

Dear Dr. Condon and Members of the District 90 Board of Education:

We are writing to ask that you call upon Scott Hall to end his campaign for school Board and that you no longer allow him to work for D90 as a substitute teacher. We do not make these requests lightly, but there has been a serious data breach and misuse of confidential information for political purposes, which violates D90, state, and federal privacy protections. We understand that you do not have the power to require that any candidate resign their campaign, but the issue that has come up speaks to Scott's improper use of D90 materials and puts D90 at risk of liability. Therefore, we strongly feel that there needs to be a reaction from D90 and separate from any repercussions to Scott as a parent, his bid to be a member of the D90 School Board cannot be explicitly or implicitly condoned by the District. Separately, it is within your power to terminate his relationship with D90 as substitute and we are asking that you start that process.

There are several clear indications that Scott impermissibly used email addressed from the AtoZ Directory to solicit votes. He emailed parents asking for their support using email addresses from the AtoZ Directory, to which he has access as a parent. While Scott's emails (which admit to being and are unquestionably a solicitation) say that his information was accessed from "publicly available sources", there are several parents who have noted that the ONLY place where their private, school specific email address was published was the AtoZ Directory. When asked by some of those parents how he got these private emails, Scott has responded that he got them "from a friend". That statement contravenes his email about "public...sources" and has not been reassuring to the parents who are concerned that their confidential information was misused. It is possible that Scott asked a friend to pull emails from the AtoZ Directory and accessed them that way, but again, that goes against what his email alleges, and even if that was done, that is still a clear breach and misuse of the information.

The problems with this abuse of private emails are multifold. Here are some:

1. This breach violates the D90 Instructional Technology/Student Data Privacy Resource Guide and the Guide requires action by the District.

As you know, the Guide is a comprehensive summary of the privacy protections that D90 provides. The Guide notes at the start: "District 90 will comply with all applicable laws and regulations concerning the privacy of student data. District 90 will also take steps to ensure that any third parties who provide services to the District comply with these laws. "

While a parent is not a "third party", a campaign IS a "third party", and the District has the responsibility of ensuring that privacy of student information – including parent emails – is not abused.

The Guide specially lists the AtoZ Directory in Part V (Examples of Platforms, Systems, Software and Application Types Used in District 90) under "Communication Systems/Tools Resources". Thus, misuse of the AtoZ Directory falls squarely within the issue of a data breach of protected student data.

It is important to note that in part VII of this document (District 90 Incident Response), the District proves this assurance: “Should breach in the privacy of student data occur, the District will take appropriate measures to mitigate the breach and ensure that security measures are reviewed and, if necessary, modified to prevent any future breaches.” Obviously, calling upon a candidate to end his campaign is only part of what needs to be done to mitigate and prevent such data breaches, but it is an essential part of what the District’s response needs to be. Similarly, the District cannot allow someone to continue work as a substitute teacher in the District if they abuse the privileges that come with that.

2. This breach violates Board Policy 7-17 (Directory Information).

Both the language and the spirit of this policy make it clear that the AtoZ Directory is only to be used for inter-school activities. The Policy notes, “Lists of names of students and other directory information regarding students shall not be made available to the general public. Student directories shall be prepared for use by District personnel and school officials, the Board, and families in each school.” Sending unsolicited emails from information gathered from the AtoZ Directory is not a school permitted use of this private data.

3. This breach violates Board Policy, 7:345 (Use of Educational Technologies; Student Data Privacy and Security).

The protection in this policy requires vigilance by D90 when it comes to a data breach: “Security Standards: The Superintendent or designee shall ensure the District implements and maintains reasonable security procedures and practices that otherwise meet or exceed industry standards designed to protect covered information from unauthorized access, destruction, use, modification, or disclosure.” Sending unsolicited emails from information gathered from the AtoZ Directory is an unauthorized use, and should trigger a reaction about both a Board position, and termination of work as a substitute teacher, pursuant to Part V of the Board policy.

