

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FCC 95-143

In the matter of )  
)  
Policies and Rules Concerning )  
Children's Television programming )  
)  
Revision of Programming Policies )  
for Television Broadcast Stations )

MM Docket No. 93-48

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FEDERAL COMMUNICATIONS COMMISSION

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What is educational programming?

According to WGCB, of Red Lion, Pennsylvania, *Yogi Bear* is a program "specifically designed" to meet the educational/informational needs of children. The station justified that claim in its FCC license renewal application as follows:

Despite the fact that the program is entertaining, it nevertheless does teach certain moral and ethical values such as not to do stupid things or you will have trouble; don't take what doesn't belong to you or be prepared to face the music.

According to WTAE of Pittsburgh, *America's Funniest Home Videos* is one of its core educational programs specifically designed for children. In its license renewal application, it submitted the following description of the program:

It is designed for children 12 and under. Funny and unusual footage of children, animals, and adults in humorous sports activities or social predicaments. Entrants are eligible for the prize money awarded during each show. Hosted by Bob Fagat.

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According to WETM of Elmira, New York, *Biker Mice from Mars* is a “specifically designed” children’s educational program, as claimed on its license renewal submission. It described the program as:

A show with a positive message, the mice protect their planet from others who try to destroy it in various ways. It stresses caring for others, the difference between right and wrong, making decisions that involve conscience.

All of these claims, and many more like them, were discovered as part of the research I conducted, along with my colleague Ursula Goette, examining broadcasters’ license renewal reports documenting their children’s educational programming. Our study examined a representative, randomly selected sample of stations that applied for renewal with the FCC in 1994. Our data represent the most current information available, as no television license renewals are scheduled for processing in 1995. A complete version of this study is submitted as part of these comments.

The point of including the examples noted above is not to single out these particular stations for criticism. Any of dozens of other licensees we examined could have been used to illustrate the same point -- that the broadcast industry continues to make what can only be characterized as frivolous claims of educational value associated with the programming it offers America’s children.

This creative relabeling of existing entertainment content as “educational” was first noted in 1992, in research conducted by the Center for Media Education<sup>1</sup> as well as by a previous study I submitted to the Commission<sup>2</sup>. Programs such as *G.I. Joe*, *The Jetsons*, and *Teenage Mutant*

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1. Center for Media Education/Institute for Public Representation, Georgetown University Law Center, *A Report on Station Compliance with the Children’s Television Act*. Sept. 29, 1992, Center for Media Education, Washington, DC.
2. Dale Kunkel and Julie Canepa, Broadcasters License Renewal Claims Regarding Children’s Educational Programming. *Journal of Broadcasting and Electronic Media*, 1994, 38, 397-416.

*Ninja Turtles* were listed then in license renewal applications as educational. At the time, industry officials rationalized the problem as “growing pains.” In their view, stations needed more time to adapt to the new regulatory framework. They claimed that educational programs were not yet available and that stations were simply anxious to report any content that might help demonstrate compliance with the CTA requirements. They questioned whether it was fair to pass serious judgment on the industry’s performance so soon after the Children’s Television Act requirements had been implemented.

While the merits of these industry objections in 1992 might be deemed debateable, such a defense is clearly not tenable today. It has been five years since Congress approved The Children’s Television Act, and four years since the Commission implemented it. The law placed an important obligation on the nation’s broadcasters, that of serving the educational needs of American youth. The findings of our present research make clear that many stations still claim to fulfill that obligation not with truly educational material, as the Congress had intended, but with creative relabeling of mainstream entertainment programming.

So long as broadcasters continue to be given free use of the public airwaves, they owe something back to the nation’s children. When stations try to pass off some of these programs as educational, it is like using counterfeit currency to settle that debt. To the extent that the Commission remains silent and permits such frivolous claims to stand, it is derelict in its duty to uphold the public interest.

#### **Amount of Educational Programming Claimed by Broadcasters**

Because of the frivolous nature of many of the claims submitted by broadcasters about their children’s programming, it accomplishes little to focus on the amount of such service that they report delivering to the public. Nonetheless, the findings produced by our current research demonstrate clearly that absolutely no increase has occurred in the last two years in the overall level of children’s educational programming. The average level of educational programming claimed in 1992 was 3.4 hours per week, and the identical figure emerged from the 1994 sample.

When considering this finding, however, it is essential to note that these averages are artificially inflated by many frivolous claims. Clearly, the averages do not represent the true level of educational programming available to the child audience. That figure would necessarily be lower than these amounts, though to an unknown degree.

A sub-analysis of our data reveals that stations in major markets claimed only 2.1 hours per week of educational programming specifically designed for children in 1994, a reduction of almost 50% from the 1992 level. Our report offers a possible interpretation that may account for this result: that the major market stations are now applying more conservative, or to be blunt, more honest judgments about what material is appropriately categorized as educational. Major market stations may be better informed about the proper details and definitions associated with policy in this realm, and more sensitive to avoiding frivolous claims. If this interpretation is correct, then the level of programming reported by the major market stations would represent the most accurate indication of the true amount of educational programming delivered by broadcasters.

The industry will no doubt claim otherwise. The National Association of Broadcasters has gathered self-report data assessing the amount of children's educational programming delivered by broadcasters in a report submitted to the FCC in 1994<sup>3</sup>, and it is likely to submit an update to that report as comments in the current proceeding. It is important to note that the NAB's data set is based entirely on unsubstantiated and undisclosed claims. The NAB study fails to report any of the content claimed by broadcasters as educational.

