

STUDENT DATA PRIVACY ADDENDUM¹

This Student Data Privacy Addendum (“DPA”) is incorporated by reference into the Service Agreement (as defined below) entered into by and between the customer located solely within the United States set forth below (hereinafter referred to as “LEA”) and Code.org (hereinafter referred to as “Provider”) effective as of the date the DPA is accepted by LEA (“Effective Date”) (each of Provider and LEA, a “Party” and together “Parties”). The Parties agree to the terms as stated herein.

RECITALS

WHEREAS, the Provider has agreed or will agree to provide the LEA with certain digital educational services as described in Section 1 pursuant to the Code.org Terms of Service located at <https://code.org/tos> (the “Service Agreement”) entered into the same date as this DPA; and

WHEREAS, in order to provide the Services described in Section 1, the Provider may receive or create and the LEA may provide documents or data that are covered by several applicable federal statutes, among them, the Family Educational Rights and Privacy Act (“FERPA”) at 20 U.S.C. 1232g and 34 CFR Part 99, Children’s Online Privacy Protection Act (“COPPA”), 15 U.S.C. 6501-6502; Protection of Pupil Rights Amendment (“PPRA”) 20 U.S.C. 1232h; the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§ 1400 et. seq.; and

WHEREAS, the documents and data transferred from LEAs and created or accessed by the Provider’s Services are also subject to various state student privacy laws; and

WHEREAS, the Parties wish to enter into this DPA to ensure that the Services and Service Agreement provided conform to the requirements of the privacy laws referred to above and to establish implementing procedures and duties.

NOW THEREFORE, for good and valuable consideration, the parties agree as follows:

School District of Fort Atkinson

By: DJ Scullin

Date: 2023-10-09

Printed Name: DJ Scullin

Title: Director of Technology

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collectively referred to as the “Agreement.”

- 1.2. **Nature of Services Provided.** Pursuant to and as fully described in the Service Agreement, Provider has agreed to provide the digital educational services as set forth in Exhibit “A” hereto and any other products and services that Provider may provide now or in the future (the “Services”).
- 1.3. **Student Data to Be Provided.** In order to perform the Services, the Parties shall indicate the categories of Student Data to be provided or collected by the Provider in the Schedule of Data, attached hereto as Exhibit “B”.

¹ Modeled After The Student Data Privacy Consortium’s Set Of Baseline Model Clauses