

Montana Data Privacy Agreement For use with vendors providing student record management services and online applications utilized to deliver services to students.

I. PARTIES:

The parties to this Agreement are the Absarokee Public School District (hereinafter "District") and IXL Learning, Inc. (hereinafter "Contractor" or "Contractor").

II. PURPOSE:

District retains Contractor to provide the following services on behalf of the District: The IXL Service pursuant to the IXL Terms of Service (www.ixl.com/termsofservice) and as set forth in one or more quotes or sales contracts. 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, 2025, unless terminated earlier by written notice from one 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 services without interference.

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

By: Sherry Martin

Printed Name: Sherry Martin

Date: 2021-03-17

Title/Position: Technology Secretary

SCHOOL DISTRICT NAME: Helena Elem

DESIGNATED REPRESENTATIVE OF LEA

Name: Gary Myers

Title: Educational Technology Coordinator

Address: Helena, MT

Telephone Number: 4063242028

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COUNTY OF LEA: