

**DATA SHARING AGREEMENT BY AND BETWEEN
ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT
AND IMAGINE LEARNING INC.**

The Ector County Independent School District (“ECISD”) agrees to provide individual student-level data to Imagine Learning Inc. (“Vendor”) for the purpose of implementing and maximizing the Imagine Learning suite of programs supporting students in Ector County. ECISD hereby appoints Vendor as a legitimate educational official of ECISD in accordance with the Family Educational Rights and Privacy Act (FERPA). Vendor agrees to report on individual student-level data to ECISD for the purpose of evaluation, accountability, student record-keeping, and reporting to TEA. The terms of this agreement are in effect until August 31, 2023 unless terminated in writing by one or both parties.

1. Data type and exchange timeline

ECISD Designee for Vendor will coordinate data exchange with Vendor regarding program participants for the academic year, as follows:

Responsible Party	Time Period	Type of Data
ECISD	Sep 2020 – Aug 2023	ECISD will provide Vendor with student, teacher, and administrator information necessary for product account creation (including some Personally Identifiable Information or PII) as described in Vendor’s Privacy Policy (https://imaginelearning.com/privacy/policy), the attached Data Governance Letter, and as described in this agreement. Data collection shall be limited to the minimum information necessary to provide the services agreed upon between both parties.
Vendor	Sep 2020 – Aug 2023	Throughout the agreement Vendor will provide ECISD requested reporting on student performance, gains, and progress at individual, class, grade, and campus and district levels.
Vendor	Sep 2020 – Aug	According to ECISD requests, Vendor will report on student achievement by individual and group

	2023	sub-populations including: Language Learners (Title 3), Special Education (IDEA), Free and Reduced (Title 1. Part A), Response to Intervention (RTI)
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2. Data protection

All files will be exchanged using secure systems and in an encrypted, password protected electronic format by ECISD and Vendor.

While in possession of these data, both parties shall permit access only to employees and agents/contractors authorized to assist in the implementation or evaluation of Vendor products and services. Both parties agree to store the data in an encrypted format in a secure and locked area and to prevent unauthorized access.

All persons authorized to have access to the data have or will have certified their understanding that they may be held individually liable for any and all criminal and civil penalties imposed for breach of confidentiality (“Access to Confidential Data”).

Vendor assures that in all reports, electronic or otherwise, derived from information made available under this agreement, all data shall be aggregated in such a way that no individual will be identified directly or by deduction. Except as described in Vendor’s Privacy Policy (<https://imaginelearning.com/privacy/policy>) and associated Privacy Policy FAQ (<https://imaginelearning.com/privacy/faq>), Vendor further assures that the data elements will not be released to a third party without written ECISD consent.

Any unauthorized disclosure of confidential student information is a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA) and the implementing regulations found in 34 CFR Part 99 and shall not be permitted to occur.

Imagine Learning, Inc.
Signature: J. Brent Taylor

ECISD: Ector County
Signature: _____

Name: J. Brent Taylor

Name: _____

Title: Vice President, Finance

Title: _____

Date: 09/24/2020

Date: _____



DATA GOVERNANCE LETTER

Imagine Learning® (hereafter “we”, “us”, “our”) hereby informs you that we share the following information with the following third parties:

- Our products and services are hosted in Amazon Web Services (AWS) and Microsoft Azure. Both providers are certified and compliant with a number of standards, including FERPA, ISO 27001, NIST 800, SOC II, and many others (for details, please visit <https://aws.amazon.com/compliance/> and <https://www.microsoft.com/en-us/trustcenter/compliance>, respectively). In providing our products and services to you, PII and non-PII is stored and processed in these environments.
- We provide Lexile assessment tools within our Imagine Language & Literacy product, and we have partnered with MetaMetrics® to provide this service. If a school or district participates in these in-product assessments, we are obligated to provide MetaMetrics® with non-PII information regarding how many Imagine Learning users have completed an assessment. No directory or otherwise personally-identifiable information is shared.
- It takes a team of capable service providers to create excellent user experiences. We partner with Pendo.io, an analytics provider that empowers Imagine Learning to improve the performance and the overall experience of teachers and administrators using <https://my.imaginelearning.com>. The following information is collected by Pendo.io: Teacher/Administrator account username, Teacher/Administrator first name, and Teacher/Administrator last name. No other identifiable information is collected, and no student information in any form is collected, used, or disclosed. As stated in our Privacy Policy, none of this information is sold or used for targeted advertising. We have evaluated the security and privacy policies of Pendo.io and found them to be compliant with and at least as rigorous as those of Imagine Learning.
- On occasion, the need arises to securely exchange protected information with a school or district. This information may include, for example, provisioning data or reports containing PII that aren't available directly in the product. Imagine Learning does not send such data via email to its customers and encourages schools and districts to avoid using email when sending protected information. Where no other secure means of communication is prescribed by the district, Imagine Learning utilizes a secure file-sharing tool called Box.com to exchange PII with teachers and administrators. Access to files shared in this way is free.
- **IF** you are using a third-party Student Information System (SIS) such as Clever®, Auth0®, etc. and request that we integrate Imagine Learning to provide a Single Sign-On (SSO) experience, then of necessity we share student SSO ID information with the SIS provider as part of the login process. This information is only shared with a SIS provider if you have requested that we integrate with that SIS provider.

We invite you to consult our Privacy Policy (<https://imaginelearning.com/privacy>) or email privacy@imaginelearning.com with any questions you might have regarding these disclosures. **Our understanding is that the disclosures referenced above do not and will not violate the terms of any agreement we have with you. Please review these disclosures prior to executing the document and returning.** This authorization does not infer or confer approval to disclose any other confidential information to any other third party, except as described above.