



October 13, 2026

The Honorable Brendan Carr, Chairman
The Honorable Anna M. Gomez, Commissioner
The Honorable Olivia Trusty, Commissioner
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Comment of Defending Education on Ensuring Children’s Safe Use of Screens and E-Rate-Funded Services; Modernizing the E-Rate Program for Schools and Libraries; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Promoting Fair and Open Competitive Bidding in the E-Rate Program, WC Docket Nos. 26-133, 13-184, 21-93, 21-455, FCC 26-41, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 91 Fed. Reg. 52626 (Aug. 14, 2026)

Dear Chairman Carr and Commissioners Gomez and Trusty:

Defending Education is a national grassroots organization dedicated to securing a high-quality, value-neutral education for every American student. Our members include parents, students, and teachers in K-12 schools across the country, many of which benefit from the FCC’s E-Rate program in accessing telecommunications, internet, and internal connection services at discounted rates. We write in support of the Federal Communications Commission’s (FCC or Commission) Notice of Proposed Rulemaking (NPRM), which aims to fulfill Congress’s Vision for Great Educational Outcomes. We write to particularly emphasize the NPRM’s provisions designed to ensure parental involvement and child safety. Our members are deeply concerned about what children can access on E-Rate-funded networks during the school day and whether parents are shielded from information about their child’s informational access. The FCC can do the most good for families with the least strain on its authority¹ by paying particular attention to how the E-Rate program is administered, monitored, and regulated in public schools.

I. Introduction

The United States Surgeon General has warned extensively about the harms of screen use, reporting that higher levels of screen time have consistently been linked to physical health challenges and poor educational outcomes.² Early screen exposure increases the likelihood of cognitive and developmental

¹ FCC To Review E-Rate Program To Ensure Congress’s Vision, 91 Fed. Reg. 52626 (proposed Aug. 14, 2026) (to be codified at 47 C.F.R. pt. 54); *Ensuring Children’s Safe Use of Screens and E-Rate-Funded Services*, WC Docket Nos. 26-133, 13-184, 21-93, 21-455, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, FCC 26-41 (rel. June 26, 2026), <https://docs.fcc.gov/public/attachments/FCC-26-41A1.pdf> (hereinafter NPRM). Paragraph citations are to the Commission’s released document.

² U.S. Department of Health and Human Services, *Surgeon General’s Warning on the Harms of Screen Use*, at 13 (2026), <https://www.hhs.gov/sites/default/files/us-surgeon-generals-advisory-warning-on-the-harms-of-screen-use.pdf> (hereinafter Surgeon General Warning)

delays.³ Nevertheless, at the start of every academic year, a school district doles out laptops or tablets to children in kindergarten or first grade. A parent might ask how many hours a day the device is used, and what sort of content the school's internet filter blocks. He or she might ask what telecom service providers do with the data they collect on their child. Sometimes the school answers, but often the school will demur, claim ignorance, or treat the question itself as hostile.

We start with the fundamental premise that a parent's right to direct their child's upbringing and education is pre-political, ancient, and constitutionally protected. It arises from the biological nature of the parent-child relationship itself and from the parent's natural duty to the child. The right predates the Communications Act, the E-Rate program, the Constitution, and the Republic itself. The state's job is to recognize the fundamental nature of that right and protect it. A federal subsidy that lets a school stand between a parent and basic information relative to their child's school day does neither. That is why careful monitoring and parent-friendly regulation of the E-Rate program is essential.

The Commission has asked the right questions. Should E-Rate support be conditioned on screen-time limits, and if so, who should set them?⁴ Should participating schools give parents "a meaningful opportunity to opt their children out of screen-based instruction"?⁵ Should the Children's Internet Protection Act's (CIPA) safety policies be collected and "made publicly available" so that they "better inform the local communities, and the parents and guardians impacted by them"?⁶ Do "parents and guardians have any input in determining what is inappropriate for minors"?⁷ The answers are: yes, yes, yes, and at present, mostly no. Our greatest concern is schools' transparency when communicating with parents about how they administer technology-based instruction in the classroom on E-Rate-powered devices. Each proposed safeguard in the NPRM, from screen-time caps to network-level filtering to a parental opt-out right, depends wholly on parents being able to see what the school is doing when they are not around. Too often, parents are treated as interlopers with no voice in their child's education. This is no less pressing a concern than in the area of what their minor child can access online, without parental supervision or knowledge.

