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FEDERAL COMMUNICATIONS COMMISSION
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Before the
Federal Communications Commission
Washington, DC 20554

In the matter of	)	
	)	
Policies and Rules Concerning	)	
Children's Television Programming	)	MM Docket No. 93-48
	)	
Revision of Programming Policies	)	
for Television Broadcast Stations	)	

Reply Comments of

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The question of how broadcasters have served the needs of children under differing types of public policy requirements throughout television's history has been the focus of my research efforts for more than the last 10 years. I have published numerous studies on this topic in scientific journals in the fields of psychology and communication, and have contributed my knowledge and opinions about children's television repeatedly before Congress and the FCC.

In paragraph 1 of the NOI in this proceeding, the Commission notes that as of March, 1993, it had reviewed "more than 320 television license renewal applications subject to the CTA's requirements." In a study presented in my initial comments, I reported findings from an in-depth analysis of 48 of these cases, or roughly 15% of the total population. The study, entitled "Broadcasters' License Renewal Claims Regarding Children's Educational Programming" (hereafter the Kunkel study) reports data that hold important implications for evaluating the performance of the commercial television industry at fulfilling the FCC's new children's programming requirements, as well as for charting a course for future policy in this realm.

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List A B C D E

Before discussing any findings of the Kunkel study (all details regarding method, procedure, and results are contained in the complete version of the study submitted in my initial comments dated May 7, 1993), it must be reemphasized that this research relied entirely upon broadcasters' claims regarding their children's programming. Data were gathered for the study from stations' license renewal applications submitted to the FCC throughout 1992. Thus, it is important to characterize the research solely as an analysis of broadcasters' claims about their children's programming; it does not provide any independent assessment of the actual educational value of programming delivered to the child audience.

Yet even from the rather generous perspective employed by broadcasters for defining content as educational, the data from the Kunkel study still confirm in vivid detail the Commission's concern, as reflected in the NOI, that the current policy framework for children's television is not succeeding at accomplishing the improvements intended by Congress. In these reply comments, I will briefly discuss some key findings of this research, consider their implications for possible policy reform, and also respond to the comments and claims of others in this proceeding who present positions at odds with either the findings from the current study or with well-established scientific knowledge in the area of children and television. Finally, I will offer policy proposals that I believe hold substantial promise for stimulating more meaningful efforts at educational programming on the part of licensees.

How Much Educational Programming Are Broadcasters Providing?

Under the Children's Television Act (CTA), television licensees are required to serve the educational and informational needs of children. Two different types of service can be considered: (1) a station's "overall" programming, which refers to content that is primarily intended for general audiences but which holds demonstrable educational value for children, and; (2) programming specifically designed to serve the educational needs of children. The latter of these two approaches clearly represents the most valuable type of service in terms of accomplishing learning outcomes in

child-viewers, which is of course the ultimate goal of the CTA. Yet it is in precisely this latter domain that broadcasters demonstrate the greatest difficulty at fulfilling their obligations to children.

The Kunkel study's findings indicate that stations provided an average of 3.4 hours per week of regularly scheduled, standard-length programming that is claimed to be specifically designed to serve the educational/informational needs of children. As the Commission well knows, many of these programs have been criticized as being of dubious educational value. Indeed, among the series claimed in this category by stations examined in the study were *G.I. Joe*, *Teenage Mutant Ninja Turtles*, and *The Jetsons*.

The leading voice of the industry, the National Association of Broadcasters (NAB), has rationalized stations' decisions to categorize these programs as educational as the product of a "throw in everything including the kitchen sink approach" on the part of licensees who "may have been guilty of overkill" in their claims (NAB Comments, May 7, 1993, at p. 20). If one accepts the NAB's characterization, then the finding that stations deliver an average of 3.4 hours per week of educational programming, a figure that is based upon stations' license renewal claims, must be viewed as artificially inflated, or more bluntly, an exaggeration of unknown proportion.

In the face of these data, which report a rather modest level of service of less than one-half hour of programming per day, the NAB nevertheless quarrels with the Commission's judgment that the number of hours devoted to children's programming do not appear to have changed substantially since the CTA obligations were implemented (NAB Comments at p. 7). More specifically, the NAB argues that "there is no baseline number of hours per station on which to make such a judgment, as the Commission, before the Act, was not collecting data on the number of hours of children's programming that stations present" (NAB Comments at p. 7).

