

for further information, contact:

Bob Schaeffer FairTest (239) 395-6773
Sanan Barbar BKN Lawyers (213) 241-0900

for immediate release, Wednesday, May 20, 2020

**COLLEGE BOARD SUED BY STUDENTS, FAIR-TESTING ADVOCATES
FOR ACCESS AND TECHNOLOGY FAILURES ON COMPUTERIZED AP EXAMS;
PLAINTIFFS SEEK SCORING OF ANSWERS STUDENTS COULD NOT SUBMIT
PLUS MORE THAN HALF A BILLION DOLLARS IN CLASS ACTION SUIT DAMAGES**

Students and families from across the U.S., whose Advanced Placement (AP) responses could not be submitted during last week's exams due to the test-makers technology problems, have filed a class action lawsuit in federal court seeking to force AP's sponsor, the College Board, to score their answers. The National Center for Fair & Open Testing (FairTest), whose staff spent many hours documenting and publicizing students' experiences, joined the plaintiffs in seeking compensatory and punitive damages from the College Board.

The suit claims breach of contract, gross negligence, misrepresentation, unjust enrichment, and violations of the Americans with Disabilities Act among other illegal activities. It also charges the College Board with ignoring warnings that the online AP exams discriminated against under-resourced students and students with disabilities. Plaintiffs will seek "compensatory damages in an amount that exceeds \$500 million" and "punitive damages in an amount sufficient to punish Defendants" and "to deter them from engaging in wrongful conduct in the future."

The landmark case was filed by Phillip A. Baker from Baker, Keener & Nahra LLP in Los Angeles and Marci Lerner Miller from Miller Advocacy Group in Newport Beach, California.

"The College Board rushed 'untested' AP computerized exams into the marketplace in order to preserve the testing company's largest revenue-generating program after schools shut down this spring, even though they were warned about many potential access, technology and security problems," explained Bob Schaeffer, FairTest's interim Executive Director. "Even if only 1% of test-takers could not transmit their answers because the College Board's technology was not ready for prime time, at least 20,000 students were affected."

According to the College Board, more than 2.1 million Advanced Placement exams were administered last week. College Board Vice President Trevor Packer, who runs the AP program has repeatedly admitted that about "1%" of tests were affected by problems. The College Board's most recent information tax return reports that revenues from its AP program topped \$480 million annually, even more than from its flagship SAT and related products. Each AP exam costs \$95.

Plaintiffs' attorneys Philip Baker and Marci Lerner Miller added, "Despite revenues of close to half a billion dollars a year from its AP program alone, the College Board failed to do what was necessary to make its at-home AP exams fair and accessible. This is inexcusable in light of the unprecedented challenges faced by students and their families this year."

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A copy of the lawsuit is available on request.