



February 26, 2024

Kwame Raoul
Illinois Attorney General
Office of the Illinois Attorney General
500 S. 2nd St.
Springfield IL 62701

Cc: State Superintendent Tony Sanders and the Illinois State Board of Education

Dear Attorney General Raoul:

On February 13, 2024, the New York Attorney General Letitia James announced a settlement agreement with the College Board over the fact that its sale of student personal data is in violation of New York State's student privacy law. [The College Board will pay a fine of \\$750,000, and, from now on, it will "be prohibited from monetizing New York students' data that it acquires through its contracts with New York schools and school districts."](#)

We are writing to urge you to follow AG James' lead and enforce Illinois' student privacy law with respect to the ongoing illegal sales of Illinois' public school students' personal data by the College Board, a vendor with multi-million dollar contracts with both the State of Illinois and local education agencies throughout the state.

Since 2017, Illinois' Student Online Privacy Protection Act (SOPPA) has barred operators from any selling or renting of student data.

Via the administration of its tests during the school day, including the PSAT, SAT and Advanced Placement (AP) exams, the College Board has access to personal data of Illinois students. This data includes not only student names and test scores, but also a wealth of other personal information they collect from students before the administration of these tests and also online when students create accounts on the College Board's website.

Public high schools in Illinois are required to administer the PSAT to 9th and 10th grades and the SAT to 11th grades to fulfill the mandates of the federal Every Student Succeeds Act, and the state currently has a [six-year contract](#) with the College Board for \$54,825,874.05, to provide these tests, ending on June 20, 2024. Many school districts also offer additional administrations of the PSAT and also AP exams.

Through its Student Search Service, the College Board continues to engage in selling the personal data of hundreds of thousands of Illinois students in violation of SOPPA, especially as the contracts that the Illinois State Board of Education and individual school districts have signed with the College Board do not explicitly bar this predatory practice, and in some cases explicitly permit it. According to [the press release](#) from the New York Attorney General, the College Board sells the personal student data it acquires to over 1000 organizations and institutions.

The urgency of addressing this matter is particularly critical because in December 2023 the Illinois State Board of Education released a [sealed request](#) for a new six-year high school assessment contract to begin on July 1, 2024 for an amount up to \$48,406,088.51. It is quite possible that the College Board will bid for and be awarded this contract. We are copying this message to State Superintendent Sanders and the members of the State Board of Education, so that they are aware of the fact that the College Board has been engaged in illegal practices, in New York as well as in Illinois, and to ensure that whatever company is awarded this contract is barred from the sale of student data and its use for non-K-12 school purposes, as SOPPA requires.

As a vendor which has received millions of dollars from Illinois taxpayers each year, and as a collector and custodian of highly sensitive personal student data—data which may determine the educational and job opportunities available to Illinois children, the College Board should be held accountable for its violations of state law, and, going forward, should be prohibited from continuing these abusive and illegal practices.

We hope that you agree that Illinois students deserve the same protections that New York students now enjoy.

Sincerely,

Illinois Families for Public Schools
Citizen Action Illinois
Electronic Privacy Information Center
Good Government Illinois
Surveillance Resistance Lab

Parent Coalition for Student Privacy
Electronic Frontier Foundation
Fairplay
Student Data Privacy Project