# FIRST AMENDMENT TO SOFTWARE SERVICES AGREEMENT BETWEEN AMPLIFY EDUCATION, INC AND POUDRE SCHOOL DISTRICT R-1

This First Amendment ("Amendment") effective April 8, 2024, is attached to and forms part of the Software Services Agreement between Poudre School District R-1 (the "District") and Amplify Education, Inc. (the "Contractor") executed June 2, 2023 ("Agreement"), hereby attached and made part of this Amendment. To the extent that any of the terms or conditions contained in this Amendment may contradict with any of the terms or conditions of the attached Agreement, it is expressly understood and agreed that the terms of this Amendment shall take precedence and supersede the attached Agreement. The parties agree to amend the Agreement by adding the following language:

1. <u>Purpose of Amendment.</u> This Amendment shall constitute the Amendment to the Agreement between the District and the Contractor. The purpose of this Amendment is to amend the terms and deliverables between the District and Contractor.

#### 2. Term of Agreement.

2.1. At the conclusion of the term dated June 30, 2024, as outlined in section 1.1 of the Agreement, the District and Contractor elect to extend the term of the Agreement beginning on July 1, 2024 through June 30, 2025.

### 3. Amended Responsibilities

- 3.1. Add Exhibit A with Contractor's Amplify CKLA and mCLASS DIBELS 8th Edition Schedule of Student Data, hereby attached to this First Amendment and made part of this Agreement.
- 3.2. Add Exhibit B with Contractor's Amplify CKLA 2<sup>nd</sup> Edition Price List and mClass 2024-2025 Price List, noting that DIBELS 8<sup>th</sup> Student Licenses shall not exceed \$12.50 per each and Lectura Licenses are an additional \$5.00 per each, hereby attached to this First Amendment and made part of this Agreement.
- 3.3. Add Exhibit C with Contractor's Amplify Accessibility Conformance Report WCAG Editions CKLA Second Edition and Amplify Caminos First Edition and mCLASS DIBELS® 8th Edition, hereby attached to this First Amendment and made part of this Agreement.
- 3.4. Within section 10, delete the language which has a strikethrough and replace with the following language which is underlined:

Poudre School District R-1 Attn: Tracy Stibitz 2407 LaPorte Avenue Fort Collins, CO 80521

E-mail: tstibitz@psdschools.org

Poudre School District R-1
Attn: Contracts Administrator
2407 LaPorte Avenue
Fort Collins, CO 80521

E-mail: contracts@psdschools.org

#### **Special Provisions.**

4.1. **Terms and Conditions.** With the exception of items explicitly delineated in this First Amendment, all terms and conditions of the original Agreement between the District and Contractor shall remain unchanged and in full force and effect.

### 1. General Provisions.

- 5.1. Entire Agreement. The original Agreement and this First Amendment constitutes the entire Agreement of the parties regarding the subject matter addressed herein and supersedes all prior Agreements, whether oral or written, pertaining to said subject matter.
- 5.2. <u>Signatures</u>. This Agreement may be executed and delivered via portable document format (pdf), and the pdf signature of any party shall be considered valid, binding, effective and an original for all purposes.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the District and the Contractor have signed this Amendment as of the Effective Date.

AMPLIFY EDUCATION, INC.	POUDRE SCHOOL DISTRICT R-1
By:	By:
Monty Lammers	R. David Montoya
Senior Account Executive	Chief Finance Officer
	By:
	Traci Gile, PhD Assistant Superintendent





### **Poudre School District**

Clear Form

#### STUDENT DATA INFORMATION REQUEST FOR SOFTWARE SERVICES

Colorado's Student Data Transparency and Security Act [C.R.S. Section 22-16-101 et seq.] requires Poudre School District (PSD) to set forth certain contractual requirements before agreeing to the use of products that share student data. Due to the specificity of this language, PSD has opted to use its own contract to ensure compliance and alignment with the law and U.S. Department of Education recommendations regarding National Institutes of Standards and Technology Guidelines for Media Sanitization.

The law defines Student Identifiable Data as all items which are collected, maintained, generated, or inferred through use of the service, which includes metadata. This means any data element in the software's data table that can be connected to a student must be transparently identified along with how the data will be used. Because this may be different from what the company has reported under the Family Educational Rights and Privacy Act (FERPA), the District recommends pulling the data table to include all data elements.

Please provide the following information to facilitate the contracting process:

1. Detailed, formal description of product and scope of work to be completed.

Descriptions should not include wording such as "most used" or "used by X number of schools." Service descriptions should be detailed and free of sales language so it's clear what's being purchased.

#### Please see your Amplify Price Quote

2. What student data is collected through use of the system?

List all student data that's collected, maintained, generated, or inferred through use of the service; this includes information created or collected by the company.

Please see the Attachment 1 - CKLA K-5 and mCLASS DIBELS 8th Edition - Schedule of Student Data.

3. What is the purpose of collecting student data?

Attachment 1 includes the purpose for each of the data elements.

4. What third parties does the company partner with who may receive student data in any format? This includes storage and vendors receiving encrypted data.

Amplify's partners with the subprocessors of Student Data identified in the table below. This list may be periodically updated to the extent we contract with additional subprocessors, in all cases in accordance with our Customer Privacy Policy and with appropriate written agreements. The current list of subprocessors may be accessed at <a href="https://amplify.com/subprocessors">https://amplify.com/subprocessors</a>

Subprocessor	Purpose
Amazon Web Services, Inc.	Cloud hosting services

Blackboard, Inc.	Video conferencing and attendance tracking for tutoring services
dbt Labs, Inc.	Run database queries
Egnyte, Inc.	Secure file exchange
Global Grid for Learning, PBC.	Secure rostering
Google LLC	Cloud hosting services
Google LLC (Looker)	Data warehouse analytics
Snowflake, Inc.	Database hosting

5. What is the purpose of the third-party partners?

Please see the table in the response above which includes the purpose per subprocessor.

- 6. Please provide:
- Current quote (if available)

#### Please see your Amplify Price Quote

Tiered pricing for future purchases

### N/A

Name and email for contract notices

### Monty Lammers <u>mlammers@amplify.com</u>

• Name and title of person who will sign the contract

#### Melissa Ulan, SVP Product, Literacy

• Does the system allow integration for rostering?

Yes No

• If the above answer is yes, how is it completed?

Amplify supports a variety of roster synchronization options, including direct OneRoster CSV via secure HTTPS or SFTP, and via integration partners GG4L, ClassLink, and Clever. We will work with the district to determine the best integration option.

Category of Data	Data Elements	Purpose	Used by Amplify?	Provided by District, or Collected by Application?
gory or butter		For support purposes; in		ppiiodioiii
Application Technology Meta Data	IP Addresses of users, Use of cookies etc.	aggregate, to inform product improvements	Required	Collected by Application
Application Technology Meta Data	Other application technology meta data	For support purposes; in aggregate, to inform product improvements	Required	Collected by Application
Application Technology Meta Data	Other application technology meta data - Please specify:	For support purposes; in aggregate, to inform product improvements	* Browser User Agent * Operating system brand and version * Browser brand and version	Collected by Application
Application Use Statistics	Meta data on user interaction with application	For support purposes; in aggregate, to inform product improvements	Required	Collected by Application
Application Use Statistics	Meta data on user interaction with application - Please specify:	For support purposes; in	User interactions, timestamps, etc.	Collected by Application
Assessment	Observation data	For observational assessment incorporated into the product	Required	Collected by Application
Assessment	Other assessment data	For assessment incorporated into the product	Required	Collected by Application
Assessment	Other assessment data - Please specify:	For observational assessment incorporated into the product	Required Formative observational and online assessment	Collected by Application
Demographics	Date of Birth	For rostering purposes	Required	Provided by District
Demographics	Gender	For optional aggregate reporting	Optional	Provided by District
Demographics	Ethnicity or race	For optional aggregate reporting	Optional	Provided by District
Demographics	Language information (native, preferred or primary language spoken by student)	To support in-app language choices, and optional	Optional	Provided by District
Demographics		aggregate reporting For optional aggregate	Оршона	
Demographics  Demographics	Other demographic information  Other demographic information - Please specify:	For content or feature selection	Optional  Additional CEDS-aligned demographics may be optionally supplied for aggregate reporting purposes;Additional demographics may be optionally supplied for aggregate reporting purposes	Provided by District  Provided by District
Enrollment	Student school enrollment	For rostering purposes	Required	Provided by District
Enrollment	Student grade level	For rostering purposes and content alignment	Required	Provided by District
Enrollment	Homeroom	For rostering purposes	Optional	Provided by District
Enrollment	Specific curriculum programs	For rostering purposes and content alignment	If students are rostered: Required	Provided by District
Schedule	Student scheduled courses	For rostering purposes and content alignment	Required	Provided by District
Schedule	Teacher names	For rostering purposes	Required	Provided by District
Special Indicator	English language learner information	To support in-app language choices, and optional aggregate reporting	Optional	Provided by District
Special Indicator	Low income status	For optional aggregate reporting	Optional	Provided by District
Special Indicator	Student disability information	For optional aggregate reporting	Optional	Provided by District
Special Indicator	Specialized education services (IEP or 504)	For optional aggregate reporting	Optional	Provided by District
Special Indicator	Other indicator information	For optional aggregate reporting	Optional	Provided by District

### Amplify CKLA and mCLASS DIBELS 8th Edition Schedule of Student Data

Category of Data	Data Elements	Purpose	Used by Amplify?	Provided by District, or Collected by Application?
Special Indicator	Other indicator information - Please specify:	For optional aggregate reporting	Additional CEDS-aligned demographic indicators may be optionally supplied for aggregate reporting purposes; Additional demographic indicators may be optionally supplied for aggregate reporting purposes	Provided by District
Student Contact Information	Email	For logging in	Required	Provided by District
Student Identifiers	Local (School district) ID work data - Please specify	For rostering purposes	Required	Provided by District
Student Identifiers	State ID number		Optional	
Student Identifiers	Student app username	For logging in	Optional	Provided by District
Student Identifiers	Student app passwords	For logging in	Optional	Collected by Application
Student Name	First and/or Last	For rostering purposes	Required	Provided by District
Student In App Performance	Program/application performance (typing program-student types 60 wpm, reading program - student reads below grade level)	For application adaptivity and student performance reporting	Required	Collected by Application
Student work	Student generated content; writing, pictures etc.	For classroom interactivity and student performance reporting	Required	Collected by Application



### 2ND EDITION

# Price List

Pricing valid for 2024 and subject to change without notice. An 8% shipping and handling fee applies.







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Teacher Kits	Activity Books 45
Student Kits	Readers
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# Amplify digital experience

CKLA GK-5 Student digital	CKLA K-2 SKIIIS Student Licenses 50
experience license	CKLA K–2 Knowledge Student Licenses 50
1-Year License 47	
2-Year License	Caminos GK–5 Teacher digital
3-Year License 47	experience license
4-Year License	1-Year License 49
5-Year License 47	2-Year License
6-Year License 47	3-Year License
7-Year License 48	4-Year License
8-Year License 48	5-Year License
CKLA K–2 Skills Student Licenses 48	6-Year License
CKLA K–2 Knowledge Student Licenses 48	7-Year License 50
G177 P G17 5 E 1 1 1 1 1 1	8-Year License
CKLA GK-5 Teacher digital	CKLA K–2 Skills Teacher Licenses 50
experience license	CKLA K–2 Knowledge Teacher Licenses 50
1-Year License 47	Previous copyright CKLA Skills Readers
2-Year License	Student Activity Books, and
3-Year License	Teacher Guides K–2
4-Year License	
5-Year License	Kindergarten CKLA 2nd Edition GK Skills Activity Books
6-Year License 47	Kindergarten Skills
7-Year License 48	CKLA 2nd Edition Readers 51
8-Year License 48	Kindergarten Skills Teacher Guides 52
CKLA K–2 Skills Teacher Licenses 48	Grade 1 CKLA 2nd Edition
CKLA K–2 Knowledge Teacher Licenses 48	Skills Activity Books 52
Caminos GK–5 Student digital	Grade 1 CKLA 2nd Edition Skills Readers 52
experience license	Grade 1 Skills Teacher Guides 53
•	Grade 2 CKLA 2nd Edition Skills
1-Year License 49	Activity Books53
2-Year License	Grade 2 Skills Readers 53
3-Year License	Grade 2 Skills Teacher Guides 54
4-Year License	
5-Year License	
6-Year License 49	
7-Year License 50	
8-Year License	

### Start Here!

Amplify WITH Core Knowledge Language Arts® (CKLA) K-2 Skills Readers have been redesigned to increase student engagement and a sense of connection with the decodable stories and their characters. If you're a new or existing customer interested in purchasing the updated Skills Readers

seen below, please contact your account executive. If you have the previous copyright Skills Readers and need Teacher Guides or Student Activity Books to go with them, please reference the pictures below to find the appropriate page for pricing details.

### Use the book covers below and on the next page to determine which edition of the Skills Readers you have.

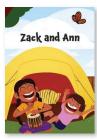
If your Amplify CKLA Skills Readers look like the ones below, you have the updated copyright 2022 Skills Readers and you should order from the main price list pages, starting on page 9.

### Kindergarten











Grade 1













Grade 2

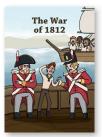












If your Amplify CKLA Skills Readers look like the ones below, you have the previous copyright Skills Readers. If you wish to re-order the same versions of the Amplify CKLA K-2 Skills components—Teacher Guides, Activity Books, or Readers—you've previously ordered, please refer to page 53.

### Kindergarten











### Grade 1













### Grade 2













### CKLA PreK

ISBN	Product	Price
Classroom Kits		
9781681615790	CKLA PreK Complete Classroom Kit	\$789.00
Activity Books		
9781681613130	CKLA PreK Activity Book (5 of each)	\$54.75

# CKLA Kindergarten

9781681610078

ISBN	Product	Price
Complete Classroom	Kits	
9781639487486	CKLA 2nd Ed GK Complete Classroom Kit_NS	\$2,999.00
and 25 students. This i experience license for	n Kit Bundle includes teacher materials and student durable materials needed for ncludes both Skills and Knowledge strands. It also includes an Amplify CKLA teacthe duration of the adoption. Additionally, this package includes 25 Boost Reading his package does not include student Activity Book consumables.	her digital
9798885760003	CKLA 2nd Ed GK Skills Classroom Kit_NS	\$1,850.00
9798885760065	CKLA 2nd Ed GK Knowledge Classroom Kit_NS	\$1,475.00
9781639487264	CKLA 2nd Edition GK Single Student Kit_NS	\$2,399.00
	cludes teacher materials and student durable materials needed for one teacher a Is & Knowledge strands.	nd one studen
Student Consumable	Set	
9781643836768	CKLA 2nd Edition GK Skills & Knowledge Activity Books, Classroom Pack (1 of each)_NS	\$38.00
	sumable Activity Books from both Skills and Knowledge strands, for one student, t year student digital experience license.	for one year.
Language Studio		
9781683910008	CKLA 2nd Edition GK Language Studio Kit: Classic	\$299.00
9781683910015	CKLA 2nd Edition GK Language Studio Kit: Prime	\$1,199.99
9781683910022	CKLA 2nd Edition GK Language Studio Activity Book Set (one of each)	\$25.00
Writing Studio		
9781683912613	CKLA 2nd Edition GK Writing Studio	\$199.00
Trade Books		
9781683911531	CKLA Trade Book Collection: Grade K	\$85.00
Teacher Guides		
9781681618654	CKLA 2nd Edition GK Knowledge Teacher Guide Set, All Domains: 1–12 (one of each)	\$1,000.00
9781681610030	CKLA 2nd Edition GK Knowledge D1 Teacher Guide: Nursery Rhymes & Fables	\$135.00
9781681610047	CKLA 2nd Edition GK Knowledge D2 Teacher Guide: The Five Senses	\$135.00
9781681610054	CKLA 2nd Edition GK Knowledge D3 Teacher Guide: Stories	\$135.00
9781681610061	CKLA 2nd Edition GK Knowledge D4 Teacher Guide: Plants	\$135.00
0701601610070	OKLA On defilition OK Konsuladas DETarakas Oction Famous	¢125.00

CKLA 2nd Edition GK Knowledge D5 Teacher Guide: Farms

\$135.00

ISBN	Product	Price
9781681610085	CKLA 2nd Edition GK Knowledge D6 Teacher Guide: Native Americans	\$135.00
9781681610108	CKLA 2nd Edition GK Knowledge D7 Teacher Guide: Kings and Queens	\$135.00
9781681610115	CKLA 2nd Edition GK Knowledge D8 Teacher Guide: Seasons and Weather	\$135.00
9781681610122	CKLA 2nd Edition GK Knowledge D9 Teacher Guide: Columbus and the Pilgrims	\$135.00
9781681610139	CKLA 2nd Edition GK Knowledge D10 Teacher Guide: Colonial Towns and Townspeople	\$135.00
9781681610146	CKLA 2nd Edition GK Knowledge D11 Teacher Guide: Taking Care of the Earth	\$135.00
9781681610153	CKLA 2nd Edition GK Knowledge D12 Teacher Guide: Presidents and American Symbols	\$135.00
9781639487776	CKLA 2nd Edition GK Skills Teacher Guide Set, All Units: 1–10 (one of each)	\$1,100.00
9781681610542	CKLA 2nd Edition GK Skills U1 Teacher Guide	\$135.00
9781681610559	CKLA 2nd Edition GK Skills U2 Teacher Guide	\$135.00
9781681610566	CKLA 2nd Edition GK Skills U3 Teacher Guide	\$135.00
9781643837260	CKLA 2nd Edition GK Skills U4 Teacher Guide	\$135.00
9781636028750	CKLA 2nd Edition GK Skills U5 Teacher Guide	\$135.00
9781643836874	CKLA 2nd Edition GK Skills U6 Teacher Guide	\$135.00
9781643836881	CKLA 2nd Edition GK Skills U7 Teacher Guide	\$135.00
9781643836898	CKLA 2nd Edition GK Skills U8 Teacher Guide	\$135.00
9781643836904	CKLA 2nd Edition GK Skills U9 Teacher Guide	\$135.00
9781643836911	CKLA 2nd Edition GK Skills U10 Teacher Guide	\$135.00
Activity Books		
9781942010494	CKLA 2nd Edition GK Knowledge Activity Books, All Domains (one of each)	\$7.00
9781681610283	CKLA 2nd Edition GK Knowledge Domains 1–6 Activity Book	\$5.60
9781681610290	CKLA 2nd Edition GK Knowledge Domains 7–12 Activity Book	\$5.60
9781643836775	CKLA 2nd Edition GK Skills Activity Books, All Units (one of each)	\$32.00
9781681610641	CKLA 2nd Edition GK Skills U1 Activity Book	\$5.60
9781681610658	CKLA 2nd Edition GK Skills U2 Activity Book	\$5.60
9781681610665	CKLA 2nd Edition GK Skills U3 Activity Book	\$5.60
9781681610672	CKLA 2nd Edition GK Skills U4 Activity Book	\$5.60

ISBN	Product	Price
9781636028767	CKLA 2nd Edition GK Skills U5 Activity Book	\$5.60
9781643836782	CKLA 2nd Edition GK Skills U6 Activity Book	\$5.60
9781643836799	CKLA 2nd Edition GK Skills U7 Activity Book	\$5.60
9781643836805	CKLA 2nd Edition GK Skills U8 Activity Book	\$5.60
9781643836812	CKLA 2nd Edition GK Skills U9 Activity Book	\$5.60
9781643836829	CKLA 2nd Edition GK Skills U10 Activity Book	\$5.60
Readers		
9781683917878	CKLA 2nd Edition GK Skills Readers, All Units (one of each)	\$19.96
9781643836638	CKLA 2nd Edition GK U6 Reader: Kit	\$4.36
9781643836645	CKLA 2nd Edition GK U7 Reader: Seth	\$4.36
9781643836652	CKLA 2nd Edition GK U8 Reader: Sam	\$4.36
9781643836669	CKLA 2nd Edition GK U9 Reader: Zach and Ann	\$4.36
9781643836676	CKLA 2nd Edition GK U10 Reader: Scott	\$4.36
9781942010272	CKLA 2nd Edition GK Skills Picture Reader	\$4.36
Knowledge Ancillaries		
9781681618739	CKLA 2nd Edition GK Knowledge Flipbooks Domains 1–12 (one of each)	\$900.00
9781681610160	CKLA 2nd Edition GK Knowledge D1 Flip Book: Nursery Rhymes & Fables	\$149.00
9781681610177	CKLA 2nd Edition GK Knowledge D2 Flip Book: The Five Senses	\$149.00
9781681610184	CKLA 2nd Edition GK Knowledge D3 Flip Book: Stories	\$149.00
9781681610191	CKLA 2nd Edition GK Knowledge D4 Flip Book: Plants	\$149.00
9781681610207	CKLA 2nd Edition GK Knowledge D5 Flip Book: Farms	\$149.00
9781681610214	CKLA 2nd Edition GK Knowledge D6 Flip Book: Native Americans	\$149.00
9781681610221	CKLA 2nd Edition GK Knowledge D7 Flip Book: Kings and Queens	\$149.00
9781681610238	CKLA 2nd Edition GK Knowledge D8 Flip Book: Seasons and Weather	\$149.00
9781681610245	CKLA 2nd Edition GK Knowledge D9 Flip Book: Columbus and the Pilgrims	\$149.00
9781681610252	CKLA 2nd Edition GK Knowledge D10 Flip Book: Colonial Towns and Townspeople	\$149.00
9781681610269	CKLA 2nd Edition GK Knowledge D11 Flip Book: Taking Care of the Earth	\$149.00
9781681610276	CKLA 2nd Edition GK Knowledge D12 Flip Book: Presidents and American Symbols	\$149.00

