

93-48

DOCKET FILE COPY ORIGINAL



AMERICAN  
PSYCHOLOGICAL  
ASSOCIATION

RECEIVED

JUN 15 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The **American Psychological Association** is the largest organization representing psychologists in the world. The broad mission of APA is to advance psychology as a science, a profession, and as a means of promoting human welfare.

Members of APA work as researchers, practitioners, teachers, administrators, and in many other professional capacities. The APA strives to utilize the science of psychology to address important public concerns, including issues such as children's television.

No. of Copies rec'd  
List A B C D E

at 7

750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-5500  
(202) 336-6123 TDD

RECEIVED

JUN 15 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

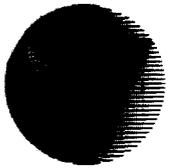
**Dale Kunkel, Ph.D.**

Dept. of Communication  
University of California, Santa Barbara  
Santa Barbara, CA 93106  
(805) 893-3278

Dr. Dale Kunkel has conducted extensive research in the area of children and media. His studies examine this topic from several diverse perspectives, including television effects research as well as assessments of media industry practices that shape the content television provides for children. Kunkel is considered an expert on children's media policy and has delivered invited testimony at Congressional hearings before both the U.S. Senate and House of Representatives. His research has been supported by grants from the National Association of Broadcasters, National Council of Better Business Bureaus, National Institute of Child Health and Human Development, The Benton Foundation, and the Donald McGannon Research Center on Communication Policy and Ethics.

Dr. Kunkel received his Ph.D. in Communication Theory and Research in 1984 from the Annenberg School of Communications at the University of Southern California. He was awarded a Congressional Science Fellowship from the Society for Research in Child Development in 1984-85, during which time he served as an advisor to Congress on children and media issues. Kunkel taught previously at Indiana University (Bloomington) before moving to his present position at Santa Barbara.

Dr. Kunkel is an active member of the American Psychological Association and the International Communication Association. He is an associate editor of the Journal of Broadcasting and Electronic Media.



AMERICAN  
PSYCHOLOGICAL  
ASSOCIATION

TESTIMONY OF  
**DALE KUNKEL, PH.D.**  
DEPARTMENT OF COMMUNICATIONS  
UNIVERSITY OF CALIFORNIA, SANTA BARBARA

on behalf of  
**THE AMERICAN PSYCHOLOGICAL ASSOCIATION**

**FEDERAL COMMUNICATIONS COMMISSION**  
**EN BANC HEARING ON CHILDREN'S TELEVISION**  
(MM DOCKET NO. 93-48)

**REED HUNDT, CHAIRMAN**

**JUNE 28, 1994**

750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-5500  
(202) 336-6123 TDD

The Commission will no doubt hear comments in this proceeding from those in the television industry who do not agree there is an important role for government to play in terms of regulating children's television. They will argue that the public will be better served by allowing the industry's "creative forces" to respond in "flexible fashion" to "changing market demands." They will oppose any revision of the Commission's policies implementing the educational programming obligation of the Children's Television Act and assert that more time is needed to fully respond to the new mandate.

In the face of such positions, it is essential that the Commission take careful note of the long history of past policy-making efforts in this realm, all of which have failed in their goal to alter the landscape of children's programming. There are lessons to be learned from these many years of experience that can help inform the Commission about the most appropriate course to pursue today.

#### **A Brief Chronology of Past Children's Television Policy**

Since 1969, when the FCC first addressed shortcomings in the quality and quantity of children's television programming, there has been widespread agreement that licensees have not provided a satisfactory level of public interest service to the child audience. For children who watch an average of nearly four hours a day, 28 hours a week, 1500 hours a year, and tens of thousands of hours over each childhood, it hardly seems enough for a station to say it has a show or maybe even two that hold some particular value for a child. Yet that is the way this battle has been fought now for a quarter of a century, and I fear that may continue to be the case today.

I would not disagree with the assertion that most stations, particularly network affiliates, currently air a show that represents a good-faith effort to fulfill their obligation under the Children's Television Act. Conceding that point, however, does not imply that broadcasters are adequately fulfilling their obligation to children. At best, the present situation in children's programming is only beginning to approach the level of service that existed back in the 1970s,

prior to the deregulation of children's programming guidelines that occurred under the Fowler chairmanship. The current overall level of performance is not one of which the industry should be proud or the Commission should be tolerant.

In 1974, the Commission initially responded to concerns about the dearth of quality children's programming by implementing license renewal processing guidelines which called on stations to make "meaningful efforts" to provide a "reasonable amount" of age appropriate educational programming for children (FCC, 1974). The FCC was explicit in stating its preference for a voluntary response to its calls for improvements, noting that "every opportunity should be accorded the broadcast industry to reform itself" before any formal, quantitative criteria would be imposed (FCC, 1974, p. 39402).

Several years later, when the Commission evaluated compliance with its 1974 policy, a major staff report concluded that the guidelines had stimulated absolutely no increase in children's educational programming (FCC, 1979). Most stations offered only a single signature program that they could tout as educational. The industry average for educational content, as judged by a panel of academic experts retained by the Commission, was only 2.6 hours per week, down from 2.8 hours per week when the policy was first established.