On this point, the NAB has too short of a memory. Data gathered and reported by Dr. Brian Fontes in a 1979 FCC report (FCC, Television Programming for Children: A Report of the Children's Television Task Force, October, 1979) indicated that stations presented an average of

2.8 hours per week of educational children's programs in 1973-74, with that figure declining slightly to 2.6 hours per week in 1977-78. The Commission subsequently found these levels to be inadequate, indicating they did not comply with the policy expectations issued in the FCC's 1974 Children's Television Report and Policy Statement (see NPRM: Children's Television Programming and Advertising Practices, Jan. 9, 1980, at para. 28).

In considering the data provided by the FCC's 1979 report, it is important to note that the study relied upon academic experts to classify the programs that were counted as educational. This suggests that the findings of the FCC's research can be considered as sound indicators of the actual level of educational programming available to the audience. In contrast, the NAB's comments acknowledge frankly and explicitly that the recent claims of licensees regarding their educational programming efforts, which form the basis for the findings produced in the Kunkel study, have been exaggerated. Were the FCC's previous approach for measuring educational content applied to stations' current programming practices, it is apparent that such an analysis would yield a finding much lower than the 3.4 hours per week which emerged when only broadcasters' claims about the educational nature of programming were considered. To make clear my point here, recall that the 3.4 hours per week consists of programs such as *Bugs Bunny & Tweety Show, Darkwing Duck,* and *Slimer and the Real Ghostbusters* (see Table 2 of Kunkel study for a complete listing of all titles claimed as educational programming specifically designed for children).

Adjusting the findings of the Kunkel study downward even slightly, consistent with these considerations, places the current level of educational programming at no better than roughly equivalent to the norms for the 1970s. Indeed, this comparison may well be too generous, as the extent of the exaggeration of the educational programming claims included in stations' recent license renewal claims is not yet clear. No independent assessment has been reported evaluating the legitimacy of the educational value of the programs frequently claimed by stations to fulfill their CTA obligations.

Comparing the current levels of service to that delivered by stations in the 1970s does not produce a favorable picture. At that time, the Commission indicated that stations were expected to pursue "meaningful efforts" to increase the amount of their educational programming, the diversity of its scheduling throughout the week, and its targeting of specific age groups within the child audience (FCC, Report and Policy Statement: Children's Television Programs, Nov. 6, 1974 at paras. 20-27). Given that current practices appear not much different than was the case in the 1970s, it is clear that the Commission is correct in concluding that stations have generally failed to increase their children's educational programming efforts in response to the CTA; that this conclusion has a factual basis; and that this conclusion establishes the need for revision of the existing policy framework for children's television. The present level of programming efforts defined by broadcasters as educational is inadequate, notwithstanding the question of the legitimacy of the educational value of the content currently delivered. Efforts are needed to promote more extensive service as well as to improve the educational value of the content.

Broadcasters' Efforts at Short Segment Programming

The preceding discussion focuses solely on broadcasters' efforts to provide regularly scheduled, standard-length educational programs specifically designed for children. Under current policy, stations may also claim programming characterized as "short segment" content toward fulfillment of their CTA obligations. Such material includes vignettes, interstitials, drop-ins, and PSAs. These segments typically run from 30 seconds to as long as several minutes in length.

The Kunkel study attempted to quantify the nature and amount of short segment programming claimed by stations during the renewal process, but was unable to do so due to the lack of clarity and consistency in licensees' approaches to reporting such efforts. Few stations reported the length of time devoted to all of the segments they aired. Even more sketchy was the information regarding the nature of the content delivered; the most common approach was to merely list the topic area addressed (e.g., health/nutrition; anti-drug).

The only measure that could be reported accurately in this area was the number of segments claimed by each station. An average of 5.1 short segments per station was claimed per week; in addition, an average of 14.2 PSAs per week was also claimed. Although precise measures cannot be offered, given the typical length of such messages it is probably safe to conclude that these findings translate into no more than one-half hour per week for all short segment programming for the average station.

