We Need Better Education Policy.
Summit Public Schools Shows Why.

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September 2023

National Education Policy Center

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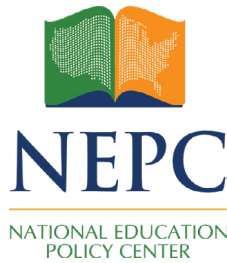
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Executive Summary

Summit Public Schools (SPS), a California-based charter school network established in 2003, is widely promoted nationally as a success story to be emulated. A policy environment friendly to charter schools and digital technologies, together with hundreds of millions of dollars in technology industry contributions, enabled its growth and its national visibility. Discounting these important factors, marketing materials assert that an innovative curriculum and instruction program anchored in its proprietary digital platform led to SPS's success in graduating extraordinary percentages of its students eligible for, accepted into, and graduated from college. Because of SPS's boasts of success and its national prominence,[1] understanding its story is a useful way to gain insight into how Silicon Valley funds and markets education initiatives. It also reveals inadequacies in policy related to school performance, digital educational programs, protection of student data, and school funding.

In November 2019 we submitted a request for records bearing on SPS's reports of students' academic success, its curriculum and instruction program, its proprietary digital platform, its protection of student data, its funding, and the validity and reliability of its assessments. Although the company portrays itself as committed to openness and transparency, its leadership remained doggedly unforthcoming throughout months of correspondence. The records ultimately provided were largely unresponsive. They neither supported the publicized assertions of student academic success nor demonstrated the validity or reliability of learning outcomes assessments. Nor did they illuminate the pedagogical decisions embedded in SPS's learning platform or its safeguards for student data and privacy. Although financial statements acknowledged large contributions from non-public sources, those sources were not identified. However, publicly available financial information suggests that tech industry donors likely to benefit from the development, promotion, and adoption of digital educa-
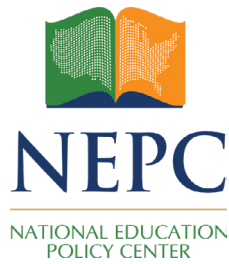
tional platforms such as SPS's provided significant funding and in-kind contributions.

Overall, our analysis illuminates several policy failures. For example, although California's open records statute explicitly includes charter schools, its lack of an enforcement mechanism allows well-funded organizations like SPS to avoid meaningful compliance. Only a costly lawsuit can challenge an organization's intransigence. SPS's inability to provide records demonstrating the academic success it claims suggests the need for greater oversight of performance. Its inability or unwillingness to identify key elements of its Summit Learning Platform reveals additional inadequacies in state policy overseeing digital educational platforms and protecting student data. Its financial records further indicate inadequate reporting requirements for sources and amounts of non-public funding. Finally, SPS provides an example of how nominally nonprofit charter school organizations evade public oversight and provide technology companies and their investors with both a market for their products and a continually renewing source of valuable data from young people.

Recommendations

Summit Public Schools (SPS) provides a powerful example of the need for oversight and accountability to protect the public interest and to ensure the transparency of digital educational programs. Based on our study of SPS, we recommend that state policymakers:

- Strengthen open records laws applied to charter schools by providing state enforcement mechanisms, supplementing litigation by individual parties.

- Require educational entities reporting on performance to provide supporting evidence.

- Discontinue metrics of students' preparedness for college.

- Establish an independent government entity charged with ensuring the quality of digital educational products used in schools. Require this entity to review and approve the pedagogy and digital programming of any digital educational product a school uses, both prior to implementation and periodically thereafter.

- Enact student data privacy legislation that removes exemptions for digital educational products marketed as providing personalized learning.

- Develop a standard data privacy and security agreement for schools to use with any entity providing a digital educational product.

- Create an oversight system for contributions to charter schools requiring the amount and source of each contribution.

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The Summit Story

Summit Public Schools (SPS), a California-based charter school network, is widely promoted nationally as a success story to be emulated.[2] Since opening its first school in 2003, SPS has expanded to nine schools in California and Washington states, launched a marketing campaign to promote its educational model, and spun off a nonprofit organization to manage and disseminate its learning program to schools around the United States.[3] Summit's growth and national visibility were enabled by a policy environment friendly to charter schools and digital technologies, and by significant non-public funding. Excluding in-kind contributions, and donations to organizations collaborating on SPS projects,[4] our prior analysis of publicly reported donations indicates that SPS had received over $175 million in cash donations between the nine school years 2011-2012 through 2019-2020, primarily from technology industry donors.[5]

SPS describes its Summit Learning Program as a research-based curriculum and instruction program[6] designed to provide project-based personalized learning focusing on cognitive skills, core academic content, and social-emotional learning.[7] The Summit Learning Platform, a multifunction digital data hub, is the program's heart.[8] Originally introduced in 2013-2014 to SPS schools as the Personalized Learning Platform, it stores academic content, assessments, and information about projects for students and teachers to use. The platform also records ongoing student study habits, progress, goals, and performance. Additionally, it provides students and teachers with a framework for mentoring sessions, and it records notes and other data from such sessions.

SPS's curriculum and instruction program is thus built around a data-centric approach to

teaching and learning.[9] The organization claims that this approach allows its students to work independently and flexibly, to develop cognitive and social-emotional skills, to form strong relationships with teachers, and ultimately to succeed in college and life.[10] In 2018, SPS created a separate nonprofit organization, T.L.P. Education[11] (subsequently renamed Gradient Learning[12]), to market and administer the Summit Learning Program and Summit Learning Platform to schools around the country.[13] And while SPS has indicated that non-SPS schools may modify the program to suit their particular needs, its programming and marketing materials imply that if schools adopt the program and platform as is, their students' results can resemble those of students in SPS schools.[14]

SPS's boasts of success and its national prominence[15] make understanding its story a useful way to gain insight into how Silicon Valley funds and markets education initiatives. It also reveals inadequacies in policy related to school performance, digital educational programs, protection of student data, and school funding. With this in mind, we contacted Summit in October 2019 and asked to interview a knowledgeable staff person who could either provide us with information or point us to public sources of information about, among other things, SPS's curriculum and instructional program, its assessments, evidence for its reports of student academic success, and its funding.[16] The organization denied our request.[17,18]

Because the California Public Records Act (CPRA) requires that charter schools share information about their school operations with the public, on November 5, 2019, we submitted a request for records.[19] Our request covered the years from 2003-2004, when SPS opened its first school, through the 2018-2019 school year.[20]

Nine months after receiving our request, SPS provided us with records including marketing materials, student and parent guidebooks, financial statements, contracts with third-party service providers, and links to reports and state data. Although the organization portrays itself as committed to openness and transparency,[21] the records it provided contained little information pertinent to our requests or supporting its publicized claims of success. Our analysis of the records provided did, however, give us insight into a number of policy failures.

Summit's Performance Statistics: Unsupported

Summit Public Schools (SPS) offers a good example of the kind of personalized learning programs that have been heavily marketed for the past decade.[22] Marketing materials for its program reported students' academic success in precise numbers:

- "100% eligible for 4-year college,"

- "98% accepted to 4-year college,"

- and "55% Graduate College Within 6 Years—that's 2X The National Average."[23]

We asked for records related to how SPS had calculated the performance statistics reported on its website.[24] In response, it provided a corrupted file[25] and a statement that our request "relates to content posted on a website that Summit Public Schools does not operate."[26] Yet

SPS created, owned, and operated that website when figures were posted, so it seems highly likely that SPS simply did not want to—or could not—provide a substantive, open response to our request.

We also requested records that supported the reports posted on the Summit Learning website (which SPS created and administered during the period of our inquiry) about graduation rates and college acceptance and completion rates.[27] In response, SPS provided links to the California state dashboard and to a page on its website that linked to school plans and reports for its California schools (including Local Control and Accountability Plans [LCAPs] and School Accountability Report cards). It also provided links to the Washington State Charter School Commission's Performance Framework Reports for its Washington schools.[28] And it provided 2018-2019 marketing documents ("school profiles") for several of its schools.[29] Although some of the documents repeated SPS's assertions, none of the documents provided statistics that supported them. State data, as explained below, did not support Summit's claims.

Student Eligibility for Four-Year College

It is not clear what Summit means when it says that 100% of its students are "eligible for four-year college." Common sense suggests that "eligible for four-year college" means that a student has graduated from high school. However, according to California and Washington state records, no school in the Summit Public Schools (SPS) charter school network has ever graduated 100% of its senior class. Since its first graduating class in 2006-2007, SPS's four-year graduation rates have ranged from a low of 75% (Summit Rainier in 2014-2015 and Summit Olympus in 2017-2018) to a high of 98.9% (Summit Prep in 2007-2008) (see Appendix A-1). In 2018-2019, the first year that the state reported graduation rates for SPS's Washington schools, the graduation rates were 84.3% for Summit Sierra and 75% for Summit Olympus (no graduation rates were available for Summit Atlas) (see Appendix A-2).[30, 31]

Instead of using the word "eligible" to mean that its students graduated from high school, perhaps SPS means that its students are "prepared" for college/career using the definition of college readiness supplied by California's state dashboard reports.[32] If this is the case, in none of the years for which college and career readiness data were provided have 100% of SPS graduates been "prepared." In 2018-2019, for example, only 56% of Summit Everest students, 72% of Summit Prep students, 61% of Summit Rainier students, 74% of Summit Shasta students, and 62% of Summit Tahoma students were identified as "prepared" on the California dashboard (see Appendix B-1 for complete information on Summit Public Schools students' college "preparedness").

Further, when we reviewed California state records,[33] we found that the state provides high schools with a variety of ways to demonstrate that students are "prepared" for college and career. We also found that the vast majority of SPS students who met state standards for being "prepared" did so largely by completing high school coursework that SPS itself designs and grades rather than by performing at consistently high levels on external measures of academic performance (see Appendix B-1).[34] SPS students are much less likely to achieve a

"prepared" designation by other means that the state offers, such as scoring 3 or above on two AP tests or successfully completing two semesters of dual enrollment.

Washington State allows charter schools to provide the state with their own "school-specific goals" for reporting on their performance. Here, SPS designed its own method to demonstrate students' "college readiness" in required reports.[35] The method includes students in all grade levels, and in 2018-2019 measured college readiness as "90% of students finish the year college ready by scoring at least 70% or higher in all classes. At least 50% of students exceed basic college readiness by scoring 85% or higher in all classes."[36] In other words, this measure of readiness indicates the percentage of students in each SPS school, in all grade levels, who were on track to earn grades that were sufficient for them to graduate "college-ready." But based on Summit's own metrics, none of its three Washington schools reported that 100% of its students were college-ready (see Appendix B-2).

Student Acceptance to Four-Year Colleges

How SPS determines its students' college acceptance rates is also unclear, although it appears that its use of the term "acceptance" is distinct from matriculation. The Local Control and Accountability Plans [LCAPs] for SPS's California schools reported that those schools' graduates were admitted to four-year colleges at rates that ranged from 94% (Summit Rainier, 2018-2019) to 100% (Summit Prep, 2016-2017, 2017-2018, 2018-2019; Summit Rainier, 2016-2017, 2017-2018; and Summit Tahoma, 2016-2017, 2018-2019).[37] The "school profile" marketing documents SPS submitted for 2018-2019 were consistent with its LCAP reporting for that year.[38] In both cases SPS used the terms "admitted" or "accepted" to college.

Although neither California nor Washington publishes college acceptance rates on their data dashboards, California's DataQuest website provides the "College-Going Rate" for high school graduates beginning with the 2014-2015 school year (see Appendix C).[39] However, because SPS terms differ from the "college-going rate" term that California uses, SPS's data are impossible to verify using state data. We can verify, however, that SPS California schools' College-Going Rate ranged from 63.5% (Summit Everest, 2018-2019) to 92.3% (Summit Tahoma, 2016-2017) (see Appendix C). These data do not support Summit's claims.

Student College Completion

How SPS arrived at its assertion that 55% of its students graduated from college, "2X the national average," is also unclear—especially given that, according to the state of California, many SPS students do not matriculate. The school profile marketing materials we received include bar graphs to illustrate it, but provide no documentation to support the results displayed in the graphs.[40] Although SPS referred us to state reports, neither California nor Washington State report whether students who have completed high school subsequently graduate from college. In short, SPS provided no information that would verify its marketing boast that students complete college at twice the national average.

Summit's Educational Program: Unclear and Undocumented

The underlying logic of Summit Public Schools's (SPS's) assertions is that the advertised success of its students in college—and life—is the result of its learning program's mix of project-based learning, digital competency-based learning of academic content, mentoring, and electives. Students participating in the program, Summit says, develop cognitive and social-emotional skills (called "Habits of Success" and "Sense of Purpose") and master academic content.[41] Since for the most part these assertions rest on skills that the organization itself has defined and assessed, we requested records that would shed light on how SPS:

- defines the cognitive and social-emotional skills that its curriculum and instruction program is designed to develop;

- validated its methods of assessing students' performance; and

- trains teachers to use its assessment methods reliably.

We asked for records of how much time students spend working on projects as opposed to working on mastering content knowledge. In response, SPS sent a sample bell schedule, a sample annual calendar, a narrative description of a sample day for a student, and a description of its "Expeditions" program. These documents suggest that at SPS schools, students spend most of their time working on the "real world projects" that form the core of its pedagogical program. We also asked for records that would show how its schools respond to a student's failure to master the content required for a project. SPS sent a summary of typical student support systems its schools implement when students fall behind academically. Taken together, these documents offer descriptions of SPS's goals and practices. They do not, however, provide evidence that the chosen practices effectively taught students what SPS intended them to learn. Nor do they respond to requests that we made through the Open Records Act.

