

EdTech Exposed

EdTech companies are stealing families' data, harming children, and failing to improve student outcomes. We're fighting back.

Just as social media companies prey on kids during their free time, education technology ("EdTech") companies prey on kids while they're at school. Our mission is to protect students and their families from the exploitative practices of the EdTech industry by calling on courts to hold it accountable.

EdTech Steals

EdTech takes an unprecedented amount of data from children and their families without their voluntary, informed consent.

EdTech extracts children's private lives in the form of data through persistent surveillance

The amount of information that EdTech collects from children and families is staggering. A senior executive of one EdTech company alone has touted that the company stores 345 terabytes of information collected from its users—equivalent to 22 billion pages—spanning "each of [a child's] life stages." Indeed, the quantity and quality of information this industry seeks to collect is virtually unlimited.

Examples include demographic information; grades and attendance; disciplinary and behavioral records; financial and health information; internet habits; how a child interacts with other people; and how a child digitally and even physically interacts with her computer. It achieves this through continuous surveillance of a child's online activities, which is becoming an ever-greater portion of a child's life both on and off campus.

As one executive has described, "Education is the world's most data mineable industry by far." Another leading EdTech company markets to its customers access to "cradle to career" information about children—which it describes as "pre-kindergarten through college and into the workforce"—promising customers a "holistic view" of the child. As yet another executive explained, "Privacy went out the window in the last five years. We're a part of that."

EdTech monetizes this information by providing access to a host of private and public entities

EdTech uses the information it takes to build highly detailed, intimate dossiers of children. It processes that information through predictive algorithms that purport to create "insights" about every aspect of a child's life, from academic performance and behavioral risks, to college readiness and workforce placement. And those are just the benefits marketed to schools; EdTech also makes its vast troves of information available to a host of other third parties.

Public and private entities alike use information from the EdTech industry to target children with advertising, to manipulate how they think and act, to shape their information environment, and to make significant decisions affecting their lives now and in the future.

Among EdTech's customers are private companies, some that are ostensibly related to education, but many that are not. Some are data brokers interested in licensing the information for myriad commercial purposes. Some are data-analytics companies that seek the information to support marketing and sales efforts. Some are companies who want the information to build AI systems. One EdTech CEO has boasted that "we are the owners of some very pure, rich data sets" that, once fed "into generative AI models," create "better outputs."

EdTech's customers also include governments, which gain access to the information for wide-ranging purposes, many of which have no educational connection. That includes areas such as workforce planning, distribution of social services, management of public health systems, and even law enforcement. Byron Tau's Means of Control provides a robust discussion of this public-private alliance to build a new surveillance state and its directive to obtain as much data about us as possible—often in violation of our most basic rights.

EdTech takes and uses children's information without consent

EdTech takes users' information without effective consent. It doesn't fully disclose its sweeping data practices, leaving users in the dark about exactly what data it collects, how that data is used, and by whom. Many companies circumvent parental notice and consent entirely, seeking consent only from school administrators—even over parents' objections. Nothing in the law supports that theory of consent. Rather, parents have a right to know what information private companies collect about their kids and how it's being used, and they have a right to say no to it.

EdTech Hurts

The harms and risks of harm that EdTech poses to children and their families are numerous and expansive.

Misuse and abuse of EdTech systems

Some of the more publicized and straightforward harms of EdTech result from misuse and abuse of EdTech products and data systems. These include harms such as data breaches and leaks, cyberbullying and other forms of online predation, facilitating access to ultraviolet or sexual content, and digital distractions that compromise learning and classroom management. Those harms can be devastating to those affected by them and, alone, justify a complete reevaluation of technology in schools.

But EdTech also harms children in other profound ways, including by subjecting them to addictive design, targeted advertising, constant surveillance, and algorithmic profiling, depriving children of real-world experiences they need to thrive and undermining their families' values in the process.

Addictive design

Like social media platforms and other tech products, because data extraction is EdTech's primary goal, user engagement—or "time on device"—is its primary measure of success. These companies thus employ coercive design techniques engineered to keep users using in ways that are harmful to physical and mental health. Such techniques include, but are not limited to, social feedback and shame, intermittent rewards (the "slot machine effect"), endless games, attention-hijacking notifications, dark patterns, and other manipulative techniques. These techniques prey on human vulnerabilities, which is especially damaging to young, developing brains.

