand in hand and a cloak so fine,
We'll unravel mysteries, one at a tin



Just for Fun



(Chorus)

Oh, Harry Potter, with your courage so bold,
In a world where the truth is often untold.
From the Golden Snitch to the Whomping Willow tree,
Every enchantment whispers secrets to me.

(Verse 2)

There's a mirror that shows your deepest desire,
And a phoenix's song that lifts us higher.
In the Forbidden Forest where shadows creep,
We'll face our fears, together we'll keep.

AI Resources



- ChatGPT
 - Grammarly
 - Google Workspace Labs
 - Rytr (generative AI plus plagiarism detector)
 - Wordtune
 - Microsoft Co-pilot
 - Tutor AI
 - Chat PDF
 - Quizify
 - Notion AI
-

Questions?

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