Validity of Assessments

The Science of Summit, Summit Public Schools's 2017 marketing document, explains the theoretical and research background for the four learning outcomes students must master and for many of the pedagogical choices made as SPS developed its curriculum and instruction program.[42] It also details the learning outcomes students must demonstrate in order to graduate. Of these, SPS prioritizes "Cognitive Skills,"[43] which are the 36 "interdisciplinary, higher-order thinking skills" that it determined "are necessary for college and career readiness."[44] Students' scores on this proprietary rubric contribute 80% to the calculation of their grades,[45] and so are the most important factor in determining whether graduates are deemed to be college- and career-ready. *The Science of Summit* asserts that the tool "was validated by the Stanford Center for Assessment, Learning, and Equity (SCALE)."[46] We had previously contacted SCALE to ask about such validation. It referred us back to Summit Public Schools.[47] For this reason, we requested records from SPS that documented the basis for and/or documented the psychometric validation of the Cognitive Skills Rubric. SPS responded that our request was unclear, and that it was unable to provide a relevant record.[48]

While SPS emphasizes students' mastery of cognitive skills, it also requires students to demonstrate mastery of what it calls "Content Knowledge" (core academic content),"Habits of Success" (the social-emotional skills it has defined), and "Sense of Purpose" (a particular social-emotional skill).[49] It defines Content Knowledge as the "vocabulary, ideas, events, concepts, properties, and details" related to an academic discipline,[50] and requires students to demonstrate mastery of content knowledge across several disciplines. However, in response to our request for records that would show how Content Knowledge assessments are created and selected, it provided only *The Science of Summit,* which does not include such information. *The Science of Summit* describes Habits of Success as "the social and emotional skills that enable students to be successful at both academic and non-academic pursuits."[51] And finally, it describes Sense of Purpose as a student's "understanding of their interests, values, and skills, and the articulation of a credible path after high school for translating those interests, values, and skills into fulfilled lives."[52]

Although SPS stated that it would not graduate a student who had not demonstrated mastery in all four areas (Cognitive Skills, Content Knowledge, Habits of Success, and Sense of Purpose), it had not, as of the 2017 publication of *The Science of Summit*, developed a way to assess either Habits of Success or Sense of Purpose.[53] As a result, we asked for records that indicated that SPS had, by 2019, created and validated assessments for these two outcomes. In response, we received several documents (including *The Science of Summit*). But none of the documents SPS provided indicated that it had validated assessments of any of its student learning outcomes.[54] We also asked for records of SPS's evaluations of its outcomes. SPS responded that it did not understand the request.[55] And finally, we asked for records related to a proposal for an evaluation of its program that SPS had purportedly solicited and declined. SPS responded that it had no records responsive to the request.[56]

Reliability of Assessments

To determine whether different Summit teachers consistently used the SPS Cognitive Skills Rubric in the same way, we requested records about the training teachers received to use the rubric.[57] In response, we received *The Science of Summit*, which has no description of teacher training. We also requested records of assessments SPS had done to verify the reliability of the student performance results reported by teachers trained in using the rubric.[58] SPS first responded that this request was unclear.[59] Subsequently, it provided links to California's Local Plans and Reports documents.[60] None of these documents provide information regarding teacher training or how SPS determined that teachers' grade assignments were reliable.

In sum, we received no records from SPS that indicated it had validated its central assessment tool, the Cognitive Skills Rubric, or effectively trained its teachers to use it reliably. These gaps open questions about the validity of coursework grades, and so about students' preparedness for college and career.

Unknown Decision-Makers and Embedded Decisions

The Summit Learning Program exemplifies the kind of competency-based, digital personalized learning approach heavily marketed to schools by technology industry foundations such as the Gates and Dell foundations and the Chan Zuckerberg Initiative, as well as by venture capital firms that stand to profit from the adoption of digital technologies.[61] Silicon Valley business and organizations put digital technologies at the heart of personalized learning.[62] The continuous assessment, recordkeeping, and feedback required to maintain students' personalized profiles require vast amounts of quantitative data, all of which is housed in the Summit Learning Platform.[63]

As the heart of the Summit Learning Program, the Summit Learning Platform serves myriad functions. It provides learning materials and assessments, records student activities and progress, and determines whether students are ready to move from one piece of content to the next. It collects and holds all manner of information about students' thoughts, plans, and behavior. It establishes the framework through which teachers interpret their students' learning,[64] and it structures the communication between them.[65] All aspects of the learning program depend upon the platform to some degree, and both students and teachers interact with it constantly.

The proprietary platform extensively automates curriculum, instructional decisions and student assessments.[66] Yet, the identities, qualifications, and priorities of the decision-makers who created and run the platform are unknown.[67] The pedagogical decisions that have been embedded include which third-party-provided readings or videos students may use in core academic content lessons; which questions are included in the platform's question banks for student assessments; which cognitive skills students are to learn from a given project; and what level of each cognitive skill is expected of students at each grade level.

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Other programming decisions have less obvious pedagogical implications. For example, something as simple as the colors used may affect students' ability to do schoolwork easily.[68] How far teachers can drill down in a data table can determine which information they can easily see about their students' work, affecting their understanding of and response to students' struggles and progress.[69] And whether students may open additional tabs while they complete assessments shapes the outcomes of those assessments.[70] We point to these particular examples of programming decisions because SPS included them in a list of "program updates" reported on its Summit Learning website.[71] The list of program updates constitutes only a small subsample of the innumerable programming decisions that go into creating and maintaining the learning platform. Given its potential to influence students' experience and educational outcomes, transparency about who makes these kinds of decisions, and how they make them, seems important and is crucial to claims of transparency.

For these reasons we asked for records related to the entities responsible for designing the

curriculum and assessments programmed into the platform.[72] We also asked for records of the decision-makers' qualifications.[73] In response, SPS sent us a list of its 2017 executive team members, a list of schools from 2015-2019, and job descriptions (for a teacher, executive director, director of curriculum and assessment, and assistant director, presumably of an SPS school).[74]

These records suggest that the leadership sought to hire staff members with certain characteristics and qualifications. They also, perhaps, were meant to suggest that SPS's leadership had formal responsibility for the decisions made. However, the records did not specify the qualifications of staff actually hired or indicate which staff positions made which type of decision. Further, none of the records indicated which decisions programmers made, using which guidelines. The limited records provided open the possibility that perhaps SPS leadership is not clear about who made curricular, assessment, and other influential decisions and on what basis.

When we also asked for records of contracts with the third-party content and service providers for the curriculum and for student assessments, we received an undated list of 18 third-party providers and 11 contracts.[75] The list appears to be an earlier version of a list currently posted on the Summit Learning website.[76] Of the 11 contracts provided, seven were signed by both parties, clearly indicating formal agreements. Of these, two were master service agreements, three were privacy and data security agreements, one was a service order form, and one was a licensing agreement.[77] As such, these contract documents were not comprehensive, but rather each covered particular aspects of the providers' involvement with the platform, such as data privacy or licensing. The limited number of contract documents supplied opens the possibility that some providers may have worked with the platform—providing content or accessing student data—without a contract that specified the terms of their engagement. This absence of contracts also makes it impossible to identify the decision-makers and policies that shape important aspects of students' educational experience.

Protection of Student Data: Inadequate

Summit Public Schools (SPS) is hardly alone in employing education technology products in schools. Most schools now commonly use a variety of such products. These include, for example, learning management systems (Schoology, Google Classroom), curriculum tools (Nearpod, Kahoot!), IT management (Clever, Classlink) and study tools (Quizlet, Desmos).[78] All of these entities collect information about and from students. Generally, contracts between school districts and providers define the terms controlling providers' ability to hold and use student data; the circumstances and form of data that allow for information sharing with subcontractors and other third parties; and, requirements for providers and subcontractors to protect students' privacy by securing their data.[79] Where SPS differs from most, if not all, other school systems is that its proprietary platform serves as the interface between its students and all third-party technical service and embedded content providers. This means that SPS alone defined the terms relevant to the collection, use, sharing and securing of student data in its system.[80]

The three privacy and security addenda that SPS provided (with the companies Airbrake,

Mode, and Pusher) specify SPS as the legal owner of its students' data.[81] They require audits of the third-party providers' security practices, and they limit sharing of SPS data.[82] But they also allow third-party providers to subcontract with additional service providers and to share data with subcontractors as needed—without requiring notification of such arrangements.[83] Rather, the third-party contractors are to require that *their* subcontractors ensure data protections at least as stringently as the contractors do.[84] Although the use of subcontractors is common, this arrangement and lack of records suggests that even if SPS contractually "owns" its student data, an unknown number of third-party providers and their subcontractors have access to it.

Additionally, language in the addenda allows third-party providers to use "de-identified and aggregate data" for their "own internal business purposes."[85] Since these documents do not specify subcontractors' use of de-identified and aggregate data, it seems likely that subcontractors, too, are free to use "de-identified and aggregate data" for their "internal business purposes."[86] Any number of unnamed companies, then, may have access to students' de-identified data to use for purposes unknown to and unsupervised by anyone but themselves.

Contractual language raises the question of what the SPS itself does with student data. We requested records about data collection, data retention, and data security practices.[87] In response, SPS provided a number of documents related to non-Summit schools using the Summit program: participation agreement documents (dated 2015-2017)[88]; a 2018 data privacy addendum[89]; privacy policy templates dated 2015-2018[90]; and, an undated list of third-party providers.[91] Written in 2015, after SPS began marketing its program to schools across the United States, the documents explain how SPS would use and protect non-SPS student data.[92] Whether SPS employed the same guidelines for student data from its own schools—or even whether it has any data protection policies at all—are unanswered questions.

Non-Tax Funding: Substantial and Incompletely Documented

Our prior research using public sources suggested that Summit Public Schools (SPS) began receiving donations from tech industry donors around the same time that it began to use digital curriculum materials in its schools, in 2011-2012.[93] Bill Gates and Mark Zuckerberg, in particular, have both championed and financed the development of the Summit Learning Program.[94] To document SPS's funding sources, we asked for records of its non-public funding in school years 2003-2004 through 2019-2020.[95] SPS subsequently provided a series of audited financial statements including the 10 school years 2009-2010 through 2018-2019,[96] but excluding those from 2003-2004 through 2008-2009 and 2019-2020.

The statements provided do not identify donors; instead, what is known about donors and donation amounts comes from granting organizations reports and other publicly available reports.[97] Nor do the statements indicate the significant in-kind engineering and marketing contributions from Facebook and the Chan Zuckerberg Initiative (CZI). Facebook began providing those services in 2014-2015, and CZI became Summit's long-term technology partner in 2017.[98] The value of the in-kind contributions is unknown.

The statements do provide some information about financial contributions received during the years SPS expanded its network of schools, developed its learning program, and began marketing it nationally. During the 10-year span, revenues were nearly evenly split between public and non-public sources. The tax entity "Summit Public Schools" received a total of $192,567,726 in revenue from public sources,[99] including state aid, block grants, property tax revenue, and lottery revenue. Non-public sources (contributions, investments, and "other") contributed revenue totaling $186,398,933.[100] Ninety-five percent of that amount was allocated to the "Summit Public Schools 501c(3) organization," a tax-exempt entity that first appeared in Summit's audited financial statements in 2013-2014. In effect, the vast majority of the nearly $200 million in reported non-public revenue was allocated to the tax-exempt organization and not directly to the schools.

The financial statements provide only a rough indication of how the organization used the money. For these 10 years, across all the SPS schools and nonprofit organizations, expenses for "program services" totaled $266,067,992; those for "supporting services," including "management and general," totaled $56,576,779. Both program and supporting services include salaries and other employee-related expenses, instructional expenses, occupancy expenses, travel expenses, IT expenses, "other fees for services" and "other expenses."[101] What specific types of expenses are "other" is unclear, as is how much of the money was used to develop and market the Summit Learning Program and Summit Learning Platform.

Discussion and Analysis: Information Gaps Illustrate Key Policy Gaps

Despite its purported commitment to transparency and collaboration,[102] Summit Public Schools (SPS) was able to effectively hide itself in plain sight. It repeatedly declined our invitations to informally provide information about its operations, instructional program, and academic results,[103] and in response to our open records request, it provided mostly substantively unrelated documents. Further, its explanation for why certain records had not been provided were at times improbable at best. For example, it contended that it was not responsible for the claims of success posted on the Summit Learning website[104] even though SPS created and administered the site during the time covered by our request, and even though the same claims were posted in other SPS documents of which it surely was aware.[105] By the end of our inquiry it was clear that the organization would not or could not provide sufficient evidence to support its boasts of success, or answer important questions about its academic program or its administrative and data security practices.

It is important to note, however, that our inability to elicit responsive rescords from SPS about its performance and key aspects of its program reveals more than the lack of transparency of a single charter school organization. Many other schools and school organizations operate in policy environments similar to the one profiled here, with the same requirements—or lack thereof—to document their performance. Missing information relevant to what students are experiencing in the SPS platform and who shaped that experience illuminates a number of significant failures in education policymaking. These include inadequacies in state policy relating to requirements for public records, oversight of school performance, oversight of

digital educational platforms, protection of student data, and potential profits for nonprofit organizations.

Requirements for Public Records

The difficulty we had in obtaining important information relevant to the quality of a curricular and instructional program and to the performance of students experiencing it points to the need for required public records addressing such important factors.

We acknowledge, of course, that there are reasonable limits to what we could expect an organization such as SPS to provide, given its policy context. California's Public Records Act (PRA) does not require organizations to compile or analyze data, or to produce any new records not kept in the ordinary course of business. Therefore, when we requested a lot of information, it is possible that SPS may have lacked explicit records relevant to every area. Then, too, SPS indicated that some of our requests were hard to understand and, in an early letter, said the scope of several requests was unclear. We subsequently offered clarifications.[106,107] To head off such issues, we initially asked only to interview a knowledgeable staff member. And even after submitting our public records request, we repeatedly offered to discuss our request to help reduce any burden on SPS staff. The organization declined all our offers. Given the state's policy, an organization can keep much important information out of public view simply by not compiling reports on it and refusing to discuss it.

In addition, throughout our research efforts, SPS consistently maintained that "to the extent activities relating to the Summit Learning Program and the Summit Learning Platform are unrelated to the operation of an SPS school, they are exempt from the Public Records Act."[108] But the fact is that SPS created the Summit Learning Program and the Summit Learning Platform for use in its schools, and it still uses them in its schools today. They constitute the backbone of the SPS curriculum and instruction program. As such, they are inherently related to the operation of SPS charter schools. The assertion that they are unrelated to the schools is specious.

Ultimately, SPS did not respond to or failed to provide records materially responsive to more than half our requests for records.[109] This largely in California, a state with arguably the strongest public records legislation in the country, explicitly including charter schools. However, the California statute's conspicuous lack of an enforcement mechanism allows entities such as SPS to evade meaningful transparency: They simply need not to create or maintain reports about information they don't want to make public and to be resolutely unforthcoming when asked probing questions. Anyone dissatisfied with information provided has only one—costly—recourse: Go to court.

In allowing such easy evasion of requirements, the state effectively allows the responsibility for ensuring transparency to default to individuals and families, who have far fewer resources to deal with the problem.

Oversight of School Performance

Summit Public Schools (SPS) has repeatedly claimed that its unique pedagogical program prepares its students exceptionally well for college and career; however, it was unwilling or unable to provide records that validated its claims about its students' eligibility for four-year college, their college acceptance rates, and their college graduation rates. As we noted earlier, the publicly available information to which SPS pointed us actually contradicted its claims.

In June 2020, while continuing to correspond with SPS's attorney about our public records request, the National Education Policy Center (NEPC) released *Big Claims, Little Evidence, Lots of Money: The Reality Behind the Summit Learning Program and the Push to Adopt Digital Personalized Learning Platforms*.[110] Our report drew on data from state school district performance dashboards, the Summit Public Schools and Summit Learning Program websites, and contracts that parents shared with us between SPS and schools that had signed on to use the SPS program.[111] Based on our analysis of those materials, we concluded that the organization could not support its claims. In its responses to our open records request, SPS provided no records that would allow us to change our conclusion.

The publicly available information to which SPS pointed us actually contradicted its claims.

