Good afternoon. My name is Andrew Liddell of the EdTech Law Center, a consumer protection law firm in Austin, Texas. I am not being paid to be here today.

H.650 is an important step in ensuring transparency and accountability for the education technology that has taken over the K-12 classroom. Over the past fifteen years and counting, the edtech industry has preyed on the public's inherent trust in schools and educators' concerns about preparing students for the future to pump schools full of technology that does not keep students safe, does not help them learn, and flagrantly violates their privacy rights.

Compared to the robust vetting process that supports curriculum adoption, where subject matter experts and everyday citizens have a chance to weigh in, and which is conducted in full view of the public, edtech adoption has been ad hoc, cloaked in secrecy, and

driven by the Big Tech's desire to hook students young and create customers for life.

As a result, students' privacy rights are being invisibly invaded daily by products they are forced to use to receive the education they're legally entitled to. Flagrantly distorting federal laws that are meant to protect children's privacy rights online and student records while in school, the edtech industry asserts that under COPPA, companies are schools, and that under FERPA, schools are parents, so that no consent or disclosure is required to begin pervasively data mining children as early as Kindergarten.

This is not what these laws actually require, but the practice is pervasive.

Accordingly, regarding the attestation requirement that appears on page 3, lines 4 to 8, when the bill is passed, I would consider making available form attestation language that identifies all applicable laws and spells out their requirements in plain language that anyone can understand.

Take COPPA for example: that law requires that companies obtain verifiable parental consent before collecting, using, or disclosing personal information from a child under 13; that companies allow parents to see the information a company has collected about their child; and that companies honor parents' requests to delete their child's personal information. (See Children's Online Privacy Protection Rule: A Six-Step Compliance Plan for Your Business | Federal Trade Commission)

There are no exceptions for companies that operate at school. However, for the better part of two decades, edtech companies have used COPPA to circumvent the parent notice and consent requirement by claiming that under COPPA, schools are parents' agents as a matter of law who can authorize companies to collect information about children, even over parents' objections. And companies rely on COPPA to deny parents access to the information that has been collected about children under 13, claiming that their school must act as the intermediary with the company.

My law firm challenged this interpretation of COPPA in court. The FTC, which is the federal agency charged with enforcing the law, twice weighed in under consecutive presidential administrations with a friend of the court brief, denying that COPPA permits schools to act as children's parents. And last week, the Ninth Circuit issued an opinion confirming that COPPA indeed contains no such

provision. I have provided these briefs and the opinion to the Committee.

All this is to say, rather than allow edtech companies to write their own attestations, along the lines of “The undersigned hereby affirms that the products identified herein meet all federal and State privacy laws, including the federal Children’s Online Privacy Protection Act,” that the Agency of Education provide a more detailed form attestation that says specifically what those requirements are.

Regarding the certification process, certification is urgently needed to ensure that edtech platforms not only help with learning, but also keep kids safe.

My law firm has heard from hundreds of parents about how their children have been acutely harmed by the one-to-one devices they are made to use at school.

Most common is pervasive distraction, an obvious result when Google, whose Chromebooks dominate the edtech market and which makes money by observing users' web activity, is given free reign to shape the classroom environment with designs that serve its bottom line. When a kid spends all day watching YouTube, he's not misusing his Chromebook, he's using it as designed.

At the other end of the spectrum are the harms that follow when young children are served violent or pornographic content in response to innocent search queries, or when adult strangers contact children through school devices that their parents assume are safe, or may not even know connect to the internet.

I hope that, when developing the criteria for the certification process, the Agency of Education's report will reveal and quantify incidents like these.

H.650 is an important first step in ensuring that any device or program that comes into the classroom is shown to be safe, legal, and effective before it is ever used by a student. These are sensible requirements that parallel the safety and efficacy standards of everything else in the school environment—it's long past time for Big Tech to play by the same rules as the companies that make textbooks, desks, paint, insulation, and playground equipment must obey.

Thank you for inviting me to speak today, and I'm happy to answer any questions.