



Lawsuit alleges Montville student was cyber-bullied

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The Montville High School video project was supposed to teach students the harmful effects of bullying and send a positive message.

But when the student-produced skit — which depicted a teen with disabilities being harassed by his peers — was edited and posted on YouTube, the result was the opposite, according to a lawsuit brought by the teen's parent against the district this week.

The suit highlights the growing difficulties that school districts face in dealing with Internet-savvy kids and harassment that may extend beyond the classroom, experts said.

"It's a serious problem created by the openness of the Internet and the perceived anonymity that exists on the Internet," said Peter Pizzi, an attorney who specializes in Internet litigation but is not involved in the Montville case. "Many, many wrongs go unremedied because of the expense of finding out who posted the defamatory message."

The issue in Montville started in April 2006, when the student, identified in court papers as B.B., was part of a video production class that created a skit about bullying, according to the lawsuit. The student, who has cognitive and social disabilities, was the target of harassment in the video, which showed other students slapping and pushing him, according to the court papers.

A student or students later edited the video to "portray B.B. in an unfavorable way," and posted the clip on YouTube, where it was viewed 3,773 times, according to the suit.

"He was the laughingstock of the school," said [See **BULLY**, Page 20]

BULLY

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Lawsuit alleges cyber-harassment

Bruce Nagel of Nagel Rice, LLP, which represents the teen's mother. "The teacher should not have permitted them to cast him in this role and should not have allowed the students to abuse him."

The student left school for a month after the incident, but is now a senior at Montville High, Nagel said.

The suit names the Montville Township Board of Education, superintendent Gary Bowen, teacher Fran Hersh, and former principal Marianne Laux. School board president Jon Alin and board attorney Stephen Edelstein declined to comment on the case because it is pending. Bowen, Hersh and Laux could not be reached.

Internet and electronic harassment among students is a growing problem and one that schools often find difficult, said Nancy Willard, executive director of the Center for Safe and Responsible Internet Use. School administrators may be unsure of when they can respond to bullying that takes place off campus and what they can do.

"The problem is because the standards for when a school administration can and can't respond are unclear, many administrators take the position there's nothing they can do," said Willard, an attorney and former special education teacher.

That Montville case has an added wrinkle because the student involved has disabilities, she said.

"What many teachers or administrators don't realize is the degree to which material in a recorded format can be misused," Willard said. "Even though it wasn't done for malicious purposes at the time, there's been an inappropriate use."

"When young people do this, a lot of times... they aren't (able) to perceive what the harmful impact of this might be on somebody else," Willard said. "To these kids, it might just be funny."

But not to everyone.

Montville High School junior Melissa Pepe said she hadn't heard about the incident and did not think any of her classmates would be interested in watching the video.

"Nobody's going to be into that," she said. "That's just rude to do something like that. I'd rather be watching harmless humor."

"Obviously it's kids, so it probably wasn't done maliciously," said junior Vinnie Lizza, who also had not heard of the video.

Willard and Pizzi questioned whether the student or students who posted the clip to YouTube and his or her parents, who were not named in the lawsuit, could be liable as well.

The clip eventually was removed from YouTube, but Nagel was uncertain how long it was posted. A YouTube spokeswoman cited privacy in declining comment on specific videos or users. But she said in an e-mail that YouTube will terminate the accounts of people who harass other users.

Online harassment and cyber-bullying cases are on the rise, although studies disagree on the extent. A year ago, the federal Centers for Disease Control and Prevention convened a panel of experts to study what it calls "electronic aggression." The Journal of Adolescent Health released research from that group this week examining how U.S. adolescents are affected by online and electronic harassment.

In one study, 9 percent of kids between grades 5 and 11 reported being bullied on the Internet. Separate research found 43 percent of kids ages 13 to 17 had experienced cyber-bullying.

Staff writer Leslie Kwok contributed to this report.