In September 2021 Summit released *Pathways to Success: Exploring the Long-Term Outcomes of Alumni from Summit Public Schools*. This report emphasized ambiguous outcomes related to quality of life, and it also presented statistics about SPS students' college acceptance and graduation rates. However, a close look at these statistics revealed that they did not support the stated high level of academic success. In a review of *Pathways to Success* for NEPC, Arizona State University professor Audrey Amrein-Beardsley noted the report's flawed methodology and dubious claims.[112] Her analysis indicated that, contrary to assertions of great success, SPS graduates are actually *less* likely to complete a college program than their peers in the United States.[113]

Just as in the school profiles and other documents SPS provided to us, the terminology *Pathways to Success* uses to report academic success differs from the terminology that state departments of education use for performance measures. This makes it virtually impossible to verify or even understand SPS's assertions when comparing them to state performance data. State accountability systems use clearly defined, common measures such as graduation rates and performance on state exams to help the public evaluate schools' success. However, when a state allows schools to use a variety of measures, it can be more difficult to obtain a clear picture of a school performance. For example, as discussed earlier, California allows schools to assess student "preparedness" in a number of ways. While this approach offers flexibility for students and schools, it also allows a school to appear to be successfully preparing students for college and career when it may not actually be doing so.

SPS's performance on California's metrics of college and career readiness points to a conundrum in how states evaluate schools. While standardized accountability measures offer common, understandable ways to assess schools' performance, forcing all schools to use rigid and often flawed assessment regimes limits schools' ability to develop innovative approach-

es to teaching and learning. And again as discussed earlier, the latitude California provides allowed SPS to measure preparedness based largely on students passing coursework.[114] But as a charter school organization, SPS also had wide latitude to develop a curriculum and instruction program, including coursework and student assessment. In the course of this study, we saw that without independent validation of a school's internal grading systems, it is impossible to accurately determine what students' grades in coursework indicate they have actually learned. Flexibility, while potentially beneficial, must be combined with genuine and enforceable transparency to obtain meaningful information.

Other factors also cloud performance assessment. Driven by promoters who believe competition can solve every problem and so every public sector should become a (potentially lucrative) marketplace, school choice has transformed the educational landscape into one where schools compete for students. In this competitive environment, it should be no surprise that charter schools competing with traditional public schools take pains to portray and market themselves as highly successful. Because California's current "College/Career Indicator" is not connected to reliable measures of college attendance or college graduation,[115] SPS is free to assert its success based on the coursework and assessments it fully controls. To validly assess whether students who successfully complete a school's program are in fact "college ready," states would need to know whether they are, in fact, admitted to and successfully complete college. But because college completion also depends on variables unrelated to whether students are academically prepared (for example, having enough money to pay for four years of school), states cannot accurately assess college readiness.

Coursework is at best a questionable substitute. Although SPS asserted that Stanford researchers were involved with validating its assessment—an assertion insufficiently supported by the records provided—SPS offered no records documenting the soundness of its pedagogy, assessments, or teacher training; any systematic study of its programs[116]; its outcomes; or the percentage of students admitted to and graduated from college. Therefore, its assertions of exceptional student outcomes are, in essence, unsupported marketing claims designed to attract students and their families, and/or potential funders. While traditional public schools would be similarly unlikely to be able to provide evidence of the validity and reliability of their internal assessment methods, public schools do not claim that their assessments are innovative and validated by reputable third parties.

The glowing performance assessments rendered in marketing materials but unsupported by valid, reliable evidence are an unsound base for judgements about school performance.

Oversight of Digital Educational Platforms

Given the Summit Learning Platform's central role in SPS's curriculum and instruction program, it is important to know the qualifications of those who decide such matters as what curriculum content the platform contains, what pedagogical assumptions are programmed into it, how assessments are organized and weighted, what data are collected, and how those data are used, managed, and secured. Summit emphasizes that educators designed its Summit Learning Program,[117] but offered little or no information beyond that vague description. As previously noted, the documents provided did not make clear the qualifications of the

people who made such decisions implemented in the platform[118] or of content providers whose decisions also shaped curriculum and assessment. These decision-makers are invisible, since no system of public oversight exists to examine the programming or any of its implications, including bias and error. The system is a black box.

Our experience shows how difficult it is to obtain information about the creation and programming of digital platforms such as the Summit Learning Platform. Although it is a public charter school organization subject to the California Public Records Act, we were able to obtain from SPS little if any relevant information. No legal mechanism exists allowing the public to obtain information about the workings of private educational platforms, including those marketed by SPS's spin-off (T.L.P./Gradient Learning), Google,[119] and countless other entities that provide education technology products to schools. Despite the fact that how and what students do (and don't) learn is critically important, and despite the fact that technologies increasingly provide their learning experiences, information about how key decisions shaping that experience are made remains behind an impenetrable curtain. If this problem is not addressed, the increased incorporation of machine learning technologies in educational software is likely to accentuate it.

Protection of Student Data

In its function as the data hub for the Summit learning program, the learning platform collects all the educational data that teachers and students create. Information from every student runs through the platform, with several third-party vendors having access to it (including T.L.P./Gradient, the Chan Zuckerberg Initiative [CZI], and others).[120] As a result, student data the platform collects may be used for unknown purposes unrelated to students' schooling, without the knowledge or approval of students or their families or oversight by any public entity.

SPS says it has policies in place to protect the privacy of platform data, and it provided some legal documents purporting to offer data protection for students in *non*-SPS schools that use the SPS program. It provided no information, however, about policies protecting student data *inside* its own schools. The undated list of third-party providers submitted does not indicate when any of the providers had access to student data, or for how long. Moreover, the third-party data privacy and security addenda SPS provided us suggest that third-party contractors may share data originating with SPS with an unknown number of other entities. The addenda also suggest that SPS—much less the public—has no way of knowing who might ultimately access the data or what they might do with it.

Also unknown is what types of data SPS shares. The platform collects data on all aspects of students' school activities, very likely including a wide variety of social-emotional (SEL) data, which is often linked to personalized learning.[121] In fact, Priscilla Chan (co-CEO of the Chan Zuckerberg Initiative) noted in 2017 that

> We believe that personalized learning is the best way to make sure that every
> child has a real chance to succeed, but we also know that tailoring the learning
> experience isn't possible without a full, data-based picture of each child and

their unique needs.[122]

In other words, for Dr. Chan, personalized learning *requires* the collection and analysis of extensive data about all aspects of a child's life, and SPS provides a good example of how a digital, personalized SEL program can extract it. To the extent that schools encourage students to communicate with their teachers through a digital educational platform or product, information they share in the context of warm and trusting relationships may become content for data analysis.[123]

Of particular concern is the analysis and use of de-identified student data, which subcontractors can use for unspecified purposes. Although de-identification appears to protect students' privacy, de-identified data are easily re-identified.[124] Moreover, analyses of massive sets of de-identified data are largely used to develop products that purport to predict individuals' future thoughts, feelings, behaviors, health, and success, based on the specific groups to which they appear to belong.[125] This means that the data provided by students in SPS schools may feed predictive analytics whose impact ranges far beyond the particular students involved, and far beyond those students' personal educational needs.[126] These data may, for example, be combined with additional available data to generate predictions about other young people, informing future action toward those students and society more generally—for example, factoring into health insurance rates. State and federal student data privacy laws offer no protection because they exempt de-identified data.[127]

It is worth repeating that even the small amount of information we received from SPS about the disposition of its students' data is impossible to obtain from private organizations or companies that provide digital educational products to schools.[128] Proprietary products used in schools may extract and share student data with little to no public oversight over which data are shared, with whom they are shared, and for what purposes they are used. This is the case despite the Family Educational Rights and Privacy Act (FERPA) requiring schools to directly control the use and maintenance of students' education records.[129] The requirement is impossible for schools to fulfill, given their inability to obtain information from vendors.

Potential Profits Stemming from Nonprofit Charter Schools

The Gates Foundation, Chan-Zuckerberg Initiative (CZI), and other Silicon Valley donors have heavily promoted charter schooling, digital personalized learning, and social-emotional learning, all of which are embodied in SPS's Summit Learning Program.[130] Not surprisingly, then, these donors have provided a lot of money to support SPS. Documents provided to us indicate that between 2009-2010 and 2018-19, donors provided some $200 million to develop and promote the use of the Summit Learning Program and Summit Learning Platform.[131] CZI has continued to fund T.L.P./Gradient[132]; it also leads the development work on the Summit Learning Platform and advises T.L.P./Gradient on its educational program.[133]

The SPS program and platform embody the technology industry's vision of education, which centers on data that digital technology can collect and analyze—purportedly to deliver individualized curriculum and instruction.[134] Not incidentally, to the extent that the vision is realized in schools, it also provides technology companies and their investors with both a

valuable market for their products and a continually renewing source of data from which they can profit further. Unsurprisingly, given the confluence of aligned worldview and potential profit, funders such as the Gates Foundation and Facebook/CZI embraced the opportunity to support and mold the development of the Summit Learning Program and to market it to schools around the country. To the extent that Summit and related entities have made incorrect or unsupported marketing claims, the profit motive would appear to be at least partially driving those decisions.

Education policy has enabled this opportunity by creating fertile ground for the establishment of charter schools with few, if any, restrictions on their relationships with donors. It has enabled SPS to attract huge donations and to engage a private entity to guide the development of its curriculum and to create its digital platform. And it has allowed SPS to spin off T.L.P/Gradient as a separate, unaccountable, organization to continue promoting the curriculum and platform. Current policy also tends to encourage schools to adopt the kind of personalized learning technologies that SPS's donors have been eager to fund,[135] exempting personalized learning technologies from regulation designed to protect the privacy of student data (including social-emotional data)[136] and allowing education technology providers to serve as "school officials"[137] and access student data. This confluence of policies enabled Summit Public Schools to serve as a laboratory for its wealthy donors to use in establishing and spreading their self-interested pedagogical vision.

Conclusion and Recommendations

Summit Public Schools (SPS) provides a powerful example of the need to provide oversight and accountability to protect the public interest and to ensure the transparency of digital educational programs. Based on our study of Summit Public Schools, we recommend that state policymakers:

- Strengthen open records laws applied to charter schools by providing state enforcement mechanisms, supplementing litigation by individual parties.

- Require educational entities reporting on performance to provide supporting evidence.

- Discontinue metrics of students' preparedness for college.

- Establish an independent government entity charged with ensuring the quality of digital educational products used in schools. Require this entity to review and approve the pedagogy and digital programming of any digital educational product a school uses, both prior to implementation and periodically thereafter.

- Enact student data privacy legislation that removes exemptions for digital educational products marketed as providing personalized learning.

- Develop a standard data privacy and security agreement for schools to use with any entity providing a digital educational product.

- Create an oversight system for contributions to charter schools requiring the amount and source of each contribution.

Notes and References

1   See, for example:

Singer, N. & Isaac, M. (2015, August 9). Facebook helps develop software that puts students in charge. *New York Times*. Retrieved June 22, 2023, from https://www.nytimes.com/2016/08/10/technology/facebook-helps-develop-software-that-puts-students-in-charge-of-their-lesson-plans.html?rref=collection%2Fsection-collection%2Feducation&action=click&contentCollection=education&region=rank&module=package&versio

Tavenner, D. (2015, April 7). *Inside Summit's mission to redesign schools*. Retrieved June 13, 2023, from https://www.edsurge.com/news/2015-04-07-inside-summit-s-mission-to-redesign-schools

Vander Ark, T. (2015, June 28). *Summit Public Schools continue to innovate and expand impact*. [blog post]. Getting Smart. Retrieved May 12, 2023, from https://www.gettingsmart.com/2015/06/28/summit-public-schools-continues-to-innovate-and-expand-impact/

2   See, for example:

Carter, A. (2017, August 16). The science behind Summit Public Schools' model. *Education Week*. Retrieved May 12, 2023, from https://www.edweek.org/leadership/opinion-the-science-behind-summit-public-schools-model/2017/08

Gates, B. (2019, December 10). An amazing guidebook for raising and educating our kids [blog post]. *Gates-Notes: The blog of Bill Gates*. Retrieved May 12, 2023, from https://www.gatesnotes.com/Prepared

Summit Learning (n.d.). Introduction to Summit Learning [webpage]. Retrieved May 12, 2023, from https://help.summitlearning.org/hc/en-us/categories/203680207

Vander Ark, T. (2015, June 28). *Summit Public Schools continue to innovate and expand impact*. [blog post]. Getting Smart. Retrieved May 12, 2023, from https://www.gettingsmart.com/2015/06/28/summit-public-schools-continues-to-innovate-and-expand-impact/

3   In school year 2023-2024, Summit Public Schools (SPS) has nine high schools and three middle schools. Summit Denali (middle and high school) closed in June 2023.

Abousalem, N. (2020, February 17). Personal communication (email) with Christopher M. Saldaña.

Summit Public Schools (n.d.). Our schools [webpage]. Retrieved August 14, 2023, from https://summitps.org/our-schools/

Summit Public Schools (n.d.). Who we are [webpage]. Retrieved August 14, 2023, from https://summitps.org/who-we-are/

4   *Education Week* reported that Facebook provided three engineers in 2014 to build out the proprietary digital platform that would become the Summit Learning Platform. By March 2016, Facebook's engineering group dedicated to Summit Public schools had "grown to a team of 20 engineers, product designers, and user-experience researchers…"

Herold, B. (2016, March 7). Inside Facebook's partnership to develop software for K-12 Schools. *Education Week*. Retrieved August 10, 2023, from https://www.edweek.org/teaching-learning/inside-facebooks-partnership-to-develop-software-for-k-12-schools/2016/03

In 2016-2017, the Chan Zuckerberg Initiative (CZI) replaced Facebook as SPS's long-term partner. CZI staff work with SPS to develop its pedagogical program, and its "technology team leads the ongoing development and improvement of the Summit Learning Platform."

Summit Learning (n.d.). How do Summit Learning and the Chan Zuckerberg Initiative partner to-

gether? [webpage]. Retrieved May 19, 2023, from https://help.summitlearning.org/hc/en-us/articles/360000818828-How-do-Summit-Learning-and-the-Chan-Zuckerberg-Initiative-partner-together-

Summit Public Schools (2017, August). *The science of Summit* (p. 18). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

5   For a list of private gifts to Summit Public Schools recorded in public sources, see:

Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (Appendix A). Boulder, CO: National Education Policy Center. Retrieved May 12, 2023, from http://nepc.colorado.edu/publication/summit-2020

6   Summit Public Schools (2017, August). *The science of Summit*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

7   Summit Public Schools describes four "student learning outcomes" that its students must master: "cognitive skills," "content knowledge," "habits of success," and "sense of purpose." It describes its classroom experience as focusing on "mentoring," "projects," "self-direction," and "expedition." These are the methods by which students learn cognitive skills, content knowledge, habits of success, and sense of purpose.