ISBN	Product	Price
9781681618876	CKLA 2nd Edition GK Knowledge Image Card Sets Domains 1–12 (one of each)	\$299.00
9781681610429	CKLA 2nd Edition GK Knowledge D1 Image Cards: Nursery Rhymes and Fables	\$65.00
9781681610436	CKLA 2nd Edition GK Knowledge D2 Image Cards: The Five Senses	\$65.00
9781681610443	CKLA 2nd Edition GK Knowledge D3 Image Cards: Stories	\$65.00
9781681610450	CKLA 2nd Edition GK Knowledge D4 Image Cards: Plants	\$65.00
9781681610467	CKLA 2nd Edition GK Knowledge D5 Image Cards: Farms	\$65.00
9781681610474	CKLA 2nd Edition GK Knowledge D6 Image Cards: Native Americans	\$65.00
9781681610481	CKLA 2nd Edition GK Knowledge D7 Image Cards: Kings and Queens	\$65.00
9781681610498	CKLA 2nd Edition GK Knowledge D8 Image Cards: Seasons and Weather	\$65.00
9781681610504	CKLA 2nd Edition GK Knowledge D9 Image Cards: Columbus and the Pilgrims	\$65.00
9781681610511	CKLA 2nd Edition GK Knowledge D10 Image Cards: Colonial Towns and Townspeople	\$65.00
9781681610528	CKLA 2nd Edition GK Knowledge D11 Image Cards: Taking Care of the Earth	\$65.00
9781681610535	CKLA 2nd Edition GK Knowledge D12 Image Cards: Presidents and American Symbols	\$65.00
Skills Ancillaries		
9781681610757	CKLA 2nd Edition GK Skills Chaining Folder	\$17.00
9781643836140	CKLA 2nd Edition GK Skills U4 Big Book: Pet Fun	\$99.00
9781643836157	CKLA 2nd Edition GK Skills U5 Big Book: Ox and Man	\$99.00
9781643836164	CKLA 2nd Edition GK Skills U6 Big Book: Kit	\$99.00
9781643836171	CKLA 2nd Edition GK Skills U7 Big Book: Seth	\$99.00
9781643836188	CKLA 2nd Edition GK Skills U8 Big Book: Sam	\$99.00
9781681610740	CKLA 2nd Edition GK Skills Blending Picture Cards	\$75.00
9781681610764	CKLA 2nd Edition GK Skills Large Letter Cards	\$83.95
9781681610771	CKLA 2nd Edition GK Skills Small Letter Card Set	\$200.00
9781681610788	CKLA GK Skills Sound Cards	\$30.00
9781681610795	CKLA GK Skills Sound Posters	\$65.00

### CKLA KINDERGARTEN

ISBN	Product	Price
Knowledge Research Units		
9781639481026	Amplify Research Unit Authentic Text Collection: Grade K	\$106.00
9781639484973	CKLA 2nd Ed GK Research Unit Teacher Guide: Art and the World Around Us	\$135.00
9781639484980	CKLA GK Research Unit Image Cards: Art and the World Around Us	\$72.00
9781639484997	CKLA GK Research Unit Activity Book : Art and the World Around Us	\$6.00

# CKLA Grade 1

ISBN	Product	Price
Complete Classroom Kit		
9781639487530	CKLA 2nd Ed G1 Complete Classroom Kit_NS	\$2,499.00
and 25 students. This include experience license for the du	rundle includes teacher materials and student durable materials needed for or es both Skills and Knowledge strands. It also includes an Amplify CKLA teache uration of the adoption. Additionally, this package includes 25 Boost Reading s ackage does not include student Activity Book consumables.	er digital
9798885760010	CKLA 2nd Ed G1 Skills Classroom Kit_NS	\$1,650.00
9798885760072	CKLA 2nd Ed G1 Knowledge Classroom Kit_NS	\$1,275.00
9781639487271	CKLA 2nd Edition G1 Single Student Kit_NS	\$2,399.00
A Single Student Kit includes This includes both Skills & K	s teacher materials and student Readers needed for one teacher and one stud nowledge strands.	lent.
Student Consumable Set		
9781636024936	CKLA 2nd Edition G1 Skills & Knowledge Activity Books, All Units and Domains (1 of each) and an Individual Code Chart	\$38.00
	ole Activity Books from both Skills and Knowledge strands, as well as one Indiv ne year. It also includes a one-year student digital experience license.	ridual Code
Language Studio		
9781683910039	CKLA 2nd Edition G1 Language Studio Kit: Classic	\$299.00
9781683910046	CKLA 2nd Edition G1 Language Studio Kit: Prime	\$1,199.99
9781683910053	CKLA 2nd Edition G1 Language Studio Activity Book Set (one of each)	\$25.00
Writing Studio		
9781683912620	CKLA 2nd Edition G1 Writing Studio	\$199.00
Trade Books		
9781683911548	CKLA 2nd Edition G1 Trade Book Collection	\$85.00
Teacher Guides		
9781681618661	CKLA 2nd Edition G1 Knowledge Teacher Guide Set, All Domains: 1–11 (one of each)	\$1,000.00
9781681610832	CKLA 2nd Edition G1 Knowledge D1 Teacher Guide: Fables and Stories	\$135.00
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9798885765992	Amplify CKLA UVL G5 Language Studio Complete Kit	\$499.00		
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### Amplify Caminos Kindergarten

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• See below for common options.

### mCLASS Lectura

mCLASS Lectura is a Spanish universal screening and progress-monitoring reading assessment for grades K–6. Offering full parity between Spanish and English assessments, with full coverage of foundational skills, mCLASS Lectura creates groups and includes targeted activities for Spanish literacy development. When combined with mCLASS DIBELS 8th Edition, it provides a full dual-language solution, with reports leveraging strengths in one language to build literacy in the second.

### mCLASS Lectura annual license

- \$13.90 per student
- \$5 per student as an add-on to mCLASS DIBELS 8th Edition
- \$12 per student as an add-on to another Amplify program purchase\*

### mCLASS DIBELS 8th Edition and mCLASS Lectura annual license

 \$15 per student as an add-on to another Amplify program purchase\*

### mCLASS Lectura kit (grades K-6)

• \$47 per kit (grade-specific)

### Professional development

• See below for common options.

mCLASS \*Restrictions apply.

### **Programs**

### **Product and description**

### mCLASS with Boost Reading

The mCLASS with Boost Reading bundle includes our highly effective mCLASS DIBELS 8th Edition universal screener and progress-monitoring assessment for grades K–5, as well as Boost Reading, the online adaptive supplemental program for grades K–5 that develops foundational skills, comprehension, and close reading skills.

### **Pricing options**

### mCLASS DIBELS 8th Edition and Boost Reading annual licenses

• \$30 per student\*\*

### DIBELS 8th Edition kit (grades K-5)

• \$47 per kit (grade-specific)

### Professional development

· See below for common options.

### mCLASS Express

mCLASS Express identifies gaps in foundational literacy skills for upper elementary school students. This rapid, fully online tool uses voice recognition technology to diagnose needs and provide teacher-led instruction.

### mCLASS Express annual license

• \$5 per student

### Professional development

· See below for common options.

### mCLASS early literacy suite

Includes mCLASS DIBELS 8<sup>th</sup> Edition, Boost Reading, and mCLASS Intervention

The early literacy suite includes mCLASS DIBELS 8th Edition universal screener and progress-monitoring assessments for grades K–5; Boost Reading, an online supplemental program that builds foundational reading skills and reading comprehension; and mCLASS Intervention, which helps educators get struggling readers caught up to grade level.

### mCLASS DIBELS 8th Edition and Boost Reading annual licenses

• \$30 per student\*\*

### DIBELS 8th Edition kit (grades K-5)

• \$47 per kit (grade-specific)

### mCLASS Intervention annual school site license

\$3,850 per school
 For kit recommendations, please see the mCLASS Intervention section below.

### Professional development

· See below for common options.

\*\*\$12 per student for mCLASS annual license with add-on discount, \$18 per student for Boost Reading annual license with add-on discount. Restrictions apply.

mCLASS 2022–2023 price list | 2

### Programs

### **Product and description**

### mCLASS Intervention

This offering is for schools that screen with mCLASS

mCLASS Intervention provides the analytical tools and resources educators need to make targeted, staff-led intervention a daily reality throughout the school year. It follows a research-based skills progression and uses software algorithms to analyze assessment results, group students with similar skills, and generate detailed intervention lessons every 10 days as progress-monitoring results improve.

### **Pricing options**

### mCLASS Intervention annual school site license

• \$3,850 per school

### mCLASS Intervention K-3 kit

• \$215/kit

We recommend one kit per interventionist serving grades K-3.

### mCLASS Intervention 4-6 kit

• \$195/kit

We recommend one kit per interventionist serving grades 4-6.

### DIBELS 8th Edition kit (grades K-6)

• \$47per kit (grade-specific)

We recommend one kit per interventionist, per grade in which mCLASS Intervention will be used, unless a school 1) already has these kits for all of the grade levels it intends to serve, and 2) interventionists have easy access to these kits.

### Professional development

· See below for common options.

### Additional options

mCLASS comes with a variety of additional options. Any of the programs below can be combined with mCLASS.

### Product and description

### **Pricing options**

### Additional screening measures

mCLASS offers additional screening measures in grades K–3 for vocabulary, encoding (spelling), rapid automatized naming, and listening comprehension (oral language screener). Using DIBELS 8th Edition and these additional measures provides early warning signs for reading difficulties, including the risk of dyslexia.

### Included with mCLASS licenses upon request

mCLASS 2022–2023 price list | 3

### Professional development options

Professional development is critical for success. Options are available based on your school or district's needs. Please refer to the professional development catalog link below for our course offerings or consult with your Account Executive.

