

The Hon. Maria Cantwell
Chair
United States Senate Commerce Committee
254 Russell Senate Office Building
Washington, D.C. 20510

The Hon. Ted Cruz
Ranking Member
United States Senate Commerce Committee
254 Russell Senate Office Building
Washington, D.C. 20510

May 14, 2024

Dear Chair Cantwell and Ranking Member Cruz:

The undersigned education and library organizations write to express our concerns with the “Eyes on the Board” section of S. 4213, The Kids Off Social Media Act, which the Committee will mark-up on May 16.

We greatly appreciate Senator Schatz’s staff working with us to clarify and improve the original language of Eyes on the Board and are pleased to see some of those changes incorporated into the version that the Committee will mark-up. Nonetheless, we continue to have outstanding concerns about this bill’s impingement on local control over school content, potential impact on E-Rate payments, and its screen time policy requirements.

Our organizations share the bill’s authors’ concern with the detrimental impact that social media can have on children and understand that Eyes on the Board is intended to protect children. Still, we see great value in education technology and in ensuring that our nation’s students, particularly low-income and rural students, and those otherwise without access at home, have the opportunity to gain access to the universe of knowledge, resources, and skills available to them online. Many educators use online platforms such as YouTube to deliver lessons and as a supplemental homework resource.

We have the following overarching concerns with the current version of this legislation:

- 1) **Local Control:** The bill would require that a school receiving E-Rate support certify that it “is enforcing a policy of preventing students of the school from accessing social media platforms on any supported service, device, or network that includes monitoring the online activities of those students; and the operation of a technology protection measure with respect to those services, devices, and networks that protects against access by those students to a social media platform.”

We believe strongly that it should be up to local schools to make determinations on content for their students. They are best positioned to understand what platform meets prevailing community standards as well as what is appropriate for particular age groups of students. Eyes on the Board would replace traditionally local judgments on online content with a federally imposed blanket mandate that would block access to virtually all commercial social media platforms. Additionally, this mandatory blocking of the social media platforms that many students and schools rely on for communications

could create obstacles to students receiving emergency notifications. Further, it would also create significant additional burden for schools and IT support staff if educators seek to gain access to blocked platforms for educational purposes. Finally, its enactment might prompt schools to excessively restrict access to online sites for fear of running afoul of this law. For these reasons, we disagree with this bill's approach and would urge its reconsideration.

- 2) **Delayed E-Rate Funding:** The bill defines social media platforms as “any website, online service, online application, or mobile application that serves the public; and primarily provides a forum for users to communicate user-generated content, including messages, videos, images, games, and audio files, to other online users.” The definition also contains several exceptions. Schools that “knowingly” fail to submit certifications or comply with the certifications related to blocking social media platforms by requiring them to “reimburse any funds and discounts received under section 254(h) for the period covered by such certification.”

We appreciate language added to the bill that would hold schools harmless for unintentionally failing to block sites that could be considered social media platforms so long as they make a good faith effort to resolve violations in a timely fashion. This language would limit the prospect of funding rescissions. However, we remain concerned that mere accusations of Eyes on the Board violations could lead to schools enduring substantial delays in their receiving E-Rate commitments and disbursements.

- 3) **Mandatory Screen Time Policy and Certification:** The bill would require that schools receiving E-Rate certify that they have “adopted a screen time policy that includes guidelines, disaggregated by grade, for the number of hours and uses of screen time that may be assigned to students, whether during school hours or as homework, on a regular basis.” Those policies would need to be provided to the FCC, which would make them available for public review.

We contend that requiring every E-Rate applicant to certify and develop a screen time policy disaggregated for grades and number of hours and uses would impose a huge burden on schools, especially small- and medium-sized schools or school districts with limited staff and funding. Furthermore, many schools and school districts have 1:1 programs and assistive technology supports for students with disabilities that by their nature use digital instruction and other online learning throughout the school day and for homework. Ultimately, the timing and decision to adopt a screen time policy should be left to a local school district and should not be a federal government mandate that includes a federal government database of such policies. Rather than mandating new screen time policies and new certifications, we recommend that “screen time” be included as an item to be addressed through existing Internet safety policies.

As beneficiaries of the E-Rate program, we must remain vigilant to protect it from new laws or policies that could deter public and private schools from participating in this longstanding, highly successful program.

We appreciate your time and attention to our concerns and hope to continue working with you and your staff to resolve these issues as this legislation moves forward.

Sincerely,

AASA, The School Superintendents Association
American Federation of School Administrators
American Library Association
Association of Education Service Agencies
Association of School Business Officials International
CoSN – the Consortium for School Networking
National Association of Elementary School Principals
National Association of Federally Impacted Schools
National Association of Independent Schools
National Association for Pupil Transportation
National Association of Secondary School Principals
National Catholic Educational Association
National Education Association
National Rural Education Association
National School Boards Association
SETDA – State Educational Technology Directors Association

cc. US Senate Commerce Committee Members
The Hon. Bernie Sanders
The Hon. Bill Cassidy
The Hon. Chuck Schumer
The Hon. Dick Durbin
The Hon. Mitch McConnell