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Submitted via www.regulations.gov

Ruth Yodaiken
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

RE: Kids' Online Health and Safety Request for Comment (Docket No. 230926-0233)

Dear Ms. Yodaiken:

On behalf of the 3 million members of the National Education Association (NEA) and the 50 million students we serve, we are pleased to write in response to the National Telecommunications and Information Administration's request for comment on the risks of health, safety, and privacy harms to minors arising from use of online platforms. NEA is the largest labor union in the country, representing members who work in and around 100,000 public school buildings.

Recent NEA research and feedback from members underscore the significance of the problems created by social media for students, educators, and learning environments. According to NEA internal research from June 2023, NEA members, especially middle and high school educators, report that students' use of cell phones in class is disruptive and harmful to academic performance. Members also believe that students' use of social media is taking a toll on adolescent mental health. As one NEA member recently told researchers, "I'm overwhelmed with how to support kids with their mental health when I'm up against TikTok."

We recognize that social media can provide significant benefits to students, including by creating virtual connections for marginalized youth who might otherwise be excluded from social interactions. Potential benefits, however, can neither justify nor excuse the lack of transparency and accountability by technology companies or the serious, documented risks posed by social media to students and school environments. As the U.S. Surgeon General has said, "The bottom line is that we do not have enough evidence to conclude that social media is sufficiently safe for our kids."¹

¹ V. H. Murthy, "U.S. surgeon general: I am concerned about social media and Youth Mental Health," May 23, 2023. Available: <https://www.washingtonpost.com/opinions/2023/05/23/social-media-children-danger-parents-surgeon-general/>. NEA access date: November 14, 2023.

Indeed, it should not be up to educators, parents and guardians, and students alone to ensure the safety of this country’s young people who use social media, and the time has passed for social media companies to be trusted to do it themselves.

For these reasons, we urge the federal government to take the following steps:

- 1) Create and maintain a comprehensive, detailed, and publicly available database of the social media harms that students are experiencing and the social media-related disruptions that are affecting schools;
- 2) Create and maintain a comprehensive, detailed, and publicly available database of technology industry practices related to algorithms and policies that are designed to ensure exclusively age-appropriate content is pushed to users;
- 3) Regularly perform research and checks on algorithmic practices used by technology companies and ensure they are not infringing on users’ health, safety, and privacy by means of pushing addictive and/or age-inappropriate content or inappropriately selling or distributing user data;
- 4) Hold social media companies accountable for using algorithmic practices that push age-inappropriate and harmful content to youths, mishandling their privacy and security, and/or manipulating them into excessive use of the platform;
- 5) Increase funding and opportunity for long-term impact studies of the effect of online platforms on minors’ health and wellbeing, safety, and privacy.

Social Media Harms to Students

Over the last several years, there has been great progress in documenting the harms to students caused by social media that impact mental health, behavior, brain development, and other aspects of young people’s health and safety. It is clear that students are facing a major crisis and that social media is playing an important role in the problem.

For example:

- **Mental Health:** Spending excessive time online can lead to mental health concerns. According to the U.S. Surgeon General’s Social Media and Youth Mental Health Advisory released this year, “[A]dolescents who spent more than 3 hours per day on social media faced double the risk of experiencing poor mental health outcomes including symptoms of depression and anxiety.”² The excessive use of social media has even led children to extreme mental health-related consequences such as suicide and violence. A study published in 2015 found that teens who reported using social media sites more than two hours a day were much more likely to report poor mental health outcomes like distress and suicidal ideation.³

² Office of the U.S. Surgeon General, U.S. Department of Health and Human Services, “Social Media and Youth Mental Health,” 2023. Available: <https://www.hhs.gov/surgeongeneral/priorities/youth-mental-health/social-media/index.html>. NEA access date: November 10, 2023.

³ Sampasa-Kanyinga, H., & Lewis, R. F. “Frequent use of social networking sites is associated with poor psychological functioning among children and adolescents.” *Cyberpsychology, Behavior, and Social Networking*, 18(7), 380–385. Available: <https://doi.org/10.1089/cyber.2015.0055>. NEA access date: November 9, 2023.