Go to <u>amplify.com/professional-development</u> to view our professional development catalog.

mCLASS 2022–2023 price list | 4

### Hall, Becky - SSC

From: Sent: To: Subject: Attachments:	dflores@amplify.com on behalf of West Sales <westsalessupport@amplify.com> Friday, March 29, 2024 11:28 AM Monty Lammers; Hall, Becky - SSC Re: 2024-2025 Software Renewal mCLASS_PriceList_2024_101823 (1).pdf</westsalessupport@amplify.com>
<b>Caution:</b> This message w before clicking links or op	as sent from outside of Poudre School District. Be sure you trust the sender ening attachments.
	e sheet. But please note, we have special pricing in Colorado for Dibels 8th are \$12.50/each (instead of \$14.90). The Lectura license is an additional
Dan Flores Sales Support Specialist-West Amplify 55 Washington Street, 8th Floor Brooklyn, NY 11201 amplify.com	
Submit a purchase order her	<u>e</u>
Forwarded messag From: <b>Hall, Becky - SSC</b> < <u>re</u> Date: Thu, Mar 21, 2024 at 1 Subject: RE: 2024-2025 Soft To: Monty Lammers < <u>mlam</u>	ehall@psdschools.org> 0:37 AM tware Renewal
Hi Monty,	
Do you have a price sheet for [	DIBELS that you could send over, please?
Thank you!	
Kindest regards,	



### Amplify –

# Accessibility Conformance Report WCAG Edition

(Based on VPAT® Version 2.5)

Name of Product/Version: Amplify CKLA Second Edition and Amplify Caminos First Edition

Report Date: December 2023

Product Description: Amplify Core Knowledge Language Arts (CKLA) is the leading early literacy curriculum instruction guides educators in developing strong readers, writers, and thinkers. With a powerful online platform and grounded in the Science of Reading. By combining knowledge-building and research-based foundational skills, our parallel Spanish language arts curriculum, Caminos, Amplify CKLA provides a comprehensive solution for PreK-5 educators and students.

Combined with its English language partner, Amplify Core Knowledge Language Arts (CKLA), Amplify Caminos provides confident readers, writers, and thinkers in Spanish. It is designed to support any biliteracy model, including English as a Second Language (ESL), transitional bilingual programs, dual language strands, and Spanish immersion programs. Amplify Caminos is a K-5 Spanish language arts curriculum that helps teachers inspire students as they become a comprehensive biliteracy solution.

## **Contact Information:**

Amanda Tracy, VP Product, Literacy K-5 | atracy@amplify.com

### Notes:

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## **Evaluation Methods Used:**

success criteria within the Web Content Accessibility Guidelines (WCAG) 2.2 Conformance Level A and AA. Level Access (Level) tested a selection of the product using a representative sample to cover the components and functionality of use Evaluation of the product involved a combination of automated, manual, and functional testing against the applicable flows. Below is a list of the assistive technologies (ATs) used:

- JAWS/Chrome

## Applicable Standards/Guidelines

This report covers the degree of conformance for the following accessibility standard/guidelines:

Standard/Guideline	Included In Report
	Level A (Yes)
Web Content Accessibility Guidelines 2.0	Level AA (Yes)
	Level AAA (No)
	Level A (Yes)
Web Content Accessibility Guidelines 2.1	Level AA (Yes)
	Level AAA (No)
	Level A (No)
Web Content Accessibility Guidelines 2.2	Level AA (No)
	Level AAA (No)

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Information Technology Industry Council (ITI)

The terms used in the Conformance Level information are defined as follows:

- Supports: The functionality of the product has at least one method that meets the criterion without known defects or meets with equivalent facilitation.
- Partially Supports: Some functionality of the product does not meet the criterion.
- **Does Not Support**: The majority of product functionality does not meet the criterion.
- Not Applicable: The criterion is not relevant to the product.
- Not Evaluated: The product has not been evaluated against the criterion. This can be used only in WCAG Level

## WCAG 2.x Report

Note: When reporting on conformance with the WCAG 2.x Success Criteria, they are scoped for full pages, complete processes, and accessibility-supported ways of using technology as documented in the WCAG 2.x Conformance Requirements.

## Table 1: Success Criteria, Level A

### Notes:

Criteria	Conformance Level	Remarks and Explanations
		Most non-text content presented to the user in the product has text alternatives that serve the equivalent purpose. Exceptions include:
1.1.1 Non-text Content (Level A)	Partially Supports	<ul> <li>Image buttons such as those in "Lesson Preview" are missing accessible names.</li> <li>accessed with keyboard or screen reader.</li> <li>The content in "Unit Overview" section when it is not visually displayed can still be accessed by keyboard and screen reader.</li> </ul>
		users Amplify logo image lacks equivalent text Some decorative images are not marked as such.
1.2.1 Audio-only and Video-only (Prerecorded) (Level A)	Supports	The product does not contain prerecorded audioonly or video-only media.
		The product does not provide captions for prerecorded synchronized media (video with audio). Examples include:
1.2.2 Captions (Prerecorded) (Level A) S <sub>L</sub> S <sub>L</sub>	Does Not Support	<ul> <li>"Setting up to present" video in How to Present dialog.</li> <li>"Managing tabs" video in How to Present dialog.</li> </ul>

Criteria	Conformance Level	Remarks and Explanations
1.2.3 Audio Description or Media Alternative (Prerecorded) (Level A)	Does Not Support	The product does not provide appropriate audio descriptions or a media alternative for prerecorded video media. Examples include: - "Setting up to present" video in How to Present dialog "Managing tabs" video in How to Present
		dialog.
		In most instances, the product ensures that information, structure, and relationships conveyed through presentation can also be determined programmatically or through text. Exceptions include:
1.3.1 Info and Relationships (Level A)	Partially Supports	<ul> <li>Some visually grouped controls such as the pencil size options, and color pencil options are not programmatically grouped.</li> <li>There are lists that are not marked up as</li> </ul>
		lists and not announced properly as a result.
		<ul> <li>Some radio buttons are not properly grouped.</li> <li>Layout tables are marked as data tables.</li> </ul>
1.3.2 Meaningful Sequence (Level A)	Supports	The product ensures that a correct reading order can be programmatically determined for content whose presentation sequence affects its meaning.
1.3.3 Sensory Characteristics (Level A)	Supports	The product does not contain instructions that rely solely on sensory characteristics such as shape, size, visual location, or sound.



Criteria	Conformance Level	Remarks and Explanations
1.4.1 Use of Color (Level A)	Partially Supports	In most instances, the product does not use color as the only visual means of conveying information, indicating an action, or prompting a response. Exceptions include:  - Tabs such as Plan, Teach, Monitor tabs
1.4.2 Audio Control (Level A)	Supports	The product does not include audio that plays automatically.
		In most instances, the product ensures that interactive content and functionality is accessible and operable using a keyboard or keyboard emulator. Exceptions include:
2.1.1 Keyboard (Level A)	Partially Supports	<ul> <li>Interactive controls such as accordions, video player buttons, and dialog close buttons cannot be navigated to and operated with the keyboard alone.</li> <li>Logout functionality and breadcrumb links can't be navigated with keyboard alone.</li> <li>Worksheet edit functionality cannot be performed by screen reader users.</li> </ul>
2.1.2 No Keyboard Trap (Level A)	Supports	Where a component can receive keyboard focus, the product allows focus to be moved away using only the keyboard.
2.1.4 Character Key Shortcuts (Level A 2.1 only)	Supports	The product does not use character key shortcuts.
2.2.1 Timing Adjustable (Level A)	Supports	The product does not contain time-limited or time-dependent content.
2.2.2 Pause, Stop, Hide (Level A)	Supports	The product does not contain content that moves, blinks, scrolls, or auto-updates.

Criteria	Conformance Level	Remarks and Explanations
2.3.1 Three Flashes or Below Threshold (Level A)	Supports	The product does not contain flashing content.
2.4.1 Bypass Blocks (Level A)	Supports	The product provides skip links and other mechanisms to bypass blocks of content repeated on multiple pages.
2.4.2 Page Titled (Level A)	Partially Supports	Some pages of the product provide titles that adequately describe their topic or purpose.  Exceptions include:  - Skills page. Lesson page. Close reading
		page, Spanish version caminos lack of descriptive title.
	=	In most instances, screens of the product can be navigated sequentially with a focus order that matches the logical reading order. Exceptions include:
2.4.3 Focus Order (Level A)	Partially Supports	<ul> <li>Lessons page 1</li> <li>Presentation annotations</li> <li>Presentation Content and How to Present Popup.</li> </ul>
2.4.4 Link Purpose (In Context) (Level A)	Partially Supports	In most instances, the product ensures that the purpose of links can be determined from the link text alone or in combination with the surrounding or programmatic context. Exceptions include:
		- The image links on the skills nav lack of accessible names.
2.5.1 Pointer Gestures (Level A 2.1 only)	Supports	The product does not require multipoint or pathbased gestures for operation.



Criteria	Conformance Level	Remarks and Explanations
2.5.2 Pointer Cancellation (Level A 2.1 only)	Supports	The product ensures that functionality on pointer down-event is completed only when the user releases the pointer, or allows the user to abort and/or undo the action.
2.5.3 Label in Name (Level A 2.1 only)	Partially Supports	In most instances, the product ensures that when interface components have visual labels that include text, the provided accessible name contains the visually presented text. Exceptions include:  - The accessible name for the Spanish language skip link does not contain its visible text.
2.5.4 Motion Actuation (Level A 2.1 only)	Supports	The product does not contain functionality that requires device motion or user motion.
3.1.1 Language of Page (Level A)	Supports	In most instances, the default human language used on each page of the product can be programmatically determined. Exceptions include:  - The language of the page lang="en" is incorrect on Spanish version caminos.
3.2.1 On Focus (Level A)	Supports	The product ensures that interface components do not initiate a change of context when receiving focus.
3.2.2 On Input (Level A)	Supports	The product ensures that interactive components do not initiate a change in context when the component setting is changed unless followed by an explicit user action such as activation of a button or link.