EdTech's efforts to condition children to accept constant surveillance are profoundly un-American. **We must reject these efforts as a threat to a free and fair society.**

Targeted advertising

For years, the American Academy of Pediatrics has warned of the dangers that exposure to targeted advertising poses to children, describing it as the "datafication" of children and calling for a ban of the exploitative practice. Companies use children's digital profiles, as created and disseminated by EdTech, to determine how to best individually target and manipulate children for commercial gain. One harm of this invisible manipulation is financial. Other, more insidious harms include—as with addictive design—the exploitation of children's vulnerabilities and the violation of their right to autonomy and self-determination.

Normalizing persistent surveillance

Contrary to self-serving assertions about the death of privacy from executives who profit from lawlessly surveilling their users, Americans value privacy, autonomy, and the right to self-determination. They are values on which our country was founded and are values worth fighting for.

By subjecting children to continuous digital tracking and monitoring, EdTech normalizes surveillance of children for both children themselves and for society. It's even encouraging parents to surveil children in their personal lives, eroding trust between parent and child. This is a deeply damaging paradigm that denies children the independence necessary for healthy growth.

Persistent surveillance hinders the development of self-regulation, decision-making, and identity building. It increases passivity and self-censorship rather than genuine expression, compromising a child's right to freedom of thought, conscience, communication, and speech. It emphasizes compliance and conformity over creativity and critical thinking. It conditions children not to value their own and others' privacy and autonomy. And it threatens the dignity of children everywhere.

EdTech's efforts to condition children to accept and even expect constant surveillance are profoundly un-American. We must reject these efforts as a threat to a free and fair society.

Algorithmic profiling

Some of the most egregious harms that children suffer through their use of EdTech stem from a practice known as algorithmic profiling, by which data is processed into complex equations (algorithms) that purport to measure, classify, and make predictions about human behavior. An example of this is the car manufacturer that surreptitiously collects vast troves of data about an individual's driving habits, which it algorithmically analyzes and sells to insurance providers for the purpose of setting the individual's rates—often not in the consumer's favor. But examples abound. These systems are increasingly used to make decisions about individuals in all areas of life, from college and job recruitment to lending and health care, and even law enforcement.

Algorithmic profiling harms individuals in many ways: beyond the fact that they typically have not knowingly consented to it (and are often completely unaware of it), the information may be incorrect or missing context, the algorithm may have encoded bias, and the processes—and sometimes even the results—are unreviewable and unappealable.

Tech companies, including EdTech, intentionally conceal these harms behind opacity, complexity, and information asymmetry—the systems' one-way flow of information from the user to the company, such that it knows everything about you, and you know nothing about it. The result is that you can do everything right, but the algorithmic black box decides that you should be denied information and opportunities, often without you ever even knowing. And, unsurprisingly, these systems tend to disproportionately affect those who are already systemically disadvantaged.

If use of these systems is unfair when employed against adults in ostensibly voluntary settings, it is unconscionable when used against children, in the compulsory setting of K–12 school, under the guise of education.

Displacing essential activities

Studies show that kids are spending an average of nine hours on screens every day—and that doesn't include time spent on screens for schoolwork. The effects of screen overuse on children is the subject of Jonathan Haidt's 2024 book *Anxious Generation*. Beyond examining, through the lens of independent evidence, how screen overuse harms children's health and wellness, Haidt observes that screen overuse is displacing activities that children actually do need for healthy development, such as physical activity, in-person socializing with peers and adults, time in nature, unstructured free time, and creative play.

Undermining family values

Parents have a duty to educate their children and a right to send them to school. But the prevalent use of digital technologies in schools inhibits parents' ability to parent as they see fit, according to their own values.

As parents continue to learn more about the dangers that digital platforms and screen overuse pose to their children, they are setting strict rules around the quantity and quality of their children's screen time at home. Parents are unfairly stripped of that control when they send their kids to school, where schools intentionally or negligently allow children to access the very social, video, and gaming platforms their parents have prohibited.

Parents have a right to understand what technologies their children are using at school, what information those technologies are taking from them, how it's being used, and how those technologies are supporting learning. They have a right to understand the risks associated with those technologies. And they have right to say no to their children's use of those technologies without fear of stigmatization or retaliation. A child's right to an education may not be conditioned on submission to corporate surveillance and exploitation, and on suffering the harms that result from those practices.

