

23 September 2020

To the Chicago Board of Education:

I'm a parent of a student at Jones College Prep. My child is enrolled in an Advanced Placement class for the first time, and I discovered that simply in order to participate in the class and receive instruction, she needs to create an account on the College Board's website.

To create an account, the student, most of them legal minors, are told to click a box and enter into a contract with the College Board to accept their Terms of Service and Privacy Policy. This contract is spread across at least 10 webpages and requires that the student waives numerous legal rights.

Students who don't create an account on the site will not be able to take the course, nor take the test at the end of course, nor receive any of the purported benefits of participating in an AP class. In addition, since a school's rating with the district and the state depend in part on AP class and test participation, the school would also be negatively impacted by children not taking these courses.

This is deeply concerning to me as a parent and a public education advocate for two main reasons:

First, children---minor---should not be asked to enter into contracts with third-parties in order to receive their free, compulsory public education. Period. Parents should also not be asked to enter into contracts with third-parties. The Chicago Board of Education has an agreement with the College Board. Why isn't that agreement and its corresponding contract sufficient to cover whatever needs to be contractually stipulated for students to participate in AP classes and tests.

Secondly, the College Board sells the personal data of the students who take its tests via its Student Search Service. This has been extensively reported on in the national media ([New York Times](#), [Wall Street Journal](#), [Washington Post](#)) And the US Dept of Education [issued guidance](#) warning state and local education agencies about it. These sales violate at least two IL state laws, [one banning the sale of student data](#) and [one banning the sale of data of children under 16 without parent permission](#). Selling student data was also forbidden by [the contract between the College Board and the CBOE that expired at the end of June](#). Last fall the [IL AG said he would investigate the CB's business practices after being alerted to this issue](#) by members of the General Assembly.

The CB is profiting off their access to children's personal information by way of multi-million dollar contracts with school districts and the state. This is illegal and also unethical.

And the fact that students---in order to receive the full benefits of the education being offered to them by the school district---are forced into a legal contract with a third-party who is known to illegally sell student data is unconscionable.

A new contract between the College Board and CPS is under negotiation right now; this board approved the agreement in March (Board report 20-0325-PR2). **The contract should not be signed until this issue is resolved.** Students should not be forced to sign any separate agreements with the College Board to take AP courses or tests. The College Board should not be able to sell any of the information it collects from CPS students in school or via websites that schools instruct students to use. And the Board of Education should be pressing the IL State Board of Education for answers on why they continue to permit a state vendor to violate children's legal rights.

The implications of this issue are larger than just the College Board. With the amendment to the Student Online Personal Protection Act coming in to effect next July, schools will only be allowed to share students' data with operators covered under a written agreement with the school. Forcing children or parents into their own individual agreements with third-parties in order for children to receive instruction will circumvent the important privacy protections that the IL General Assembly intended the law to provide. This practice needs to end now.

Sincerely,

Cassie Creswell