II. The Evolution of the E-Rate Program

In 1996, Congress's aim in passing the Telecommunications Act and activating the E-Rate program was narrow: to connect classrooms and library reading rooms to the internet through discounted services for strictly "educational purposes."⁸ Congress later enacted the Children's Internet Protection Act in 2000, which created certain filtering and safety policy provisions designed to govern the E-Rate program, and required a school or library accepting subsidized internet access to adopt an Internet safety policy, run a

³ See, e.g., Subhranshu Sekhar Kar et al., *Impact of Screen Time on Development of Children*, 12 CHILDREN 1297 (2025) (describing the effects of screen time on social and emotional development in five separate categories, including explaining how social isolation and screen time can impede the development of children's social and interpersonal skills); Shari Madigan et al., *Association Between Screen Time and Children's Performance on Development Screening Test*, 173 JAMA PEDIATRIC 244-250 (2019), (explaining that screen time and development screening tests are impacted by a number of factors including family income, maternal depression, child sleep, child being read to regularly, and the child being female); Yaakov Ophir et al., *Screen Time and Autism Spectrum Disorder: A Systematic Review and Meta-Analysis*, JAMA NETWORK OPEN (Dec. 8, 2023).

⁴ NPRM, *supra* n.1, ¶ 30.

⁵ *Id.* ¶ 31.

⁶ *Id.* ¶ 43.

⁷ *Id.* ¶ 42.

⁸ Telecommunications Act of 1996, Pub. L. No. 104-104, § 101(a), 110 Stat. 56, 71 (codified as amended at 47 U.S.C. § 254); 47 U.S.C. § 254(h)(1)(B), (h)(2)(A).

technology protection measure that blocks material that is obscene, child pornography, or harmful to minors, and adopt the policy only after reasonable public notice and at least one public hearing or meeting.⁹ Congress deliberately left to the local school board, educational agency, or library the judgment of what material would be deemed “inappropriate for minors.”¹⁰ That might have been a sensible division of labor in the year 2000, but more than a quarter century later, it has proven effective only to the extent that the local community is aware of what the policy says, and how schools actually utilize their E-Rate networks.

CIPA’s drafters would likely not recognize the E-Rate program today. The Chairman’s statement puts the figures plainly.¹¹ E-Rate programs disburse roughly \$3 billion a year. Nearly 100 percent of public schools now report providing devices to students who need them, an increase from 23 percent in the 2019-2020 school year. By eighth grade, more than half of students say they use computers in all or almost all of their classes, an increase from 30 percent in 2019. The NPRM’s own record states that more than half of children now use a computer between one and four hours of the school day, and a quarter spend more than four hours in front of a screen, a figure distinctly at odds with the American Academy of Child and Adolescent Psychiatry’s recommendation of no more than two hours of total daily screen time for children five and older.¹² Eighty-four percent of the screen time recorded on school-issued devices happens during school hours. For first through fourth graders, it is over 88 percent.¹³

In a reversal of the century’s earlier trend, young children now accumulate most of their screen time in the classroom (on a network funded by the federal government), rather than on their couch at home. The Chairman has called the past decade one that produced “a massive increase in screen time for students,” encouraged by policymakers and the companies selling the hardware, and he has observed that “[t]he results from America’s experiment with pervasive screen time in school are now starting to pour in.”¹⁴ These results are inexorably linked to the proficiency scores of our nation’s students in subject areas like math and reading. Reading and math achievement have fallen over the same period in which classroom screen use rose. Higher total screen time is associated with lower standardized reading and math scores in elementary school, and the distance between students at the 90th and 10th percentiles has grown.¹⁵ The Organization for Economic Co-operation and Development (OECD) has determined that students spending five to seven hours a day on devices at school scored an average of twelve points *lower* in math than students spending three to five.¹⁶ To boot, lower-income schools lean hardest on screen-based

⁹ Children’s Internet Protection Act, Pub. L. No. 106-554, § 1(a)(4), 114 Stat. 2763, 2763A-335 (2000) (codified at 47 U.S.C. § 254(h)(5)–(6), (l)); 47 C.F.R. § 54.520.