Criteria	Conformance	Remarks and Explanations
3.3.1 Error Identification (Level A)	Supports	Where the product automatically detects input errors, the item or field in error is identified and the error is described to the user in text.
	:	In most instances, where user input is required, the product presents adequate labels or instructions for successfully providing that input. Exceptions include:
3.3.2 Labels or Instructions (Level A)	Partially Supports	<ul> <li>In register section, required fields are not indicated.</li> <li>In forgot password section, there are constraints that are not clearly indicated.</li> </ul>
4.1.1 Parsing (Level A)	Supports	The product uses markup languages that satisfy this criterion.
		In most instances, the product contains user interface components whose name, role, state, and value can be programmatically determined. Exceptions include:
4.1.2 Name, Role, Value (Level A)	Partially Supports	<ul> <li>The Dental care progress bar in Annual Maximum and Orthodontics progress bar in Lifetime Maximum is decorative but has textual equivalent.</li> <li>Challenge question combobox, patient combobox lack state information.</li> <li>Tabs such as 6 months, 12 months, and 18 months tabs lack state information.</li> <li>Dialogs are missing accessible names.</li> </ul>

# Table 2: Success Criteria, Level AA

Notes:

Criteria	Conformance Level	Remarks and Explanations
1.2.4 Captions (Live) (Level AA)	Supports	The product does not contain any live synchronized media (video with audio) that requires real-time captioning.
		In most instances, the product does not provide sufficient audio descriptions for synchronized media (video with audio). Examples include:
AA)	Does Not Support	<ul> <li>"Setting up to present" video in How to Present dialog.</li> <li>"Managing tabs" video in How to Present dialog.</li> </ul>
1.3.4 Orientation (Level AA 2.1 only)	Supports	The product does not restrict its view and operation to a single display orientation, such as portrait or landscape.
1.3.5 Identify Input Purpose (Level AA 2.1 only)	Supports	The product ensures that the purpose of input fields that request information about the user, such as name or email, can be programmatically determined.





Criteria	Conformance Level	Remarks and Explanations
<b>1.4.10 Reflow</b> (Level AA 2.1 only)	Partially Supports	In most instances, pages of the product allow for resizing to a minimum width of 320 CSS pixels or vertical height of 256 CSS pixels without loss of content or functionality, and without requiring scrolling in two dimensions, except where scrolling is required for content usage such as tables or diagrams. Exceptions include:  - Skills and lessons page's content.
1.4.11 Non-text Contrast (Level AA 2.1 only)	Partially Supports	In most instances, the visual presentation of non- text content in the product has a contrast ratio of at least 3:1 against adjacent color(s). Exceptions include:  - Switch (All closed) at intervention toolkit.  - "Close banner" button icon at Close Reading: Earth's Layers and Moving Plate.
1.4.12 Text Spacing (Level AA 2.1 only)	Partially Supports	In most instances, the product supports user changes in text style properties, such as line height or text spacing, without loss of content or functionality. Exceptions include:  - "The changing Earth" text overlaps on each other when viewing the page with custom text spacing.

Criteria	Conformance Level	Remarks and Explanations
1.4.13 Content on Hover or Focus (Level AA 2.1 only)	Partially Supports	In most instances, content triggered by hover or focus becomes and remains visible while triggered, and is dismissed when hover or focus is removed. Exceptions include:  - Slide preview in View Work dialog appears on hover, obscures other content, and cannot be dismissed.
2.4.5 Multiple Ways (Level AA)	Supports	The product provides multiple ways to navigate through pages in the product.
		The product uses headings and labels that describe their topic or purpose in most instances. Exceptions include:
2.4.6 Headings and Labels (Level AA)	Partially Supports	- The next and previous buttons are all announced as "next-previous" in Close Reading: Earth's Layers and Moving Plates.
2.4.7 Focus Visible (Level AA)	Partially Supports	In most instances, the product provides a visible indication of keyboard focus for elements on each page. Exceptions include:  - "Start playback" in How to Present dialog Switch "All Closed" / "All Open" at intervention toolkit "Bookmark button".

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Criteria	Conformance Level	Remarks and Explanations
	; ;	In most instances, where pages of the product contain text in multiple languages, the language used for each passage can be programmatically determined. Exceptions include:
3.1.2 Language of Parts (Level AA)	Partially Supports	<ul> <li>Spanish Version Caminos content (which is a Spanish language page) has content in English that is not programmatically identified.</li> </ul>
3.2.3 Consistent Navigation (Level AA)	Supports	The product ensures that navigational mechanisms repeated across the product are presented consistently and in the same relative order.
3.2.4 Consistent Identification (Level AA)	Supports	The product ensures that components with the same functionality are identified consistently across pages of the product.
3.3.3 Error Suggestion (Level AA)	Supports	Where the product automatically detects input errors and provides error messages, the product also provides suggestions for correcting each error.
3.3.4 Error Prevention (Legal, Financial, Data) (Level AA)	Supports	The product does not cause legal commitments, process financial transactions, or modify or delete user-controllable data.

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Criteria	Conformance Level	Remarks and Explanations
		In most instances, the product provides status messages that can be presented to assistive technologies without receiving focus. Exceptions include:
4.1.3 Status Messages (Level AA 2.1 only)	Partially Supports	<ul> <li>"Link copied to clipboard" is not communicated to screen readers.</li> <li>When users submit a search such as "Lesson", there are 8 search results that appear, but the appearance of the results is not announced to screen reader users.</li> <li>When the user uploads an image from the limate dialog, its success message is not</li> </ul>
		announced.

## Amplify Education –

# Accessibility Conformance Report WCAG Edition

(Based on VPAT® Version 2.5)

Name of Product/Version: mCLASS DIBELS® 8th Edition

Report Date: December 2023

dyslexia screening, and progress monitoring. Powered by DIBELS® 8th Edition, mCLASS helps you measure and **Product Description:** mCLASS is an all-in-one system for Science of Reading-based universal screening, strengthen the foundational skills that all students need to become confident readers.

Contact Information: Amanda Tracy, VP Product, Literacy K-5 | atracy@amplify.com

Notes: N/A

Evaluation Methods Used: JAWS 2022, Google Chrome, Keyboard, Zoom

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## Applicable Standards/Guidelines

This report covers the degree of conformance for the following accessibility standard/guidelines:

Standard/Guideline	Included In Report
	Level A (Yes)
Web Content Accessibility Guidelines 2.0	Level AA (Yes)
	Level AAA (No)
	Level A (Yes)
Web Content Accessibility Guidelines 2.1	Level AA (Yes)
	Level AAA (No)
	Level A (No)
Web Content Accessibility Guidelines 2.2	Level AA (No)
	Level AAA (No)

### **Terms**

The terms used in the Conformance Level information are defined as follows:

- Supports: The functionality of the product has at least one method that meets the criterion without known defects or meets with equivalent facilitation.
- Partially Supports: Some functionality of the product does not meet the criterion.
- Does Not Support: The majority of product functionality does not meet the criterion.
- **Not Applicable**: The criterion is not relevant to the product.
- Not Evaluated: The product has not been evaluated against the criterion. This can be used only in WCAG Level

### WCAG 2.x Report

Note: When reporting on conformance with the WCAG 2.x Success Criteria, they are scoped for full pages, complete processes, and accessibility-supported ways of using technology as documented in the WCAG 2.x Conformance Requirements.



## Table 1: Success Criteria, Level A

Notes:

Criteria	Conformance Level	Remarks and Explanations
1.1.1 Non-text Content (Level A)	Does Not Support	Most non-text content in the product does not have text alternatives that serve the equivalent purpose.  • "Instrucciones" is accessed with assistive technologies when it is hidden in the Spanish version. • Content on sliders that is visually hidden can be accessed with a screen reader.
1.2.1 Audio-only and Video-only (Prerecorded) (Level A)	Supports	The product does not contain prerecorded audio-only or video-only media.
1.2.2 Captions (Prerecorded) (Level A)	Supports	The product does not contain any prerecorded synchronized media (video with audio) that requires captions.
1.2.3 Audio Description or Media Alternative (Prerecorded) (Level A)	Supports	The product does not contain any prerecorded video media that requires audio descriptions or a media alternative.



Criteria	Conformance Level	Remarks and Explanations
1.3.1 Info and Relationships (Level A)	Partially Supports	In some instances, the product ensures that information, structure, and relationships conveyed through presentation can also be determined programmatically or through text. Exceptions include:  • Implicit headings, such as Online Help, Student Name, Program, Lesson, Instructions, and Start Assessment.
1.3.2 Meaningful Sequence (Level A)	Supports	The product ensures that a correct reading order can be programmatically determined for content whose presentation sequence affects its meaning.
1.3.3 Sensory Characteristics (Level A)	Supports	The product does not contain instructions that rely solely on sensory characteristics such as shape, size, visual location, or sound.



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Criteria	Conformance Level	Remarks and Explanations
		In most instances, the product does not use color as the only visual means of conveying information, indicating an action, or prompting a response.  Exceptions include:
1.4.1 Use of Color (Level A)	Partially Supports	"Correct" and     "Incorrect" indicators     on buttons in Word     Reading Fluency     Assessment and     Phonemic     Assessment     sections.
1.4.2 Audio Control (Level A)	Supports	The product does not include audio that plays automatically [for more than 3 seconds].

Criteria	Conformance Level	Remarks and Explanations
		In most instances, the product ensures that interactive content and functionality is accessible and operable using a keyboard or keyboard emulator. Exceptions include:
2.1.1 Keyboard (Level A)	Partially Supports	<ul> <li>Cells that insert checkmarks on Phonemic Assessments section.</li> <li>Word buttons in Oral Language section.</li> <li>Select controls in Student table.</li> </ul>
2.1.2 No Keyboard Trap (Level A)	Supports	Where a component can receive keyboard focus, the product allows focus to be moved away using only the keyboard [and/or advises users of any non-standard methods required to do so].
2.1.4 Character Key Shortcuts (Level A 2.1 only)	Supports	The product does not use character key shortcuts.
2.2.1 Timing Adjustable (Level A)	Supports	The product does not contain time-limited or timedependent content.

Criteria	Conformance Level	Remarks and Explanations
2.2.2 Pause, Stop, Hide (Level A)	Supports	The product does not contain content that moves, blinks, scrolls, or autoupdates.
2.3.1 Three Flashes or Below Threshold (Level A)	Supports	The product does not contain flashing content.
2.4.1 Bypass Blocks (Level A)	Partially Supports	In most instances, the product provides skip links and other mechanisms to bypass blocks of content repeated on multiple [pages/screens]. Exceptions include:
		cannot be skipped
2.4.2 Page Titled (Level A)	Partially Supports	Some pages of the product provide titles that adequately describe their topic or purpose.  Exceptions include:  Recordatorios  Instrucciones  Instrucciones



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Criteria	Conformance Level	Remarks and Explanations
2.4.3 Focus Order (Level A)	Partially Supports	In some instances, pages of the product can be navigated sequentially with a focus order that matches the logical reading order.  Exceptions include:  Correct/incorrect on Phonemic Awareness Instructions section.  The dialogs "Start Assessment", "Fin de la evaluacion", and "End of Assessment" and "End of Assessment" do not receive focus.
2.4.4 Link Purpose (In Context) (Level A)	Partially Supports	In most instances, the product ensures that the purpose of links can be determined from the link text alone or in combination with the surrounding or programmatic context.  Exceptions include:  Assess links at OWA-Unified dashboard.  Scores links at Student table.



