

Districts Say Social Media Is Hurting Students' Mental Health. Now They're Suing



By Arianna Prothero — April 13, 2023

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A growing number of school districts are following the lead of the Seattle public schools and suing major social media companies over the deteriorating mental health of their students.

Their argument: that these companies have designed highly addictive apps and marketed their products to kids who are uniquely susceptible to manipulation. School districts, meanwhile, have been left to deal with the fallout from the harm those apps are doing to students' mental health, the lawsuits argue.

While legal experts are skeptical that these lawsuits will succeed in the court of law, in the court of public opinion, they may have more success.

“Essentially, schools are saying, ‘Look at what’s happening to our youth, and you, the social media companies, are responsible,’” said Robert Hachiya, a Kansas State University education professor and a former school administrator who is an expert in education law. “There’s no question there is a problem. The issue is, how can social media companies be assigned some kind of liability for this problem?”

It’s not really about the money, he said, “It’s about getting them to change their practices.”

The Seattle district broke new legal ground when it filed a lawsuit in January against the major social media companies: ByteDance (which owns TikTok), Google (which owns YouTube), Meta (which owns Facebook and Instagram), Snap (which owns Snapchat), and Twitter.

King County, where the Seattle school district is located, has seen an increase in suicides, attempted suicides, and mental-health-related emergency room visits among school-age kids, according to the complaint. The number of students in the school system saying they feel “so sad or hopeless almost every day for two weeks or more in a row that they stopped doing some usual activities” went up 30 percent in the decade since 2009, which is about the time the use of smartphones to access social media began to take off for teens and young adults.

Students who are suffering from anxiety, depression, and other mental health challenges do worse in school and are more likely to act out in class or skip it altogether, which impacts the ability of schools to fulfill their mission, the Seattle lawsuit argues. Rising mental health problems among students also put more pressure on school resources, forcing districts to divert money away from academics and toward hiring mental health professionals and staff who are trained to identify and work with children in crisis.

The lawsuit asks for financial compensation for the school district and for the courts to declare the practices of social media companies a public nuisance under Washington state law.

Education Week reached out to the social media companies named in the complaint, but only heard back from Google by the time this article was published.

“We have invested heavily in creating safe experiences for children across our platforms and have introduced strong protections and dedicated features to prioritize their well being,” a Google spokesperson said in a statement to Education Week. “For example, through Family Link, we provide parents with the ability to set reminders, limit screen time and block specific types of content on supervised devices.”

Experts cite weaknesses in the legal arguments by school districts

Now, at least nine additional school districts and municipalities in Arizona, California, New Jersey, Oregon, Pennsylvania, and Washington state have filed similar suits, according to local media reports. And that number is poised to grow as at least five other school districts are weighing whether to file their own lawsuits or join existing ones.

But drawing the connection between social media, student mental health, and who is responsible is not necessarily straightforward, experts say.

“Providing recommendations of videos you might watch, providing social media services where people can communicate with each other, is generally protected by the first amendment,” said Eugene Volokh, a law professor at UCLA and a specialist on First Amendment law. “The government generally can’t impose liability on publishers for supposedly publishing material that causes some of the users to be psychologically harmed. You can’t sue a movie studio for putting out a movie that is bad for some small fraction of the audience.”

The fact that this case involves minors likely won’t matter, said Volokh, because children have First Amendment rights, too.

He said the Seattle complaint stresses that social media companies design their algorithms and platforms to increase engagement and use. While the complaint argues that doing so manipulates vulnerable young minds, Volokh said there is another way of looking at it: “That’s just saying that they work hard to provide a product that their users really like.”

In the case of the Seattle lawsuit, Volokh said getting these practices labeled a public nuisance doesn’t provide social media companies with clear rules of what content or business practices are and are not allowed.

“They are saying it’s a nuisance—it’s bad for society. It’s a very vague and potentially a very broad rule that it’s hard for anybody to try to figure out how it will play out,” he said. “If the legislator wanted to pass a law that said, ‘you can’t have under 16-year-olds on your platform except with parental permission, or you have to limit the number of hours people under 15 can spend on the platform,’ [...] those laws would still be challenged under First

Amendment grounds, but at least it would give the platforms some indication of what they are allowed to do and what they're not allowed to do.”

While the lawsuits cite a litany of research showing that social media detrimentally affects children and adolescent mental health, pinning the wholesale decline in youth mental health on social media companies and their practices will likely be a tough sell, said Kansas State's Hachiya.

“There are so many intervening acts,” Hachiya said. “What's the parental involvement? What's parental supervision? How about the divisiveness of the country in general? Economic and other stresses? Social media can't just be the cause of the problem.”

But the fact remains that school districts are being asked to shoulder a major burden when it comes to students' worsening mental health.

These lawsuits can serve as a wake-up call for their communities, said Jeanne L. Surface, a professor of educational leadership at the University of Nebraska Omaha who specializes in school law.

The lawsuits send communities a message of: “Wake up, come on, we need [social media companies] to take some responsibility here,” Surface said.

State legislatures are also cracking down on social media

For any district that may be considering filing similar complaints, Volokh has a piece of free legal advice: Check your state laws.

“In some states, there are so-called ‘anti-slap’ statutes that allow defendants to get the case thrown out early, and may require the plaintiffs to pay the defendants' attorney fees, when the lawsuit is over constitutionally protected speech,” he said. “Now, some of the statutes have exclusions for lawsuits by government entities to vindicate public interests. But I would look hard at the local laws and make sure that when the lawsuit is thrown out, as it's pretty likely to be thrown out, the school district doesn't end up on the hook for tech platforms' legal bills.”

Lawsuits related to their youngest users aren't the only legal difficulties social media companies must contend with these days. New laws in Arkansas and Utah require social media companies to verify users' ages and get parental consent before allowing minors to set up profiles on their platforms.

The new Utah law establishes a host of additional requirements for accounts used by minors aimed at limiting the addictive qualities of social media and providing parents with more opportunities for oversight. Utah is also creating a social media curfew for users younger than 18, by not allowing them to access their accounts between 10:30 p.m. and 6:30 a.m.



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