¹⁰ 47 U.S.C. § 254(l)(2).

¹¹ Statement of Chairman Brendan Carr, *Ensuring Children’s Safe Use of Screens and E-Rate-Funded Services*, WC Docket Nos. 26-133, 13-184, 21-93, 21-455, FCC 26-41 (rel. June 26, 2026), <https://docs.fcc.gov/public/attachments/FCC-26-41A2.pdf> (hereinafter Carr Statement).

¹² NPRM, *supra* n.1, ¶ 5 & nn.31–32 (citing Emma Kate Fittes, *How Much Time Are Students Spending Using EdTech?*, EdWeek Mkt. Brief (Mar. 1, 2022), and Am. Acad. of Child & Adolescent Psychiatry, *Screen Time and Children* (June 2025)).

¹³ *Id.* ¶ 6 & n.35 (citing Amy Bennett, *Breaking Down K-12 Screen Time: What Every Parent and School Leader Should Know*, Lightspeed Sys. (Feb. 13, 2025)).

¹⁴ Carr Statement, *supra* n.11.

¹⁵ *Id.*; NPRM, *supra* n.1, ¶ 5 & n.27 (citing Nat’l Assessment of Educ. Progress, *NAEP Report Card: Reading* (2024), and Xuedi Li et al., *Screen Time and Standardized Academic Achievement Tests in Elementary School*, 8 JAMA NETWORK OPEN 10 (2025)).

¹⁶ NPRM, *supra* n.1, ¶ 5 n.18 (citing OECD, *Managing Screen Time: How to Protect and Equip Students Against Distraction* 1 (2024)).

instruction, which means the children E-Rate was built to help are actually bearing the heaviest share of its costs to learning proficiency.¹⁷

Thankfully, however, the FCC has begun to cabin the unrestricted growth of the E-Rate program under the Chairman’s leadership. In 2025, it reversed the Biden-era 2023 and 2024 extensions of the E-Rate program to Wi-Fi hotspots and school-bus connectivity, which it describes as “inconsistent with the statute”¹⁸ and allowed children to access unfiltered internet content off campus without their parents’ knowledge. The NPRM now presses the question of whether a program designed to facilitate the wiring of computer labs is doing what Congress intended when it pays for all-day, one-to-one screen use beginning in kindergarten. We do not think it is. The FCC’s light-touch regulation is required to ensure that in all aspects of the E-Rate program’s administration, parents know of and understand the parameters of their child’s online access.

III. Transparency Cannot Wait

A. Parents cannot stop what they cannot see. The NPRM acknowledges that whatever a parent does at home “may be negated once their child enters a school or library building.”¹⁹ The NPRM expressly acknowledges a 2026 survey finding that a child’s school-issued device is now the most common way children bypass parental controls, responsible for 35.5 percent of those reported incidents.²⁰ Parents reported this to the Commission, to the National Telecommunications and Information Administration (which received more than 150 comments from parents and educators saying they had no ability to reduce their children’s screen time at school), and to their local boards.²¹ Among parents of children under eight, 80 percent worry their child spends too much time on screens, 79 percent worry about attention span, and 76 percent worry about sexual content.²² None of this is paranoia. Both HHS and the American Academy of Child and Adolescent Psychiatry link excessive screen use to depression and anxiety in young people, to lower grades, and to reading fewer books,²³ and in May the Surgeon General issued the first formal advisory on the harms of screen use.²⁴

B. Courts have now found tech companies liable for harm to children. This year, three separate court decisions found the country’s largest social-media companies liable for harm to children. In March, a Los Angeles jury in a coordinated California proceeding found tech platforms Meta and Alphabet negligent and awarded \$6 million to a minor who suffered mental health impacts as a result of her use of the platforms in the bellwether trial.²⁵ A New Mexico court ordered Meta to pay \$375 million in March, and then \$567 million in August, for a total of \$942 million in civil penalties for enabling the sexual

¹⁷ *Id.* ¶¶ 5–6 & nn.33–34.

