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Federal Trade Commission
Office of the Secretary, Room H-113 (Annex E)
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Request for Public Comments

COPPA Rule Review, 16 CFR Part 312, Project No. P-104503

On behalf of the Association of Educational Publishers (AEP), its Board of Directors, and our membership of more than 300 organizations, I am submitting comments on the Federal Trade Commission's proposed amendments to the Children's Online Privacy Protection Rule. We appreciate the opportunity to provide feedback.

In 2001 AEP advocated to keep the email-plus method for obtaining parental consent when information is used for internal purposes only. We recommend that the Commission continue to maintain this provision. **AEP supports the need to protect children online, but we believe that the current proposal to eliminate email-plus as a parental consent mechanism will actually create barriers for children, parents, and publishers.**

AEP is the oldest nonprofit organization serving developers and providers of educational content in all media and across all subjects and grade levels. The goal of AEP and the industry we serve is to advocate for and increase accessibility to professional, quality content for education whether used at home or in the classroom. Our members connect teachers, schools, businesses, and families to inspire effective and innovative learning solutions.

Many of AEP's members offer students online resources to assist and enhance their classroom learning and to help them delve deeper into topics and skills. While we understand the need for parents to know what websites students visit and to monitor online activity, we believe that the email-plus method is an effective way to balance parental involvement with children's freedom to pursue educational experiences online. Furthermore, **we think that the new methodologies proposed for §312.5(b)(2) are not viable alternatives and would become unwelcome barriers, inhibiting student-use of online educational materials.**

Our reasons for opposing §312.5(b)(2) include the following:

- **Suggested methods such as sending in a postal or fax consent form, would remove timely access to online resources.** While responding to an email could take a parent only a few minutes, a postal or fax verification form could take a day or more, depending on location, access to such equipment, and the time of day when parents begin the consent process. Moreover, postal mail and fax may be less secure than email.
- **Adding increased barriers could have a negative impact on the publisher/student or publisher/parent relationship.** Publishers are not convinced that parents would be willing to go through in-depth processes such as submitting a credit card or having their ID scanned against a database just to let their child use a website.
- **Adding some of these mechanisms to websites would impose a financial burden on publishers.** Our members have already committed significant resources to meeting existing requirements and ensuring child safety. Changing the consent format could cause some publishers to remove or charge for vital educational components that students can now access for free.

In addition, AEP supports the statement made by the Association of American Publishers, which proposes the Commission either preserve FAQs #54 and #55, which pertain to schools and web services directed to schools, in an amendment to the text of the Final Rule or in a formal industry guidance document. AEP members also contract with schools to provide online classroom materials for either primary or supplementary learning. While many programs collect data to customize learning for individual students, publishers and schools have carefully-crafted procedures in place to safeguard student privacy. Formalizing FAQs #54 and #55 will ensure that there is no disruption in the classroom or the educational process.

Publishers want to work with educators and families to provide students with access to high-quality resources. While we want the Internet to be a safe haven for children, we do not support creating regulations that will increase the burden on parents and publishers.

I would be happy to speak with the FTC to discuss our recommendations in more detail. Please contact me at cgaynor@AEPweb.org or 302-295-8350.

Sincerely,

Charlene F. Gaynor
CEO
The Association of Educational Publishers (AEP)