

AMENDMENT
To
Finalsite Master Terms and Conditions

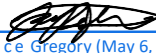

THIS AMENDMENT (“Amendment”) dated as of May 2, 2024 to the Master Terms and Conditions (“Master Terms”) of Active Internet Technologies LLC, dba Finalsite (“Finalsite”) (including the Order executed by Fort Smith Public Schools (the “Customer”) and all documents included by reference in the Master Terms and this Amendment, collectively, the “Agreement”). Customer and Finalsite, sometimes collectively referred to as the “Parties” or individually as a “Party”. Capitalized terms not otherwise defined in this Amendment shall have the meanings set forth in the Master Terms. In the event of a conflict in the terms and conditions set forth in this Amendment and those set forth in the Master Terms, this Amendment shall control.

WHEREAS, the Parties desire to amend the Agreement upon the terms and conditions set forth in this Amendment;

NOW, THEREFORE, in consideration of the mutual promises and agreements hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

1. Definitions.
 - a. “DPA” means the Student Data Privacy Agreement entered into by and between the Parties which is incorporated by reference into the Agreement.
 - b. “Order” means the ordering document executed by the Customer which describes the service offerings being purchased by the Customer, the term thereof (including agreed renewal terms), relevant fees and expenses and other business terms.
 - c. “Master Terms” means the Finalsite Master Terms and Conditions in effect as of the date of execution of the relevant Order by both Parties.
2. The Parties mutually agree to amend the DPA in the following manner(s):
3. Under Exhibit C, Section 7.12 “Applicable Data Protection Laws” shall include a reference to the Student Data Vendor Security Act (Act 754) at the end of the sentence.
4. Under Article 5, Section 5.4, a new subsection will be added as 5.4.6 which will state the following: “To the extent permitted under Applicable Data Protection Laws, in the event of a Security Incident by Finalsite or one of Finalsite’s subprocessors, LEA shall have the right to terminate the Agreement with Finalsite.”
5. Acknowledgement. Except as expressly supplemented and amended by the terms of this Amendment, the terms and conditions set forth in the Agreement remain in full force and effect and are hereby ratified and affirmed in all respects.

IN WITNESS WHEREOF, each of the Parties hereto has caused this Amendment to be executed by its duly authorized agent.

Customer	Active Internet Technologies, LLC, dba Finalsite
By:  Vance Gregory (May 6, 2024 10:17 CDT) Name: <u>Vance Gregory</u> Title: <u>Director of Technology</u> Date: <u>05/06/24</u>	By:  Name: James Calabrese Title: Chief Financial Officer and Secretary Date: <u>05/06/24</u>






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Final Audit Report

2024-05-06

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