Given the liberal interpretation of "educational" material currently employed by the industry, it is no surprise that the NAB's research finds that stations deliver 3-4 hours of such content. The key question the Commission must ask is: 3-4 hours of what? Just what is the nature of the material that stations are claiming as educational in response to the NAB's survey?

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3. Richard V. Ducey and Mark R. Fratrick, The 1990 Children's Television Act: Its Impact on the Amount of Educational and Informational Programming. June 28, 1994, National Association of Broadcasters, Washington, DC.

The existing pattern of frivolous claims of educational programming submitted in formal reports to the FCC makes it obvious that stations would apply no stricter interpretation in responding to an industry-sponsored survey. In fact, quite the opposite could be expected -- that respondents would be more liberal in making claims that would be reported anonymously by the NAB, as opposed to the claims made in formal license renewal documents submitted to the FCC.

Until the NAB reveals the nature of the programming that stations claimed as educational in responding to its survey, its findings will contribute nothing to the discussion of how well broadcasters are serving the needs of the nation's children. A debate addressing issues of amount can only be engaged once parties to that debate agree on what they are counting. It would be irresponsible of the Commission to place any weight on the findings of a study that omits any indication of the content which it has tallied as educational. In scientific terms, such research falls short in terms of its validity. That is, the study provides the reader with no information by which to evaluate whether the researchers actually measured what they claim to have measured. In an area such as this, which is fraught with differing interpretations about what content qualifies as educational, information regarding the content measured is essential to establish the legitimacy of the research findings.

In contrast to the NAB study, the research I have submitted provides a comprehensive list of every program claimed by stations in the sample.

### **Compliance with FCC Reporting Requirements**

The new study reveals other problems with the broadcast industry's compliance with the Children's Television Act. There are two types of service a station may claim to fulfill its children's programming obligation: programming geared toward general audiences but which holds educational value for children; and programming "specifically designed" to serve the educational/informational needs of children. At least some "specifically designed" service is required of each station. The new study found that 10% of the stations sampled made no claims of presenting any "specifically designed" children's educational content. While this was an

improvement over the 21% found to ignore this obligation in 1992, it still represents a substantial level of non-compliance. While it is not clear whether these stations actually failed to air any “specifically designed” programming, or merely failed to report that they did, their inattention and/or indifference to the Commission’s rules is obvious.

In addition, only 60% of all stations were found to have complied with all the basic standards established by the FCC for reporting their service to the child audience. This figure was down from 71% of stations that fulfilled all the minimum reporting requirements in 1992. Details of these omissions are included in the full report.

### **Conclusions from the Kunkel and Goette Study**

In summary, this new research establishes three key findings:

- 1) Broadcasters continue to make frivolous claims of educational value associated with their children’s programming, and such claims artificially inflate any calculations of the amount of educational programming they provide.
- 2) Broadcasters claimed the same overall level of educational children’s programming in 1994 as in 1992, 3.4 hours per week.
- 3) A substantial proportion of broadcasters either are not fulfilling their basic obligation to serve child audiences or are not reporting their service properly to the FCC.

In the most simple terms, the evidence produced by this study makes clear that the Children’s Television Act is not working to achieve the goals that Congress intended.

### **The Need for Policy Reform**

As I noted in my testimony at the FCC’s en banc hearing in June, 1994, there is an axiom regarding children’s programming which the Commission must not ignore if it is to succeed in its goal of improving children’s television. 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 more than 25 years. In the face of regulators' well-intentioned calls for improvement, the response has been a temporary and modest effort at best<sup>4</sup>. In the absence of any threat of regulation, children's educational programming essentially disappeared from the airwaves<sup>5</sup>.

Members of this Commission bear a responsibility to grasp the lessons that history has taught over the last quarter century of the FCC's consistently fruitless efforts to improve children's television. To place any further stock in self-regulation or good-faith efforts on the part of the regulated industry is to ignore if not defy the history of this topic. From an overall perspective, children's television today looks essentially the same as it did 5 years ago, before the Children's Television Act was adopted; it looks the same as it did 5, 10, or even 20 years before that; and it will look the same 5 years from now as it does today unless this Commission chooses the one alternative that holds any promise of meaningful improvement -- clear and specific regulatory requirements that hold broadcasters accountable for their service to the child audience.

The Commission has proposed sound plans for reform of its children's television policies, and these should be adopted expeditiously. Specifically, the Commission should:

- (1) establish new criteria to define programming "specifically designed" to educate or inform child audiences;
- (2) continue to place emphasis on standard-length programming as the primary means by which broadcasters must fulfill their educational programming obligation, and;

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4. See for example William Melody, Children's Television: The Economics of Exploitation. 1971, Yale University Press; D. Kunkel & B. Watkins, Evolution of Children's Television Regulatory Policy. Journal of Broadcasting and Electronic Media, 1987, 31, 367-389; D. Kunkel, Crafting Media Policy: The Genesis and Implications of the Children's Television Act. American Behavioral Scientist, 1991, 35(2), 181-202.

5. D. Kerkman, D. Kunkel, A. Huston, J. Wright, & M. Pinon, Children's Television Programming and the "Free Market Solution". Journalism Quarterly, 1990, 67, 147-156.

- (3) require that stations identify their “specifically designed” educational programming publicly at the time it is broadcast.