Thus, from an overall perspective, even assuming arguendo that all of the claims of broadcasters are accurate and valid, the present level of industry performance at delivering educational content specifically designed for children consists of less than one-half hour per day of regularly scheduled, standard-length programming, supplemented by perhaps one-half hour per week of short segment content[1]. As noted above, this level of service should not be considered adequate.

The Problems Inherent in the Commission's Decision to Count Short-Segment Programming Toward Fulfillment of the CTA Obligations

It is well established that when given the freedom to choose, commercial broadcasters consistently opt not to provide educational programming for children. Across the last several decades, broadcasters have been criticized persistently for their shortcomings in this area. The Commission itself has documented the industry's failure to heed its 1974 children's educational programming guidelines (see NPRM: Children's Television Programming and Advertising Practices, Jan. 9, 1980, at para. 28). Moreover, numerous studies (see for example Kerkman

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1. To be precise, the Kunkel study also found that stations reported occasional programming specifically designed for children (e.g., "specials") that averaged an additional 12 minutes per week. This amount should be considered along with the other two types of service reported to gain a comprehensive view of broadcasters' educational programming efforts specifically designed for children.

et al., "Children's Television Programming and the Free Market Solution," Journalism Quarterly, 67, 147-156, 1990; Wartella et al., "Television and Beyond: Children's Video Media in One Community," Communication Research, 17, 45-64, 1990) have established a clear pattern of decline in children's educational programming on commercial broadcast stations following the FCC's 1984 deregulation (Report and Order: Children's Television Programming and Advertising Practices, Jan. 4, 1984) of its 1974 guidelines. Indeed, it was for precisely this reason that Congress chose to enact a clear statutory requirement to force stations to deliver such programming, as this content is deemed essential to the public interest.

Bearing in mind this historical pattern, the Commission should not be surprised that it now must worry that many licensees "place substantial reliance on short segment vignettes and public service announcements to satisfy their CTA obligations" (NOI at para. 6). The data from the Kunkel study reported above are averages that cut across all stations and therefore tend to "mask" some of the deficiencies of individual licensees. While the "average" station claimed 3.4 hours per week of regularly scheduled, standard-length educational programming specifically designed for children, a surprisingly high 21% of the stations provided no documentation of any efforts in this category. These stations presumably relied upon other aspects of their programming, almost certainly including short-segment programming, to claim fulfillment of their obligations under the CTA.

By allowing the short segment efforts of licensees to count in any substantial way toward meeting their children's programming requirements, the Commission has provided broadcasters with an "escape hatch" to either avoid or to reduce their efforts at presenting full-length educational content. Given the long-standing pattern of industry avoidance of educational programming for children, it would have been reasonable for the Commission to decline to count short segment content toward fulfillment of the CTA obligations in order to maximize the standard-length programming efforts that would be pursued by licensees. Standard-length programming holds

significant advantages over short segment content for serving the educational needs of the child audience: it can convey more sophisticated and elaborate types of educational messages; it can provide a broader context in which to locate the ideas and messages conveyed, which aids children in consolidating the knowledge they gain; and it can help to establish increased viewership when aired on a regular, predictable basis.

It should be noted that in its extensive deliberations on the Children's Television Act, Congress never once contemplated short segments as counting toward fulfillment of the children's programming obligations. A review of the entire legislative history of the Children's Television Act, including the House and Senate Committee Reports for the legislation and all floor debate from both bodies chronicled in the Congressional Record (July 19, 1990, pp. S10121-10129; July 23, 1990, pp. H5244-5248; Sept. 24, 1990, pp. S13552-13555; Oct. 1, 1990, pp. H8536-8541) reveals no support for the Commission's decision to give credit for short segments. To the contrary, all of the many examples cited by Congress as exemplary of the types of efforts that would be considered toward meeting the new requirements were programs of a minimum of 30 minutes in length (see Petition for Reconsideration, MM Docket No. 90-570, American Psychological Association, May 10, 1991 for further discussion of this issue).