¹⁸ *Id.* ¶ 21; Carr Statement, *supra* n.11.

¹⁹ NPRM, *supra* n.1, ¶ 6.

²⁰ *Id.* ¶ 6 n.36 (citing FamilyBond, *FamilyBond Survey #1: What Age Should a Child Get Their First Phone & How They Are Bypassing Your Parental Controls* (2026)).

²¹ *Id.* ¶ 6 & n.37 (citing Comments to Kids Online Health and Safety Request for Comment, Nat’l Telecomm. & Info. Admin., Docket No. NTIA-2023-0008).

²² *Id.* ¶ 6 n.39 (citing Common Sense Media, *Media Use by Kids Zero to Eight* (2025)).

²³ Carr Statement, *supra* n.11; NPRM, *supra* n.1, ¶ 37 n.136 (citing Jean M. Twenge, *International Declines in Academic Performance and Increases in Loneliness Are Linked to Electronic Devices*, 98 J. Adolescence 250 (2026), and Benjamin Zablotzky et al., *Associations Between Screen Time Use and Health Outcomes Among US Teenagers*, 22 Preventing Chronic Disease E38 (2025)).

²⁴ [Surgeon](#) General Warning, *supra* n.2.

²⁵ Inst. for Families & Tech., *Big Tech on Trial: Core One-Pager* (updated Sept. 2026) (hereinafter *Big Tech on Trial*) (reporting the March 25, 2026 verdict in the Judicial Council Coordinated Proceeding, Los Angeles Superior Court).

exploitation of children.²⁶ Also in August, to settle federal litigation brought by 52 state attorneys general, Meta agreed to pay \$17.1 billion and implement platform design changes, including nightly lockouts for teens, a two-hour daily usage limit, and no notifications during school hours.²⁷ Seven million pages of discovery revealed that these platforms knew their products were hurting young users and still targeted students during the school day anyway.²⁸ More than 2,000 cases remain pending, many brought by local school districts, with trials set for the coming months.²⁹ Against this backdrop, the Commission's 2011 conclusion that social networking sites are not per se "harmful to minors" under CIPA is long overdue for reconsideration, and the NPRM rightly asks whether it should be revisited.³⁰ The federal government should not be subsidizing school networks and school devices if they permit children to access products now recognized by various state and federal courts to have been built to addict them.

C. Does the software actually work? The Commission does not require schools to have anyone independent of the companies that sell them validate the educational programs they run over their E-Rate networks. While school boards may be shown studies, those studies are nearly always the vendor's own, and independent literature is not encouraging. A meta-analysis finds reading comprehension lower on screens than on paper, and international declines in academic performance track the spread of electronic devices.³¹ The Commission need not settle the pedagogical argument, but it must recognize that a parent is entitled to know what programs are being used with his or her child, and on what evidence the school relied to select the program in the first place.

D. What data is being collected? The services running over E-Rate networks increasingly include AI tutors, chatbots, and analytics platforms that continuously monitor children throughout the school day. Parents are rarely told whether their children's writing, voices, and behavior are being fed into commercial models or used to build assessments that might follow the child for years. A bill passed recently in the Senate, S. 836, would codify a school-consent exception, so that a public school—not a parent—authorizes the collection of a child's data for "educational" purposes.³² The NPRM's question about what "monitoring the online activities of minors" means, and what privacy concerns it raises, is therefore well timed.³³ Whatever the answer, as an initial proposition, parents must be informed of what monitoring will take place, what data will be collected, and how that data will be used.

E. Disclosure is already required. CIPA already requires every E-Rate participant to adopt an Internet safety policy after public notice and hearing, and to deliver it to the Commission on request.³⁴ As the NPRM notes, a great many schools simply download a vendor's template language on safety policy, and

²⁶ *Id.* (reporting the March 24, 2026 and August 7, 2026 orders).