I will offer brief comments to explain my support for each of these three elements.

### **Defining “Specifically Designed” Programming**

Although the Commission obviously does not want to exert control over broadcasters’ content-based decisions any more than is essential to its public interest responsibilities, the policy concern with children’s television is all about content. The Children’s Television Act is all about content. Indeed, the premise underlying the statutory foundation of broadcasting in the Communications Act of 1934 -- that licenses are granted for free and in return each broadcaster must serve the public interest -- is also about content. The service to the public that represents the broadcaster’s obligation in this contractual arrangement is the programming content delivered to the public.

It is on this content criterion that broadcasters have fallen terribly short in their service to the child audience. Given that it is now 5 years after the Congress enacted the CTA, it is as astonishing as it distressing that I can count on my fingers the number of children’s programs on commercial television that I would characterize as serious, good-faith efforts at educational programming. The policy goal that must be paramount here is to craft a definition of “core” educational programming (or alternatively, “specifically designed” content) that insures the material which fits it will hold genuine educational value. At the same time, the challenge is to craft such a definition in a fashion that is flexible enough that it can be adapted to a wide range of contexts and situations, and thus will not restrict broadcasters’ freedom to program in any way they choose so long as the content fulfills the basic standards that qualify it as educational.

I believe this goal can be accomplished by employing a three-part test. In order to qualify as “core” educational programming, the content must:

- (1) have a specified target audience that represents a sub-set of the overall child population;
- (2) have a specified set of learning objectives or goals, and;

- (3) have a reasonable expectation of effectiveness in accomplishing those goals or objectives.

Specified target audience. Children's ability to comprehend television content changes substantially over the years between infancy and adolescence<sup>6</sup>. Children's interest in various topics and types of information also changes with age and related cognitive and social development. Because of the pace of these naturally-occurring developmental differences, children of different ages have a need for differing types of educational programming. Just as one cannot teach children of all ages to read using the same book, one cannot employ a single television program to effectively serve the needs of children of all ages.

The most effective educational children's programs consistently apply the principle of establishing a fairly narrow segment of the child population as the target audience<sup>7</sup>. The program content is then crafted taking into account the particular needs and interests of children within that age range. For example, *Sesame Street* is targeted at 2 to 5 year olds, whereas *Ghostwriter* (a show that teaches reading skills) is targeted at 8 to 10 year olds. Any programming that is to be considered "specifically designed" to serve the educational needs of children must address the needs and capabilities of a specified sub-set of the child population, such as 2-5 year olds; 6-9 year olds; 10-12 year olds; and so on. I do not mean to suggest that each station must present programs that target all possible age ranges; rather, the station must identify a specific target audience (and craft the content accordingly) for each program that it offers.

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6. W.A. Collins, Children's Comprehension of Television Content. In E. Wartella, Children Communicating. 1979, Sage Publications; W.A. Collins, Interpretation and Inference in Children's Television Viewing. In J. Bryant & D. Anderson, Children's Understanding of Television. 1983, Academic Press.

7. G. Comstock & H. Paik, Television and the American Child. 1991, Academic Press.

The study I have submitted indicates that only 25% of the “specifically designed” educational programs broadcasters claimed in 1994 reported any age-specific target audience.

Specified learning goals. To be “specifically designed” educational content, programming must also have a specified set of learning objectives or goals. These goals must be established at the time the series is created, and should serve as a charter or plan for the subsequent development of the content. These goals must be related to the basic educational and informational needs of the child, and they should be reported to the FCC as part of the documentation that stations provide regarding their compliance with the Children’s Television Act obligations.

Reasonable expectation of success. Finally, the program material must have a “reasonable expectation” of success in accomplishing its stated goals or objectives among children in the audience. This expectation may be established in a number of different ways. For example, an accomplished educational expert could be included as a part of the production team or as a consultant on the project, and that individual’s participation could help to establish the case that the program could be expected to accomplish its objectives. Alternatively, research evidence could be gathered to demonstrate that viewers of a pilot episode or representative segment of the program in question understood and learned from the material as expected in the program’s objectives. Yet another idea would be that the broadcaster submit the program to a local group of teachers and ask them to review it for its educational value.

My proposal here is meant to allow flexibility in demonstrating the reasonable expectation standard has been met in good-faith fashion. The goal of the proposal is to increase the accountability of broadcasters by requiring them to demonstrate that what they claim to be educational offerings are indeed likely to accomplish educational outcomes.

### **Relying Upon Standard-length Programming**

My comments in the Commission’s earlier rule-making proceedings that have addressed the Children’s Television Act have explicated at length my position that there is no scientific basis to assert that children have inherently short attention spans in their processing of

television content. This misconception represents the only basis I have yet seen proposed to favor short segment programming over standard-length fare, which offers a much greater breadth of educational opportunities. The Commission's current posture on this issue, which affords some credit for short segment programming but places primary reliance on standard-length programming, is a sound one. I urge the retention of the Commission's current position.

### **Requiring Public Identification of Core Educational Programming**

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.

Would the public benefit from having easier access to information regarding each station's children's programming efforts? Absolutely yes. Two key benefits would accrue from such a requirement.

First, 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. 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 am confident 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. This policy 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.

Such notice 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.

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. It should also be noted that some broadcasters are already airing short announcements communicating educational endorsements associated with particular programs. For example, the Fox Kids Network airs an on-screen announcement just prior to the *Fox Cubhouse* program that indicates the National Education Association endorses the show as educational.

