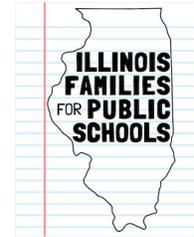


Illinois Families for Public Schools
332 S Michigan Ave
Lower Level Suite i252
Chicago IL 60604



25 October 2019

Superintendent Carmen Ayala
Illinois State Board of Education
100 N First St
Springfield IL 62777

Dear Superintendent Ayala:

I am writing on behalf of the public school advocacy group Illinois Families for Public Schools to express our deep concern about a new parental consent form that the Illinois State Board of Education has made available to local education agencies (LEAs), "SAT Suite of Assessments: Participation in College Planning Options Consent Form".¹

Our concerns are as follows:

- 1) This consent form only states that the College Board shares data with third parties; it does not inform parents that the College Board will be receiving monetary compensation from the organizations with whom it is sharing the data, i.e. it will be selling this data, according to the US Department of Education², not just disclosing it to an array of third parties. This is a deceptive practice, and, moreover, we believe it is an illegal practice for the College Board to engage in such data sales (referred to by them as "licensing") under Illinois' Student Online Privacy Protection Act (SOPPA). It is also an illegal practice to sell the data of any child under 16 without explicit parental consent under Illinois' Children's Privacy Protection and Parental Empowerment Act. The Office of the Illinois Attorney General confirmed with us last week that they are investigating the College Board's business practices for this very reason.
- 2) Some of the third parties to whom the College Board will be disclosing data may be for-profit organizations providing services of highly questionable value for students, as reported in the New York Times last year.³
- 3) Compliance with the federal Protection of Pupil Rights Amendment (PPRA) requires that, before their child participates in a survey that includes sensitive topics, parents are notified in advance of the survey and provided with access to actual survey questions in order to be given the option to opt their child out of it. The US Department of Education has already pointed out that the College Board collects personal student data, including religious affiliation or interests, that falls under the PPRA requirements.⁴ While the consent form says: "The Student Guide describes what the questionnaire asks and how student information is used,"⁵ it does not contain an actual copy of the survey questions. We believe this is insufficient for compliance with PPRA.

¹ <https://www.isbe.net/Documents/SAT-Suite-Consent-Form.pdf>

² US Department of Education. Privacy Technical Assistance Center. "Technical Assistance on Student Privacy for State and Local Educational Agencies When Administering College Admissions Examinations." PTAC-FAQ 9. May 2018.

³ *New York Times*. "For Sale: Survey Data on Millions of High School Students" July 29, 2018.

⁴ US Dept. of Education PTAC-FAQ 9

⁵ <https://www.isbe.net/Documents/SAT-STUDENT-GUIDE-2019.pdf>

- 4) As stated above in point (1), this consent form does not disclose that the data will be shared for commercial purposes. Nor does it reveal that the data will be disclosed to various for-profit enterprises that do not offer either scholarships or a post-secondary education, as mentioned above in (2).⁶ In addition, it does not notify parents that colleges and universities may be using this information for *admissions decisions*, not just recruitment.⁷ As such, the description on the consent form is not fully accurate—nor is the information on the College Board website. Furthermore, if this survey data is not being collected and shared under the exception in the federal Family Educational Rights and Privacy Act (FERPA) and Individuals with Disabilities Education Act (IDEA) for disclosure to third parties designated as school officials, this inaccuracy in the consent form may also mean the disclosures are in violation of FERPA and IDEA.

In order to address these concerns, we ask that the Illinois State Board of Education:

- 1) Make public a copy of the actual list of the questions in any pre-exam surveys by putting these questions on its website, while making clear which are voluntary and which are not;
- 2) Provide a copy of the surveys to parents, along with the consent form, before their children are scheduled to take these exams; and
- 3) Rewrite the consent form with sufficient detail to comply with all federal and state laws, including a complete list of all the data that may be disclosed and every third party to whom it may be sold, along with the purpose(s) of doing so.

Note that these actions will not resolve the fact that the College Board's sale of data is in itself a violation of state law. We urge you to take up that matter as well.

Given the status of the College Board as a contracted vendor for both the state and LEAs, the sensitivity of the data that students are providing to the College Board, and the high stakes of the decisions that data may trigger, it is deeply worrisome that the College Board continues to operate in flagrant violation of Illinois law.

Sincerely,

Cassie Creswell, PhD
Director and president
Illinois Families for Public Schools

Cc: Senator Cristina Castro, Senator Robert Martwick, Senator Laura Murphy, Senator Robert Peters, Representative Robyn Gabel, Representative Will Guzzardi, Representative Lindsey LaPointe, Representative Aarón Ortíz, Representative Ann Williams, the Illinois State Board of Education

⁶ New York Times. July 29, 2018.

⁷ *Washington Post*. "Student tracking, secret scores: How college admissions offices rank prospects before they apply." Oct. 14 2019.