

The Subscribing LEA and the Provider, Nearpod, shall therefore be bound by the same terms of this DPA.

BY: Scott McCulloch

Date: 01-06-2023

Printed Name: Scott McCulloch

Title/Position: Billings School Board Chair

SCHOOL DISTRICT NAME: Billings Public Schools

DESIGNATED REPRESENTATIVE OF LEA:

Name Scott McCulloch

Title Billings School Board Chair

Address 415 W. 30th St. Billings, MT 59102

Telephone Number (406) 281-5000

Email Scott.McCulloch@billingschools.org

COUNTY OF LEA:

Yellowstone

## OPTIONAL EXHIBIT "A" GENERAL OFFER OF PRIVACY TERMS

**1. Offer of Terms** Provider offers the same privacy protections found in this DPA between it and the LEA to any other school district ("Subscribing LEA") who accepts this General Offer though its signature below. The Provider agrees that the information on the next page will be replaced throughout the Agreement with the information specific to the Subscribing LEA filled on the next page for the Subscribing LEA. This General Offer shall extend only to privacy protections and Provider's signature shall not necessarily bind Provider to other terms, such as price, term, or schedule of services, or to any other provision not addressed in this DPA. The Provider and the Subscribing LEA may also agree to change the data provide by LEA to the Provider to suit the unique needs of the Subscribing LEA. The Provider may withdraw the General Offer in the event of: (1) a material change in the applicable privacy statues; (2) a material change in the services and products subject listed in the Originating Service Agreement; or three (3) years after the date of Provider's signature to this Form. Provider shall notify the LEA in the event of any withdrawal so that this information may be transmitted to the Subscribing LEAs.

Provider's Name: Nearpod Inc.

BY: DocuSigned by:  
*Felipe Sommer* \_\_\_\_\_ Date: 3/20/2020  
0B4A85C461A744D

Printed Name:

Felipe Sommer

Title/Position:

Co-COO

Please return a copy of this Exhibit "A" to [legal@nearpod.com](mailto:legal@nearpod.com).

### 2. Subscribing LEA (Local Education Agency)

A Subscribing LEA, by signing a separate Service Agreement with Provider, and by its signature below, accepts the General Offer of Privacy Terms. The Subscribing LEA's individual information is contained on the next page.



# Montana Data Privacy Agreement

## I. PARTIES:

The parties to this Agreement are the Bozeman School District (hereinafter "District") and Nearpod Inc. (hereinafter "Contractor" or "Contractor").

## II. PURPOSE:

District retains Contractor to provide the following services on behalf of the District: Provide technology services, including cloud-based services, for the digital storage, management, and retrieval of pupil records; provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use pupil records in accordance with the provisions of this contract. Contractor shall be free from control and direction over the performance of the services, both under this Agreement and in fact. Except as limited herein, Contractor shall have and exercise full professional discretion as to the details of performance.

## III. TERM OF AGREEMENT, NO GUARANTEE OF WORK, NON-

**EXCLUSIVITY:** This Agreement shall begin on the date of signature and shall run for 5 years and shall expire on June 30, 20 24, unless terminated earlier by mutual agreement of the parties. This Agreement shall not be construed as any guarantee of work or assignments to Contractor. Contractor shall be contacted on an "as-needed" basis by District, with no obligation by District to use Contractor for any specified number of projects. Contractor shall have no expectation of renewal of this Agreement and shall not be entitled to continue to contract with or perform services for the District beyond the expiration of this Agreement. This Agreement is non-exclusive, meaning that both Contractor and District may contract with any other party for the procurement or provision of investigative services without interference.