### **A Final Point**

The evidence is overwhelming that the FCC's current policy framework for children's programming is not achieving its intended goals. The Commission can accomplish significant improvements by adopting the basic policy changes I have indicated above. In addition, I

believe it is important that the Commission also adopt a quantitative standard for its core, or “specifically designed,” educational programming requirement. Little will be accomplished if the Commission adopts the proposals I have indicated above, but allows stations to deliver as little of such service as they wish. Given the history of industry practices in this area, it is essential that a minimum standard be applied, while also linking that standard to policies that insure the genuine educational value of the content counted toward that requirement. I urge the Commission to adopt a quantitative standard for core educational programming along with the additional proposals detailed above.

**BROADCASTERS' RESPONSE TO  
THE CHILDREN'S TELEVISION ACT**

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## BROADCASTERS' RESPONSE TO THE CHILDREN'S TELEVISION ACT

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The Children's Television Act of 1990 (CTA) represents the culmination of more than 25 years of controversy and debate about the public policies needed to insure that broadcasters provide adequate service to the child audience, consistent with their public interest obligations. In approving the Act, the Congress expected to accomplish significant increases in the educational and informational programming available to children on broadcast television. How well has this law worked to achieve that goal? This study seeks to answer that question by examining the children's programming reports contained in the most recent license renewal files submitted to the FCC.

Although passed by Congress in 1990, the children's programming obligations did not take initial effect until October, 1991. As of that date, stations were required to serve "the educational and informational needs of children through the licensee's overall programming, including programming specifically designed to serve such needs" [Sec 103 (a) (2)]. In practice, this means that broadcasters' service to children must be separated into two distinct categories: (1) programming that is primarily intended for general audiences but which has demonstrable educational value for children, and; (2) programming that is specifically designed to meet the educational and informational needs of children. While stations may count both types of service, they must provide at least some programming specifically designed for children. General audience oriented material alone cannot fulfill the CTA's requirements. At present, there is no specific minimum amount of children's programming that is required.

In implementing the CTA, the FCC has established a rather general definition of educational programming, including material that "furthers the positive development of the child in any respect, including the child's cognitive/intellectual or emotional/social needs." The FCC has left it to the broadcaster's discretion to judge what content qualifies under this definition. In order to document compliance with the Act, each station is required to submit to the FCC a brief report on its service to children as part of the license renewal process. Although the Commission has established no uniform format for licensees' reports of their children's programming efforts, it has stipulated that stations must submit records that indicate the time, date, duration, and a brief description for each program claimed toward fulfilling the children's obligation.

In an earlier study, Kunkel and Canepa<sup>1</sup> employed the identical methodology as that used in the present research to analyze the information contained in 48 license renewal files submitted to the FCC in 1992. They found that stations claimed an average of 3.4 hours per week of educational programming specifically designed for children, although much of the content reported by broadcasters was of questionable educational value. For example, programs such as *Teenage Mutant Ninja Turtles* were listed as content specifically designed to serve the educational needs of children. Realistically, the 3.4 hour figure must be viewed as an overstatement, though to an unknown degree, of the actual educational programming available to children.

The previous study identified other concerns regarding compliance with the CTA. Only 71% of the stations surveyed were found to follow the basic minimum reporting requirements established by the FCC for documenting their service to the child audience. Many stations failed to

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1. Dale Kunkel and Julie Canepa, Broadcasters' License Renewal Claims Regarding Children's Educational Programming. *Journal of Broadcasting and Electronic Media*, 1994, 38, 397-416.

specify that any of the programs they offered were specifically designed for children (as distinct from programming for general audiences that holds educational value for children) or failed to list the required information regarding the programming aired. Without complete and accurate reporting, it is impossible for either local citizens or governmental regulators to effectively evaluate licensee performance.

The earlier study also found that only 16% of all programming claimed as educational had any age-specific target audience. Although age-specific targeting is not required under the FCC's current rules, this strategy is widely regarded as the most effective approach to educational programming for children. Targeting programs at wider age ranges may help to draw larger numbers of children to the audience for a particular show, but this tactic actually makes it more difficult to achieve learning outcomes. Programs such as *Sesame Street* or more recently *Puzzle Place* work well as educational vehicles because they concentrate specifically on the needs, interests, and learning capabilities of children within a narrow age range. Content that is designed to appeal equally to children of all ages fails to take best advantage of the medium's potential to educate and inform.

In responding to the previous Kunkel and Canepa study, some industry observers objected that the data were collected too early to allow broadcasters to react to the new regulatory requirements. Their point was that stations would need time to adjust to these new obligations, and that it was not fair to pass serious judgment on their performance so soon after the policies were implemented. To address this concern, as well as to provide a more current perspective on broadcasters' performance, a replication of the previous research was pursued employing the identical methodology. The findings of this research, when compared with the previous data, indicate what changes, if any, are evident in the industry's response to the Children's Television Act requirements after allowing time to adapt to the new policy framework.