Criteria	Conformance Level	Remarks and Explanations
2.5.1 Pointer Gestures (Level A 2.1 only)	Supports	The product does not require multipoint or pathbased gestures for operation.
2.5.2 Pointer Cancellation (Level A 2.1 only)	Supports	The product does not contain functionality that uses a pointer for operation.
2.5.3 Label in Name (Level A 2.1 only)	Partially Supports	In most instances, the product ensures that when interface components have visual labels that include text, the provided accessible name contains the visually presented text. Exceptions include:  • "Demo idelr" lacks a persistent visual label.  • Inputs are not associated to labels on the Oral Language section.
2.5.4 Motion Actuation (Level A 2.1 only)	Supports	The product does not contain functionality that requires device motion or user motion.

Criteria	Conformance Level	Remarks and Explanations
3.1.1 Language of Page (Level A)	Partially Supports	In some instances, the default human language used on each [page/screen] of the product can be programmatically determined. Exceptions include:
		<ul><li>Site has no specific language.</li><li>Spanish version has the wrong language.</li></ul>
3.2.1 On Focus (Level A)	Supports	The product does not contain focusable interface components.
3.2.2 On Input (Level A)	Supports	The product does not contain interface components subject to this criterion.
3.3.1 Error Identification (Level A)	Supports	The product does not contain help mechanisms.

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Criteria	Conformance Level	Remarks and Explanations
2 2 2 Shole or Instructions (Lovel A)	Dortio IIV Supports	In most instances, where user input is required, the product presents adequate labels or instructions for successfully providing that input. Exceptions include:
		forms are not programmatically grouped in oral language, phonemic assessments, Spanish sections.
4.1.1 Parsing (Level A)	Supports	The product uses markup languages that satisfy this
		criterion.

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Criteria	Conformance Level	Remarks and Explanations
		Significant and/or critical portions of the product contain interface components whose name, role, state, and value cannot be programmatically determined, [and whose state, properties, and value cannot be programmatically set]. Examples include:
4.1.2 Name, Role, Value (Level A)	Does Not Support	<ul> <li>Previous and Next buttons in every section do not have accessible names.</li> <li>Input fields do not have associated labels in Oral Language dialogs.</li> <li>Arrow and Add buttons do not have descriptive accessible names.</li> </ul>

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## Table 2: Success Criteria, Level AA

Notes:

Criteria	Conformance Level	Remarks and Explanations
1.2.4 Captions (Live) (Level AA)	Supports	The product does not contain any live synchronized media (video with audio) that requires real-time captioning.
1.2.5 Audio Description (Prerecorded) (Level AA)	Supports	The product does not contain any prerecorded synchronized media (video with audio) that requires audio descriptions.
1.3.4 Orientation (Level AA 2.1 only)	Supports	The product does not restrict its view and operation to a single display orientation, such as portrait or landscape [unless a specific orientation is essential].
1.3.5 Identify Input Purpose (Level AA 2.1 only)	Supports	The product does not contain input fields that request information about the user.

Criteria	Conformance Level	Remarks and Explanations
1.4.3 Contrast (Minimum) (Level AA)	Partially Supports	In most instances, the visual presentation of text and images of text in the product provides a contrast ratio of at least 4.5:1 against adjacent colors. Exceptions include:  • Repeat in Oral language section. • (Use as often as needed) in Phonemic Awareness Reminders Page.
1.4.4 Resize text (Level AA)	Partially Supports	In most instances, the product allows text to be resized without assistive technology up to 200 percent without loss of content or functionality.  Exceptions include:  Student Table and Details.  QM Measure in Spanish (Lectura) Language.  Phonemic Awareness Instructions.



Criteria	Conformance Level	Remarks and Explanations
1.4.5 Images of Text (Level AA)	Supports	Except for logos, the product uses text instead of images of text.
1.4.10 Reflow (Level AA 2.1 only)	Partially Supports	In some instances, pages of the product allow for resizing to a minimum width of 320 CSS pixels or vertical height of 256 CSS pixels without loss of content or functionality, and without requiring scrolling in two dimensions [except where scrolling is required for content usage such as tables or diagrams].  Homepage  Homepage  Phonemic awareness  Phonemic assessments  Oral language  Spanish lecture  Student table  WAAU.

Level Access   Client – Confidentia	"Voluntary Product Accessibility Te	Information Technology Industry Co

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appears on pointer hover or

keyboard focus.

Instructions section.

Awareness **Phonemic** 

The product does not

contain content that

Supports

1.4.13 Content on Hover or Focus (Level AA 2.1 only)

without loss of content or functionality. Exceptions

Partially Supports

1.4.12 Text Spacing (Level AA 2.1 only)

include:

properties, such as line

height or text spacing,

In most instances, the visual

content in the product has a

presentation of non-text

contrast ratio of at least 3:1

against adjacent color(s).

Exceptions include:

Partially Supports

1.4.11 Non-text Contrast (Level AA 2.1 only)

Remarks and Explanations

Conformance Level

Criteria

"Progress Monitor" in

OWAU section.

In most instances, the

product supports user

changes in text style

segmented controls

(borders) in

"Benchmark" and

Active state indicator

Criteria	Conformance Level	Remarks and Explanations
2.4.5 Multiple Ways (Level AA)	Supports	The product is comprised of individual components requiring multiple methods of access.
2.4.6 Headings and Labels (Level AA)	Supports	The product uses headings and labels that describe their topic or purpose.
2.4.7 Focus Visible (Level AA)	Partially Supports	In some instances, the product provides a visible indication of keyboard focus for elements on each page.  Exceptions include:  Research Study Accordion buttons Vord buttons Close button Beading buttons Close button Beading buttons Close button Header) Correcto Lose button Reading buttons Irrminado (on Header) Correcto No respondio

Criteria	Conformance Level	Remarks and Explanations
3.1.2 Language of Parts (Level AA)	Partially Supports	In most instances, where pages of the product contain text in multiple languages, the language used for each passage can be programmatically determined. Exceptions include:   Grade 1 Middle of Year, times a form was used, course level, and grade in Spanish version.  Español in English version.
3.2.3 Consistent Navigation (Level AA)	Supports	The product does not contain navigational components that are repeated across the product.
3.2.4 Consistent Identification (Level AA)	Supports	The product does not contain functional components that are repeated across pages.
3.3.3 Error Suggestion (Level AA)	Supports	The product does not automatically detect or provide input errors that require suggestions for correction.

Criteria	Conformance Level	Remarks and Explanations
3.3.4 Error Prevention (Legal, Financial, Data) (Level AA)	Supports	The product does not cause legal commitments, process financial transactions, or modify or delete user-controllable data.
4.1.3 Status Messages (Level AA 2.1 only)	Partially Supports	In most instances, the product provides status messages that can be presented to assistive technologies without receiving focus. Exceptions include:  • When a card is inserted in the slider, the new instruction is not communicated to screen reader users, • Progression in Instruction cards is not communicated to screen reader users in Phonemic Awareness.

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### SOFTWARE SERVICES AGREEMENT BETWEEN AMPLIFY EDUCATION, INC. AND POUDRE SCHOOL DISTRICT R-1

This Software Services Agreement ("Agreement") is entered into this 2<sup>nd</sup> day of June 2023, by and between Poudre School District R-1 (the "District") and Amplify Education, Inc. (the "Contractor"). The District and the Contractor are collectively referenced herein as the "parties."

### Recitals

WHEREAS, C.R.S §§ 22-2-141 requires the use of an Early Literacy Assessment Tool, which allows teachers to obtain real-time assessments of the reading skill levels of students and based on the assessment results, generate intervention plans and materials for kindergarten through third grades.

WHEREAS, Amplify Education, Inc. has developed an Early Literacy Assessment Tool, which meets the requirements of C.R.S. §§ 22-2-141.

WHEREAS, the Colorado Department of Education has contracted with Amplify Education, Inc. to use its Early Literacy Assessment Tool to assess Colorado students in kindergarten through third grade.

WHEREAS, the Colorado Department of Education has required Districts to use the Early Literacy Assessment Tools developed by Amplify Education, Inc. for kindergarten through third grade.

WHEREAS, Poudre School District wishes to use Amplify Education, Inc.'s Early Literacy Assessment Tool to assess the reading skill levels of students in grades four, five and six.

### **Covenants**

NOW, THEREFORE, in consideration of the mutual agreements set forth herein, the District and the Contractor agree as follows:

### 1. <u>Term of Agreement.</u>

- 1.1. This Agreement shall commence on July 1, 2023 and continue through and including June 30, 2024. The Agreement, at the option of the District, may be extended for up to four (4) additional one-year year terms upon written notice to the Contractor for each one-year term.
- 1.2. Notwithstanding any other term or provision of this Agreement, the District's obligations hereunder are expressly subject to its budgeting and appropriation of sufficient funds for each fiscal year (July 1 June 30) an Agreement is in effect. In no event, shall the District's obligations in an Agreement constitute a multiple-fiscal year direct or indirect debt or other financial obligation under Article X, Section 20(4)(b) of the Colorado Constitution.

- 1.3. <u>Termination For Cause.</u> Notwithstanding the provisions of section 1.1 and 1.2 above, if either party is in breach of an obligation or covenant under this Agreement the non-breaching party may give written notice to the breaching party describing the breach and demanding that it be cured. If the breach is not cured within thirty (30) days after the breaching party's receipt of said notice, the non-breaching party may immediately terminate the Agreement and avail itself of any and all remedies available at law or in equity.
- 1.4. <u>Termination Without Cause</u>. Notwithstanding the provisions of sections 1.1, 1.2 and 1.3 above, the District or the Contractor may terminate this Agreement at any time in its sole discretion for any reason, with or without cause, by giving the other party thirty (30) days' advance written notice of the termination.