Misunderstanding the Value of Short Segment Programming

In the debate surrounding the permissibility of counting short segment efforts toward fulfillment of a station's educational programming obligations, the most troubling development is the growing misunderstanding and misuse of scientific knowledge regarding how children watch and learn from television content. This difficulty began with ink from the Commission's own pen. In the current proceeding, the problem has escalated significantly, reaching a point at which industry proponents of short segment programming present positions purportedly wrapped in the cloak of "social science" that conveniently fit their own private interests. In fact, broadcasters are now offering assertions which are fundamentally at odds with all relevant scientific evidence

regarding how children learn from television. The focus of the controversy centers on the extent to which young children's learning from television is restricted to their processing of small bits of information, such as that presented by short segment content.

When the Commission was first crafting rules to implement the CTA's programming obligations, numerous commenters from the industry requested that short segment efforts be counted toward fulfillment of the Act. Various arguments in support of this position were forwarded, including the limited cost of producing short segments and their ability to attract young children's attention.

In the initial Report and Order (Policies and Rules Concerning Children's Television Programs, April 12, 1991) implementing rules to apply the CTA's provisions, the Commission decided that it would consider short segment efforts toward fulfillment of the educational programming obligations. The rationale offered to support this position was that:

> Such material is well suited to children's short attention spans and can often be locally produced with acceptable production quality. It thus may be a particularly appropriate way for a local broadcaster to respond to specific children's concerns.
>
> (Report and Order: Policies and Rules Concerning Children's Television Programs, April 12, 1991, at para. 25)

To appreciate the key aspects of the APA's position, one must consider carefully the findings of relevant research from psychologists and communication scientists regarding children's processing of television programming. Research indicates that even very young children are capable of maintaining extended attention to television when the content viewed is targeted at their particular level of cognitive ability (see D. Anderson & W. Collins, The Impact on Children's Education: Television's Influence on Cognitive Development, U.S. Dept. of Education, April, 1988 for a review of these issues). Indeed, the most significant predictor of children's attention to television is the comprehensibility of the material (see D. Anderson et al., "The Effects of TV

Children Watch Television," in G. Hale & M. Lewis, eds., Attention and Cognitive Development, 1979; D. Anderson & E. Lorch, "Looking at Television: Action or Reaction," in J. Bryant & D. Anderson, eds., Children's Understanding of Television, 1983). This evidence demonstrates clearly that more extended "lessons" can be presented on television to benefit even the youngest child-viewers. The key element in the success of such efforts is the proper tailoring of the content to target the audience's particular cognitive needs and abilities.

W. Andrew Collins, a child development expert and leading researcher in the area of children's comprehension of television, summarizes in this realm: "Young children's processing difficulties do not appear to be due simply to the length of programs" (W. Collins, "Interpretation and Inference in Children's Television Viewing," in J. Bryant & D. Anderson, eds., Children's Understanding of Television, 1983, p. 132). Rather, limited attention to and comprehension of television content is most often a function of program difficulty, complexity, and abstractness. Standard-length programming that is properly designed to accommodate the comprehension abilities of young children can unequivocally be expected to accomplish significant learning outcomes. This conclusion is supported by dozens of studies of the educational effects of numerous full-length programs specifically designed for young children (see G. Comstock & H. Paik, Television and the American Child, 1991 for a review).

A Skewed Industry Perspective on Children's Learning Abilities

In contrast to the picture painted above, commenters in the broadcast industry have asserted in this proceeding that not only are short segments "well-suited to children's short attention spans" (NAB Comments at p. 18); they go even further to argue that short segments are the most effective means to convey educational messages to children, and they claim that social science evidence supports this assertion (Fox Children's Network Comments at pp. 4-7). Such arguments lack any scientific credibility. Worse than naivete, they reflect a position that is completely contradictory to established scientific knowledge regarding how children watch and learn from television.