## METHOD

Sample. The sample of stations included in the study was selected from among all commercial television licensees with a renewal application deadline that fell during calendar year 1994. The FCC's schedule for television license renewals includes a hiatus following the renewals submitted in April, 1994; after that deadline, no additional renewals come due until June, 1996. Thus, these data represent the most current information available. Because the FCC processes license renewals concurrently for all stations in a given geographic region, the sample was drawn from stations in the following states: Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

A stratified sampling technique was employed in which stations were sorted by the size of the market, or community, in which they are located. Stations were categorized into 4 tiers according to their market size<sup>2</sup>: tier 1 represents stations in the 25 largest markets nationally; tier 2 represents markets 25-50; tier 3 markets 51-100; and tier 4 markets ranked 100 and above.

The purpose of the sampling strategy was to obtain an equal number of stations across each of the stratified dimensions. This was accomplished by randomly selecting 12 stations in each of the four tiers, for a total of 48 stations overall in the study. This sampling approach insures that stations in the larger markets are more heavily represented in the study than would be the case with a simple random selection process, which is important for two reasons. First, stations in larger

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2. Based on rankings in Broadcasting Yearbook 1994.

markets are typically viewed by more people, and thus the analysis is weighted to take into account the likely extent of audience reach and impact in the larger markets. Second, stations in major markets, by virtue of their larger resource base, are arguably better positioned to pursue more sophisticated efforts at children's programming. Hence an analysis that weights larger market stations more heavily should afford the broadcast industry the best opportunity to demonstrate strong performance in delivering educational children's programming.

Measures. For each station included in the sample, photocopies were obtained of all documents pertaining to children's television included in the station's license renewal application on file at the FCC in Washington. These documents were then assessed to calculate the nature and amount of programming that was claimed as educational in compliance with the Children's Television Act requirements. For each file, only data from the most recent complete quarter (e.g., January-March; April-June; July-September; October-December) included in the file was analyzed. This insured that broadcasters were assessed only on their most current efforts to comply with the CTA.

All programming was categorized according to: (1) whether the licensee claimed the content as specifically designed for children; or as overall programming intended for general audiences, but which holds educational value for children, and; (2) whether or not each program was regularly scheduled or appeared occasionally. Programs that lacked any indication of the "specifically designed" term or concept were categorized as general audience programming<sup>3</sup>. To be considered regularly scheduled, programs generally had to air at least weekly, with exceptions allowed for sports or other preemptions. Content such as specials or movies that was listed in the renewal files was categorized as occasional programming, as were claims that individual episodes of a series qualified as educational content when the entire series was not claimed.

In addition, each program was coded for any indication offered in the station's claims that the show targeted any particular age group as its primary intended audience. For reporting purposes, the child audience was separated into three distinct groups: pre-school aged children (roughly ages 2-5); elementary-school aged children (roughly ages 6-12); and adolescents (roughly ages 13-16). Programs with a specific target audience that did not fit these groups precisely were classified in the closest possible category.

Stations may also claim public service announcements and/or short segment programming (often labeled as "drop-ins," "vignettes," or "interstitials") toward fulfillment of their educational programming obligation. Coders analyzed each file for the amount of short segments and PSAs claimed. However, one-third of the stations surveyed did not provide specific information regarding either the total number of such messages or the time devoted to such content, and thus it was impossible to provide any accurate assessment of this material. It should be noted that under current Commission policy, short segments alone may never fulfill the children's programming obligation, although they may enhance a licensee's claim of compliance that is grounded in full-length programming efforts.

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3. In order to be fair to broadcasters, we did not require explicit use of the term "specifically designed" in order for claims to be counted in this category. For example, if a station submitted two lists of programming, one titled "Core Programming" and another "Programs that Count Toward FCC Requirements," we would consider the core list as representing that station's "specifically designed" content. The essential element was that the station's report differentiated programming intended for general audiences from programming intended to educate/inform child audiences.

Coders. Coding of the documents contained in the FCC files was conducted by three undergraduate research assistants. Each one received extensive training in reading and interpreting information contained in the files. To assess reliability across coders, four files were randomly selected and distributed to all three coders. The coders were blind to the fact that others were reading the same file and that they were being evaluated for reliability. Each file contained an average of 386 observations or judgments that were compared for consistency across coders. These cross-checks revealed a level of inter-coder agreement of 90% or above on each of the variables measured in the study.

Interpreting the Data. It must be emphasized that the data contained in this study represent only claims about the educational value of children's programming. If a licensee claimed any content as educational or as specifically designed for children, it was coded as such regardless of the likely accuracy of that claim. Thus, this research should be characterized strictly as a study of stations' claims about their educational programming for children; it provides no independent assessment of the validity of those claims, or the nature and amount of actual educational programming delivered to the child audience.

## RESULTS

### Educational Programming Specifically Designed for Children

Amount. The core of the children's obligation is the requirement that each station provide programming specifically designed to educate/inform the child audience. This study indicates an average of 3.4 hours per week was claimed across all stations (see Table 1). This average is identical to the finding produced by the previous study conducted in 1992, the year immediately following implementation of the Children's Television Act. The fact that this level of programming has remained unchanged in years two and three after the Act had taken effect suggests that broadcasters have yet to increase their core educational programming in response to the CTA.

A closer examination of the current findings reveals an interesting pattern of variation associated with a station's market size. While the analysis of programming for all stations combined yields a 3.4 hours/week average, a breakdown of performance by market size indicates that stations in larger markets delivered substantially less such content than did stations in smaller markets. For example, stations in the top 25 markets (Tier 1) reported an average of only 2.1 hours per week of core children's programming, while stations in markets ranked 101 and above (Tier 4) claimed 5.1 hours per week. If these claims are accurate, then small town stations would seem to be providing significantly better service to children than their large city counterparts, a highly surprising outcome. An alternative interpretation, however, is possible.

