

Ezra Exposed

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A note to parents and teachers

A few years ago, a friend reached out because he'd gotten a call he never would have imagined in his worst nightmare: the police wanted to ask questions about his eighth-grade son. It turns out that his son had been involved with a group of boys exchanging nude photos of themselves with a group of girls. My friend didn't realize that disseminating lewd photos of a minor is a crime, period. In certain states, a thirteen-year-old can be held liable for trafficking in child pornography.

While I am a lawyer with specific expertise in the intersection of law, technology, and education, I know that my friend also reached out for a deeper reason. He wanted help with how to open up a conversation about sexting, about the issues of shame and responsibility—and the legal ramifications—without terrifying his son. What I know: books have always helped as introductions to delicate but absolutely crucial conversations. And that was the spark that compelled me to write Ezra's story.

I hope that above all, *Ezra Exposed* is entertaining. I also hope that it can provide real legal education in an age-appropriate way. My dream is that it will make kids (and their parents and teachers) laugh, open discussions—and allow tweens of all backgrounds to see themselves in a boy who loves to draw mustaches on his face and make his friends laugh—and to know that no matter how exposed a kid may feel, everyone has rights, responsibilities, and an understanding that things can get better.

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EZRA'S COMPANION CURRICULUM: TEACHING THOUGHTFUL SPEECH TO THE TECHNOLOGY GENERATION

News stories abound on the arrests and suspensions of children as young as middle school who have violated the law or school policy through their use of technology to transmit messages or pictures. Never has the First Amendment been so fraught for students who know so much about how to use technology to send their messages and so little about the consequences of the messages they send.

The learning objectives for the book *Ezra Exposed* and companion curriculum will be divided into two parts. The objective of Part I will be to discuss and understand the book *Ezra Exposed*. The objective of Part II will be to provide a broader understanding of the law in order to teach students about their rights and responsibilities. Part II will also give students the opportunity to discuss not just the legal consequences of their use of technology, but also the social outcomes.

PART I: READING AND DISCUSSING *EZRA EXPOSED*

Objective: Students will read *Ezra Exposed* and discuss questions to provoke a thoughtful discussion of the characters' behavior and feelings. The discussion of the book is

designed to help students understand the penalties for sending a lewd photo, comprehend the feelings of a child who faces the consequences of doing so, and recognize that even students who have made a mistake can find help.

Activity: After reading the book, students will be asked a series of questions for discussion, including:

1. Why do you think Ezra started making funny posts?
2. What does it mean to be popular? How do you know if you are popular?
3. Who are Ezra's friends? Who isn't Ezra's friend? How did Ezra's definition of "friend" change over the course of the book?
4. What do you consider the qualities that make someone a friend? Is there a difference between being a friend in person versus a friend online? Can they be the same?
5. Could Ezra have gotten into trouble for the posts that came before his actual butt photo? Should he have?
6. Which character or characters do you consider a hero in this story? Why?

7. Was Jasper right to show the photo to his babysitter, Josephine? Why or why not?
8. What would you say is the definition of a “trusted adult”? Do you have a trusted adult? If so, who?
9. What do you think will happen after the summer when Ezra starts middle school? Will kids still tease him about the photo? Why or why not? If someone teases him, what should he say?

They will then be assigned to write an essay on why Ezra sent the picture that went viral, what rules he broke by sending it, and whether the punishment was fair. In the final paragraph of the essay, students should be asked to discuss the concept of a “trusted adult” and to name a person they trust to talk to if they have questions about what to do, or with whom they can share their feelings if they are having trouble.

Assessment: Students will be graded on their comprehension of the story and the roles the other characters played in influencing Ezra’s behavior. The grade should also account for the students’ comprehension of the rules that were broken when the photos were sent, and whether they have considered if any character other than Ezra should be held accountable for forwarding the picture or influencing Ezra to send the pictures. Finally, the grade should reflect a student’s comprehension of not just the plot of the book but also the feelings of the characters.

PART II: USING THE *EZRA EXPOSED* COMPANION MATERIALS, A LEGAL CURRICULUM WORKBOOK WITH A TEACHER'S EDITION IN CONJUNCTION WITH CLASSROOM DISCUSSION

Objective: The objective of Part II is to use the companion materials to provide students with a broader understanding of their rights and responsibilities under the law and under school rules.