Summit Public Schools (2017, August). *The science of Summit*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

Summit Public Schools (n.d.). The Summit model [webpage]. Retrieved January 12, 2023, from https://summitps.org/the-summit-model/

8   Herold, B. (2016, March 7). Inside Facebook's partnership to develop software for K-12 schools. *Education Week*. Retrieved August 10, 2023, from https://www.edweek.org/teaching-learning/inside-facebooks-partnership-to-develop-software-for-k-12-schools/2016/03

Wilka, M. & Cohen, J. (2014, August). *Self-directed learning at Summit Public Schools. FSG and Summit Public Schools* (pp. 7-8). Retrieved January 28, 2020, from https://www.fsg.org/publications/self-directed-learning-summit-public-schools#download-area

9   Wilka, M. & Cohen, J. (2014, August). *Self-directed learning at Summit Public Schools. FSG and Summit Public Schools*. Retrieved January 28, 2020, from https://www.fsg.org/publications/self-directed-learning-summit-public-schools#download-area

10   See, for example:

Summit Public Schools. (2021, September 20). *Summit Public Schools reveals first alumni report of its kind, redefining student success*. Retrieved April 28, 2022, from https://summitps.org/wp-content/uploads/2021/09/Pathways-to-Success-Press-Release.pdf

11   In 2019, the Summit Learning website explained that T.L.P stood for "Teachers, Learners, and Education Partners." A June 2019 Summit Public Schools board packet, however, said that it stood for "The Learning Platform."

Summit Learning (n.d.). Who is T.L.P. Education (aka "Summit Learning")? [webpage]. Retrieved August 28, 2019 and April 7, 2020, from https://help.summitlearning.org/hc/en-us/articles/360021179053-Who-is-T-L-P-Education-aka-Summit-Learning- [original content no longer available].

Summit Public Schools (2019, June 19). *Summit Public Schools California Board of Directors meeting*

agenda and packet (p. 30). Retrieved August 10, 2023, from https://drive.google.com/file/d/0B3gQmNrZ-si6oUU16MzVydlZpMnU5M1ZjNUNTNnZLdUgteU80/view?resourcekey=0-FoIKwdNEsHBaU7KrdQnehA

12   Summit Learning (n.d.) What is Gradient Learning? [webpage] Retrieved August 10, 2023, from https://help.summitlearning.org/hc/en-us/articles/360021179053-What-is-Gradient-Learning-

13   Summit Public Schools's 2018-2019 year-end-summary noted, "We determined that this was the right time to launch a new nonprofit organization dedicated specifically to the Summit Learning Program for several reasons…"

Summit Public Schools (2019, September 3). *Excellence is equity: Summit Public Schools end-of-year summary 2018-19* (p. 39). Retrieved August 10, 2023, from https://drive.google.com/file/d/1M5oisCLwRLe-RdtHxpl7yT3v6j5yf96aD/view

14   See, for example:

Summit Public Schools (2019, September 3). *Excellence is equity: Summit Public Schools end-of-year summary 2018-19* (pp. 39-41). Retrieved January 9, 2023, from https://drive.google.com/file/d/1M5oisCLwRLe-RdtHxpl7yT3v6j5yf96aD/view

Wilka, M & Cohen, J. (2017, March). *Building Summit basecamp: Year 1* (p. 11). FSG and Summit Public Schools. Retrieved January 28, 2020, from https://www.fsg.org/publications/self-directed-learning-summit-public-schools#download-area

15   See, for example:

Singer, N. & Isaac, M. (2015, August 9). Facebook helps develop software that puts students in charge. *New York Times*. Retrieved June 22, 2023, from https://www.nytimes.com/2016/08/10/technology/facebook-helps-develop-software-that-puts-students-in-charge-of-their-lesson-plans.html?rref=collection%2Fsection-collection%2Feducation&action=click&contentCollection=education&region=rank&module=package&versio

Tavenner, D. (2015, April 7). *Inside Summit's mission to redesign schools*. Retrieved June 13, 2023, from https://www.edsurge.com/news/2015-04-07-inside-summit-s-mission-to-redesign-schools

Vander, T. (2015, June 28). *Summit Public Schools continue to innovate and expand impact* [blog post]. Getting Smart. Retrieved May 12, 2023, from https://www.gettingsmart.com/2015/06/28/summit-public-schools-continues-to-innovate-and-expand-impact/

16   Uong, C. (2019, October 16-21). Personal communication (telephone) with Faith Boninger.

Uong, C. (2019, October 17-24). Personal communication (email) with Faith Boninger. Retrieved August 14, 2023, from https://drive.google.com/file/d/1KJZI5O8ALrUD7EetQL9bpSSj4XxcabBX/view?usp=drive_link

17   Uong, C. (2019, October 17-24). Personal communication (email) with Faith Boninger. Retrieved August 14, 2023, from https://drive.google.com/file/d/1KJZI5O8ALrUD7EetQL9bpSSj4XxcabBX/view?usp=drive_link

18   We also repeatedly tried via email and registered mail to contact T.L.P./Gradient, but never received a response. We wrote to info@summitlearning.org, the address provided by T.L.P. on the Summit Learning website, and asked to speak to someone about the Summit Learning Program on October 18, 2019, October 23, 2019, November 4, 2019, November 16, 2019, November 22, 2019, December 5, 2019, December 11, 2019, December 30, 2019, January 9, 2019, January 24, 2020, January 31, 2020, and February 7, 2020. We also wrote to the land address indicated on the Summit Learning website (which is also the address of the law office that represents Summit Public Schools) on January 27, 2020 and February 14, 2020. We received no reply to any of our inquiries. It is notable that during this time TLP was providing extensive access to Hechinger Report reporters for a profile.

Mathewson, T.G. (2020, May 1). *The overlooked power of Zuckerberg-backed learning program lies offline.*

Hechinger Report. Retrieved August 10, 2023, from https://hechingerreport.org/a-personalized-learning-program-with-ties-to-zuckerberg-shows-promise-despite-criticism/

19   Government Code §§ 6250 *et seq.* specifically includes charter schools as subject to the law (pursuant to California Education Code § 47604.1, as amended by California SB 126 (2019).

20   2018-2019 was the last school year before T.L.P./Gradient assumed responsibility for the Summit Learning Program and the Summit Learning Platform.

Summit Learning Program (2019, April 4). *Andrew Goldin named Executive Director of T.L.P. Education* [press release]. Retrieved June 13, 2023, from https://www.prnewswire.com/news-releases/andrew-goldin-named-executive-director-of-tlp-education-300824991.html

21   Summit Public Schools's 2017 marketing document, *The science of Summit*, claims "We know but one way to improve, and that is through brutal honesty and transparency to invite feedback and collaboration."

Summit Public Schools (2017, August). *The science of Summit* (p. 5). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

22   Boninger, F., Molnar, A., & Saldaña, C.M. (2019). *Personalized learning and the digital privatization of curriculum and teaching.* Boulder, CO: National Education Policy Center. Retrieved August 10, 2023, from https://nepc.colorado.edu/publication/personalized-learning

23   When Summit Public Schools (SPS) administered the Summit Learning Program, the "About Us" page on the Summit Learning website included a history of SPS and the Summit Learning Program, a description of the Summit Learning Program, and statistics about SPS students' outcomes: "100% Eligible For 4-Year College; 98% Accepted to 4-Year College; 55% Graduate College Within 6 Years—that's 2X The National Average." That content is no longer available at the Summit Learning webpage. A variation of it exists on Summit Public Schools' current "Our Results" webpage. It reads: "96% of all graduates are 4-year college ready," "96% of graduates are accepted to 4-year college," "Summit alumni complete college at nearly 2X the national average," and "2X Summit graduates in the class of 2021 passed at least one AP exam vs. the national average." SPS's 2018 and 2019 annual summaries also report similar claims.

Summit Learning (n.d.). About us [webpage]. Retrieved August 21, 2019, from https://www.summitlearning.org/about-us [original content no longer accessible]

Summit Public Schools (n.d.). Our results [webpage]. Retrieved August 11, 2023, from https://summitps.org/the-summit-model/our-results/

Summit Public Schools (2018). *Changing education. Changing lives* (p. 18). Retrieved May 15, 2023, from https://drive.google.com/file/d/1AnSoWn5nSFKidSA_BzZUvqRmD_3-FvDC/view

Summit Public Schools (2019, September 3). *Excellence is equity: Summit Public Schools end of year summary 2018-2019* (p. 18). Retrieved May 15, 2023, from https://drive.google.com/file/d/1M5oisCLwRLeRdtHx-pl7yT3v6j5yf96aD/view

24   See numbered list of NEPC requests to Summit Public Schools, request #16:

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

All our correspondence with SPS can be found at: https://drive.google.com/drive/folders/1buLCR7BZyK0jn-Q5VoNmGuWtDky56lnud?usp=drive_link

25   We pointed out the corrupted file. In response, SPS's counsel sent an attachment in which he said the information was included. The attachment contained the school profile marketing documents and links to state

dashboards and reports as SPS had originally provided in responses to other of our requests. None of these documents or links indicated how SPS had calculated the performance statistics reported on its website.

Ogbu, N. (2021, 26 February). Personal communication (email) with Faith Boninger. Retrieved August 9, 2023, from https://drive.google.com/file/d/1UIxBUIQrkBlNxB_hMQ-RBHAsPIxrilwD/view

26 Summit Public Schools (n.d.). *College eligibility*. [Document received from Summit Public Schools, August 2020]. Retrieved August 14, 2023, from https://drive.google.com/file/d/173lBI8H0_L8ndtFbklfVxZh82yAU-W2m7/view?usp=sharing

27 Summit Public Schools created "Exhibit A" based on our Public Records Act request. We subsequently edited it to add clarifications. See requests #13-18 in "Edited Exhibit A"

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

28 Summit Public Schools (n.d.). *Graduation rates student attrition etc. data* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1sBX2zDny-BaSFAmnDmrIfvdy4aaLQmweN/view?usp=drive_link

29 2018-2019 "school profiles" were provided for Summit Everest, Summit Prep, Summit Rainier, Summit Shasta, and Summit Tahoma, in California; and Summit Olympus and Summit Sierra, in Washington.

Summit Public Schools (2019). *CA school profiles 2018-19*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ALqvGHWQKuIHT5Vb6rQ-JnP2YbL50GLIk/view?usp=drive_link

Summit Public Schools (2019). *WA school profile 2018-19*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1d7IKfl0oL_0xLOOv5vH1k-KH_YJS5KXtE/view?usp=drive_link

30 Beginning in 2017-2018, the California Department of Education also began reporting a five-year graduation rate for the preceding year's graduating class. Five-year graduation rates have been reported for Summit Prep (95.7% in 2017-2018 and 99% in 2018-2019), Summit Everest (92.8% in 2017-2018 and 92.2% in 2018-2019), Summit Rainier (92.4% in 2017-2018 and 93.9% in 2018-2019), Summit Tahoma (87.9% in 2017-2018 and 92.5% in 2018-2019), and Summit Shasta (98.0% in 2017-2018 and 98.1% in 2018-2019).

DataQuest (n.d.) *Five-year cohort graduation rates*. California Department of Education. Retrieved June 11, 2020, from https://data1.cde.ca.gov/dataquest/

31 The "Washington State Report Card" defines graduation rate as: "...based on a cohort of students. The cohort is made up of all students who start 9th grade together. Students who transfer into or out of a school are added or removed from the cohort. If students stop attending school, they are counted as 'drop outs'. If students have met graduation requirements, they are counted as 'graduates'. If students don't graduate but are still attending, they are considered 'continuing'."

Office of Superintendent of Public Instruction (n.d.). Washington state report card: Summit Public School: Atlas [webpage]. Retrieved May 16, 2023, from https://washingtonstatereportcard.ospi.k12.wa.us/ReportCard/ViewSchoolOrDistrict/106018

Office of Superintendent of Public Instruction (n.d.). Washington state report card: Summit Public School: Sierra [webpage]. Retrieved May 16, 2023, from https://washingtonstatereportcard.ospi.k12.wa.us/ReportCard/ViewSchoolOrDistrict/105808

Office of Superintendent of Public Instruction (n.d.). Washington state report card: Summit Public School: Olympus [webpage]. Retrieved May 16, 2023, from https://washingtonstatereportcard.ospi.k12.wa.us/Report-

Card/ViewSchoolOrDistrict/105809

32   For example, in the school profile for Summit Tahoma: "100% of Summit graduates are eligible to apply to four-year colleges."

Summit Public Schools (2019). *CA school profiles 2018-19.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ALqvGHWQKuIHT5Vb6rQ-JnP2YbL50GLIk/view?usp=drive_link

End-of-year summaries for 2017-2018 and 2018-2019 use the term "college ready":

Summit Public Schools (2018). *Changing education. Changing lives* (p. 18). Retrieved August 10, 2023, from https://drive.google.com/file/d/1AnSoWn5nSFKidSA_BzZUvqRmD_3-FvDC/view

Summit Public Schools (2019, September 3). *Excellence is equity: Summit Public Schools end of year summary 2018-2019* (p. 18). Retrieved August 10, 2023, from https://drive.google.com/file/d/1M5oisCLwRLeRdtHx-pl7yT3v6j5yf96aD/view

33   Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (pp. 10-13). Boulder, CO: National Education Policy Center. Retrieved May 12, 2023, from http://nepc.colorado.edu/publication/summit-2020

34   The California Department of Education dashboard's technical guide explains the criteria for how students can achieve a "prepared" designation. The "a-g" coursework standard by which the vast majority of Summit Public Schools students are determined to be prepared is heavily oriented toward course grades.

See, for example:

California Department of Education (2019, December). *2019 California school dashboard technical guide: Final version 2019-20 school year* (pp. 82, 257-258). Retrieved May 31, 2023, from https://www.cde.ca.gov/ta/ac/cm/documents/dashboardguide19.pdf

35   Halsey, J. (2020, February). Personal communication (email) with Christopher Saldaña.

36   Washington charter schools can modify their school-specific goals from year to year. In 2017-2018, the first year for which SPS defined a college readiness goal for Summit Olympus and Summit Sierra (the goal was not reported for Summit Atlas in 2017-2018), it was "90% of students will finish the year college ready by scoring at least a 70% or higher in all classes. AND At least 40% of students exceed basic college readiness by scoring 85% or higher in all classes."

Halsey, J. (2020, February). Personal communication (email) with Christopher Saldaña.

Washington State Charter School Commission (n.d.). *Summit Public Schools Olympus Public Charter School-Contract Number: CSC-14-06, August 17, 2016-August 17, 2021, Amendment number 2.* Received Feb 27, 2020, from Joshua Halsey.

Washington State Charter School Commission (n.d.). *Summit Public Schools: Olympus – 2018-2019 Annual Student Academic Performance Report* (p. 19). Retrieved May 31 2023, from https://charterschool.wa.gov/documents/Summit-Olympus-2018-19-Academic-Report.Final_-1.pdf

37   We looked at the Local Control and Accountability Plans [LCAPs] for Summit Public Schools's California schools for the years 2017-2018, 2018-2019 and 2019-2020. LCAPs contain both actual and estimated data for the prior school year, and we report here the "actual" data. The "actual" data for 2018-2019 is reported in the 2019-2020 LCAP. LCAPs were not available for every SPS school for every year.

