



April 30, 2024

The Honorable Brian Schatz
U.S. Senate
Washington, D.C. 20510

Dear Senator Schatz,

On behalf of the Schools, Health & Libraries Broadband Coalition (SHLB Coalition), the Consortium for School Networking (CoSN), the State Educational Technology Directors Association (SETDA), and the American Library Association (ALA), we are writing to express our grave concerns about reported plans to incorporate the deeply flawed "Eyes on the Board Act" (S.3074) into the Protecting Kids on Social Media Act (S.1291), when the Senate Commerce Committee marks up S.1291 on Wednesday of this week.

While we appreciate efforts to protect children from the potential harms of social media, we have strong concerns about using the E-rate program as a lever to address this issue. Requiring schools to create and enforce social media policies as a condition of receiving E-rate funding could create significant uncertainty and denial of funding for the schools and libraries that rely on the E-rate's critical funding to promote education and learning.

The decision about how to develop and implement social media policies should be left to local school and library officials who know how to tailor these policies to suit the needs of their communities. We oppose federal intervention that may inappropriately circumvent community-level decisions regarding appropriate social media use. In particular, we have the following concerns about the approach taken by the "Eyes on the Board" Act:

- Schools and libraries will face delays or denials of E-rate funding due to allegations of non-compliance with the bill's social media blocking or screen time use policies. This legislation would give federal officials in Washington DC the authority to overturn decisions by local schools and libraries about what is in the best interests of their students, teachers and learners.
- The bill's provisions seem to suggest that technology-driven learning models are always harmful, even when carefully crafted to promote educational purposes. In fact, there are several social media uses that can be beneficial for education and learning, such as for students studying journalism or children with disabilities.

- Several terms in the legislation are unclear or undefined. For instance, schools may have difficulty determining which platforms meet the bill's definition of "social media" and must be blocked. Similarly, the terms "covered services, devices and networks", and "parent-sanctioned learning management systems and school information systems" are inherently difficult to define. These ambiguities could lead to schools over-blocking sites to ensure compliance, thereby limiting students' access to valuable educational resources.
- Imposing screen time limits would place additional burdens on schools and libraries, especially smaller institutions with limited staff and funding.

We fear that these issues, no matter how the FCC defines the terms, will deter certain schools and libraries from participating in the E-rate program, undermining the program's goal of providing connectivity to students, educators, and library patrons.

We remain committed to working with you and your colleagues to find solutions that protect children online while preserving the educational value of online learning and ensuring schools and libraries can continue to benefit from the E-rate program. We appreciate your consideration of our concerns and look forward to further engaging with the Committee on this important issue.

Sincerely,

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Cc: Members of the Senate Commerce Committee