4. This breach violates the AtoZ terms of service.

The Terms of Service (found here: <https://atozconnect.com/terms/>) note: “If you register and subscribe for an account on this Site, you agree to (a) provide accurate, current and complete information as may be prompted by any registration forms on this Site; (b) maintain the security and confidentiality of your User ID and password; (c) accept all risks of unauthorized access to the registration forms, registration information, or any other information you provide to us; (d) immediately notify us of any unauthorized use of your registration information, User ID or password. You are responsible for all activities that occur on your account, including the activity of any other account Users and your members.”

The Terms of Service also include an anti-spam policy, which notes: “You may only send emails to people that have explicitly granted their permission to receive your email. It is assumed that lists you receive from the school or your association contain that permission.”

This has two components that are relevant:

1. assurance of security and confidentiality to parents who rely on the Directory;
2. responsibility of the District to protect data.

Although the contract is between the District and AtoZ, it is not hard to envision the parents who use the Directory as third-party beneficiaries of this contract. As such, parents whose data was misused could potentially have legal action against the person misusing the data, his campaign, and the District itself. Moreover, if the data breach is not addressed, the District could lose its contract with AtoZ. Putting the District in this position is antithetical to what a school Board member and a substitute teacher should be doing.

5. This breach violates 10 ILCS 5/29B-5 (Student Online Personal Protection Act) and other related state and federal statutes.

The SOPPA is one of several statutory provisions in Illinois law to ensure privacy of all information. Additional federal and state protections exist as well, and are outlined for parents in the Privacy Guide mentioned above. There is potential for significant legal exposure for the District when data is misused.

6. This breach violates 10 ILCS 5/29B-5 (Illinois Fair Practice Act).

This Act asks that any candidate “follow the basic principles of decency, honesty and fair play...”. Within the Act, a candidate is asked to pledge that the candidate “...will not undertake or condone any dishonest or unethical practice...”. Misusing private school emails and violating District policy would seem to go against those core principles. Obviously, this is an issue for the election officials, and is being brought to their attention as well, but if a candidate for the school Board of D90 is violating campaign laws, that’s a problem that D90 needs to address.

7. This breach directly contravenes the duties of a Board Member, and would not be acceptable if done by a current Board Member.

The D90 Board policy manual has several sections that speak to the ethics of being a Board member: misusing data is certainly not something that should be tolerated by anyone. One of the more compelling reminders of this expectations of a Board member can be found in the oath that a new Board member must take (2:80 Board Member Oath and Conduct): “I will faithfully discharge the duties of the office of member of the Board of Education of River Forest School District 90, in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.” Violating privacy laws and election laws is not something a sitting Board member can do, and if there are signs of this in someone seeking to be a Board member, the District has the option, if not the responsibility, to do its part to prevent that person from being part of the Board.

Within the oath, the job of the Board member as “faithful protector of the School District's assets;” has to mean not exposing the District to potential liability, and not potentially costing the District a vendor contract unnecessarily. Moreover, a Board promises to protect “the privacy of students and employees”. Unauthorized campaign solicitation from a private, school use only directory, is the exact opposite of privacy protection.

Scott Hall is a D90 parent, a D90 substitute teachers and a Board candidate who is misusing private D90 information, and potentially putting the District, and himself, at risk for legal action. Therefore, we are asking you

1. call upon Scott Hall to end his campaign and
2. Terminate his position a substitute teacher in D90.

The privacy violations and abuse of D90 data is egregious. Inaction by the Board and Superintendent could be a violation of the powers that the Board and Superintendent enjoy, and could lead to a cascade of future abuses. We are not happy to be writing this letter and wish we saw better and more ethical behavior from a candidate, but Scott’s actions have forced this issue.

Sincerely,

Current and past D90 Parents.

Liz Badrinath

Brett Gentile

Sonia Green

Danielle Hanken

Alishia Myrick

John Reith

Wanessa Vovola