Fox, for example, offers the following position in its comments:

> ... we have found that attractive short-segment interstitial material, embedded in the programming that we know children are watching, is a most effective means of conveying information to the child audience, perhaps more effective than standard-length programming. Indeed, 30- and 60- minute programming was never intended to be used to meet the learning needs of children. The standard program lengths were not designed to best take advantage of the developing cognitive abilities of young children. Rather, short segments, which grab children's attention immediately and hold it briefly, have been shown to be a much more effective didactic tool for the electronic media. [emphasis added] (Fox Children's Network Comments, at p. 5)

> This may be a case where more, in the sense of longer, is not better. ... current research, as interpreted by our Advisory Board, substantiates our view that its impact is much more effective as presented in short segments. [emphasis added] (Fox Children's Network Comments, at p. 7)

As my preceding discussion should make clear, these assertions are incompatible with current scientific perspectives and reflect a startling lack of familiarity with the relevant empirical evidence in this domain. Despite the fact that Fox indicates explicitly they have relied upon the "academic literature" (p. 7) in forming their positions, their comments do not offer a single source or citation to identify any material upon which they have relied. Although Fox asserts that they have created a board of "Expert Advisors" to help inform them in this area, only one of the board's six members (Dr. Kenyon Chan, described as a "child psychologist") could be characterized as a social scientist and that individual has no particular expertise in children and media research.

The board's remaining members include a broadcaster, a broadcast industry advisor, a school teacher, a pediatrician, and a social worker.

Such a group no doubt has meaningful contributions to offer Fox in helping to determine the educational messages that ought to be communicated to child viewers. To suggest their expertise extends to making determinations of whether short or long form programming represents the most effective means of communicating educational messages to children stretches credulity to the breaking point. Casting aside extensive scientific knowledge in favor of lay interpretations does not represent a sound strategy for determining the most effective approach for delivering educational programming to children.

The position favoring short segments as the most appropriate educational programming vehicle, which is forwarded most forcefully by Fox but is also joined by numerous other industry commenters such as Capital Cities/ABC and Disney, cannot be squared with the scientific

The trade press has documented repeatedly the prevalence of such perspectives in the broadcast industry. One might suspect that this bias against combining education and entertainment underlies the zeal with which commenters seek to relegate their educational obligations as much as possible to short segment efforts, rather than to pursue more aggressive efforts at integrating entertaining elements within educational programming. The industry's inability to marshal even the most modest rationale for favoring short segments beyond the widely held yet factually incorrect stereotypes regarding children's "limited attention spans" offers little to rebut such suspicion.

What New Policies are Needed to Further the Goals of the Children's Television Act?

Clearly, the Commission's current approach to implementing rules in this area has not accomplished the Congressional goal of increasing the educational value of children's television. In order to accomplish meaningful improvements, the Commission should take the following policy actions:

1) The commission should redefine its criteria for categorizing programming efforts

Redefining Educational Programming. In its original Report and Order (April 9, 1991) implementing the CTA's requirements, the Commission defined educational programming as material that furthers children's positive development in any way, including serving their cognitive/intellectual or social/emotional needs. As noted in para. 21 of the Order, this standard was based upon remarks by Senator Daniel Inouye in part of the legislative history of the CTA, as well as upon reply comments filed in the FCC's rule-making proceeding by The Donald McGannon Communication Research Center (Feb. 20, 1991).

When the Commission set forth this definition, it offered little if any explication of the meaning underlying the concepts it employed. McGannon's comments in fact offer some degree of elaboration in this regard, and the Commission would do well to share with licensees this information along with its own interpretation of these concepts in more detail.

After issuing this clarification, the Commission should then expect licensees to demonstrate familiarity with and understanding of these and other related concepts associated with the fundamental aspects of children's educational needs by stipulating clearly in their records the primary educational message or goal of each program segment that is claimed toward fulfillment of the CTA's requirements. Of perhaps greater import, the Commission should also require licensees to identify the age range of the child audience targeted by any given programming effort. Both of these policy revisions will help to insure that licensees offer material with more palpable educational value than has been the case to date.

The comments which I prepared previously on behalf of McGannon explicate the principle that children of different ages have both differing needs for particular types of information as well as differing capabilities for comprehending the information contained in television content. I will not reiterate those comments here but urge the Commission to consult them again given their relevance to the concerns in the current NOI. In summary, those comments establish the point that any programming that is to be considered specifically designed to serve the educational needs of children must necessarily take into account the needs and capabilities of the intended audience.

