

DATA PRIVACY AGREEMENT (DPA)  
FOR TEXAS K-12 INSTITUTIONS

**Boerne ISD**

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LEA NAME [Box 1]

DATE [Box 2]

and

**Angelo State University**

**7/17/2024**

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OPERATOR NAME [Box 3]

DATE [Box 4]

ARTICLE VI- GENERAL OFFER OF PRIVACYTERMS

- 1. **General Offer of Privacy Terms.** Operator may, by signing the attached Form of General Offer of Privacy Terms (General Offer, attached as Exhibit E), be bound by the terms of this DPA to any other LEA who signs the acceptance in said Exhibit.

ARTICLE VII: MISCELLANEOUS

- 1. **Term.** The Operator shall be bound by this DPA for the duration of the Service Agreement or so long as the Operator maintains any Data. Notwithstanding the foregoing, Operator agrees to be bound by the terms and obligations of this DPA for no less than three (3) years.
- 2. **Termination.** In the event that either party seeks to terminate this DPA, they may do so by mutual written consent so long as the Service Agreement has lapsed or has been terminated.
- 3. **Effect of Termination Survival.** If the Service Agreement is terminated, the Operator shall dispose of all of LEA’s Data pursuant to Article IV, section 5.
- 4. **Priority of Agreements.** This DPA shall govern the treatment of Data in order to comply with the privacy protections, including those found in FERPA and all applicable privacy statutes cited in this DPA. In the event there is conflict between the terms of the DPA and the Service Agreement, or with any other bid/RFP, license agreement, terms of service, privacy policy, or other writing, the terms of this DPA shall apply and take precedence. Except as described in this paragraph, all other provisions of the Service Agreement shall remain in effect.
- 5. **Notice.** All notices or other communication required or permitted to be given hereunder must be in writing and given by personal delivery, facsimile or e-mail transmission (if contact information is provided for the specific mode of delivery), or first-class mail, postage prepaid, sent to the designated representatives before: The designated representative for the Operator for this Agreement is:

First Name: Kerri [Box 7]  
Last Name: Mikulik [Box 8]  
Operator’s Company Name: Angelo State University [Box 9]  
Title of Representative: Executive Director of Admissions, Strategic Partnerships, & Dual Credit [Box 10]

The designated representative for the LEA for this Agreement is:

First Name: Sean [Box 11]  
Last Name: Babcock [Box 12]  
LEA’s Name: Boerne ISD [Box 13]  
Title of Representative: Chief Technology Officer [Box 14]

IN WITNESS WHEREOF, the parties have executed this DATA PRIVACY AGREEMENT FOR TEXAS K-12 INSTITUTIONS as of the last day noted below.

**Operator's Representative:**

BY: Kerri Mikulik [Box 15] Date: 07/17/24 [Box 16]

Printed Name: Kerri Mikulik [Box 17] Title/Position: Exec. Dir. of Admissions [Box 18]

Address for Notice Purposes: ASU Station # 11014; San Angelo, TX 76909 [Box 19]

**LEA's Representative**

BY: Sean C. Babcock [Box 20] Date: 7/30/2024 [Box 21]

Printed Name: Sean Babcock [Box 22] Title/Position: Chief Technology Officer [Box 23]

Address for Notice Purposes: 235 Johns Rd. Boerne, TX 78006 [Box 24]

*Note: Electronic signature not permitted.*

**3. Timing of Return or Disposition**

Data shall be returned or disposed of by the following date:

As soon as commercially practicable

By the following agreed upon date:

**4. Signatures**

\_\_\_\_\_  
Authorized Representative of LEA

\_\_\_\_\_  
Date:

**5. Verification of Disposition of Data**

\_\_\_\_\_  
Authorized Representative of Operator

\_\_\_\_\_  
Date:

**EXHIBIT " E"**

GENERAL OFFER OF PRIVACY TERMS

**Instructions:** This is an optional Exhibit in which the Operator may, by signing this Exhibit, be bound by the terms of this DPA to any other Subscribing LEAs who sign the acceptance in said Exhibit. The originating LEA SHOULD NOT sign this Exhibit, but should make Exhibit E, if signed by an Operator, readily available to other Texas K-12 institutions through the TXSPA web portal. Should a Subscribing LEA, after signing a separate Service Agreement with Operator, want to accept the General Offer of Terms, the Subscribing LEA should counter-sign the Exhibit E and notify the Operator that the General Offer of Terms have been accepted by a Subscribing LEA.

**1. Offer of Terms**

Operator offers the same privacy protections found in this DPA between it and

and which is dated [ \_\_\_\_\_ ] to any other LEA ("Subscribing LEA") who accepts this General Offer through its signature below. This General Offer shall extend only to privacy protections and Operator's signature shall not necessarily bind Operator to other terms, such as price, term, or schedule of services, or to any other provision not addressed in this DPA. The Operator and the other LEA may also agree to change the data provided by LEA to the Operator to suit the unique needs of the LEA. The Operator may withdraw the General Offer in the event of:

- (1) a material change in the applicable privacy statutes;
- (2) a material change in the services and products listed in the Originating Service Agreement;
- (3) the expiration of three years after the date of Operator's signature to this Form.

Operator shall notify the Texas Student Privacy Alliance (TXSPA) in the event of any withdrawal so that this information may be transmitted to the Alliance's users.

**Operator's Representative:**

BY: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title/Position: \_\_\_\_\_

**2. Subscribing LEA**

A Subscribing LEA, by signing a separate Service Agreement with Operator, and by its signature below, accepts the General Offer of Privacy Terms. The Subscribing LEA and Operator shall therefore be bound by the same terms of this DPA. The Subscribing LEA, also by its signature below, agrees to notify Operator that it has accepted this General Offer, and that such General Offer is not effective until Operator has received said notification.

**Subscribing LEA's Representative:**

BY: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: Sean Babcock Title/Position: Chief Technology Officer