Summit Public Schools (n.d.). Local Control Accountability Plans (LCAPs) [webpage]. Retrieved August 9, 2023, from https://summitps.org/school-local-plans-reports/lcaps/

38   For example, the 2018-2019 school profile for Summit Tahoma claimed, "Organization-wide, 98% of our grad-uates last year were accepted to college at double the national average," with a bar graph illustrating the claim. No information in the profiles supported the statistics offered and the claims made.

Summit Public Schools (2019). *CA school profiles 2018-19*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ALqvGHWQKuIHT5Vb6rQ-JnP2YbL50GLIk/view?usp=drive_link

Summit Public Schools (2019). *WA school profiles 2018-19*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1d7IKfl00L_0xLOOv5vH1k-KH_YJS5KXtE/view?usp=drive_link

39   The California Department of Education defines the College-Going Rate as "the percentage of California public high school students who completed high school in a given year and subsequently enrolled in any public or private postsecondary institution (in-state or out-of-state) in the United States within 12 or 16 months of com-pleting high school."

California Department of Education (n.d.). Information about the college-going rate (CGR) [webpage]. Re-trieved May 31, 2023, from https://www.cde.ca.gov/ds/ad/cgrinfo.asp

40   Summit Public Schools (2019). *CA school profiles 2018-19*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ALqvGHWQKuIHT5Vb6rQ-JnP2YbL50GLIk/view?usp=drive_link

Summit Public Schools (2019). *WA school profiles 2018-19*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1d7IKfl00L_0xLOOv5vH1k-KH_YJS5KXtE/view?usp=drive_link

41   Summit Public Schools (2017, August). *The science of Summit*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

Summing Learning (2018, June 14). The measurable student outcomes of Summit Learning in action [blog post]. *Summit Learning Blog*. Retrieved April 12, 2023, from https://blog.summitlearning.org/2018/06/sum-mit-learning-measurable-student-outcomes/

42   Summit Public Schools (2017, August). *The science of Summit*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

43   Summit Public Schools (2017, August). *The science of Summit* (pp. 25, 34). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9L-Whaxb87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

44   Summit Public Schools (2017, August). *The science of Summit* (p. 31). [Document received from Summit Pub-lic Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

45   Summit Learning (n.d.). Grades overview [webpage]. Retrieved April 12, 2023, from https://help.summit-learning.org/hc/en-us/articles/226369027

46   Summit Public Schools (2017, August). *The science of Summit* (pp. 30-31). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9L-Whaxb87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

47   Stanford University's Center for Assessment, Learning, and Equity (SCALE) worked with Summit Public Schools (SPS) on its Cognitive Skills Rubric. The SCALE website lists June 2014 as the "anticipated" comple-

tion date of that project. According to SPS'S *Research Roundup September 2017*, SCALE also worked with Summit on additional research that led to changes to the Cognitive Skills Rubric made in 2017. And according to the Cognitive Skills Rubric document we retrieved in June 2020, SCALE worked with SPS to create the most recent version of the rubric. When we contacted SCALE in August 2019, Research & Design Associate Laura Gutman told us that its staff wrote the rubrics and "benchmarked the levels to grade level standards." When we asked for documentation that explains how the rubrics were created and benchmarked to grade level standards, she referred us to SPS, explaining that the project had been done several years prior, that the lead staff who had consulted on it were no longer at SCALE, and that she could not find any additional information to share with us at that time. Two versions of the rubric that we found (one dated May 2017 and the other dated April 2019) contain almost exactly the same categories, but there are some differences in the skills detailed.

Gutmann, L. (2019, August 26). Personal communication (email) with Faith Boninger.

Gutmann, L. (2019, August 30). Personal communication (email) with Faith Boninger.

48 In Exhibit A to its initial "Determination Letter" of December 3, 2019, SPS said that records responsive to this request were available, but its final response said "…your request does not adequately describe the records sought."

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

Summit Public Schools (n.d.). *Psychometric validation* [Document received from Summit Public Schools, August 2020] Retrieved August 9, 2023, from https://drive.google.com/file/d/1aRy83qqxwZ9OAyWsWffYx-jRR1_gs9qc_/view?usp=drive_link

49 Although *The science of Summit* white paper separates "Sense of Purpose" from "Habits of Success" as independent learning outcomes, in other locations the two are combined.

Summit Public Schools (2017, August). *The science of Summit* (pp. 45-69). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9L-Whaxb87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

Summit Public Schools (n.d.). The Science of Summit [webpage]. Retrieved May 18, 2023, from https://summitps.org/the-summit-model/the-science-of-summit/

Summit Public Schools (n.d.). *The science of Summit key points* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/10adQfNN9KWD-cy7ereDQolpYqDfM019Zq/view?usp=drive_link

50 Summit Public Schools (2017, August). *The science of Summit* (p. 37). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

51 Summit Public Schools (2017, August). *The science of Summit* (p. 47). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

52 Summit Public Schools (2017, August). *The science of Summit* (p. 59). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

53 Although *The science of Summit* states that graduates demonstrate mastery of Summit Public Schools's (SPS's) four learning outcomes (pp. 15, 23), it also says, "We are at the early stages of developing assessments for social-emotional learning and student purpose" (p. 15). It also notes that SPS had not yet established valid

measures of Habits of Success (pp. 52, 53), and that SPS was "researching and developing" assessments of Sense of Purpose (p. 15, see also p. 64).

Summit Public Schools (2017, August). *The science of Summit* (pp. 15, 23, 52, 53, 64). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

54   Summit Public Schools (2017, August). *The science of Summit* (pp. 45-69). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9L-Whaxb87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

Summit Public Schools (n.d.). *The science of Summit key points* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/10adQfNN9KWD-cy7ereDQolpYqDfMo19Zq/view?usp=drive_link

Summit Public Schools (n.d.). *Summit Denali SY18 student and family handbook*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/128sK9ewcah9YYBc6xFCC7YNKr0qyAcLb/view?usp=drive_

55   We originally requested, "Reports in the possession of Summit Public Schools of any research that evaluates Summit Public Schools outcomes" (request #19). When Summit Public Schools (SPS) responded that the scope of this request was unclear, we clarified, "Reports and/or studies conducted to examine the academic performance of Summit Public Schools' students at the school site level and/or for Summit Public Schools in the aggregate. We are not requesting individual students' grades or performance reports." SPS's final response to this request was, "As stated in our prior correspondence, your request does not adequately describe the records sought. Accordingly, we are unable to process your request at this time."

For a numbered list of records, see:

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

For Summit Public Schools' response, see:

Summit Public Schools (n.d.). *SPS outcomes*. [Document received from Summit Public Schools, August 2020]. Retrieve August 9, 2023, from https://drive.google.com/file/d/1O2ARfZU3TOiZKCS765PT3fuo1ZrFtj2Z/view?usp=drive_link

56   We asked for "the research proposal submitted to Summit Public Schools by Harvard professors Thomas Kane and Martin West" (request #20) and for "Records related to the decision to solicit the research proposal from Harvard professors Thomas Kane and Martin West and about the decision to not go forward with the proposed research." (request #21).

For a numbered list of records, see:

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

For Summit Public Schools' responses, see:

Summit Public Schools (n.d.). *Research proposal* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1Z7mj4THybYuoI3Vx2fq273WfM-WjcXJWC/view?usp=drive_link

Summit Public Schools (n.d.). *Decision to solicit research proposal* [Document received from Summit Public

Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1vQU2uCncRh4ZZ-VpngvwuOQbmOsiAGDCw/view?usp=drive_link

For further discussion, see:

Barnum, M. (2019, January 17). *Summit Learning declined to be studied, then cited collaboration with Harvard researchers anyway.* Chalkbeat. Retrieved May 24, 2023, from https://www.chalkbeat.org/2019/1/17/21121005/summit-learning-declined-to-be-studied-then-cited-collaboration-with-harvard-researchers-anyway

57 For a numbered list of records (request #5), see:

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

58 For a numbered list of records (request #6), see:

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

59 Summit Public Schools (n.d.). *Empirical assessments* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1dVzGXcC9uGMKLzMovltCJYP-NAd9sEaqe/view?usp=drive_link

60 We reviewed all the Local Control Accountability Plan reports from various Summit Public Schools in California that were available for the years 2017-2018 and 2018-2019.

Summit Public Schools (2021). *School local plans and reports*. Retrieved October 20, 2021, from https://summitps.org/school-local-plans-reports/

61 See, for example:

Michael and Susan Dell Foundation (n.d.). *Everyone deserves opportunity*. Retrieved September 20, 2022, from https://www.dell.org/

New Schools Venture Fund (2022). About us [webpage]. Retrieved September 20, 2022, from https://www.newschools.org/about-us/

Bill & Melinda Gates Foundation, Afton Partners, Eli & Edythe Broad Foundation, CEE Trust, Christensen Institute, Charter School Growth Fund, EDUCAUSE, iNACOL, The Learning Accelerator, Michael & Susan Dell Foundation, Silicon Schools (2014). *A working definition of personalized learning*. Retrieved September 29, 2022, from https://assets.documentcloud.org/documents/1311874/personalized-learning-working-definition-fall2014.pdf

62 Phillips, K. & Jenkins, A. (2018). *Communicating personalized learning to families and stakeholders: Terminology, tools and tips for success* (pp. 9-10). ExcelinEd and Education Elements. Retrieved April 12, 2023, from https://www.excelined.org/wp-content/uploads/2018/04/Communicating-Personalized-Learning-to-Families-and-Stakeholders.pdf

See, also:

Boninger, F., Molnar, A., & Saldaña, C.M. (2019). *Personalized learning and the digital privatization of curriculum and teaching* (pp. 12-13). Boulder, CO: National Education Policy Center. Retrieved April 11, 2023, from https://nepc.colorado.edu/publication/personalized-learning

63 Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind*

the Summit Learning Program and the push to adopt digital personalized learning platforms (pp. 12-13). Boulder, CO: National Education Policy Center. Retrieved May 12, 2023, from http://nepc.colorado.edu/publication/summit-2020

64 For an analysis of the role of platforms in determining how teachers understand their students, see:

Jarke, J. & Macgilchrist, F. (2021). Dashboard stories: How narratives told by predictive analytics reconfigure roles, risk, and sociality in education. *Big Data and Society, 8*(1). Retrieved December 29, 2022, from https://doi.org/10.1177/20539517211025561

65 See, for example:

Summit Learning (n.d.). Mentor check-ins [webpage]. Retrieved May 18, 2023, from https://help.summit-learning.org/hc/en-us/articles/360001458348

66 Instructions for teachers on the Summit Learning website explain how to adopt whole courses designed by Summit Learning: "Recommended courses are the latest versions of the Base Curriculum. We highly recommend using these courses so that you and your students are using the highest-quality, latest versions of courses that are maximally aligned to the Summit Learning pedagogical model."

Summit Learning (n.d.). What are recommended courses? [webpage]. Retrieved May 18, 2023, from https://help.summitlearning.org/hc/en-us/articles/4402794941971

Teachers can also accept other curriculum updates: "The Base Curriculum is continuously updated with new resources and improved content. This means that while you may be using the current year's Base Curriculum, you'll need to accept updates. By accepting updates, your Project or Focus Area will be up to date with the newest version of the Base Curriculum."

Summit Learning (n.d.). Incorporating Base Curriculum updates [webpage]. Retrieved September 29, 2022, from https://help.summitlearning.org/hc/en-us/articles/360008815014-Incorporating-Base-Curriculum-updates [no longer accessible]

67 A 2020 *New York Magazine* article reported that a former Summit Public Schools employee reported that "the base [curriculum] material was often just a bunch of links, to sites ranging from Kids Encyclopedia to Spark-Notes to the BBC. It quoted a former employee who had worked on choosing curriculum materials as saying that he and his co-workers knew the materials were "shoddy," but were so rushed that "we were just throwing things in there, that, at least from a Google search, looked reputable."

Tabor, N. (2018, October 11). Mark Zuckerberg is trying to transform education. This town fought back. *New York Magazine*. Retrieved May 18, 2023, from http://nymag.com/intelligencer/2018/10/the-connecticut-resistance-to-zucks-summit-learning-program.html

68 Summit Learning's "Platform Updates" page extends back to 2017. In August 2017 the platform's color scheme was updated: "Color scheme update: We've heard feedback that text in the platform can be hard to read for people with vision impairments who are using low-quality displays or who are using a projector. We made a small update to our color scheme that increases the contrast of all of our text."

Summit Learning (n.d.). Platform updates [webpage]. Retrieved August 29, 2022, from https://help.summit-learning.org/hc/en-us/articles/360001538487-Platform-Updates

69 A platform update in August 2017 provided teachers with an ability to see data that the Platform had not shown them in the same way before: "Data table update: We updated the course table to allow teachers to drill down on the 'overdue Projects' column to see which specific Projects are overdue in the course. Similarly, teachers who are viewing a student group table can drill down on either the 'incomplete courses' or 'overdue Projects' columns to see which specific courses are incomplete or have overdue Projects."

Summit Learning (n.d.). Platform updates [webpage]. Retrieved August 29, 2022, from https://help.summit-

learning.org/hc/en-us/articles/360001538487-Platform-Updates

70   An October 2017 platform update closed one avenue that students had apparently been using to cheat on assessments: "Assessment Companion: We built a chrome extension called Assessment Companion that prevents students from viewing other tabs or windows when taking Content Assessments. Someone in your school's IT department will need to install the extension on student computers. Once that's complete, reach out to us at support@summitlearning.org to turn on the Assessment Companion."

Summit Learning (n.d.). Platform updates [webpage]. Retrieved August 29, 2022, from https://help.summit-learning.org/hc/en-us/articles/360001538487-Platform-Updates

71   Summit Learning (n.d.). Platform updates [webpage]. Retrieved August 29, 2022, from https://help.summit-learning.org/hc/en-us/articles/360001538487-Platform-Updates

72   See numbered list of NEPC requests to Summit Public Schools, request #22 and #24:

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

73   See numbered list of NEPC requests to Summit Public Schools, requests #23 and #25:

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

74   Summit Public Schools (2017, October). *Executive team Oct 2017.pdf* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ZISG0kxGQXab_gbnk9WlUKL3rRsFDxdG/view?usp=drive_link

Summit Public Schools (n.d.). *AY15-16 through AY18-19 SLP Schools.xlsx* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://docs.google.com/spread-sheets/d/1mgKu_v9M6a14BG7lzlxK0gLb2ioV6zKV/edit?usp=drive_link&ouid=113176965173297119094&rt-pof=true&sd=true

Summit Public Schools (n.d.). *Appendix N- Sample job descriptions 2018-2019.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ycgq-tYVPDi-BO_U7i9XV_uFBQWyo2Vur/view?usp=drive_link

Summit Public Schools (n.d.). *Director of Curriculum and Assessment – Google Docs*.pdf [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/142NOiHDXRObk2D3NfYMgwqP_aY7xz7YH/view?usp=drive_link

Summit Public Schools (n.d.). *Job description - Assistant Director*.pdf [Document received from Summit Public Schools, August, 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1mvUVRdPA-iSmjFw53e07eG-1k9NOzzk2M/view?usp=drive_link

75   The list that Summit Public Schools provided says: "These lists may change over time, and we'll work to keep them up to date."