In a subsequent NPRM (FCC, 1980), the Commission characterized that level of service as wholly unacceptable. In 1980, it proposed to issue a quantitative programming obligation, but that proposal was abandoned shortly thereafter when Chairman Fowler assumed office and announced his intention to rely upon market forces to promote the public interest. Fowler argued his approach in public speeches: "When there is a decline in children's programming on over-the-air television, the reason is no mystery ... Other programs may be more profitable or more popular. I don't believe that the FCC should second guess those judgments" (Fowler, 1983, pp. 6-7).

Once broadcasters were freed from the threat of regulation, even the relatively small amount of educational programs that had been delivered previously on commercial television essentially disappeared. One study from Kansas (Kerkman, Kunkel, Huston, Wright, & Pinon, 1990)

documented a significant decline in children's educational programs shortly after the Commission signaled its intention to deregulate. Another from Illinois (Wartella, Heintz, Aidman, & Mazarella, 1990) reported that commercial broadcasters failed to provide a single educational program for children during a sample week in 1987. A third study (Waterman & Grant, 1987) produced the same finding in the much larger Los Angeles market. It was this situation that prompted the Congress to step in and enact the Children's Television Act of 1990.

This brief chronology, which is detailed at greater length elsewhere (Kunkel, 1990; 1991; 1993a), offers two clear, important lessons regarding children's television policy. One is that reliance on the unregulated marketplace produces virtually no educational children's programming on commercial broadcast television, the medium that is the lifeline for contemporary mass media services for many Americans. That lesson was clear to Congress and formed the basis of its rationale for approving the new educational programming obligation within the Children's Television Act.

The second lesson, and the one most pertinent to the Commission's present deliberations, is that the use of vague, amorphous, or imprecise criteria for implementing a children's programming obligation will not overcome the contradictory pull of a licensee's economic self-interest. So long as other forms of content are more profitable, children's educational programs will be avoided on commercial broadcast television in the absence of any firm regulatory intervention. This axiom has held true for at least the last 20 years, the point in time at which the FCC first began trying to stimulate better performance by licensees. In the face of generic calls for improvement, the response has typically been a modest effort at best. In the absence of any threat of regulation, children's educational programming essentially disappeared.

These lessons were apparently lost on the Commission when it first moved to implement the provisions of the Children's Television Act. The expectation was seemingly that the use of broad, general guidelines for children's programming would be enough to trigger the significant increases in children's educational content that the Congress intended to achieve. That has not

happened, and this outcome should hardly be considered a surprise when viewed from an historical perspective.

### **Findings from the Kunkel Study of License Renewal Claims**

In a study I conducted and have filed with the Commission previously in this proceeding (Kunkel, 1993b), I found a number of shortcomings in licensee compliance with the Children's Television Act. It is important to note that the study provided no independent assessment of the true educational value of the programming claimed as such by stations; rather, it merely summarized the claims presented to the FCC by renewal applicants. According to these data, stations claimed an average of roughly 3.5 hours per week of educational programming specifically designed for children.

The educational value of much of the content claimed, however, appears highly suspect; among the program titles were such examples as "G.I. Joe," "Teenage Mutant Ninja Turtles," and "The Jetsons." There was no clear educational goal or objective associated with most of the programs claimed by licensees. Indeed, this study attempted to catalog the nature of the educational goals or messages of the programming claimed, but this proved impossible because of the lack of any uniform reporting requirements. Under present policy, the licensee is merely required to submit records that indicate the date, time, duration, and "a brief description" of any programming claimed as educational. Surprisingly, the study found that more than a quarter of all stations failed to comply with even these modest reporting requirements. Many stations submitted only lists of their children's program titles, omitting all or parts of the related information such as days/times of broadcast or providing no content descriptions.

Roughly one-fifth (21%) of stations did not identify any of their claimed educational content as "specifically designed for children," failing to distinguish such material from their general audience or overall programming efforts that may have educational value for children. The Act of course is specific in requiring both such types of service. Again in this area, questionable claims emerged. For example, such shows as "Full House," "Life Goes On," and "Small

Wonder” were claimed as “specifically designed for children” when in fact they were seemingly produced for general audiences and originally aired during prime-time hours.

Industry leaders have acknowledged that early claims of compliance with the Act were inflated in a sort of “throw in the kitchen sink” effort to make the strongest possible case for compliance (see for example Comments of the National Association of Broadcasters, May 7, 1993). Yet even including the most questionable claims made by broadcasters, as my study did, yielded a station average of only about 3.5 hours per week of educational programming specifically designed for children. This figure is only slightly above the level of educational programming the Commission found in the 1970s, which was 2.6 to 2.8 hours per week. That level of performance was judged by the FCC as clearly inadequate, and served as the basis for subsequent regulatory proposals.