EdTech Doesn't Work

In addition to being harmful, EdTech doesn't work, at least not in the ways it markets to schools.

EdTech has not improved educational outcomes because that isn't its primary goal

More than a decade has passed since EdTech began proliferating in schools—ample time for independent evidence supporting its efficacy to emerge. But the numbers tell a different story. Since the widespread adoption of EdTech by schools across the country, student performance in all core subjects has declined.

EdTech has not improved educational outcomes because its products are not built to optimize for that; they're built to optimize for data extraction and exploitation. As a leading EdTech investor explained, "[EdTech] companies' mission isn't a social mission. They're there to create return." And positive student outcomes don't drive companies' valuations or next funding round; data monetization does. At that, EdTech has proven highly effective. With virtually unfettered access to student data on and even off campus, EdTech companies have become, in the words of one executive, "the owners of some very pure, rich data sets" that are extremely valuable in today's data economy.

In other words, these tools are working exactly as designed, just not as advertised—at least not as advertised to their school customers.

The false narrative of “21st Century skills”

EdTech pressures schools to adopt its tools by touting them as essential for teaching “21st Century skills.” But these products are not teaching students the skills they need to succeed in the future. In fact, students today are in some ways less computer literate than previous generations, with many not learning basic skills such as typing and word processing or how to use a spreadsheet.

Instead of teaching kids to use technology, EdTech is teaching them to be used by technology: EdTech conditions students to mindlessly click, swipe, and scroll whatever content is algorithmically fed to them without questioning what they’re consuming or why. Instead of teaching kids the inherent value of education and learning, it’s teaching them to chase the next dopamine-releasing reward. Instead of teaching uninterrupted focus and deep work, it scatters their attention across engagement-driven features designed to promote shallow but sustained interaction with the platform. Instead of teaching them the tenets of critical and creative thought, it forces thinking into limited, opaque boxes designed to serve corporate imperatives.

EdTech is also shredding both the social fabric and individual wellness by teaching kids that all communication—whether with your friends, your teacher, and even your parents—should be mediated by technology. These are not the lessons our kids need to survive and thrive.

EdTech is reshaping education to serve its own interests

EdTech seeks to conceal its true nature by redefining education in its own terms. Instead of supporting learning as defined by educators and communities, the industry defines learning as progress measured by its own self-interested metrics. But when a measure becomes the target, it ceases to be a good measure.

Worse, EdTech insists that all educational goals are as quantifiable as commodity transactions and that children may be reduced to uniformly measurable analytics. This dehumanizing view of learning leaves no room for cultivation of uniquely human skills like creativity, critical thinking, philosophical reasoning, and even knowing how to foster authentic, in-person relationships with other humans—skills that are more vital in the 21st century than ever.

This reorganization of education to serve corporate interests comes at the expense of students’ privacy, learning, and health. We must stop this shift now and begin reversing its effects immediately.

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What We’re Doing About It

The power of litigation as a force for social change

The EdTech Law Center is fighting for children and their families against this exploitative paradigm. We’re seeking relief under laws designed to protect human privacy, property, and other fundamental civil rights, many of which date back to the founding of our country.

From tobacco and asbestos to fentanyl and now social media, consumer lawsuits have a strong record of making real change that benefits everyday people when other efforts have failed. Our goal is to hold predatory EdTech companies accountable in the courts and to protect kids at school and at home.

This is a collective problem that requires collective action. It’s not enough that informed individuals with resources get to demand an education that is free of exploitative technologies—as the very executives who are behind these technologies do. Every child deserves an education that’s built to serve the values of their family and community rather than the profit motive of corporations. So we’re bringing lawsuits that represent the interests of every family, no matter their background or means.

Drive out dangerous technologies to make room for human-supportive ones

Those who took to the courts to hold asbestos companies accountable for their dangerous products did so to compensate victims that were harmed by the product and to prevent others from getting sick in the future. By removing from the market a cheap, dangerous product, they made room for new products that were not only non-toxic, but were also many times more effective at insulating a building as the asbestos they replaced.