Consistent with these findings, an overwhelming 91.5 percent of Missouri National Education Association members, including pre-kindergarten, elementary, middle school, and high school educators, identify social media as a factor that negatively affects the mental health of students.⁴ Similarly, a recent survey of members in Idaho found that 78 percent have seen a rise in mental health issues in their students, a concern that members clearly attributed to social media use.⁵

- **Online Harassment and Abuse:** A study by Pew Research Center found that 59 percent of U.S. teens have personally experienced at least one of six types of abusive online behaviors: offensive name-calling, purposeful embarrassment, stalking, physical threats, harassment over a sustained time, or sexual harassment.⁶ In addition, as highlighted in the comment of other organizations, such as ParentsTogether, there are grave concerns related to child sexual exploitation.
- **Cyberbullying:** The Cyberbullying Research Center found, “Teenagers who experience cyberbullying are more likely to experience other forms of bullying, such as face-to-face bullying and online harassment. Cyberbullying can cause teen victims to suffer academically. They may have trouble concentrating, and even be too embarrassed to go to school or participate in class.”⁷ A report published by think tank Crest Advisory found that social media is fueling a rise in physical attacks between primary school children. Based on a three-year study, researchers believe that relatively minor disagreements can quickly escalate into violence, including murder. In order to deal with increased violence, schools are having to create new policies, develop mental health resources, and hire additional mental health professionals. This diverts time and resources away from focusing on learning and core education priorities.⁸ As noted in more detail below, school district lawsuits against social media companies, supported by almost 200 school districts, have begun to catalogue such concerns across the country.

On a day-to-day basis, the impact of online platforms on youth and education appears in many different forms that effect the way that students view themselves and treat others around them. We are aware of and are deeply concerned about other social media harms that impact young people whether they are in or out of school, including related to privacy, which we are confident that Commons Sense Media will cover fully in their comments.

Despite these well-documented impacts, regulators, policymakers, parents, students, educators, and the broader education community do not have a formal, trusted, and safe mechanism to report social media incidents, and there is no reliable measure of the full extent of these problems. This is why we strongly urge action to increase transparency and hold social media companies accountable for these harms.

⁴ Andy Slaughter, Alicia Kleopple, Lindsey Weatherby, Missouri National Education Association, Member Data Survey, January 2023.

⁵ GBAO, “Idaho Education Association Member Research,” October 2023.

⁶ Pew Research Center, September 2018, “A Majority of Teens Have Experienced Some Form of Cyberbullying.” Available: <https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/>. NEA access date: November 9, 2023.

⁷ Social Media Law Victims Center, “Effects of cyberbullying,” September 18, 2023. Available: <https://socialmediavictims.org/cyberbullying/effects/>. NEA access date: November 9, 2023.

⁸ Joe Caluori, Oli Hutt, Patrick Olajide, and Ellen Kirk, “Fixing Neverland,” Crest Advisory, October 19, 2022. Available: <https://www.crestadvisory.com/post/report-fixing-neverland>. NEA access: November 9, 2023.

Disruption to Schools and Burdens on Educators

Use of some social media platforms has introduced new problems for educators and students, including viral challenges that encourage violence against educators and destruction of school property, a problem about which the National Education Association has previously written to social media companies.⁹ “Swatting,” or the act of creating false reports to cause chaos in the school environment, is also a growing concern.¹⁰ As USA Today reported in 2021, “Schools in Arizona, Connecticut, Illinois, Montana, New York and Pennsylvania increased their police presence [on December 10, 2021] due to the alleged threats while schools in California, Minnesota, Missouri and Texas closed for the day.”¹¹ Lacking meaningful regulation of social medial platforms, these problems persist. At the start of 2023, in Vermont, for example, false claims spread on social media about potential violent acts such as shootings that interrupted the entire school day. There were reports of up to 21 false claims in a single day for a school district in Vermont, which closed down dozens of campuses.¹²

The Missouri National Education Association’s data on the impact of social media on schools likewise indicates that it is a major cause of disruption. When assessing the statement “Student use of cell phones and/or social media causes behavior problems inside school (i.e. fights, arguments, etc.), 43.4 percent of pre-kindergarten, elementary school, middle school, and high school educators strongly agreed, and another 37.2 percent agreed.¹³ The same survey found that 73.3 percent of educators agreed or strongly agreed that student cell phone use regularly disrupts the learning environment, while 88.3 percent agreed or strongly agreed that, in their experience working with students, “social media use is a distraction.”