Summit Public Schools (n.d.) *Third party provider chart - _FINAL VERSION_.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1WvqitWKb2_pARf_6WXbp82ZQc-AvU2x2/view?usp=drive_link

76   Summit Learning (2021, July 14). Third-party service providers [webpage]. Retrieved from https://help.sum-mitlearning.org/hc/en-us/articles/360000906288-Third-Party-Service-Providers

77   The seven companies represented in those contracts are Airbrake, Certica Solutions, Inc., Clever, Snowflake

Computing, Inc., Mode Analytics, Inc., Pusher Limited, and Zendesk. In addition, Summit Public Schools provided 3 unsigned contracts for the company SalesForce that do not name Summit Public Schools, and two copies of the master services agreement with Clever. Two of the contracts were Master Service Agreements (with Clever and Snowflake Computing, Inc.). Three were Privacy and Data Security Agreements (with Mode Analytics, Inc., Airbrake, and Pusher Limited). There was one Data Processing Addendum (by Salesforce), one Service Order Form (with Zendesk), one Licensing Agreement (with Certica Solutions, Inc.), one Master Subscription Agreement (by Salesforce), and one Terms of Service (by Salesforce). Because the three contracts with Salesforce are all unsigned by Summit Public Schools, it is unclear that they apply.

Salesforce (n.d). Terms of service – Salesforce.com. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1mH_TJHzkH5gndbnKWgJssyR0C-zLPlHWm/view?usp=drive_link

Salesforce (n.d). *Salesforce_MSA*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ZdUhTDf_VSkZ3I-UPdPFBGVz5-_ap_4e/view?usp=drive_link

Salesforce (n.d). *Data-processing-addendum salesforce*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1tzQU4y2wWeKYRv-4Ga936qKkfC9cAiSRa/view?usp=drive_link

[Summit Public Schools – Airbrake] *Airbrake – Service provider addendum (8-25-2017), 2017(clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/158IWxVP_E67O9cN-35h-Zd5HUN90D5Cj/view?usp=drive_link

[Summit Public Schools – Certica Solutions] *CERTIC~1, 2016*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/12E1DG_2-89QffFn-wAfjkjG9eX3m8HXxA/view?usp=drive_link

[Summit Public Schools – Clever] *Clever SPS – MSA + OF - 5-14-2017, 2017*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1svdMp-DuX7ZhPaYYftxOttAgCO0swRCzU/view?usp=drive_link

[Summit Public Schools – Snowflake] *COUNTERSIGNED_Summit – Snowflake MSA 2017 03 31 BW (1), 2017*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1my6pxfn5J6jIBw_mHEM3AdJdbX97wuBl/view?usp=drive_link

[Summit Public Schools – Mode] *Mode – Privacy and data security addendum (12-6-2017), 2017 (clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ecSjSO-InGsmLnKJXIZTuG4AY2hPmqjx/view?usp=drive_link

[Summit Public Schools – Pusher] *Pusher limited – Privacy and data security addendum (12-12-2017)*, 2017 (clause 3.2). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/16c_wSRTpAeXpVHQL4S8TzhHugUyxs9Mt/view?usp=drive_link

[Summit Public Schools – Clever] *Summit Public Schools – MSA + OF - 5-14-2017 (1), 2017*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023. from https://drive.google.com/file/d/1ZndZt7bS-rOKiliiGSukUa4haCS5T_V0/view?usp=drive_link

[Summit Public Schools – Zendesk] *Zendesk_Contract, 2017*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1KoqrA1a91rH5Yc4m-fy5kSGH2ZQBJg7oz/view?usp=drive_link

78 For a list of popular educational technology products, see:

Learn Platform (2022, August). *EdTech top 40: Fall 2022 report*. Retrieved October 17, 2022, from https://

learnplatform.com/top40

79	Some states' student privacy laws (see examples below) specify provisions that must be included in contracts between local education agencies and providers of digital services. A company that provides a free service that does not require a contract (Google, for example) can avoid committing to contract language required. In a letter to a concerned parent, for example, a Boulder Valley School District (BVSD), Colorado, official explained about a free service: "It is one of the millions of websites that are not covered under Colorado's state law which only prohibits targeted marketing for contracted software. In other words, if BVSD buys software it can not target market. Since this case is free it is not covered."

California Education Code, Calif. Stat. § 49073.1. Retrieved August 10, 2023, from https://leginfo.legislature. ca.gov/faces/billCompareClient.xhtml?bill_id=201320140AB1584&showamends=false

C.R.S. §22-2-309. *Student data protection, accessibility, transparency, accountability act of 2014.* Retrieved August 10, 2023, from https://cdpsdocs.state.co.us/safeschools/Legislation/HB%2014-1294%20Student%20 Data%20Collection.pdf

Moore, A (2018, October 4). Personal communication (email) with Anna Segur.

80	Since the 2019-2020 school year, Gradient/T.L.P., with extensive participation of the Chan Zuckerberg Initiative, is responsible for the Summit Learning Platform.

Summit Learning (n.d.). How do Summit Learning and the Chan Zuckerberg Initiative partner together? [webpage]. Retrieved May 19, 2023, from https://help.summitlearning.org/hc/en-us/articles/360000818828-How-do-Summit-Learning-and-the-Chan-Zuckerberg-Initiative-partner-together-

81	[Summit Public Schools – Airbrake] *Airbrake – Service provider addendum (8-25-2017), 2017 (clause 3.2).* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https:// drive.google.com/file/d/158IWxVP_E67O9cN-35h-Zd5HUN90D5Cj/view?usp=drive_link

[Summit Public Schools – Mode] *Mode – Privacy and data security addendum (12-6-2017), 2017 (clause 3.2).* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https:// drive.google.com/file/d/1ecSjSO-InGsmLnKJXIZTuG4AY2hPmqjx/view?usp=drive_link

[Summit Public Schools – Pusher] *Pusher limited – Privacy and data security addendum (12-12-2017), 2017 (clause 3.2).* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/16c_wSRTpAeXpVHQL4S8TzhHugUyxs9Mt/view?usp=drive_link

82	[Summit Public Schools – Airbrake] *Airbrake – Service provider addendum (8-25-2017), 2017.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google. com/file/d/158IWxVP_E67O9cN-35h-Zd5HUN90D5Cj/view?usp=drive_link

[Summit Public Schools – Mode] *Mode – Privacy and data security addendum (12-6-2017), 2017.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google. com/file/d/1ecSjSO-InGsmLnKJXIZTuG4AY2hPmqjx/view?usp=drive_link

[Summit Public Schools – Pusher] *Pusher Limited – Privacy and data security addendum (12-12-2017), 2017 (clause 3.2).* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/16c_wSRTpAeXpVHQL4S8TzhHugUyxs9Mt/view?usp=drive_link

83	[Summit Public Schools – Airbrake] *Airbrake – Service provider addendum (8-25-2017), 2017.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google. com/file/d/158IWxVP_E67O9cN-35h-Zd5HUN90D5Cj/view?usp=drive_link

[Summit Public Schools – Mode] *Mode – Privacy and data security addendum (12-6-2017), 2017.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google. com/file/d/1ecSjSO-InGsmLnKJXIZTuG4AY2hPmqjx/view?usp=drive_link

[Summit Public Schools – Pusher] *Pusher limited – Privacy and data security addendum (12-12-2017), 2017 (clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/16c_wSRTpAeXpVHQL4S8TzhHugUyxs9Mt/view?usp=drive_link

84 The privacy and security addenda refer also to requirements included in the agreements with each of the three third-party providers. Summit Public Schools did not provide us with those agreements, so we do not know their contents.

[Summit Public Schools – Airbrake] *Airbrake – Service provider addendum (8-25-2017), 2017 (clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/158IWxVP_E67O9cN-35h-Zd5HUN90D5Cj/view?usp=drive_link

[Summit Public Schools – Mode] *Mode – Privacy and data security addendum (12-6-2017), 2017 (clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ecSjSO-InGsmLnKJXIZTuG4AY2hPmqjx/view?usp=drive_link

[Summit Public Schools – Pusher] *Pusher limited – Privacy and data security addendum (12-12-2017), 2017 (clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/16c_wSRTpAeXpVHQL4S8TzhHugUyxs9Mt/view?usp=drive_link

85 [Summit Public Schools – Airbrake] *Airbrake – Service provider addendum (8-25-2017), 2017 (clause 3.8)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/158IWxVP_E67O9cN-35h-Zd5HUN90D5Cj/view?usp=drive_link

[Summit Public Schools – Mode] *Mode – Privacy and data security addendum (12-6-2017), 2017 (clause 3.8)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ecSjSO-InGsmLnKJXIZTuG4AY2hPmqjx/view?usp=drive_link

[Summit Public Schools – Pusher] *Pusher limited – Privacy and data security addendum (12-12-2017), 2017 (clause 3.8)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/16c_wSRTpAeXpVHQL4S8TzhHugUyxs9Mt/view?usp=drive_link

86 Clause 3.2 requires that subcontractors may access Summit Data "provided that such subcontractors provide the same or greater protections to Summit Data as set forth in the Agreement and this Addendum." The addendum does not address any oversight of subcontractor contracts by Summit Public Schools.

Whether the requirement to delete or return "Summit Data" upon request includes the "de-identified and aggregate data" is unclear. No terms in the contracts explicitly prohibit copying or require the deletion or return of "de-identified data."

[Summit Public Schools – Airbrake] *Airbrake – Service provider addendum (8-25-2017), 2017 (clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/158IWxVP_E67O9cN-35h-Zd5HUN90D5Cj/view?usp=drive_link

[Summit Public Schools – Mode] *Mode – Privacy and data security addendum (12-6-2017), 2017 (clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1ecSjSO-InGsmLnKJXIZTuG4AY2hPmqjx/view?usp=drive_link

[Summit Public Schools – Pusher] *Pusher limited – Privacy and data security addendum (12-12-2017), 2017 (clause 3.2)*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/16c_wSRTpAeXpVHQL4S8TzhHugUyxs9Mt/view?usp=drive_link

87 We requested records: "of which entity controlled access to student data collected prior to the creation of T.L.P. Education"; "that describe and explain how the privacy of student data was protected"; "that describe and explain what any and all retained de-identified data has been used for"; "of any sharing of de-identified

data to third parties, including the date data was shared, the entity with which it was shared, and which data were shared"; "of procedures that ensured that entities or individuals with access to de-identified student data cannot re-identify de-identified data"; "of the security measures undertaken to protect de-identified data"; "that describe and explain the processes adopted to ensure that the results from data analyses were handled in ways that ensure student privacy"; "of the specific Heroku and AWS services used for the Summit Learning Platform, and how those services were tied together and secured"; and "of how access to student data was managed, including the definitions of various classes of users, evaluation criteria for individuals in these various classes, and procedures by which the access of users only to elements of the system needed for their work was controlled." In correspondence with Summit Public Schools, we also clarified these requests as requested by providing examples of the kinds of records that would be responsive to them.

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

88   Participation agreements were for non-SPS schools that signed up to use the Summit Learning program. Of the three participation agreements provided, the first is a signed agreement. The rest appear to be templates.

[Summit Public Schools – Board of Education of the City of Chicago] (2016, June 15). *Summit basecamp participation agreement: Effective date June 15, 2016* [Document received from Summit Public Schools, August 2020]. Retrieved August 14, 2023, from https://drive.google.com/file/d/1jLX8Oz-yXVthRNL1PwVUdHSTh-feSCztF/view?usp=sharing

Summit Public Schools (2015, October 28). *Summit basecamp participation agreement: Effective date_____* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1GZG7v-g9OL5WZmECMEk88-H_pVconPUV/view?usp=drive_link

Summit Public Schools (effective August 1, 2017). *Summit Learning Program participation agreement* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1YOewuQXenCuW0AEQfxP69RQ5uKT_VrxO/view?usp=drive_link

89   Summit Public Schools (2018, June 25). *Data privacy addendum* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023 from https://drive.google.com/file/d/1DgBzrUn6CxC30K-P2xrIV4RGrVcoKipAs/view?usp=drive_link

90   Summit Public Schools (effective October 29, 2015). *Summit Basecamp privacy policy* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/10WNPvNIM30tx7H1VTY6gQnSMGCEywfqf/view?usp=drive_link

Summit Public Schools (effective July 18, 2016). *Summit Personalized Learning Platform privacy policy: Effective date: July 18, 2016*. Retrieved August 9, 2023, from https://drive.google.com/file/d/1TvNuX17YTsM-mMch_pyDJ8b-bbX5qFkxp/view?usp=drive_link

Summit Public Schools (effective August 1, 2017). *Summit Learning Platform privacy policy: Effective date August 1, 2017* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/17vn5v0O9b1yeBdBTm6pdt1ehIMrCYNea/view?usp=drive_link

91   Summit Public Schools (n.d). *Third party provider chart - _FINAL VERSION_*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/10dzft-wM8I7sZy2NzgEW2eMJGUETQebA2/view?usp=drive_link

92   When these provided documents were created and used, Summit Public Schools (SPS) had not yet shifted responsibility for Summit Learning to Gradient. For this reason, the documents reference SPS as the entity responsible for collecting, retaining, using, and securing any data collected.