Existing EdTech products are artificially cheap because they are subsidized by the surveillance business model. And they aren’t improving student outcomes because the education objectives are always subordinate to the data-collection objectives. Companies cannot serve two masters, so EdTech serves its data customers at the expense of its student users. By eliminating the

incentive to profit from stolen student data, we hope to make room in the market for companies whose sole mission is improving education.

Criticizing these goals as “anti-technology” is as misguided as accusing asbestos lawyers of being “anti-warmth.” We don’t want to deny kids access to tools they need to learn and grow; we simply want to ensure they aren’t harmed when using those tools. Like asbestos, EdTech in its current form is an environmental contaminant. We envision a future in which the most successful EdTech companies are those that best help educate students—not the ones that best exploit their data.

Facilitate a fundamental rethinking of technology in the classroom

We are not luddites or technophobes. We believe technology has an important role to play at school. We also believe it looks nothing like its current role. Today, tech is thoughtlessly imposed on every aspect of learning; in the future, we hope that students will receive a meaningful understanding of digital technologies long before they are used to facilitate other learning. We don’t hand our kids car keys until they’ve spent years learning the rules of the road and how to safely operate what is a useful but dangerous product; the same should hold for digital technologies and the open internet.

In this brighter future, before students are assigned a device for daily use, they would learn the mechanics of computing—how the hardware is put together and how the software works. They would receive a thorough education about digital citizenship and media literacy, and would learn how to cultivate deep attention and avoid distraction. They would learn about the current exploitative business model of the internet and the dangers of deceptive design, behavioral advertising, and algorithmic profiling. And they would understand what AI and machine learning are, the profound risks they pose, and how they should be safely developed and used.

To get there, we must reject the current tools as unacceptable. As Charles Munger said, “Show me the incentives, and I’ll show you the outcome”: we must demand a realignment of incentives that prioritizes student success. Educators and communities must together define their values and goals for education and demand tools that support those needs. Only then should they adopt technology, and only as absolutely necessary to support their goals—and consider that the best support may be no technology at all, especially for young children.

A call to action for everyone

We hope to educate families and all stakeholders about the dangers that the surveillance industry poses to children and their families and inspire them to take action at every level.

- **Parents** must talk to their schools about their technology program and determine whether it was thoughtfully designed based on independent research and closely monitored, or uncritically implemented on the basis of industry promises. And they should opt out of classroom tech if schools have been careless or are uninformed.
- **Schools** must rethink their approach to technology and demand full transparency from vendors about their data and design practices, including the risks of harm those practices pose to children. They must also prioritize the guidance of teachers over technologists and take seriously the concerns of parents.
- **Regulators** must vigilantly enforce existing law and ensure families are not being made to forgo fundamental rights and liberties by sending their children to school, as is their right and duty.
- **Lawmakers** should require—as is the norm for consumer products—that digital technologies are safe to use “out of the box” and stop industry from unfairly shifting to consumers the impossible burden of making inherently unsafe products safe, especially those marketed for use by children. Most importantly, they must not pass legislation that will weaken existing protections by preempting more protective state laws or by denying individuals a private right of enforcement.
- **Researchers** must continue to devote time and resources to exploring the many effects of technology on children, including and especially in the classroom.
- **Journalists** should continue their excellent investigative reporting into the practices of technology providers, including EdTech, and expose wrongdoing wherever they find it.
- **Shareholders** should demand proof from their investments that they are fully complying with all laws that govern their business.
- **Technology companies** must understand that the days of the surveillance business model are numbered, and begin making plans for a new mode of operation.
- Last but certainly not least, **young people** must stand up for themselves. They should refuse to be the raw material that drives corporate profits, the guinea pigs for digital experimentation, or the pawns of governmental bureaucracies. They must learn that they can—and sometimes must—say no, even if it’s to an adult and even if they’re alone in saying it. They must understand that they have a right to safety, privacy, and self-determination, and they should speak out if those rights are being violated. Above all, they should demand better of all adults and insist that we work together to bring about the change they so urgently deserve.



About EdTech Law Center

The EdTech Law Center (ETLC) works to hold education technology companies legally accountable for the harm they inflict on students and their families.

ETLC's mission is to keep education free and not conditioned on submission to persistent surveillance and commercial exploitation of student information.

For more information please visit edtech.law.
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