### 2. <u>Deliverables and Purchase Price.</u>

- 2.1. The Contractor shall make its mobile assessment platform mCLASS DIBELS Next available for use in the District's fourth through sixth grade classrooms, and additional product offerings for the District, in accordance with the scope of work set forth in the attached Exhibit A (hereinafter the "Services").
- 2.2. The total cost for all Services under this contract shall not exceed the pricing outlined in Exhibit A for the length of the Agreement.
- 2.3. Fulfillment of Services under the terms and conditions set forth in this Agreement shall be exclusively through the issuance of a District purchase order.
  - 2.3.1. The Contractor shall provide the contact in section 10 a quote for Services conforming to the pricing, which shall be payable by the District thirty (30) days after receipt of Contractor's invoice.
  - 2.3.2. Site-based credit cards and/or site-based restricted checks shall not be permitted for payment.
  - 2.3.3. Services provided by Contractor without conforming to section 2.3 of the Agreement shall be considered unauthorized and payment shall not be issued by the District.
  - 2.3.4. Contractor shall assure compliance with the District Policy DJG/DJGA, attached as Exhibit B and hereby made part of this Agreement, direct communication with schools or sales must be approved by contact in section 10 of this agreement.
- 2.4. Contractor shall maintain compliance with federal, state and local laws as pertains to accessibility for persons with disabilities, including but not limited to Colorado House Bill 21-1110, for the length of the Agreement and all extensions.
- 2.5. <u>Invoicing.</u> The District utilizes an online vendor portal to collect, validate, and manage vendor information, including but not limited to tax ID verification, sanction monitoring, receipt of W9 and other required forms. Prior to the issuance of a purchase order or

payment, the Contractor will be required to complete the online registration process through the online vendor portal, which shall include the Contractor providing all required documentation, and receiving approval of the submission of all documentation, including but not limited to, TIN and bank account verification.

- 2.5.1. Contractor will provide invoices for the Services at the rate specified in B. Invoices for Services provided shall be submitted directly to the District's accounts payable department within thirty (30) days of completion of Services. Invoices for such Services shall include (a) date on which Services were provided, (b) the District Location for which the Service were provided, (c) details of Products delivered, (d) and if issues, a purchase order number.
- 2.5.2. Invoices received from the Contractor pursuant to this Agreement will be reviewed and approved by the District's representative, indicating that services have been rendered in conformity with the Agreement and then will be sent to the Finance Department for payment. Payment for Services not approved by the District in writing, shall not be considered valid and the District will not be responsible for covering associated costs. Invoices will generally be paid within thirty (30) days following the District representative's approval.
- 2.5.3. Invoices which do not conform with the agreement will be paid thirty (30) days from receipt of a revised and corrected invoice.
- 2.5.4. All invoices must be submitted within 30 days of fiscal year end June 30 and may not include items received by the District outside of the fiscal year July 1 June 30.
- 2.5.5. Invoices shall be sent to ap@psdschools.org.
- 2.5.6. The District is exempt from federal and state taxes under Colorado Tax Exempt Number 98-03335.
- 2.5.7. If the contract results in the right to use an asset, the Contractor shall provide the District, if requested, documentation necessary to facilitate the District's compliance with the Governmental Accounting Standards Board ("GASB") issued GASB Statement No. 87, Leases.
- 2.6. The Contractor grants the District a non-exclusive, non-transferable, non-sublicenseable license to access and use, and permit authorized users to access and use the Services solely in the United States during the term of the Agreement.
- 2.7. The District shall access and use the Services solely for non-commercial instructional and administrative purposes within the District. Further, the District shall not, except as expressly authorized or directed by the Contractor: (a) copy, modify, translate, distribute, disclose or create derivative works based on the contents of, or sell, the Services, or any part thereof; (b) decompile, disassemble or otherwise reverse engineer Services or otherwise

use the Services to develop functionally similar products or services; (c) modify, alter or delete any of the copyright, trademark, or other proprietary notices in or on the Services; (d) rent, lease or lend the Services or use the Services for the benefit of any third party; (e) avoid, circumvent or disable any security or digital rights management device, procedure, protocol or mechanism in the Services; or (f) permit any authorized user or third party to do any of the foregoing. The District also agrees that any works created in violation of this section are derivative works, and, as such, the District agrees to assign, and hereby assigns, all right, title and interest therein to the Contractor.

- 2.8. The District agrees, subject to the limited rights expressly granted hereunder, that all rights, title and interest in and to all Services, including all related IP Rights, are and shall remain the sole and exclusive property of Contractor or its third-party licensors. "IP Rights" means, collectively, rights under patent, trademark, copyright and trade secret laws, and any other intellectual property or proprietary rights recognized in any country or jurisdiction worldwide. The District shall notify Contractor of any violation of Contractor's IP Rights in the Services, and shall reasonably assist Contractor as necessary to remedy any such violation. Contractor Services are protected by patents.
- 2.9. The District understands and agrees that its students' access to and use of the Services under this Agreement may require that it disclose confidential student records and information, as that term is defined below, to the Contractor. The Contractor understands and agrees that if it fails to comply with any of the requirements under sections 4, 5, 6 or 7 below at any time during or after the term of this Agreement the District may, as applicable, terminate the Agreement and/or disqualify the Contractor from future agreements with the District.

### 3. **Definitions.**

- 3.1. As used in this Agreement, "personally identifiable information" is defined as information (including metadata) that, alone or in combination, is linked or linkable to a specific student so as to allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Personally identifiable information includes but is not limited to: (a) the student's name; (b) the name of the student's parent or other family members; (c) the address or phone number of the student or student's family; (d) personal identifiers such as the student's social security number, student number or biometric record; and (e) indirect identifiers such as the student's date of birth, place of birth or mother's maiden name.
- 3.2. As used in this Agreement, "education records" is defined as records, files, documents and other materials that: (a) contain information directly related to a student; and (b) are maintained by the District, or by a party acting for the District such as the Contractor.
- 3.3. As used in this Agreement, "confidential student records and information" is defined as education records and personally identifiable information concerning District students, including but not limited to confidential student records and information disclosed to, collected by and/or generated by the Contractor. Confidential student records and information does not include "de-identified confidential student records and information," as defined in section 3.5 below.

- 3.4. As used in this Agreement, "collect" is defined as the gathering of data and other information by any means, including but not limited to the use of logs, cookies, tracking pixels, etc.
- 3.5. As used in this Agreement, "de-identified confidential student records and information" is defined as confidential student records and information from which all personally identifiable information, and the ability to determine any personally identifiable information, is removed.
- 3.6. As used in this Agreement, "securely destroy" is defined as removing confidential student records and information from the Contractor's systems, paper files, hard-copy and electronic records, databases and any other media regardless of format, in accordance with the standard detailed in the National Institute of Standards and Technology ("NIST") SP 800-88 Guidelines for Media Sanitization, so that the confidential student records and information are permanently irretrievable in the Contractor's normal course of business.
- 3.7. As used in this Agreement, "eligible student" is defined as a student who is at least 18 years of age or who is legally emancipated.
- 4. <u>Ownership of Confidential Student Records, Information.</u> All confidential student records and information shall remain the exclusive property of the District and all rights, title and interest in the confidential student records and information, including but not limited to intellectual property rights in the confidential student records and information, belong to and are retained solely by the District. The District hereby grants to the Contractor a limited, nonexclusive license to access, view, collect, generate and use confidential student records and information solely for the purpose of performing its obligations under this Agreement.

### 5. Security of Confidential Student Records and Information.

- 5.1. The Contractor shall store and process confidential student records and information in accordance with commercial best practices, including implementing appropriate administrative, physical and technical safeguards that are no less rigorous than those outlined in CIS Critical Security Controls, as amended, to secure such confidential student records and information from unauthorized access, disclosure, alteration and use. The Contractor shall ensure that all such safeguards, including the manner in which confidential student records and information is collected, accessed, used, stored, processed, disposed of and disclosed, comply with all applicable federal and state data protection and privacy laws, regulations and directives, including but not limited to Colorado's Student Data Transparency and Security Act, C.R.S. §§ 22-16-101 to -112. Without limiting the foregoing, and unless expressly agreed to the contrary in writing, the Contractor warrants that all electronic confidential student records and information will be encrypted in transmission and at rest in accordance with NIST Special Publication 800-57, as amended.
- 5.2. The Contractor shall conduct periodic risk assessments and remediate any identified security vulnerabilities in a timely manner. The Contractor shall promptly notify the District in the event of: (a) any security or privacy breach concerning confidential student

records and information; and/or (b) any use or disclosure of student personally identifiable information not authorized under this Agreement.

### 6. <u>Use of Confidential Student Records and Information.</u>

- 6.1. Under the Agreement, Contractor may access, view, collect, generate and/or use confidential student records and information only under the following terms and conditions: (a) except as provided in section 6.2 below, Contractor shall not disclose confidential student records and information, in whole or in part, to any other party; (b) Contractor shall not use any confidential student records or information to advertise or market to students or their parents/guardians; (c) Contractor shall access, view, collect, generate and use confidential student records and information only to the extent necessary to perform its obligations under the Agreement; and (d) at the conclusion of the term of the Agreement the Contractor shall, as directed by the District, either securely destroy all confidential student records and information in its possession, custody or control, or return such confidential student records and information to the District.
- 6.2. Contractor may to the extent necessary to perform its obligations under the Contract disclose confidential student records and information to subcontractors as identified in Exhibit A ("Subcontractors") pursuant to written subcontracts specifying the purpose of the disclosure and providing that: (a) Subcontractors shall not disclose confidential student records and information, in whole or in part, to any other party; (b) Subcontractors shall not use any confidential student records or information to advertise or market to students or their parents/guardians; (c) Subcontractors shall access, view, collect, generate and use confidential student records and information only to the extent necessary to assist Contractor in performing its obligations under the Agreement; and (d) at the conclusion of their work under their subcontracts Subcontractors shall, as directed by the District through the Contractor, either securely destroy all confidential student records and information in their possession, custody or control, or return such confidential student records and information to the District.
- 6.3. Contractor and Subcontractors may use de-identified confidential student records and information for purposes of research, the improvement of its products and services, and/or the development of new products and services. In no event shall the Contractor or Subcontractors re-identify or attempt to re-identify any de-identified confidential student records and information.
- 6.4. Contractor and Subcontractors shall promptly furnish to the District upon request all confidential student records and information they have collected and/or generated and not in the District's possession. Such requests may include but shall not be limited to those made in order to respond to parent/guardian and eligible student requests to inspect and review education records as authorized under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g ("FERPA") and/or under the Colorado Open Records Act, C.R.S. §§ 24-72-200.1 *et seq.* ("CORA"). The District, not the Contractor or Subcontractors, shall respond to all parent/guardian and eligible student requests to inspect and review records, data and other information.

