

February 26, 2026

House Committee on Commerce and Economic Development
Rep. Michael Marcotte, Chair and Rep. Edye Graning, Vice Chair

Re: Testimony in Support of the Vermont H.650 – An act relating to educational technology products

Dear Chair Marcotte, Vice Chair Graning and esteemed committee members,

Thank you for the opportunity to be here again to provide comments on the amended H.650 bill and answer any questions from the committee. As you know, I'm Lisa LeVasseur, founder and research director of Internet Safety Labs, a non-profit, non-partisan, independent digital product safety testing organization.

Here are my observations from the revised bill:

1. The definition of "Provider of an educational technology product" and "provider" requires the manufacturer to track geolocation of all users. Later in the bill, it highlights (rightfully) the riskiness of this behavior. ISL understands the need for both the state of Vermont and manufacturers to definitively know if their contract-free products are being used by students in Vermont and urges the state to find an alternative method that doesn't mandate location surveillance.
2. Some considerations for the report to be produced in Section 2(a)(4)(B)
 - a. (iv)(II) "use of artificial intelligence" needs a precise definition. "AI" is a marketing term that needs to be broken down into specific software functions. Such specificity will be beneficial in ensuring that the certification doesn't introduce restrictions that ultimately harm neurodivergent or disabled students who may rely on "AI" technologies like voice-to-text or text-to-voice technologies, as mentioned by Travis Gilly in his testimony.
 - b. (iv)(III) "targeted advertising". We regularly find traffic to advertising platforms, data brokers, identity resolution platforms and customer data platforms that does not correlate to the presentation of an advertisement.
 - c. We are available (as are all our online research, etc.) as a resource to ensure precision and measurability of criteria.

General comments:

- Off-the-shelf technology often has a Terms of Service/Terms of Use which is a contractual agreement between the end user and the manufacturer. These agreements are usually contracts of adhesion, but I haven't seen the validity of these contracts successfully contested in a court case. Note that these agreements are completely outside of the school, district, or state's purview and between the student or parent and the technology manufacturer.
- Attestation has been historically ineffective and that's why the certifications in this bill are so important.
- The primary reason we are in the situation of a cultural norm of categorically unsafe digital products is largely due to the absence of assessing and enforcing *actual* software behavior; no one is looking under the hood to ensure that the product behaves in the way that the manufacturer promises. We can't continue to operate in this way, product safety by pinky promise. Systematic assessment of technology behavior as is proposed in H.650 is vital and goes beyond just edtech. Ideally, we need to do the same with other mandated digital products such as health technologies.
 - o In our previous testimony, we mentioned the Student Data Privacy Consortium (SDPC) as a good mechanism for developing and managing DPAs. However, the SDPC does *not* perform post-agreement assessment to ensure that products comply with the manufacturer's contractually binding promises made in the DPAs. Our work in Utah proved that the contracts alone without assessment and enforcement are inadequate.
- Utah State Board of Education has good experience in sense-making of edtech in their state and we'd be happy to connect Vermont's Agency of Education if needed.
- Utah also has an edtech bill in progress (<https://le.utah.gov/Session/2026/bills/introduced/SB0267.pdf>), and CA and TX are reportedly also working on such bills (you may be more plugged into those activities than we are).
- The question continues to arise whether edtech manufacturers will pay for the mandated certifications. There is longstanding precedent for manufacturers to be responsible for the cost of compliance and certifications. Moreover, technology manufacturers already pay for certifications (CPRA, GDPR, ISO27001, COPPA Safe Harbor, and others). Below is an example of the Reading Eggs mobile apps with three certification badges, including COPPA Safe Harbor certification:

Reading Eggs App for iOS and Android
Suitable for ages 2–13



The Reading Eggs Learn To Read app lets you access the award-winning reading program on your iPad and Android device. If you have an existing Reading Eggs account, simply download the app for free and use your current login details.

New customers can create a Reading Eggs account – you'll receive a **FREE TRIAL** which gives you access to all areas of the program.



Seals of Approval

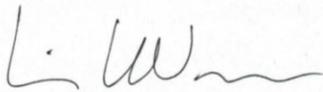


Please note: Teacher accounts cannot be accessed using the app.

Additionally, ISL has been approached by manufacturers to “certify” their products and are willing to pay for the service. Vendors appreciate independent validation of their products as a marketing/competitive advantage.

Thank you again for the opportunity to provide testimony. We remain at your service.

Sincerely,
Lisa LeVasseur



Executive Director & Research Director
Internet Safety Labs