Broadcast industry officials have acknowledged publicly that many stations embellished or exaggerated their claims about the educational nature of some children's programming during the initial period following implementation of the Children's Television Act. A report by the Center for Media Education<sup>4</sup> indicated that programs such as "The Jetsons" and "G.I. Joe" were being claimed as core educational programs, a pattern that was corroborated by the Kunkel and Canepa study. The National Association of Broadcasters asserted that such claims occurred only because stations were anxious about demonstrating compliance and pursued a "throw in the kitchen sink"

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4. Center for Media Education/Institute for Public Representation, Georgetown University Law Center, A Report on Station Compliance with the Children's Television Act. Sept. 29, 1992, Center for Media Education, Washington, DC.

approach in which all possible children's content was listed as educational<sup>5</sup>. The NAB indicated that following the controversy that emerged about such claims, stations could be expected to be more circumspect with their judgments in the future. Herein lies the basis for an alternative interpretation of the unexpected finding that market size is negatively correlated with a station's amount of educational children's programming.

Large market stations may be more informed about and more sensitive to the intricacies involved in compliance with regulatory policies, as well as the public controversy surrounding these debates. It is possible that the stations in large markets, perhaps more sensitive to the issue of frivolous claims, have adopted a more conservative stance than have stations in the smaller markets regarding their judgments about what programming qualifies as educational. If this is the case, then the claims reported by the larger market stations may represent the most accurate indication of the true level of children's educational content available to the public. Note that stations in Tier 1 averaged only 2.1 hours/week of core educational programming, with Tier 2 stations at 2.5 hours/week, both well under the 3 hours/week minimum requirement that the FCC has proposed in its current rule-making proceeding.

If this interpretation is rejected, then it remains to be explained why the smaller market stations would be outperforming the larger market ones. A recent study conducted by the NAB noted that "given the resources that are needed to provide educational and informational children's programs, it may be difficult for stations in smaller markets to provide as much as those stations in larger markets"<sup>6</sup>. This assertion was offered to help explain the NAB's finding that major market stations (markets ranked 1-25) were delivering substantially more children's programming than was the rest of the industry, a finding at direct odds with the evidence produced in the present study. The NAB's data, however, are highly suspect because of the nature of the sample upon which they are based. Only 31% of the 920 commercial television stations contacted actually responded to the NAB's self-report questionnaire on children's programming. Concern about selection bias among the respondents (i.e., stations that responded are more likely to have substantial children's programming efforts to report than stations that did not respond), as well as a low response rate overall, leave little basis to expect that this survey's findings are representative of industry performance as a whole. In contrast, the present study has sampled stations randomly, controlling for market size, without their knowledge or any need to gain their cooperation. Consequently, this study holds much stronger generalizability than the NAB report.

Program content. A clear sense of the nature of the content claimed as specifically designed to educate and inform children can be gained from Table 2, which lists in alphabetical order all programs reported by stations as fulfilling this requirement. A number of these programs (e.g., *Beakman's World*; *Bill Nye the Science Guy*; *Cro*; *Name Your Adventure*; *Real News for Kids*) have been recognized widely as legitimate efforts to fulfill the educational programming obligation. Many others on the list (e.g., *America's Funniest Home Videos*; *Batman*; *Mighty Morphin Power Rangers*; *Yogi Bear*) still raise serious questions about the validity of the claim that such content is specifically designed to educate or inform. Although it is a qualitative judgment, the pattern of stations claiming programs of questionable educational value as "specifically designed" to meet the educational needs of children does not appear to have changed much since 1992.

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5. Comments of the National Association of Broadcasters, submitted to the FCC (MM Docket No. 93-48) May 7, 1993.

6. Richard V. Ducey and Mark R. Fratrick, *The 1990 Children's Television Act: Its Impact on the Amount of Educational and Informational Programming*, p. 7. June 28, 1994, National Association of Broadcasters, Washington, DC.

Stations also reported specifically designed programming that aired on an irregular, or occasional, basis. These claims are summarized in Table 3, which indicates that stations averaged 2.3 hours of such programming per quarter (e.g., 3 month period). This translates into an average of 12 minutes per station per week in addition to the amount of regularly scheduled programs reported above. This average is also exactly the same as was observed in the 1992 study. The programs claimed in this category included *ABC Afternoon Specials* and *CBS Schoolbreak Specials*, among other clearly legitimate educational efforts. However, not all of the claims were of this same caliber. For example, a preview of the new Fox Kids Network slate of Saturday morning programming was claimed as specifically designed educational content, as were individual episodes of such series as *Biker Mice from Mars* and *Mighty Morphin Power Rangers*<sup>7</sup>.

**Scheduling.** In terms of scheduling, 65% of all stations offered their core educational programming on weekends only. Comparing this finding to the previous study indicates that things have actually gotten worse in terms of diversity of scheduling. In 1992, 52% of the stations examined delivered their specifically designed programming on weekends only. Little variation was observed across markets of different size. Given that children watch television more than three hours each day by most estimates, this increasing emphasis on weekend scheduling may raise concerns about the accessibility of the programming delivered by broadcasters.

