



Office of Commissioner
Andrew N. Ferguson

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Concurring Statement of Commissioner Andrew N. Ferguson | -2 (he)DC . fie-6.iae ou

IXL's argument does not pass the smell test. It is impossible to read COPPA's notice-and-consent requirements to have transformed schools into parents' agents with federal authority to bind those parents to arbitration agreements. COPPA does not mention schools or agency at all. The Commission's *amicus* brief persuasively rebuts IXL's brutal misreading of COPPA. I am grateful for the service the Commission's staff has done the country by uncovering this argument and preparing a brief to combat it.

The brief suggests, however, that schools can act as agents of their students' parents "for purposes of complying with COPPA's notice and consent requirements."¹¹ The brief cites the Statement of Basis and Purpose of the Children's Online Privacy Protection Rule ("COPPA Rule")¹² and a blog post in support of this proposition.¹³ The Commission (under FOIA (b)(3))

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