Testimony for the Record
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Testimony of
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There are two distinct challenges to digital technology when it comes to education:

1. The use of student's personal devices at school, which include smartphones and smartwatches.
2. The use of EdTech products and tools for teaching and learning (1:1 devices, digital curricula, learning management systems, etc.).

I feel it is important to address both of these challenges, and any fix for one will benefit the other.

For several years, I have been deeply concerned about the reach and influence of EdTech companies, particularly the way in which they collect and monetize data about our children, and pressure schools to put screens before skills. Any EdTech tools designed for use by students must include at its core two priorities: **Informed consent** and **Skills before screens**.

I'd like to share two stories that illustrate the need for these solutions:

In the Summer of 2020, an advocacy group I co-founded called The Student Data Privacy Project attempted to test the efficacy of the federal student data privacy

law known as the Federal Education Rights and Privacy Act, or FERPA. We recruited parent volunteers from around the country to request the data collected by EdTech vendors about their children, a protection granted under FERPA. We successfully brought over a dozen parent complaints from across 9 states.

What we found was shocking. Most parents received no meaningful response, and the ones who did were disturbed by what they learned. One parent in Minnesota received over 2,000 files about their young daughter held by various EdTech platforms used by her school. The files included photos of her as a baby, her artwork, written assignments, and videos of her doing yoga in her bedroom during an online PE class. The family was not told how long this information would be held, where it was stored, to whom it was disclosed, or for what purpose it was being used. We filed complaints with the Department of Education in July of 2021. We have received no response since. This failed effort showed what we had suspected– that the federal government is not willing or able to protect kids' privacy via FERPA, which has not been meaningfully updated since 1974.

EdTech is widespread, and so are its harms. In 2022, the K-12 EdTech Safety Benchmark report by the Internet Safety Lab found that nearly every school in the United States uses EdTech in some way. Schools average 125 EdTech platforms per school. Nearly all apps reviewed in this report (96%) share children's personal information with third parties; 28% are "non-education specific" (such as YouTube and Spotify); and 23% expose children to digital ads, creating risk for leaking personal data to advertising companies. When EdTech companies sell the data they collect to third parties, it is often without parent, student, or school consent or knowledge.

EdTech is a lucrative and rapidly growing industry. The global market for EdTech is roughly $150 billion today and is expected to grow to $550 billion in the next 10 years.

Additionally, **dependence on EdTech products and tools pressures schools to put screens before skills.**

In 2015, I tutored a 6th grader named Carly. 100% of Carly's school and learning materials were on a school-district-issue iPad– textbooks were digital, written assignments were typed, and turning in homework meant uploading it to a learning management system, where grades and teacher feedback were also located.

One day, Carly told me she had a science assignment to work on. She pulled out her iPad, and opened several tabs:
-her science e-book
-her learning management system where the assignment was listed
-the Notability app in which she would write– I mean, type– her answers.

After reading the first question, Carly started skimming through her eBook for the related chapter. It was hundreds of pages of a PDF and she started to get frustrated. After a few minutes of fruitless searching, Carly went back to the assignment, copied the question, opened a Google browser, pasted it into the search bar, copied the first response, then went back to her Notability app to paste the answer.

"There!" she said, satisfied.

I was shocked. I asked– "Do you know what plagiarism is?"

She replied, “Yes, but my teacher doesn’t really read the assignments anyway.”

I said, “What about at least paraphrasing the answer in your own words?”

Carly replied, “Well, I don’t even know how to type.”

While this anecdote is shocking, it is not uncommon. As schools increasingly rely on EdTech platforms to, as they claim, “alleviate teacher burnout”, “differentiate instruction”, and “meet each child where they are” this scenario has become the norm.

Unfortunately, the technology industry would also prefer for this to be viewed as a parenting problem, rather than a design one.

Let me be clear:

It is not parents’ fault that these applications have been designed to displace skills, mine data, and manipulate neural pathways. It *is* our job as parents to educate ourselves so we can make more intentional decisions around technology, but until technology companies are held to– at bare minimum– a stricter design code that prioritizes informed consent, skills before screens, and transparent business practices, parents alone will never be able to solve this problem. We wouldn’t be here today if that were the case.

The elephant in the room is the technology companies themselves, whose business models rely on addictive persuasive design features and whose profits are

too good to meaningfully make changes, even when those changes are what is best for children (and I would argue, humanity). EdTech companies operate under the same exact business model as that of Snapchat, Meta, and TikTok. EdTech, as I always say, is just Big Tech in a sweater vest.

This brings me to solutions. I am not anti-tech, and I do not believe we can or even should attempt to remove all technology from education entirely. Instead, we need a tech-intentional™ approach to EdTech and EdTech design. I define tech-intentional design as follows:

> *Tech-intentional design in educational technology-based products used by children for school would mean technology companies must create screen-based technology choices that are in line with child development and the pedagogy of learning; that put the best interests of a child before the profits of a company; that never monetizes a child's attention or data; and which require informed consent and transparency.*

Informed consent, as a design standard, simply means that every family should be able to clearly understand what data about their child will be captured by EdTech used in their school, so they can give (or deny) informed consent. Of course, this means it also must be easy, and painless, for families not only to access this information, but to opt their children out of EdTech in the classroom, without fear of reprisal or negative consequences. Unfortunately, due to state standardized testing being almost entirely digital now, many schools will not "allow" children to "opt out," forcing families to choose between an education or privacy.

Prioritizing **skills before screens** means ensuring the schools put child developmental needs before putting children in front of a screen in the name of

"education." This means ensuring that schools *prove* that a technological solution is better than an analog alternative ***before*** implementing an EdTech version, using independently funded research and knowledge of child developmental needs to inform such decisions. It also means making pencil and paper the default experience, not the exception, and relying on independent–not industry-funded research– to prove that an app or platform is a better pedagogical tool than what it is replacing (it almost never will be).

I would be remiss if I didn't also offer a warning about Artificial Intelligence in the classroom. Lawmakers must recognize the rapidly growing threat tools like GenAI present to children, not just risks about mis-information that are rampant in AI tools, but the risk they present to displacing true learning experiences. At this point, GenAI tools like ChatGPT are available to students and teachers, who are using such tools to assess student writing.

We cannot disregard the wisdom and expertise of trained educators in favor of technologists making decisions about what is best for children and development.
Children are not standardized.
Public education is not a for-profit business (or shouldn't be).
Teaching and learning is full of nuance and complexity and most importantly, it is rooted in real-world, real-life relationships.

Childhood is brief. Children cannot vote. Children need adults who understand development and learning to advocate on their behalf.

Thank you for your time and consideration.