²⁷ *Id.* (reporting the August 25, 2026 settlement in the multidistrict litigation before the U.S. District Court for the Northern District of California).

²⁸ *Id.*

²⁹ *Id.* (noting the October 28, 2026 Los Angeles trial, the February 2027 trial of the Tucson and Charleston school-district claims).

³⁰ NPRM, *supra* n.1, ¶ 39 & n.142 (citing *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Report and Order, 26 FCC Record 11819, 11826, ¶ 17 (2011)).

³¹ *Id.* ¶ 40 n.149 (citing Testimony of Jean M. Twenge, Ph.D., before the S. Comm. on Com., Sci., & Transp., 119th Cong. (2026), and Pablo Delgado et al., *Don't Throw Away Your Printed Books: A Meta-Analysis on the Effects of Reading Media on Reading Comprehension*, 25 EDUC. RES. REV. 23 (2018)); Twenge, *supra* n.24.

³² Children and Teens' Online Privacy Protection Act, S. 836, 119th Cong. (as passed by Senate, Mar. 5, 2026); see Future of Privacy Forum, *What's New in COPPA 2.0? A Summary of the Proposed Changes* (describing codification of a school-consent exception for operators acting under agreement with a public educational agency or institution).

³³ NPRM, *supra* n.1, ¶ 38.

³⁴ 47 U.S.C. § 254(h)(5)(A)(iii), (h)(6)(A)(iii), (l)(1), (l)(3).

there is little community involvement at all.³⁵ Posting the safety policy, along with a short description of a school’s screen-time practices, content filtering controls, and software in use, would cost very little and transform the public-hearing requirement into the kind of informed local decision-making process that Congress envisioned. It would also give the Commission the record it says it lacks on whether schools are assessing screen time, what filtering tools exist, and what they cost.³⁶

IV. Answering Partisan Objections to Transparency.

On June 22, 2026, sixty-eight Members of Congress wrote to the Chairman objecting to the Media Bureau’s inquiry into whether parents should be better informed of the content of television programs rated for young children.³⁷ The letter, led by Representative Mark Takano, complained that the existing system “ha[s] worked for decades,” that parents are already satisfied with their level of knowledge about programming, that the Commission had no authority to act, and that giving parents more information “would be harmful.”³⁸ The Chairman answered each of these objections on September 22, writing that opposition to transparency “puts you on the wrong side of the issue,” as “[p]arents are nearly unanimous in wanting to know what their children are watching and to determine for their own families” what is appropriate.³⁹ He explained that in 1996, Congress acted precisely “to allow parents to determine the type of TV programming that is appropriate for their children.”⁴⁰

If that is the case for television viewing (over which parents have total control), it is even more obviously right for a classroom, where children are under the *in loco parentis* authority of the school during the day. We expect the same four objections to surface in this docket, and we rebut each in turn, below.

The system does not work. As classroom computer use roughly doubled in the past five years, reading and math scores fell, and the achievement gap became a chasm. The Commission has already had to undo two program expansions that gave children unfiltered access without their parents’ knowledge.⁴¹ During this same period, the school-issued device has become the leading tool by which children defeat the controls parents set at home.⁴² The system is most definitely “not” working.

Parents are dissatisfied. The NPRM’s own record proves as much. Parents in Fairfax County, Virginia, Philadelphia, Pennsylvania, New York City, and elsewhere have petitioned for less screen time overall and for a right to opt out of screen-based instruction. The more than 600 parents who made these kinds of requests in Philadelphia’s school district were told by administrators that it was “not feasible” to honor their requests.⁴³ Six states have enacted limits on classroom screen time and more than a dozen have bills pending.⁴⁴ The Los Angeles and San Diego Unified boards adopted screen time caps by grade.⁴⁵ Satisfied

³⁵ NPRM, *supra* n.1, ¶ 44.

³⁶ *Id.* ¶ 42.