**Reporting format.** The study found that 10% of all stations did not report any claims of educational programming specifically designed for children. Programs were classified as “specifically designed” if they were included in a list using that heading submitted by the station or if they included any indication of this concept in a program description<sup>8</sup>. Given that the Act is explicit in requiring at least some programming specifically designed for children, this finding reflects a surprising lack of appreciation of the regulatory requirements. At the same time, the 10% figure represents an improvement over 1992, when 21% of the stations surveyed either failed to specify that any of their content was specifically designed for children, or failed to distinguish specifically designed content from material intended for general audiences.

#### Educational Programming Not Specifically Designed for Children

Under the Children’s Television Act, stations are allowed to take credit for serving the educational needs of children through their “overall programming.” The legislative history of the Act establishes that this may include programs primarily intended for general or adult audiences, but which hold educational value for children. In this category, stations claimed an average of 1.0 hours per week of regularly scheduled program content.

Among the programs listed here were two primary types of content. First, many stations included their local as well as network newscasts. Second, a wide range of family-oriented programming most commonly identified as “situation comedies” (e.g., *The Brady Bunch*; *Family Ties*; *Full House*; *The Simpsons*) was claimed. In addition, a handful of nature programs (e.g., *Jack Hanna’s Animal World*; *National Geographic*) were also mentioned.

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7. Regularly scheduled program are included in the occasional programming category when stations claim only individual episodes, rather than the entire series, as meeting their educational obligation.

8. See Note 3.

Stations also reported educational programming not specifically designed for children that aired on an irregular, or occasional, basis. Stations averaged 4.1 hours of such programming each quarter (3 month period), which translates into an average of 21 minutes per station per week in addition to the amount of regularly scheduled programs reported above.

### Age-Specific Targeting of Stations' Educational Programming

It is well-established that programs which target a narrow age range of the child audience, taking into account the cognitive capabilities of children in that age group, accomplish the most significant learning outcomes. While this principle was noted extensively by the Congress in its deliberations on the Children's Television Act, it was left to the FCC to determine whether or not age-specific targeting of educational programming would be required of each station. The FCC ultimately declined to require such efforts.

This decision may account for the finding that of all programming claimed by stations as "specifically designed for children," only 25% indicated any age-specific target audience. Most shows either claimed to address children of all ages or offered no indication of any target audience. Of the minority of programs that identified a target group, the greatest proportion was directed at elementary school aged children (14% of "specifically designed" programs); pre-schoolers were targeted by 7% of the programs; and adolescents were targeted by 4% of these shows. Overall, age-specific targeting increased slightly from 1992, when only 16% of the "specifically designed" programming claimed to employ this approach.

### Local Children's Programming Efforts

There is no requirement that stations provide any local production efforts for children. Only 9 of the 48 stations examined (19%) presented any locally-produced children's programming, and those that did provided very little of it (see Table 4). The sum of all efforts across the 48 stations studied was a total of 6.5 hours of such programming weekly. The larger market stations in Tiers 1 and 2 of the sample accounted for most of these program efforts.

There is also no requirement that a station conduct any formal study or assessment of their local community's needs, although the FCC has suggested that stations may wish to gather such information to help insure that their programming is responsive to the needs of children in their community. Of the 48 stations studied, only four (8% of all stations) employed this option, and all were from larger markets. Three of these stations were in Tier 1 (markets 1-25), and the other was from Tier 2 (markets 26-50).

### Basic Reporting Format

The final measure reported in this study is an overall assessment of the industry's compliance with the minimum reporting standards imposed by the FCC for filing claims regarding a station's service to children. Although the FCC established no uniform format for licensees' reports, it stipulated clearly that stations must submit records that indicate the time, date, duration, and a brief description for each program claimed toward fulfilling the children's obligation. In the previous study conducted in 1992, 71% of stations complied with this requirement for all of their standard-length programming. In the current study, that figure declined to only 60% of all stations (see Table 5).

Although the percentage of stations that submitted all information in the proper format declined overall from 1992, there were fewer cases of flagrant disregard for the reporting standards than there had been previously. Most of the errors and omissions now seemed to be inattention to detail, with complete information provided for most but not all programming claims. Exceptions

still remain, however, as one Tier 4 station claimed 37 programs as specifically designed to educate children without offering any descriptive information about any of the shows, much less any indication of their possible educational value. In general, stations in larger markets performed better than stations in smaller markets in fulfilling all basic reporting requirements.

## CONCLUSIONS

This research is a replication of a previous study that examined broadcasters' claims about their children's educational programming shortly after the Children's Television Act was first implemented. In that study, the industry as a whole reported an average of 3.4 hours per week of content specifically designed to serve the educational needs of children. Much of the programming that was claimed then as educational did not represent good-faith efforts to meet the new children's obligation so much as it reflected the creative re-labeling of many existing shows as educational.

The previous study was discounted by broadcast industry officials for being conducted too soon after the new law took effect. They claimed that there had not been sufficient time for stations to develop or acquire new educational programming in response to the Children's Television Act, and that it would take time for stations to learn what content should be properly classified as educational under the FCC's new requirements. Thus, the present study was conducted after allowing an additional two years since the previous research in order to assess any possible improvements in broadcasters' service to the child audience.

Across all the measures gathered for this report, the most consistent finding is that little if any change has occurred since 1992. Stations' claims of core educational programming average exactly the same amount as they did then, at 3.4 hours per week. As was the case in 1992, stations continue to claim programming as educational when clearly it is not. A glance at the current list of shows claimed as "specifically designed" to serve the educational needs of children reveals many examples of frivolous claims. Overall, these data make clear that the Children's Television Act has yet to stimulate the significant improvements in educational programming that the Congress intended to achieve.

