

April 17, 2024

The Honorable Bill Cassidy
United States Senate
Washington, DC 20510

The Honorable Kathy Castor
United State House of Representatives
Washington, DC 20510

The Honorable Edward Markey
United States Senate
Washington, DC 20510

The Honorable Tim Walberg
United State House of Representatives
Washington, DC 20510

Re: Endorsement of the Children and Teens' Online Privacy Protection Act

Dear Senator Markey, Senator Cassidy, Representative Walberg, and Representative Castor:

The undersigned education and parent associations write today to endorse the updated version of the Children and Teens' Online Privacy Protection Act (COPPA 2.0) that was released on February 15, 2024, and the House companion to COPPA 2.0 that was announced on April 9, 2024. We appreciate the opportunities that you have provided us for input on this legislation and believe that the updated version of this bill finds the right balance between enhancing child and teen privacy protections online and enabling schools to effectively incorporate edtech into the classroom. We look forward to continuing to work with you as this legislation progresses.

Our organizations take student data privacy seriously and we strongly support updates and revisions to child privacy protections. At the same time, we believe that effectively incorporating edtech into classroom instruction is necessary to promote greater learning and success for all students and will help local education agencies best serve their communities. We are confident that the updated version of COPPA 2.0 accomplishes both of these goals by enabling schools to provide their students with access to edtech platforms when the school has entered a contract with the edtech vendor and has thoroughly vetted the platform for privacy and security safeguards.

School districts have consistently relied on the [FTC's COPPA FAQs](#) and the [FTC's Statement of Basis and Purpose to the 1999 COPPA Rule](#) for authority to consent to data collection and use on behalf of parents in educational contexts if the technology services are solely for the use and benefit of the school and for no other commercial purpose. We strongly support the updated version of COPPA 2.0's explicit codification of this long-standing administrative policy, which has become fundamental to the basic administrative and educational functions of school districts. In recent years, some privacy advocates have pushed to change current law to explicitly require that schools get parental permission to use edtech in classrooms or to provide parents with additional rights that could prevent schools from using edtech with students unless a parent opts-in to its use. For this reason, codifying the ability of schools to consent to edtech use in COPPA 2.0 is crucial to both preserving this ability for schools and to ensuring that the bill's positive advancements to protect children and teens online do not unintentionally restrict them from experiencing the benefits and opportunities of a technology-enhanced education at school.

We also appreciate that COPPA 2.0 increases the age of individuals entitled to foundational privacy protections online from children under 13 to teens under 17. We wholeheartedly believe that children deserve heightened protections online, and that those protections should not disappear the day a child turns 13 years old. We also support how the bill requires different safeguards for children and teens, emphasizing oversight for children under 13 while giving older teens more autonomy over their online experiences. We commend COPPA 2.0's approach to provide more independence to teens as they grow up while still ensuring the necessary protections are in place to keep teens safe online.

We look forward to continuing to work with you to fine-tune the provisions in COPPA 2.0 to ensure the bill's enhanced privacy protections for children and teens online do not have unintended consequences for our nation's schools.

Sincerely,

AASA, The School Superintendents Association

AFT

Association of Educational Service Agencies

Association of School Business Officials International (ASBO)

Consortium for School Networking

Council of the Great City Schools

National Association for Pupil Transportation

National Education Association

National Rural Education Association

National School Boards Association

Public Interest Privacy Center