³⁷ Letter from Rep. Mark Takano et al. to Brendan Carr, Chairman, FCC (June 22, 2026), <https://www.fcc.gov/ecfs/document/26109836117/1> (hereinafter “Takano Letter”).

³⁸ *Id.* at 1–2.

³⁹ Letter from Brendan Carr, Chairman, FCC, to Rep. Mark Takano, at 3 (Sept. 22, 2026), <https://docs.fcc.gov/public/attachments/DOC-425331A2.pdf> (hereinafter “Carr Response”).

⁴⁰ *Id.* at 2.

⁴¹ Carr Statement, *supra* n.11; NPRM, *supra* n.1, ¶¶ 5, 21.

⁴² NPRM, *supra* n.1, ¶ 6 n.36.

⁴³ *Id.* ¶¶ 6–7 & nn.40, 42, 115 (citing Sharon Lurye, *Some Parents Don’t Want Their Kids to Use Tech at School. But Districts Are Pushing Back.*, AP News (May 14, 2026), and Natasha Singer, *In Backlash Against Tech in Schools, Parents Are Winning Rollbacks*, N.Y. Times (Apr. 29, 2026)).

⁴⁴ Carr Statement, *supra* n.11.

⁴⁵ *Id.*

parents have no reason to petition their schools for reduction in screen time or mobilize at the grassroots level to pass statutes designed to accomplish the same ends.

The Commission has authority to act. Section 254(h) permits support only for “educational purposes,” and section 254(l) already conditions that support on an internet safety policy, a public hearing, and production of the policy to the Commission on request.⁴⁶ The policy’s publication, with a description of the screen-time and filtering practices it governs, and a mandate that a public hearing precede adoption in enough time for parents to attend and provide input are all implementations of the conditions Congress already wrote. The NPRM asks who should set screen-time limits.⁴⁷ CIPA empowers local authorities to make these decisions, but they must ensure parents are in the room when they do so. Nothing in that request strains the plain text meaning of section 254 or prevents Congress from giving the Commission more to work with later.

Providing parents media transparency is anything but “harmful.” The most remarkable claim in Representative Takano’s letter was that providing greater transparency to parents through higher television ratings or content warnings would be “harmful to transgender people and transgender acceptance.”⁴⁸ Last term, the Supreme Court held that parents have a constitutionally protected right to notice of, and an opt-out from, public-school instruction, including “LGBTQ+-inclusive” materials, that burdens their religious exercise, and it did so over the school board’s insistence that it could not feasibly administer notice and opt-outs.⁴⁹ While *Mahmoud v. Taylor* was a Free Exercise case, its underlying premise, that a school’s administrative convenience or curricular choices do not outrank a parent’s role in her child’s upbringing, is not limited to parents with religious objections. Earlier this year, the Supreme Court in *Mirabelli v. Bonta* reinstated an injunction against California’s school secrecy policies that divested parents of information on their child’s gender expression at school, determining that the parents were likely to succeed on the merits of their claim. It wrote that “Under long-established precedent, parents—not the State—have primary authority with respect to ‘the upbringing and education of children.’...The right protected by these precedents includes the right not to be shut out of participation in decisions regarding their children’s mental health.”⁵⁰ A fit parent’s right to know what their child is watching or the type of content their child is consuming (content now proven to have deleterious mental health impacts) outweighs any purported interest in one demographic group’s media “representation.”

V. Recommendations

Defending Education makes the following recommendations on the E-Rate program to the Commission in order to ensure the greatest degree of transparency at the lowest regulatory cost:

1. **Publish the CIPA policies.** The Commission’s final rule ought to require every E-Rate recipient to post its Internet safety policy on its website and file the same with the Universal Service Administrative Company, as USAC’s Schools and Libraries Division is the one tasked with day-to-day administration of the E-Rate program. The final rule should also make clear that the public-notice and public-hearing provisions of sections 254(h)(5)(A)(iii) and (6)(A)(iii) assume that a

⁴⁶ 47 U.S.C. § 254(h)(1)(B), (h)(5)–(6), (l).

⁴⁷ NPRM, *supra* n.1, ¶ 30.