93   For a dated but noncomprehensive list of donations to Summit Public Schools, see:

Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (Appendix A). Boulder, CO: National Education Policy Center. Retrieved May 12, 2023, from http://nepc.colorado.edu/publication/summit-2020

94   Barnum, M. (2019, January 17). *Summit Learning declined to be studied, then cited collaboration with Harvard researchers anyway*. Chalkbeat. Retrieved May 24, 2023, from https://www.chalkbeat.org/2019/1/17/21121005/summit-learning-declined-to-be-studied-then-cited-collaboration-with-harvard-researchers-anyway

Chan Zuckerberg Initiative (2023). Grants [webpage]. Retrieved March 28, 2023, from https://chanzuckerberg.com/grants-ventures/grants/

EdSurge (2017, March 13). *CZI takes over building Summit Learning Platform*. Retrieved May 24, 2023, from https://www.edsurge.com/news/2017-03-13-czi-steps-in-to-summit-learning-platform-to-revamp-personalized-learning

Wan, T. (2016, April 20). *Bill Gates' 3-pronged approach to serving 'the new majority' of American students*. EdSurge. Retrieved May 24, 2023, from https://www.edsurge.com/news/2016-04-20-bill-gates-3-pronged-approach-to-serving-the-new-majority-of-american-students

95   See numbered list of NEPC requests to Summit Public Schools, request #1:

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

96   The Summit Institute – dba Summit Public Schools (2010, November 30), *Audited financial statement for the year ended June 30, 2010*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1YV29FlRkB_TRI-10RMPOMr471nMt-kj1/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2011, September 8). *Audited financial statement for the year ended June 30, 2011*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1evCXvRcVb1bsk6jK8qTJwOD7Q4ppuLN5/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2012, November 28). *Audited financial statement for the year ended June 30, 2012*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1JtwLDIM7FJ0Asr4yszTYmkzjiC_MDuV2/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2013, November 28). *Audited financial statement for the year ended June 30, 2013*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1BP39Hf3sU9AwYYeVS0xBD1mTxc68TdrA/view?usp=drive_link

Summit Public Schools (2014, September 15). *Audited financial statement for the year ended June 30, 2014*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1PvsdSZv1fZzxxtEbOZQyZ5p9k0lIq1p2/view?usp=drive_link

Summit Public Schools (2015, November 9). *Audited consolidated financial statement for the year ended June 30, 2015*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1vQjT0rvAniICdiFdeE3aoG2MAioaeqk0/view?usp=drive_link

Summit Public Schools (2016, November 12). *Audited consolidated financial statement for the year ended*

June 30, 2016. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1lftDtJdPXqmFsgobB2EHcqrBaGSNwNVW/view?usp=drive_link

Summit Public Schools (2017, November 10). *Audited consolidated financial statement for the year ended June 30, 2017*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/114jOIeknse_YPOw4V016zs-1UqG2WERy/view?usp=drive_link

Summit Public Schools (2018, December 5). *Consolidated financial statements and supplementary information for year ended June 30, 2018*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/168y-JeKM240BANzEgdNlO94ZviofG5wx/view?usp=drive_link

Summit Public Schools (2019, December 14). *Consolidated financial statements and supplementary information year ended June 30, 2019*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1UaOVOJx8Ry1S6qFFxV8jVtJfRcrTyMG7/view?usp=drive_link

97   For a list of private gifts to Summit Public Schools recorded in public sources, see:

Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (Appendix A). Boulder, CO: National Education Policy Center. Retrieved May 12, 2023, from http://nepc.colorado.edu/publication/summit-2020

98   Summit Public Schools (2017, August). *The science of Summit* (p. 18). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

Summit Learning (n.d.). How do Summit Learning and the Chan Zuckerberg Initiative partner together? [webpage]. Retrieved May 19, 2023, from https://help.summitlearning.org/hc/en-us/articles/360000818828

Summit and Facebook Collaboration, Facebook, Inc. and Summit Public Schools, August 18, 2015. Retrieved February 20, 2020, from http://blogs.edweek.org/edweek/DigitalEducation/Summit_Facebook_Signed_Agreement_2015.pdf [no longer available]

99   The audited financial statements, prepared by two legal firms, each include a statement of net assets and liabilities, financial position (income and expenditures), and cash flow from both operating and financing activities for a series of entities filing under the organization "Summit Public Schools/The Summit Institute." This organization consisted of a growing number of separate tax entities as it expanded in size and geographic range over the ten-year period for which we were provided with records. By 2018-2019, the Summit Public Schools tax entity consisted of three separate 501(c)3 organizations ("SPS," "Summit Washington," and "Community High School Foundation [CHSF]"), eight California schools (Summit Prep, Everest, Denali, Shasta, Tahoma, Rainier, K2, Tamalpais), and three Washington Schools (Sierra, Olympus, and Atlas).

Because Summit Public Schools did not provide financial information for the years prior to 2009-10, we do not know how much revenue the "Summit Public Schools" entity received from non-public funds for the first six years of its existence.

Audited financial statements for the years 2009-10 to 2018-19 contained some information related to public and non-public revenue. Public revenue was reported in the categories of state aid, block grants, property tax revenue, lottery revenue, other state revenue, and federal revenue on audited financial statements. For the ten-year time period for which we received reports, we calculated the total reported revenue from public sources, after eliminations, to be $192,567,726.00.

The audited financial statements reported Non-Public Revenue in the categories of contribution revenue, investment income, and other revenue. For the 10-year time period for which we received reports, the total

reported revenue from non-public sources was $186,398,933.00—95% of which was allocated to the Summit Public Schools 501c(3) organization.

For the 10-year time period for which we received reports, the total reported revenue from both public and non-public sources was $379,671,650.00. Of this, $704,991.00 was deducted through eliminations, for a net total revenue of $378,966,659.00

The Summit Institute – dba Summit Public Schools (2010, November 30), *Audited financial statement for the year ended June 30, 2010*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1YV29FlRkB_TRI-10RMPOMr471nMt-kj1/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2011, September 8), *Audited financial statement for the year ended June 30, 2011*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1evCXvRcVb1bsk6jK8qTJwOD7Q4ppuLN5/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2012, November 28), *Audited financial statement for the year ended June 30, 2012*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1JtwLDIM7FJ0Asr4yszTYmkzjiC_MDuV2/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2013, November 28), *Audited financial statement for the year ended June 30, 2013*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1BP39Hf3sU9AwYYeVS0xBD1mTxc68TdrA/view?usp=drive_link

Summit Public Schools (2014, September 15), *Audited financial statement for the year ended June 30, 2014*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1PvsdSZv1fZzxxtEbOZQyZ5p9k0lIq1p2/view?usp=drive_link

Summit Public Schools (2015, November 9), *Audited consolidated financial statement for the year ended June 30, 2015*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1vQjT0rvAniICdiFdeE3ao G2MAioaeqk0/view?usp=drive_link

Summit Public Schools (2016, November 12), *Audited consolidated financial statement for the year ended June 30, 2016*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1lftDtJdPXqmFsgobB2EHcqrBaGSNwNVW/view?usp=drive_link

Summit Public Schools (2017, November 10), *Audited consolidated financial statement for the year ended June 30, 2017*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/114jOIeknse_YPOw4V016zs-1UqG2WERy/view?usp=drive_link

Summit Public Schools (2018, December 5), *Consolidated financial statements and supplementary information for year ended June 30, 2018*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/168y-JeKM240BANzEgdNlO94ZviofG5wx/view?usp=drive_link

Summit Public Schools (2019, December 14), *Consolidated financial statements and supplementary information year ended June 30, 2019*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1UaOVOJx8Ry1S6qFFxV8jVtJfRcrTyMG7/view?usp=drive_link

100 This total was compiled from the audited financial statements that Summit Public Schools provided to us.

The Summit Institute – dba Summit Public Schools (2010, November 30), *Audited financial statement for the*

year ended June 30, 2010. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1YV29FlRkB_TRI-10RMPOMr471nMt-kj1/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2011, September 8), *Audited financial statement for the year ended June 30, 2011*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1evCXvRcVb1bsk6jK8qTJwOD7Q4ppuLN5/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2012, November 28), *Audited financial statement for the year ended June 30, 2012*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1JtwLDIM7FJ0Asr4yszTYmkzjiC_MDuV2/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2013, November 28), *Audited financial statement for the year ended June 30, 2013*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1BP39Hf3sU9AwYYeVS0xBD1mTxc68TdrA/view?usp=drive_link

Summit Public Schools (2014, September 15). *Audited financial statement for the year ended June 30, 2014*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1PvsdSZv1fZzxxtEbOZQyZ5p9k0lIq1p2/view?usp=drive_link

Summit Public Schools (2015, November 9), *Audited consolidated financial statement for the year ended June 30, 2015*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1vQjT0rvAniICdiFdeE3aoG2MAioaeqk0/view?usp=drive_link

Summit Public Schools (2016, November 12), *Audited consolidated financial statement for the year ended June 30, 2016*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1lftDtJdPXqmFsgobB2EHcqrBaGSNwNVW/view?usp=drive_link

Summit Public Schools (2017, November 10). *Audited consolidated financial statement for the year ended June 30, 2017*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/114jOIeknse_YPOw4V016zs-1UqG2WERy/view?usp=drive_link

Summit Public Schools (2018, December 5,). *Consolidated financial statements and supplementary information for year ended June 30, 2018*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/168y-JeKM240BANzEgdNlO94ZviofG5wx/view?usp=drive_link

Summit Public Schools (2019, December 14). *Consolidated financial statements and supplementary information year ended June 30, 2019*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1UaOVOJx8Ry1S6qFFxV8jVtJfRcrTyMG7/view?usp=drive_link

101 For example, see:

Summit Public Schools (2019, December 14). *Consolidated financial statements and supplementary information year ended June 30, 2019*. [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1UaOVOJx8Ry1S6qFFxV8jVtJfRcrTyMG7/view?usp=drive_link

102 For example, see:

Summit Public Schools (2017, August). *The science of Summit* (pp. 5, 8). [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9L-

Whaxb87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

103 Boninger, F. & Molnar, A. (2021, April 19). Personal communication [letter] with Nnanna Ogbu. Retrieved August 10, 2023, from https://drive.google.com/file/d/1BxAPJBKTY8ysSIvqKFQz3n_eV2pU-nf_/view?usp=drive_link

Ogbu, N. (2021, February 26). Personal communication [letter] with Faith Boninger and Alex Molnar. Retrieved August 14, 2023, from https://drive.google.com/file/d/1UIxBUIQrkBlNxB_hMQ-RBHAsPIxrilwD/view?usp=drive_link

104 Boninger, F. & Molnar, A. (2021, April 19). Personal communication [letter] with Nnanna Ogbu. Retrieved August 10, 2023, from https://drive.google.com/file/d/1BxAPJBKTY8ysSIvqKFQz3n_eV2pU-nf_/view?usp=drive_link

Ogbu, N. (2021, February 26). Personal communication [letter] with Faith Boninger and Alex Molnar. Retrieved August 14, 2023, from https://drive.google.com/file/d/1UIxBUIQrkBlNxB_hMQ-RBHAsPIxrilwD/view?usp=drive_link

105 Summit Public Schools (2018). *Changing education. Changing lives* (p. 18). Retrieved August 10, 2023, from https://drive.google.com/file/d/1AnSoWn5nSFKidSA_BzZUvqRmD_3-FvDC/view

Summit Public Schools (2019, September 3). *Excellence is equity: Summit Public Schools end of year summary 2018-2019* (p. 18). Retrieved August 10, 2023, from https://drive.google.com/file/d/1M5oisCLwRLeRdtHx-pl7yT3v6j5yf96aD/view

106 In response to SPS's Exhibit A to its December 3, 2019, Determination Letter, we clarified any request that SPS had marked as unclear.

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

107 For example, we requested "Reports in the possession of Summit Public Schools of any research that evaluates Summit Public Schools outcomes," which we clarified on December 13, 2019 as "Reports and/or studies conducted to examine the academic performance of Summit Public Schools' students at the school site level and/or for Summit Public Schools in the aggregate. We are not requesting individual students' grades or performance reports." In August 2020 Summit Public Schools responded that, "The California Public Records Act requires that requests describe the records sought with sufficient detail to allow an employee of Summit Public Schools familiar with the subject area of the request to locate the records with a reasonable amount of effort. As stated in our prior correspondence, your request does not adequately describe the records sought. Accordingly, we are unable to process your request at this time."

Boninger, F. (2019, December 13). Personal communication (letter) with Nnanna Ogbu (12.13.19 Edited Exhibit A, NEPC Response to Summit). Retrieved August 9, 2023, from https://drive.google.com/file/d/1buYjol-W8rsOvErYfN07A3TDgfJstjyMQ/view?usp=drive_link

Summit Public Schools (2020, August). *SPS outcomes.pdf*. [Document received from Summit Public Schools, August 2020]. Retrieved August 10, 2023, from https://drive.google.com/file/d/1O2ARfZU3TOiZKCS765PT-3fuo1ZrFtj2Z/view?usp=drive_

108 Ogbu, N. (2019, December 22). Personal communication [letter] with Faith Boninger and Alex Molnar. Retrieved August 10, 2023, from https://drive.google.com/file/d/1afhEgTCLAXcs5lThu5XYbot_q7OOBGLa/view?usp=drive_link

Ogbu, N. (2021, February 26). Personal communication [letter] with Faith Boninger and Alex Molnar. Retrieved August 14, 2023, from https://drive.google.com/file/d/1UIxBUIQrkBlNxB_hMQ-RBHAsPIxrilwD/

view?usp=drive_link

109 Our January 26, 2021 letter to Summit Public Schools's legal counsel outlined the categories of records provided:

1) Records Summit Public Schools claims do not exist.

2) Records Summit Public Schools claims it does not possess but that may be available from another entity.

3) Records provided by Summit Public Schools that are not materially responsive to our requests.

4) Records provided by Summit Public Schools that on their face are not clear or meaningfully responsive to our requests and that therefore require clarification from Summit Public Schools.

5) Requests that Summit Public Schools claims are too broad.

6) Records Summit Public Schools provided that are corrupted files.

Boninger, F. & Molnar, A. (2021, January 26). Personal communication [letter] with Nnanna Ogbu. Retrieved August 10, 2023, from https://drive.google.com/file/d/1OnhqLC3Poq1FLZzXH8U-mkzRmf75A3MZ/view?usp=drive_link

110 Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms.* Boulder, CO: National Education Policy Center. Retrieved May 12, 2023, from http://nepc.colorado.edu/publication/summit-2020

111 We were able to obtain three fully executed contracts between Summit Public Schools and public school districts from parents who obtained them from their districts:

Summit Learning Program Agreement, Summit Public Schools and Fairview Park City School District, May 1, 2018

Summit Learning Program Participation Agreement, Summit Public Schools and New Egypt High School, May 11, 2017

Summit Learning Program Agreement, Summit Public Schools and Wellington Unified School District 353, March 30, 2018

112 Amrein-Beardsley, A. (2022). *NEPC Review: Pathways to success: Exploring the long-term outcomes of alumni from Summit Public Schools* (pp. 6-8). Boulder, CO: National Education Policy Center. Retrieved March 17, 2023, from https://nepc.colorado.edu/thinktank/summit

113 *Pathways to Success* reports that 49% of Summit Public Schools (SPS) graduates graduated from college within 6 years, and 54.8% of its graduates had graduated "to date." The National Center for Education Statistics (NCES) reports the six-year completion rates for students completing a bachelor's degree at the same four-year institution where they started. These national rates range from 59.4% for the class entering college in 2007 to 64% for the class entering college in 2014 (i.e., during the same years as SPS students). Comparison to this appropriate standard thus finds that SPS students were less likely to graduate college than their peers. Professor Amrein-Beardsley's review also notes that the U.S. Census table cited in *Pathways to Success* does not provide percentages. It is unclear where the number 33% came from.

Amrein-Beardsley, A. (2022). *NEPC Review: Pathways to success: Exploring the long-term outcomes of alumni from Summit Public Schools* (p. 7). Boulder, CO: National Education Policy Center. Retrieved March 17, 2023, from https://nepc.colorado.edu/thinktank/summit

Mohammed, A.A. & Black, A. (2021, Fall). *Pathways to success: Exploring the long-term outcomes of alumni from Summit Public Schools* (p. 18). Summit Public Schools. Retrieved April 28, 2022, from https://drive.

google.com/file/d/1LU81FTmr4ZkZzkAzCPZrVurjfmpJcgHn/view

114 California Department of Education (2021). College Career Indicator (CCI) [webpage]. Retrieved May 8, 2023, from https://www.cde.ca.gov/ta/ac/cm/documents/ccicollege.pdf

For more about California's "A—G" courses, see:

California Career Center (n.d.). "A—G" courses required by California public university systems [webpage]. Retrieved May 8, 2023, from https://www.calcareercenter.org/Home/Content?contentID=344

115 The California Department of Education explains the state's College Career Indicator (CCI) as "show[ing] how well local educational agencies (LEAs) and schools are preparing high school students for success after graduation, whether in postsecondary education or in a career. For this reason, the CCI consists of both college- and career-readiness measures."