Just as one cannot teach children of all ages to read using the same book, one cannot employ a single television program to serve the needs of children of varying ages and hence varying levels of cognitive abilities. Yet despite this axiom, broadcasters have yet to pursue much programming with age-specific targeting in mind. The Kunkel study found that only 16% of the educational programming efforts claimed by broadcasters in 1992 reported any age-specific targeting, and of those that did, the most frequent target was the adolescent group (13-16 years). Age-specific targeting of program content is essential to take best advantage of television's potential for educating children, especially young children who benefit the least from most adult-oriented programs.

These proposed policy revisions, if grafted on to the Commision's own suggestion to require "core" programming with an explicit purpose of serving the educational and informational needs of children, would do much to clarify what is expected of broadcasters in this area, and through that clarity would help to promote more genuine educational programming efforts.

Establishing quantitative processing guidelines. The Commission has inquired whether it should implement license renewal processing guidelines in the area of children's educational programming. Several factors argue in favor of such an approach.

The Commission should bear in mind that 21% of the stations surveyed in the Kunkel study did not report any claims of standard-length educational programming specifically designed for children. This finding suggests the Commission must seek measures to promote more responsible efforts in this realm. Stations may be relying too heavily on the relatively limited contributions of short segment programming to fulfill their obligations to children. Processing guidelines would help to steer licensees clear of such patterns by establishing a benchmark regarding the basic, minimal levels of standard-length programming service that is expected. Furthermore, by excluding short segments from the processing guidelines, the Commission could place greater emphasis on standard-length programming for children which, as noted previously, offers inherent advantages for fulfilling children's educational needs.

The NAB advises against instituting any quantitative guidelines, asserting that "the broadcaster's emphasis of necessity would be shifted to numbers of minutes rather than content" (NAB Comments at p. 17). If this assertion contains any argument, it is of the ilk that broadcasters somehow lack the ability to walk and chew gum at the same time. Certainly licensees are capable of devoting careful attention to the quality of their children's programming efforts

Should the public have easier access to information regarding each station's children's programming efforts? Of course it should, and it would further the interests of all parties concerned to require its dissemination in a simple and timely fashion. Specifically, stations should be required to identify at the time of broadcast all programming they wish to claim as specifically designed to serve the educational/informational needs of children. This could be accomplished by presenting a brief announcement (using an appropriate symbol or designation with which the public would quickly become familiar) immediately preceding the presentation of an educational program, along with the release of this information at the time a station's program listings are distributed to the print media for local television guide listings. Numerous benefits would inure to this policy.

Perhaps of greatest importance, parents would learn of the broadcaster's determination that a given program is considered educational in a timely fashion that would allow them to guide their children's viewing toward such content should they choose. In an ideal world, parents would peruse all programs before allowing their children to view them, but we do not live in an ideal world. For good or ill, it is commonplace that parents use television as an electronic babysitter. Often times, parents have little familiarity with the relative merits of different programs, and a system that would help them to identify those which are deemed to hold educational value would certainly be useful for many.

From another perspective, the Commission is interested in promoting more genuine educational efforts on the part of licensees without imposing burdensome content-related requirements that might stifle broadcasters' flexibility and creativity at serving the child audience. The enactment of this policy proposal would further that goal by making the broadcaster more directly accountable to the public for their programming decisions. By bringing into public light the broadcaster's judgments about what programming qualifies as educational, licensees would likely become more circumspect about the nature of the content which they claim as educational. I dare say that few stations would have chosen to claim *The Flintstomes* or *The Jetsons* as

educational programming if they had had to identify them as such at the time they were broadcast. The policy I propose facilitates a more meaningful role for the public in evaluating the adequacy of a station's children's programming efforts, without placing any constraints on a station's editorial discretion.

Broadcasters too may benefit as parents encourage their children to watch more educational programming. Some will object that children will avoid viewing programs labeled as educational, much the way they avoid vegetables in favor of candy when given the opportunity. This is a shallow view, however, that implies people judge books only by their covers. The most important determinant of a program's audience size is its quality and appeal, and I am confident that child-viewers are sophisticated enough to judge these attributes independent of any labeling considerations.

The evidence is overwhelming that the FCC's current policy framework for children's programming is not achieving its intended goals. The public notice proposal represents a new idea in an area that desperately needs new approaches to accomplish improvements in children's programming. I urge the Commission to adopt this policy along with the additional proposals detailed above.

Respectfully submitted,

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