Comparing these findings to the data gathered previously by the FCC<sup>9</sup> also makes clear that industry performance at children's educational programming remains essentially the same as it was 20 years ago. Data gathered by the FCC's Children's Television Task Force indicated that commercial stations delivered an average of 2.8 hours per week of educational content in 1973-74, and 2.6 hours per week in 1977-78. The Commission characterized these levels as inadequate and unacceptable. Yet when one adjusts the 3.4 hour per week figure generated by the present study downward a bit, given it is obviously inflated by some liberal claims of educational value, it becomes clear that the industry is performing now at essentially the same level as it was in the 1970s.

At a more detailed level of analysis, it is worth noting that two long-standing patterns regarding children's programming identified by the FCC in the past remain evident today. Many stations continue to concentrate their efforts at children's programming on weekends only, rather than to distribute such content more widely throughout the week, which would make it more easily accessible to child-viewers. And extremely few programs employ any effort to target a narrow

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9. Federal Communications Commission, Television Programming for Children: A Report of the Children's Television Task Force. 1979, Federal Communications Commission, Washington, DC.

age-range of the child audience, the technique proven most effective at accomplishing educational outcomes in child-viewers. The FCC implored stations to improve in both of these areas in the 1970s, albeit without any success. Although it avoided regulating these areas in its initial implementation of the new Children's Television Act requirements, the findings of the present study suggest the need for the Commission to reexamine its stance.

Finally, this study raises the question of the seriousness with which the commercial broadcast industry has mastered the details of the new children's regulatory framework. Although the Act requires each station to provide at least some educational programming "specifically designed for children," 10% of stations staked no claim to provide standard-length programs that fulfilled this obligation. Of the larger proportion of stations that reported such content, many relied upon program titles that raise inherent questions about the educational value of their shows. In addition, misunderstandings abound about how to properly report the programming stations offer. Only 60% of the stations sampled complied with the FCC's minimal record-keeping requirements for all of the programming they claimed.

All of the available evidence points to the conclusion that the broadcast industry has yet to fulfill its obligations to the child audience in the meaningful fashion anticipated when the Children's Television Act was adopted by Congress.

**Table 1**

**Amount of Regularly Scheduled, Standard-Length Educational Programming Specifically Designed for Children**

	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>	<b>Tier 4</b>	<b>Overall</b>
<b>Average weekly hours of programming per station 1994</b>	2.1	2.5	3.8	5.1	<b>3.4</b>
<b>Average weekly hours of programming per station 1992</b>	4.0	2.7	3.5	3.7	<b>3.4</b>
<b>Percentage of stations offering programming on weekends only 1994</b>	58	58	75	67	<b>65</b>
<b>Percentage of stations offering programming on weekends only 1992</b>	42	58	50	58	<b>52</b>
<b>Percentage of stations claiming none 1994</b>	17	17	0	8	<b>10</b>
<b>Percentage of stations claiming none 1992</b>	25	17	25	17	<b>21</b>

Note: Regularly scheduled programs air at least once a week, and standard length programs are at least 30 minutes in length.

**Table 2**

**Program Titles of Regularly Scheduled, Standard Length Educational Programming Specifically Designed for Children**

ABC Afternoon Specials	Disney Presents: Adventures in Wonderland	Pet Playhouse
ABC Weekend Specials	Droopy, Master Detective	Pete McTee's Clubhouse
Academic Challenge	Ducktales	Real News for Kids
Action News for Kids	Eek! The Cat	Romper Room
Al Albert's Showcase	Energy Express	Running the Halls
America's Funniest Home Videos	Exosquad	Sacred Heart Kids Club
America's Funniest People	Fievel's American Tails	Saved by the Bell
Animaniacs	Flying House	Secret Place
As School Match Wits	Garfield	Sonic the Hedgehog
Back to the Future	Gerbert	Speedracer
Batman	Getting to Know Me	Straight Talk from Teens
Beakman's World	Goof Troops	Sunshine Factory
Becky's Barn	The Hallo Spencer Show	Superbook
Biker Mice from Mars	Jack Hanna's Animal Adventures	Science Toon Club
Bill Nye the Science Guy	Jake's Attic	Scratch
Bobby's World	Josh McDowell	Talespin
Bonkers	Just Kids	Taz-Mania
Bozo's Kids Club	Kay Arthur and Teens	Tiny Toon Adventures
Bugs and Friends	Kids Like You	Tiny Toons
California Dreams	La Esquina	Tom and Jerry Kids
Camp Candy	Land of the Lost	Swiss Family Robinson
Capelli and Co.	Lifeteen	Twinkle the Dream Being
Captain Noah and his Magical Ark	Merry Melodies	Vegetable Soup
Captain Planet	Mighty Morphin Power Rangers	What's Up Network
CBS Storybreak	Musical Encounters	Widget
Chief Halftown	Name Your Adventure	Woody Woodpecker
The Children's Room	Nick News	Wow
City Kids	Not Just News	X-Men
CRO	The New Adventures of Winnie the Pooh	Xuxa
Darkwing Duck	People of the First Light	Yogi Bear
Davey and Goliath		Young People's Specials
Disney's The Little Mermaid		Youth Perspective with Rick Williams