Activity Modules: To achieve the learning objective, the lessons will be divided into short modules with specific goals as follows:

1. Provide a basic introduction to the First Amendment promise of freedom of speech and expression. In particular, students will consider:
 - a. To whom are the protections of freedom of speech given
 - b. Whether free speech applies only to speaking or to other forms of communication
 - c. Under what circumstances does freedom of speech not apply
 - d. Whether there is a difference between on-campus and off-campus protection

2. **Consider the specific issue of what types of social media posts can lead to punishment and how courts have decided whether to side with the kids or with the school district that punished them.**

As part of this section, students will read newsworthy current topics on the use of technology in off-campus activity by school kids, the discipline imposed, and court decisions in those cases, including the following subjects:

- a. **Profanity:** [Mahanoy Area School District v. B. L.](#), a 2021 Supreme Court case in which the Supreme Court sided with a high school cheerleader after she was kicked off the cheer squad for using vulgarity in a post.
- b. **Violence:** [Wisniewski v. Board of Education of Weedsport Central School District](#), in which an eighth grader was suspended for sending a message to his friends with a drawing of a pistol pointed at someone's head, with a caption with the name of his English teacher.
- c. **Underage Drinking:** [Cheadle v. N. Platte R-1 Sch. Dist.](#) A seventh-grade girl posted photos on Snapchat of herself drinking, and as a result she was not allowed to participate in school volleyball competitions.

3. **Teach the consequences of posting or sending lewd photos. This section will teach students about the law in their own state and will stress the legal penalties, potential school-related discipline, and social consequences of taking and transmitting such images.**

- a. **Explain the law regarding the punishment for sexting in the state where the students go to school.** Materials will come with a link to the state law, an explanation in terms appropriate to middle-grade learners of the definition of a lewd photo, and the potential punishments in the state for violating the law. In many cases, the legal standard for what constitutes a “lewd” photo is gray, which will lead to a thoughtful discussion of erring on the side of caution.
- b. **Clarify who faces punishment in different scenarios:**
 - i. When someone takes a photo without the student's approval
 - ii. When a person takes a photo with the student's approval
 - iii. When a student takes a photo of him- or herself and sends it to someone who does not forward it
 - iv. When a student takes a photo of him- or herself and sends it to someone who forwards it without the student's approval
- c. **Review cases involving middle or high school students over the sexy photos they posted:**
 - i. High school students who posted [sexy but not nude photos](#) of themselves at a sleepover were suspended by the school, which was sued over the punishment. In a separate case, [a judge upheld](#)

[free speech rights for students whose suggestive photos were shared online.](#)

- ii. High school students who were [arrested](#) in Newtown, Connecticut, for sending nude photos.

4. Consider what responsibility students should have and what they should do if they see a post by another student that they believe is dangerous or illegal.

- a. Discuss the case of an eighth-grade boy in Monroe, Ohio, who posted just two words: “Do it” in response to a social media post by a classmate in which she had [asked whether she should drink bleach](#). The boy was suspended for ten days, but his father considered filing a lawsuit against the school because he said the punishment was too harsh.
- b. Discuss what to do if a student sees dangerous or illegal social media “challenges,” including the [Tide Pod challenge](#) and [Devious Licks](#), or if a classmate is encouraging a student to try one.

5. Encourage thoughtful and active participation in discussion

Assessments: Teachers will use two types of assessment to determine if the program is aligned with the desired learning outcomes.

The first type of assessment will be by the teacher, who will observe students’ level of engagement. The teacher will evaluate students’ participation in the discussion, both in terms of their accuracy of learned information

and their thoughtfulness in considering the feelings of kids who are at the center of various legal disputes. Teachers will also observe the students’ level of enthusiasm to judge the students’ engagement in the learning.

The second type of assessment will be to measure students’ comprehension of the lesson with a short essay after each module. The essay will contain several open-ended questions designed to determine whether the student participants have absorbed the lesson and also enjoyed the program. The essay would include questions such as the following:

1. Are students given the right of free speech?
2. Are there any limits on what a student can say?
3. Is there a difference between a student’s right to free speech when the student is at school as opposed to when the student is at home?
4. Do you think that a student should have the right to speak freely about teachers or other students, or do you think the students should be punished? If so, under what circumstances?
5. When can you get in trouble if you take a lewd photo? When can someone get in trouble for a photo that was taken by someone else?
6. What can you do if you see a post showing that someone is doing something dangerous or illegal?
7. What did you like about the program? What else would you like to have discussed?