California Department of Education (2021). College Career Indicator (CCI) [webpage]. Retrieved May 8, 2023, from https://www.cde.ca.gov/ta/ac/cm/documents/ccicollege.pdf

California has a separate College-Going Rate (CGR), "defined as the percentage of California public high school students who completed high school in a given year and subsequently enrolled in any public or private post-secondary institution (in-state or out-of-state) in the United States within 12 or 16 months of completing high school. It may be possible for California to incorporate the information collected for the CGR into a revised measure of college preparedness.

California Department of Education (2022, November 2). Information about the College-Going Rate (CGR) [webpage]. Retrieved May 8, 2023, from https://www.cde.ca.gov/ds/ad/cgrinfo.asp

116 Summit Public Schools's 2017 grant report to the Chan Zuckerberg Initiative referred to studies conducted by FSG, SRI, ACT Research Group, and the Stanford Center for Assessment, Learning, and Equity (SCALE). It is unclear what those studies may have been.

Summit Public Schools (2019, January 31). *Chan Zuckerberg Foundation final report* (p. 20). Retrieved January 10, 2023, from https://cdn.vox-cdn.com/uploads/chorus_asset/file/19931497/Grant_Reports_PRA_M._Barnum_2_2_1.pdf

117 Summit Public Schools (2017, August). *The science of Summit.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/13epnk9LWhaxb-87V1cfZzgGPOpFEaTyOi/view?usp=drive_link

118 Summit Public Schools (2017, October). *Executive Team Oct 2017.pdf* [Document received from Summit Public Schools, August 2020]. Retrieved August 10, 2023, from https://drive.google.com/file/d/1ZISG0kxGQ-Xab_gbnk9WlUKL3rRsFDxdG/view?usp=drive_link

Summit Public Schools (n.d.). *AY15-16 through AY18-19 SLP Schools.xlsx* [Document received from Summit Public Schools, August 2020]. Retrieved August 10, 2023, from https://docs.google.com/spread-sheets/d/1mgKu_v9M6a14BG7lzlxK0gLb2ioV6zKV/edit#gid=1455994080

Summit Public Schools (n.d.). *Appendix N- Sample job descriptions 2018-2019.* [Document received from Summit Public Schools, August 2020]. Retrieved August 10, 2023, from https://drive.google.com/file/d/1yc-gqtYVPDi-BO_U7i9XV_uFBQWyo2Vur/view?usp=drive_link

Summit Public Schools (n.d.). *Director of Curriculum and Assessment – Google docs.pdf* [Document received from Summit Public Schools, August 2020]. Retrieved August 10, 2023, from https://drive.google.com/file/d/142NOiHDXRObk2D3NfYMgwqP_aY7xz7YH/view?usp=drive_link

Summit Public Schools (n.d.). *Job description - Assistant Director.pdf* [Document received from Summit Public Schools, August 2020]. Retrieved August 10, 2023, from https://drive.google.com/file/d/1mvUVRdPA-

iSmjFw53e07eG-1k9NOzzk2M/view?usp=drive_link

119 Google products, including Google Suite, YouTube, Google Classroom, and Google sites, are the most widely used in schools.

Learn Platform (2022). *Ed tech top 40: Fall 2022 report*. Retrieved May 3, 2023, from https://learnplatform.com/report/top40

120 Summit Public Schools (n.d). *Third party provider chart - _FINAL VERSION_*. [Document received from Summit Public Schools, August 2020]. Retrieved August 10, 2023, from https://drive.google.com/file/d/1WvqitWKb2_pARf_6WXbp82ZQc-AvU2x2/view?usp=drive_link

121 Bill & Melinda Gates Foundation, Afton Partners, Eli & Edythe Broad Foundation, CEE Trust, Christensen Institute, Charter School Growth Fund, EDUCAUSE, iNACOL, The Learning Accelerator, Michael & Susan Dell Foundation, Silicon Schools (2014). *A working definition of personalized learning*. Retrieved September 29, 2022, from https://assets.documentcloud.org/documents/1311874/personalized-learning-working-definition-fall2014.pdf

Chan Zuckerberg Initiative (2017, January 18). Supporting the Silicon Valley Regional Data Trust [webpage]. Retrieved June 22, 2023, from https://chanzuckerberg.com/newsroom/supporting-the-silicon-valley-regional-data-trust/

122 Chan Zuckerberg Initiative (2017, January 18). Supporting the Silicon Valley Regional Data Trust [webpage]. Retrieved June 22, 2023, from https://chanzuckerberg.com/newsroom/supporting-the-silicon-valley-regional-data-trust/

For CZI's approach to whole child education, see:

Chan Zuckerberg Initiative (2022). Whole child approach to education [webpage]. Retrieved June 22, 2023, from https://chanzuckerberg.com/education/whole-child-approach-to-education/

123 T.L.P./Gradient markets another digital product, *Along*, directly to teachers. For discussion of how this product capitalizes on the relationship between teachers and students to creates and collects digital data, see:

Boninger, F. & Molnar, A. (2022, March 1). Don't go "Along" with corporate schemes to gather up student data. *Phi Delta Kappan*. Retrieved January 9, 2023, from https://kappanonline.org/don't-go-along-with-corporate-schemes-to-gather-up-student-data/

For T.L.P./Gradient's marketing of *Along*, see:

Gradient Learning (2023). Along.org [webpage]. Retrieved January 9, 2023, from https://www.along.org/

124 In 2010, Narayanan and Shmatikov wrote, "The emergence of powerful re-identification algorithms demonstrates not just a flaw in a specific anonymization technique(s), but the fundamental inadequacy of the entire privacy pro- tection paradigm based on "de-identifying" the data. De-identification provides only a weak form of privacy. It may prevent "peeping" by insiders and keep honest people honest. Unfortunately, advances in the art and science of re- identification, increasing economic incentives for potential attackers, and ready availability of personal information about millions of people (for example, in online social networks) are rapidly rendering it obsolete."

Narayanan, A. & Shmatikov, V. (2010), June). Myths and fallacies of "personally identifiable information." *Communications of the ACM, 53*(6), 24-26. Retrieved May 24, 2023, from https://dl.acm.org/doi/pdf/10.1145/1743546.1743558

125 Citron, D.K. & Pasquale, F. (2014). The scored society: Due process for automated predictions. *Washington Law Review, 89*(1). Retrieved May 24, 2023, from https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=4796&context=wlr

Siegel, E. (2016). *Predictive analytics: The power to predict who will click, buy, lie, or die.* Wiley.

126 In the realm of education the sorting and classification enabled by such analyses can, for instance, be used to assign students to academic tracks based on predictions of their likely future success. In other realms they can be used to market products to people based on predictions of what they might want; set prices for goods and services based on predictions of what they are willing to pay; price their health insurance based on predictions of their future lifestyle choices or their likelihood of switching providers; and surveil them based on predictions of their likelihood of perpetrating a crime.

For further discussion about the implications of sharing de-identified data, see:

Boninger, F. & Molnar, A. (2022, March 1). Don't go "Along" with corporate schemes to gather up student data. *Phi Delta Kappan.* Retrieved January 9, 2023, from https://kappanonline.org/don't-go-along-with-corporate-schemes-to-gather-up-student-data/

127 For example, in Minnesota's Student Data Privacy Act, enacted in 2022, "A technology provider must not use educational data for any commercial purpose, including but not limited to marketing or advertising to a student or parent... Nothing in this subdivision prohibits the operator's use of deidentified, aggregate information for improving, maintaining, developing, supporting, or diagnosing the operator's site, service, or operation."

Minnesota Statutes 2020, section 13.32, subdivision 13(f), online. Retrieved May 23, 2023, from https://www.revisor.mn.gov/statutes/cite/13.32

According to the U.S. Department of Education's Privacy Technical Information Center, "De-identified data may be shared without the consent required by FERPA (34 CFR §99.30) with any party for any purpose, including parents, general public, and researchers (34 CFR §99.31(b)(1))."

Privacy Technical Information Center, U.S. Department of Education (2013, May). *Data de-identification: An overview of basic terms.* Retrieved September 13, 2021, from https://studentprivacy.ed.gov/sites/default/files/resource_document/file/data_deidentification_terms.pdf

128 While a good example, the Summit Learning Platform is far from the only digital platform that collects data, including social-emotional data, from students. For example, Gradient Learning also markets a free standalone platform, *Along*, that mediates communication between students and teachers about personal topics. Blackbaud markets Everfi, a platform that provides free online courses to schools on topics such as health and wellness, financial literacy, and SEL. There are many others.

Boninger, F. & Molnar, A. (2022, March 1). Don't go "Along" with corporate schemes to gather up student data. *Phi Delta Kappan.* Retrieved March 15, 2022, from https://kappanonline.org/dont-go-along-with-corporate-schemes-to-gather-up-student-data/

Everfi, Inc. (2023). Digital lessons for K-12 [webpage]. Retrieved March 30, 2023, from https://everfi.com/k-12/

Everfi, Inc. (2023). Children's online privacy protection act [webpage]. Retrieved March 30, 2023, from https://everfi.com/privacy-policy/coppa-polic

129 United States Department of Education Student Privacy Policy Office (n.d.). *A parent guide to the Family Educational Rights and Privacy Act (FERPA)* (SPPO-21-04). Retrieved June 27, 2023, from https://studentprivacy.ed.gov/sites/default/files/resource_document/file/A%20parent%20guide%20to%20ferpa_508.pdf

130 Boninger, F., Molnar, A., & Saldaña, C.M. (2019). *Personalized learning and the digital privatization of curriculum and teaching* (pp. 9-10, 17-19). Boulder, CO: National Education Policy Center. Retrieved June 3, 2020, from https://nepc.colorado.edu/publication/personalized-learning

Herold, B. (2017, June 7). Gates, Zuckerberg philanthropies team up on personalized learning. Education Week. Retrieved May 23, 2023, from https://www.edweek.org/technology/gates-zuckerberg-philanthro-

pies-team-up-on-personalized-learning/2017/06

131 The Summit Institute – dba Summit Public Schools (2010, November 30). *Audited financial statement for the year ended June 30, 2010.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1YV29FlRkB_TRI-10RMPOMr471nMt-kj1/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2011, September 8). *Audited financial statement for the year ended June 30, 2011.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1evCXvRcVb1bsk6jK8qTJwOD7Q4ppuLN5/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2012, November 28). *Audited financial statement for the year ended June 30, 2012.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1JtwLDIM7FJ0Asr4yszTYmkzjiC_MDuV2/view?usp=drive_link

The Summit Institute – dba Summit Public Schools (2013, November 28). *Audited financial statement for the year ended June 30, 2013.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1BP39Hf3sU9AwYYeVS0xBD1mTxc68TdrA/view?usp=drive_link

Summit Public Schools (2014, September 15). *Audited financial statement for the year ended June 30, 2014.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1PvsdSZv1fZzxxtEbOZQyZ5p9k0lIq1p2/view?usp=drive_link

Summit Public Schools (2015, November 9). *Audited consolidated financial statement for the year ended June 30, 2015.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1vQjT0rvAniICdiFdeE3aoG2MAioaeqk0/view?usp=drive_link

Summit Public Schools (2016, November 12). *Audited consolidated financial statement for the year ended June 30, 2016.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1lftDtJdPXqmFsgobB2EHcqrBaGSNwNVW/view?usp=drive_link

Summit Public Schools (2017, November 10). *Audited consolidated financial statement for the year ended June 30, 2017.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/114jOIeknse_YPOw4V016zs-1UqG2WERy/view?usp=drive_link

Summit Public Schools (2018, December 5). *Consolidated financial statements and supplementary information for year ended June 30, 2018.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/168y-JeKM240BANzEgdNlO94ZviofG5wx/view?usp=drive_link

Summit Public Schools (2019, December 14). *Consolidated financial statements and supplementary information year ended June 30, 2019.* [Document received from Summit Public Schools, August 2020]. Retrieved August 9, 2023, from https://drive.google.com/file/d/1UaOVOJx8Ry1S6qFFxV8jVtJfRcrTyMG7/view?usp=drive_link

For a list of private gifts to Summit Public Schools recorded in public sources, see:

Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (Appendix A). Boulder, CO: National Education Policy Center. Retrieved May 12, 2023, from http://nepc.colorado.edu/publication/summit-2020

132 Most recently, the Chan Zuckerberg Initiative awarded $9 million to Gradient Learning in 2021 for "general

operating support."

Chan Zuckerberg Initiative (2023). Grants [webpage]. Retrieved March 28, 2023, from https://chanzucker-berg.com/grants-ventures/grants/

133 Chan Zuckerberg Initiative (2013). Tech@CZI [webpage]. Retrieved March 28, 2023, from https://tech.chanzuckerberg.com/edtech/

Summit Learning (n.d.). How do Summit Learning and the Chan Zuckerberg Initiative partner together? [webpage]. Retrieved May 19, 2023, from https://help.summitlearning.org/hc/en-us/arti-cles/360000818828-How-do-Summit-Learning-and-the-Chan-Zuckerberg-Initiative-partner-together-

134 For discussion, see:

Boninger, F., Molnar, A., & Saldaña, C.M. (2019). *Personalized learning and the digital privatization of curriculum and teaching*. Boulder, CO: National Education Policy Center. Retrieved March 28, 2023, from http://nepc.colorado.edu/publication/personalized-learning

135 Without mentioning digital personalized learning by name, a "Dear colleague" letter from the U.S. Department of Education's Office of Educational Technology points to its defining features (such as enabling students to "Exercise choice and agency in their terms of place, pace, and mode of learning" and "Adapt materials to their specific learning needs") as the ideal toward which schools should strive.

Office of Educational Technology, U.S. Department of Education (2023, January 25). *"Dear colleague" letter* (p. 5). Retrieved February 15, 2023, from https://tech.ed.gov/files/2023/01/2023.01_Dear_Colleague_Feder-al_Funding_Technology.pdf

136 For examples of state policy that exempts personalized learning technologies from privacy protection require-ments, see:

C.R.S.22-16-101 et seq. (2016). *The student data transparency and security act*. Retrieved May 4, 2023, from https://www.cde.state.co.us/dataprivacyandsecurity/crs22-16-101

Cal Bus & Prof Code, §§ 22584-22585 (2015). *Student online personal information protection act*. Retrieved May 4, 2023, from https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB1177

137 United States Department of Education Student Privacy Policy Office (2021, July 9). *SPPO-21-04, A parent guide to the Family Educational Rights and Privacy Act (FERPA)* (p. 3). Retrieved August 21, 2023, from https://studentprivacy.ed.gov/sites/default/files/resource_document/file/A%20parent%20guide%20to%20ferpa_508.pdf