

March 5, 2026

The Honorable Gus Bilirakis
United State House of Representatives
Washington, DC 20510

The Honorable Jan Schakowsky
United State House of Representatives
Washington, DC 20510

The Honorable Brett Guthrie
United State House of Representatives
Washington, DC 20510

The Honorable Frank Pallone
United State House of Representatives
Washington, DC 20510

Re: House Energy & Commerce Committee Student/Child Online Safety Markup

Dear Representatives Bilirakis, Schakowsky, Guthrie, and Pallone:

Thank you for your continued focus on student and child privacy protections. As co-chairs of the Federal Education Privacy Coalition who work for organizations that prioritize the privacy and safety of student data, we welcome the opportunity to respond to the bills your committee is scheduled to mark up on March 5. AASA, The School Superintendents Association is the national professional organization representing the nation's public school superintendents. Public Interest Privacy Center is a non-profit committed to ensuring an environment where all children enjoy privacy-protected benefits of emerging technologies and data use.

Our organizations prioritize the privacy and safety of student data, and we strongly support updates to child privacy protections. Minors are uniquely vulnerable to harms online and deserve heightened protections to keep them safe. While we commend the Committee's goals to pass legislation modernizing protections for children online, we remain deeply concerned that the package would unintentionally limit schools' ability to effectively establish privacy-protective safeguards for education technology (edtech).

We are particularly concerned that the broad preemption language that remains in the [Children and Teens' Online Privacy Protection Act](#) (COPPA 2.0) will invalidate state laws regulating edtech vendors who receive student data when providing services for schools. Nearly half of the nation's states have adopted such protections, which are critical to protecting students when their data is shared with third-party technology companies.

We appreciate that the Kids Online Safety Act (KOSA), as included in the [Kids Internet and Digital Safety Act](#) (KIDS Act), uses a narrower "conflicts with" standard, instead of the previously added "relates to" standard. However, the KIDS Act's substantive provisions are broader than the December version and could still preempt significant state privacy protection. Additionally, beyond the KOSA subtitle, the KIDS Act contains four additional preemption clauses that use field-occupation language broader than "conflicts with" and that cover substantial new ground. We are concerned that this language would still preempt significant state child privacy protections that benefit students. These state laws are crucial to ensuring that young people retain strong online privacy protections.

Together, the KIDS Act and COPPA 2.0 would preempt a far broader range of vital state child and student privacy protections than what we flagged in December. COPPA 2.0 remains the more serious risk due to its sweeping "relates to" standard, but the KIDS Act extends far beyond what its KOSA subtitle alone would suggest, jeopardizing a wider range of state protections in the process.

Thank you for considering our views. We strongly encourage you to work with your colleagues across the hill, who have passed bipartisan versions of both KOSA and COPPA 2.0, which we have been happy to endorse. We look forward to continuing to work with you to revise the preemption provisions in these bills to ensure that enhanced privacy protections for children online do not have unintended consequences for our nation's schools.

Sincerely,

Noelle Ellerson Ng
Chief Advocacy & Governance Officer
AASA, The School Superintendents Association

Amelia Vance
Founder & President
Public Interest Privacy Center