⁴⁸ Takano Letter, *supra* n.37, at 2.

⁴⁹ *Mahmoud v. Taylor*, 606 U.S. 522 (2025).

⁵⁰ *Mirabelli v. Bonta*, 607 U.S. 492, 497 (2026)(*per curiam*)(internal citations omitted).

policy is published early enough, and a hearing held early enough for parents to meaningfully take part.⁵¹

2. **Require a plain-English screen-use disclosure.** As part of the Commission’s continued efforts at internet safety, the final rule should require E-rate schools to provide a short annual notice to parents including:
 - i. expected daily screen time in each grade,
 - ii. a description of the educational software and platforms in use by each grade,
 - iii. a description of what filtering and monitoring programs or safeguards apply to school devices and to the network, and
 - iv. clarification on whether student data goes to vendors or is used to train AI systems.
3. **Adopt the opt-out.** The Commission’s final rule should adopt the condition described in paragraph 31 of the NPRM: participating schools must give parents a meaningful opportunity to opt their children out of screen-based instruction during the school day and provide a non-screen alternative instructional method for the children of parents that do.⁵²
4. **Revisit the Commission’s 2011 Conclusion.** Given the surge in jury verdicts and legal settlements between social media giants and injured minors, the Commission ought to recognize that social media platforms can indeed be “harmful to minors” for purposes of a school’s technology protection measure, contrary to the Commission’s 2011 conclusion. The final rule should mandate network-level content filtering for every device that connects to an E-Rate program network, as paragraph 37 of the NPRM contemplates.⁵³
5. **Secure Transparency.** The Commission does not set a national screen-time cap but should instead require each recipient school’s internet safety policy to clearly state its own screen time limits by grade and indicate how those limits were arrived at, consistent with section 254(l)(2). The Commission’s final rule should also require recipients to identify any independent research on which they relied to both set screen time limits and select the educational software that they deploy over E-Rate services. That way, school boards and parents aren’t left to merely rely on the vendor’s word. While a final rule is pending, the Commission should hold public hearings and issue guidance on transparency and parental involvement in education by working with National Telecommunications and Information Administration’s initiative on screen use in K-12 schools.⁵⁴

VI. Conclusion

In September, the Chairman wrote that “keeping parents in the dark” about what their children see on a screen “is a feature not a bug” for the people who want to go around parents to promote their own

⁵¹ 47 U.S.C. § 254(h)(5)(A)(iii), (h)(6)(A)(iii); NPRM, *supra* n.1, ¶ 43.

⁵² NPRM, *supra* n.1, ¶ 31.

⁵³ *Id.* ¶¶ 37, 39.

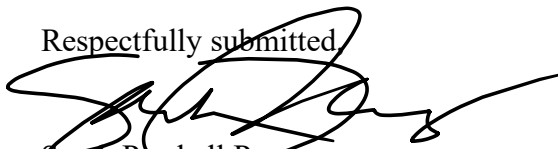
⁵⁴ Carr Statement, *supra* n.11 (describing NTIA’s initiative and its listening session on “Kids’ Excessive Screen Use in Schools”).

interests.⁵⁵ Our organization has found the same feature in the policies of many public schools where our members' children are enrolled. For roughly ten years, districts ran a technological experiment on children with federal money, without input from parents and without telling them how that experiment turned out. To our chagrin, we now know how it turned out, and while the Commission cannot repay those years, it can insist that whatever development is next for the E-Rate program is geared toward transparency, local control, and parental involvement, above all.

The FCC has already made great strides in eliminating unlawful COVID-era expansions of the E-Rate program and implemented tougher oversight provisions to eliminate waste, fraud, and abuse. The NPRM is a continued step in that good direction and, in our modern age, more important than ever to ensure the safety of children and the full awareness of and educational oversight of their parents.

Defending Education supports the Notice of Proposed Rulemaking and urges the Commission to adopt the measures above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sarah Marshall Perry', written over the typed name.

Sarah Marshall Perry
Vice President
Defending Education

⁵⁵ Carr Response, *supra* n.39, at 2.