Yet a crucial difference distinguishes the FCC’s previous data from the Kunkel study: the FCC relied upon academic experts to classify the programs it counted as educational. In my research, a much more generous criterion was employed: accepting at face value the claims of broadcasters about the educational nature of their children’s programming. Were the FCC’s previous approach applied to the present data, it is almost certain that the findings would shrink markedly from the norm of roughly three and one-half hours per week of children’s educational programming. It seems doubtful that even a majority of the programs listed by stations as educational would be rated as such by independent observers. Thus, in simple quantity terms, stations are doing little better at providing educational programming specifically designed for children in 1992 than they were doing 15-20 years ago, even conceding to the industry the entirety of its claims about the educational value of its shows.

#### **What New Policies Will Best 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 significantly increasing the educational value of children’s television. In order to accomplish meaningful improvements, I believe the best course to pursue is

one that emphasizes two key principles: clarity and accountability. Both of these principles underlie the following specific recommendations:

- The Commission should redefine its criteria for categorizing programming efforts as educational, adding requirements that licensees must stipulate the educational goal or “curriculum” of the content and must also target an age-specific segment of the child audience;
- The Commission should establish quantitative processing guidelines for children’s educational programming to serve as minimum benchmarks for licensees;
- The Commission should require that stations identify their children’s educational programming efforts to the public at the time such material is broadcast.

Each of these proposals is explained and supported in turn below.

**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. In addition, adding this information to the public records will allow researchers as well as the public to better track industry performance in this realm.

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 onto the Commission'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 offers inherent advantages for fulfilling children's educational needs (see Kunkel reply comments, June 7, 1993).

While it is true that the Congress did not intend to establish any absolute minimum quantitative criterion for children's educational programming, it did not mean to tie the hands of the Commission in a way that would preclude a quantitative processing guideline. Such a guideline offers the Commission an opportunity to expedite part of its oversight responsibilities in this area, while offering greater clarity to the industry in terms of the Commission's normal expectations for children's educational programming. Processing guidelines merely serve to expedite the Commission's review of licensee performance; they do not function as absolute standards. Current industry-wide performance in providing an adequate amount of educational children's programming clearly does not meet the expectations of either the Commission or

Congress. A processing guideline may be the most appropriate mechanism to better communicate those expectations, as opposed to more stringent Commission action that might threaten the renewal of a licensee for inadequate performance in this area.

**Requiring public notice for children's educational programming efforts.**

The public is an integral element in all aspects of broadcast regulation. Content-related policies, such as the rules enforcing the CTA, exist solely to benefit the public interest. In the licensing process, the Commission relies upon the public to bring to its attention perceived inadequacies in a station's fulfillment of its public interest obligations, such as in its children's educational programming efforts. Yet the irony in the current system of broadcast regulation is that most of its processes are so technical and complex that most of the public is precluded from participating. It is hardly surprising, then, that the Commission's rules implementing the Children's Television Act have been cast in this same "user-unfriendly" mold.

Under existing policy, how is a parent or interested individual in the community able to learn what a given licensee is doing to fulfill its obligations to children? That individual would be expected to visit the station in question and to consult the licensee's public file, which should contain a brief summary of its children's programming efforts that is updated at least quarterly. It is no secret that few parents have the time in their busy schedules to pursue such efforts. Indeed, it has been my experience that almost no one in the lay public even knows what a station's "public file" is, much less why one might wish to review it.

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 Flintstones* or *The Jetsons* as educational programming if they 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.

## REFERENCES

- Federal Communications Commission. (1974). Children's television programs: Report and policy statement. Federal Register, *39*, 39396-39409.
- Federal Communications Commission. (1979). Television programming for children: A report of the Children's Television Task Force. Washington, DC: Federal Communications Commission.
- Fowler, M. (1983, February 11). Children's television and the FCC. Invited address before the Arizona State University. Washington, DC: Federal Communications Commission.
- Kerkman, D., Kunkel, D., Huston, A., Wright, J., & Pinon, M. (1990). Children's television programming and the "free market" solution. Journalism Quarterly, *67*, 147-156.
- Kunkel, D. (1990). Child and family television regulatory policy. In J. Bryant & D. Anderson (Eds.), Television and the American family (pp. 349-368). Hillsdale, NJ: Lawrence Erlbaum.
- Kunkel, D. (1991). Crafting media policy: The genesis and implications of the Children's Television Act of 1990. American Behavioral Scientist, *35*(2), 181-202.
- Kunkel, D. (1993a). Policy and the future of children's television. In G. Berry & J. Asamen (Eds.), Children and television: Images in a changing sociocultural world. Newbury Park, CA: Sage.
- Kunkel, D. (1993b, May). Broadcasters' license renewal claims regarding children's educational programming. Report submitted to the Federal Communications Commission as comments in Mass Media Docket 93-48. (in press, Journal of Broadcasting and Electronic Media).
- Wartella, E., Heintz, K., Aidman, A., & Mazzarella, S. (1990). Television and beyond: Children's video media in one community. Communication Research, *17*, 45-64.
- Waterman, D., & Grant, A. (1987). Narrowcasting on cable television: An economic assessment of programming and audiences. Paper presented to the annual conference of the International Communication Association, Montreal.