

July 29, 2024

The Honorable Senator Charles Schumer
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, D.C. 20510

Re: Amendment in the Nature of a Substitute to S. 2073 - Kids Online Safety and Privacy Act

Dear Majority Leader Schumer and Minority Leader McConnell:

The undersigned education associations and members of the Federal Education Privacy Coalition write in response to the incorporation of two critical student and child privacy bills - the Children and Teens' Online Privacy Protection Act (COPPA 2.0) and the Kids Online Safety Act (KOSA) - into the new [Kids Online Safety and Privacy Act](#). Our organizations take student data privacy seriously and aim to ensure enhanced privacy protections for children online do not have unintended consequences for our nation's schools. We have appreciated the opportunities to provide input on these legislative proposals and look forward to continuing to work with you to fine tune the Kids Online Safety and Privacy Act.

COPPA 2.0: We strongly support the version of COPPA 2.0 within the Kids Online Safety and Privacy Act as it strikes the right balance between enhancing child and teen privacy protections online and enabling schools to effectively incorporate edtech into the classroom. 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.

KOSA: We remain deeply concerned that KOSA, as incorporated as Title I of the Kids Online Safety and Privacy Act, would allow parents to change the settings and limit screen time of edtech being used in schools as this may upend basic functions of school districts and hinder their ability to use edtech in privacy-protective ways with their students. We commend KOSA for its work to implement additional safeguards to protect children online. We also appreciate how KOSA will expand society's current understanding of how social media is impacting minors, both through conducting crucial research and by creating the expert Kids Online Safety Council. We are very grateful to the sponsoring offices for the multiple rounds of negotiations and revisions to the bill, and we remain optimistic that we can continue to make progress and ultimately be in a position to endorse KOSA as well.

Specific Concerns:

- 103(b)(2)(A)(ii) would enable parents to turn off privacy safeguards schools negotiate with edtech vendors.
- 103(a)(1)(D) and 121(b)(1)(B) would enable students to turn off—essentially opt-out of—adaptive tests or personalized learning.
- 103(b)(2)(C) and 103(a)(2) would enable parents and students to limit their screen time on a math app to five minutes per year—essentially opting-out of using that edtech platform.

In an effort to be helpful, we are including proposed language below—building off a proposed fix worked on with the sponsoring office—that would address our concerns, whether incorporated in the base bill or adopted as an amendment on the floor:

Redline:

(5) School Use.—A covered platform shall be exempt from the requirements of sections 103(b), 103(a)(1)(D), and 103(a)(2) with respect to a service or product provided solely on behalf of an educational agency or institution.

(e) School Use.—An online platform shall be exempt from the requirements of section 121(b)(1)(B) with respect to a service or product provided solely on behalf of an educational agency or institution.

Thank you for your attention to our views and to an issue of great importance to education leaders. Please direct any questions to Noelle Ellerson Ng (nellerson@Aasa.org) or Amelia Vance (amelia@publicinterestprivacy.org), co-chairs of the Federal Education Privacy Coalition.

Signed,

AASA, The School Superintendents Association
Association of Educational Service Agencies
Association of School Business Officials International
Consortium for School Networking
Council of the Great City Schools
National Association of Elementary School Principals
National Association of Secondary School Principals
National Association for Pupil Transportation
National Rural Education Association
National School Boards Association
Public Interest Privacy Center

CC: U.S. Senate