On January 6, 2023, Seattle Public Schools filed the first lawsuit against social media companies demanding damages for the impact their products were having in their schools as well as design changes to fix their broken products.¹⁴ Ten months later, the number of school districts and states joining this multidistrict litigation in federal court continues to grow. These lawsuits have begun to create a catalogue of disruptions, including, as described in the Seattle lawsuit and supported by subsequent filings from other school districts. For example:

- **Hire and Train Additional Staff:** The need to hire additional personnel, including counselors and medical professionals to address mental, emotional, and social health

⁹ National Education Association, “Letter to Social Media Companies.” Available: <https://www.nea.org/about-nea/leaders/president/from-our-president/neas-letter-social-media-companies>. NEA access date: November 9, 2023.

¹⁰ Lauraine Langreo, “Tiktok, gas, Twitter: How social media is influencing education,” Education Week, December 8, 2022. Available: <https://www.edweek.org/technology/tiktok-gas-twitter-how-social-media-is-influencing-education/2022/12>. NEA access date: November 9, 2023.

¹¹ N’dea Yancey-Bragg, Christine Fernando, and Christal Hayes, “School threats posted on TikTok deemed not credible; security beefs up across nation,” USA Today, December 16, 2021. Available: <https://www.usatoday.com/story/news/nation/2021/12/16/tiktok-violence-threats-schools-united-states-security/8933323002/>. NEA access date: November 15, 2023.

¹² Evie Blad, “Chaos, disruption as more schools respond to hoax ‘swatting’ reports,” Education Week, February 8, 2023. Available: <https://www.edweek.org/leadership/chaos-disruption-as-more-schools-respond-to-hoax-swatting-reports/2023/02>. NEA access date: November 15, 2023.

¹³ Andy Slaughter, Alicia Kleopple, Lindsey Weatherby, Missouri National Education Association, Member Data Survey, January 2023.

¹⁴ *Seattle School District No 1 v. Meta Platforms, Inc. et al*, Case No. 2:23-cv-0032 (W.D. Wash), Complaint, pp. 77-83 (Jan. 6, 2023). Available: <https://storage.courtlistener.com/recap/gov.uscourts.wawd.317950/gov.uscourts.wawd.317950.1.0.pdf>. NEA access date: November 15, 2023.

issues and to train teachers, staff, and members of the community about the harms caused by social media;

- **Create New Resources:** The requirement to develop additional resources to address mental, emotional, and social health issues; update student handbooks to address use of social media platforms; and update school policies to address use of social media platforms;
- **Educate Students on New Subjects:** The necessity to educate students about the dangers of using social media platforms;
- **Repair Facilities Damaged Due to Social Media Incidents:** The need to repair property damaged as a result of the exploitive and harmful content in social media directed to students;
- **Address Student Behavior in New Ways:** The requirement to increase time spent addressing bullying, harassment, and threats; confiscate devices; meet with students and the parents; and divert time and resources from instruction activities to notify parents and guardians of students' behavioral issues and attendance;
- **Respond to Threats Created in the Context of Social Media:** The necessity to investigate and respond to threats made against schools and students over social media.

Public schools play an essential role in strengthening communities and ensuring a functioning democracy. The harms caused by the practices of social media companies must be accounted for and addressed so that schools can most effectively serve these crucial functions. The federal government, in partnership with entities like the National Education Association, must play a central role in this process. The NEA is committed and well-positioned to support the National Telecommunications and Information Administration and other members of the Task Force on Kids' Online Health & Safety in this work.

We appreciate the opportunity to comment on these crucial issues and look forward to opportunities to collaborate with you and the Task Force as you move forward.

Sincerely,



Daaiyah Bilal-Threats
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