- 7. School Service Contract Provider. If Contractor is a "school service contract provider" under the Colorado Student Data Transparency and Security Act (the "Act"), the Contract is amended to add the language in this section 7. Under the Act, a "school service contract provider" is defined as an entity (other than the Colorado Department of Education, a K-12 public education entity or an institution of higher education) that enters into a formal, negotiated contract with the District to provide a "school service." Under the Act, a "school service" is defined as an Internet website, online service, online application or mobile application that: (a) is designed and marketed primarily for use in a preschool, elementary school or secondary school; (b) is used at the direction of District teachers or other District employees; and (c) collects, maintains or uses confidential student records and information.
- 7.1. As a school service contract provider under the Act, the Contractor has provided the following information the attached Exhibit A: (a) the data elements of confidential student records and information that Contractor collects under the Contract, regardless of whether the data elements are initially collected or ultimately held individually or in the aggregate using protocols that are effective for preserving the anonymity of each student included in the data; (b) the learning purpose for which Contractor collects the confidential student records and information; and (c) how the Contractor uses and shares the confidential student records and information. Contractor shall update this information as necessary to maintain accuracy.
- 7.2. Contractor shall facilitate the District's access to and correction of any factually inaccurate confidential student records and information as required in response to correction requests from parents/guardians and eligible students.
- 8. **Remedies.** If Contractor fails to comply with any of the foregoing requirements in sections 4, 5, 6 or 7 at any time during or after the term of the Agreement the District may, as applicable, terminate the Agreement and/or disqualify Contractor from future contracts and subcontracts with the District.
- 9. <u>Access to District Server.</u> If access to any District server is necessary for the functionality of the Contractor's services. Upon written approval by the Executive Director of Information Technology or designee, the District grants the Contractor limited access to the District server for the sole purpose of providing Services
- 9.1. The Contractor agrees to protect the confidentiality, integrity and availability of all electronic District or student information at all times.
- 9.2. The Contractor agrees to take proper steps to ensure the security of the device in which they connect to the District's systems remotely. The Contractor agrees not to copy information accessed remotely to local devices and or portable devices. Printing information is not permitted unless specific authorization has been granted.
- 9.3. The Contractor shall not share passwords, codes, credentials or user accounts with others.
- 9.4. The Contractor shall have a valid and up-to-date antivirus agent installed to ensure protection against malware and viruses upon connection to the District network.

- 9.5. The Contractor acknowledges that if the District determines in its discretion that remote access has been compromised by unauthorized parties, or that remote access has been misused, the Contractor's access will be disabled or terminated immediately.
- 10. <u>Notices and Communications.</u> All notices and communications required or permitted under this Agreement shall be in writing and shall be: (a) sent via certified mail, return receipt requested and postage prepaid, to the address of the other party set forth below; or (b) sent via e-mail to the other party via the e-mail address set forth below.

Poudre School District R-1 Amplify Education, Inc.

Attn: Tracy Stibitz Attn: Legal

2407 LaPorte Avenue 55 Washington Street, Suite 800 Fort Collins, CO 80521 Brooklyn, NY 11201-1071 E-mail: tstibitz@psdschools.org Email: legal@amplify.com

11. <u>Insurance.</u> Contractor shall procure and maintain the required insurance specified below for the duration of this Agreement, which insurance shall be written for not less than the amounts specified or greater if required by law. The District's receipt of a Certificate of Insurance from the Contractor with limits and or coverages that do not meet the requirements does not waive the requirements and the Contractor shall still be responsible for the limits and coverages stated in this Agreement. Specified coverages and amounts may be provided by a combination of a primary policy plus an umbrella or following form excess policy. All insurance shall be with a carrier licensed in the state of Colorado and shall have a minimum A.M. Best rating of A- VII. Contractor shall furnish the District's Director of Records and Risk Management with certificates of the required insurance prior to the District's approval and signing of this Agreement, and with renewal certificates prior to the expiration of any required insurance that expires during the term of this Agreement. Memorandums of Insurance will not be accepted. Certificates of Insurance and all communication regarding insurance shall be addressed to:

Poudre School District Attention: Risk Management 2407 Laporte Ave Ft. Collins, CO 80521

Email Certificate to: COI@psdschools.org

Any insurance and/or self-insurance carried by the District is excess of the coverage extended to the District by Contractor. Contractor shall provide at least thirty (30) days' advance written notice to the District prior to cancellation, change of coverage, or non-renewal. The insurance requirements specified in this section 11 shall not reduce the indemnification liability that Contractor has assumed in section 12.

### **Commercial General Liability**

### **Minimum Limits**

a.	Each Occurrence Bodily Injury & Property Damage	\$2,000,000
b.	General Aggregate	\$3,000,000
c.	Products/Completed Operations Aggregate	\$2,000,000

d. Personal/Advertising Injury

\$2,000,000

- e. Coverage must be written on an "occurrence" basis.
- f. Poudre School District R-1 and its elected officials, employees, agents, and volunteers shall be named as an additional insured or covered as an additional insured by way of a blanket endorsement and shall be insured to the full limits of liability purchased by the Contractor even if those limits of liability are in excess of those required by this Agreement.

### Technology Errors and Omissions Liability (Professional Liability, including Network Security and Privacy Liability)

### **Minimum Limits**

a. Per Loss \$1,000,000b. Aggregate \$3,000,000

c. Liability extends for a period of three (3) years beginning at the time work under this Agreement is completed. Contractor shall maintain continuous coverage, as required by the Agreement, for this period.

The insurance shall provide coverage for:

- a. Liability arising from theft, dissemination and/or use of confidential information (defined term including but not limited to bank account, credit card account, personal information such as name, address, social security numbers, etc. information) stored or transmitted in electronic form.
- b. Network Security Liability arising from the unauthorized access to, use of or tampering with computer systems including hacker attacks, inability of an authorized third party to gain access to Contractor's services including denial of service, unless caused by a mechanical or electrical failure.
- c. Liability arising from the introduction of a computer virus into, or otherwise causing damage to, a District or third person's computer, computer system, network, or similar computer related property and the data, software, and programs thereon.
- 12. <u>Indemnification.</u> The Contractor shall indemnify and hold harmless the District and the District's Board members, employees, representatives and agents from and against any and all liability arising from any suit, action, third party claims, grievance, or proceeding, including all attorneys' fees, costs and expenses, incurred as a result of any negligent or intentional act or omission by Contractor, or its employees, agents, Subcontractors, or assignees related to the terms of this Agreement and any Services provided under this Agreement.
- 12.1. Contractor's obligations under this section are conditioned on (i) District providing notice of such proceedings promptly after District receives notice thereof; (ii) Contractor's exclusive control over the defense and settlement of the proceeding; (iii) District providing such assistance in the defense and settlement of the proceeding as Contractor may reasonably request, and (iv) District's compliance with any settlement or court order made in connection with such proceeding.

- 12.2. With respect to infringement, Contractor's obligations under this section will not apply to any infringement to the extent arising out of (a) any use or combination of Contractor's products and Services with any other products, goods, services or other items furnished by anyone other than Contractor; (b) any modification or change not made by Contractor; (c) the use of an infringing version of the products or Services when a comparable non-infringing version has been made available to District; or (d) any products developed to specifications which District has supplied or required of Contractor.
- 12.3. In the event that Contractor reasonably believes it will be required to discontinue use of the products and/or Services because such products and/or Services might infringe intellectual property rights of a third party, Contractor will, at its option, either (a) obtain for District the right to continue use of the products and/or Services, or (b) modify the relevant product and/or Service to make it non-infringing. If Contractor is not reasonably able to accomplish the foregoing, Contractor may terminate the license of the infringing product and/or Service and refund District a pro rata portion of any pre-paid fees District paid for such product and/or Service.
- 13. **Governmental Immunity.** It is specifically understood and agreed that nothing contained in this Agreement shall be construed as an express or implied waiver by the District of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Constitution or Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq*, as now or hereafter amended.

### 14. **General Provisions.**

- 14.1. **No Assignment.** The Contractor shall not assign this Agreement or any of its rights, interests or obligations under this Agreement without the prior written consent of the District, which consent may be withheld for any reason or no reason as determined by the District in its sole discretion, , unless such assignment is to an affiliate or in the event of a merger, acquisition, reorganization, or a sale of substantially all of the Contractor's assets relating to this Agreement
- 14.2. <u>No Waiver.</u> The parties agree that no assent or waiver, express or implied, to any breach of any one or more of the covenants of this Agreement shall be construed as or deemed to be an assent to or a waiver of any subsequent breach.
- 14.3. <u>Press Contacts/News Releases.</u> The Contractor shall not initiate any press, media, or social media, contact nor respond to press, media or social media requests regarding this Agreement and/or any related matters concerning the District without the prior written approval of the District.
- 14.4. <u>Amendment or Modification.</u> No amendment or modification of this Agreement shall be valid unless set forth in writing and executed by the District and the Contractor through written amendments to the Agreement, in the same manner and with the same formality as was done for this Agreement.

- 14.5. <u>Conflict of Terms.</u> In the event of any conflict of terms found between this Agreement, any incorporated exhibits, any other terms and conditions, end user license agreements or privacy policies, the terms of this Agreement shall prevail.
- 14.6. <u>Survival of Certain Contract Terms.</u> Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this Contract and the exhibits and/or attachments hereto which may require continued performance, compliance, or effect beyond the termination date of the Contract shall survive such termination date and shall be enforceable by the District as provided herein in the event of such failure to perform or to comply by the Contractor.
- 14.7. <u>Governing Law and Venue.</u> All issues regarding the formation, performance and/or legal enforcement of the Contract shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for the resolution of any disputes arising out of or relating to the Contract shall be in Larimer County, Colorado.
- 14.8. No Third-Party Beneficiary. Enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the District and the Contractor. Nothing contained in this Agreement shall give or allow any claim or right of action whatsoever by any third person other than the District or the Contractor. It is the express intent of the parties that any third person receiving services or benefits pursuant to this Agreement shall be deemed an incidental beneficiary only.
- 14.9. <u>Binding Arbitration Prohibited.</u> The District does not agree to binding arbitration by any extra-judicial body or person. Any provision to the contrary is null and void.
- 14.10. <u>Severability Clause</u>. Should any provision of this Agreement be determined to be void, invalid, unenforceable or illegal for whatever reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this Agreement shall be unaffected thereby and shall continue to be valid and enforceable.
- 14.11. <u>Attorney Fees and Costs.</u> In the event it becomes necessary for either party to institute litigation to enforce any provision of this Agreement, the substantially prevailing party in such litigation shall receive, as part of any judgment or award entered, its reasonable attorney fees and costs, including expert witness fees.
- 14.12. <u>Binding Effect.</u> This Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, legal representatives, successors and permitted assigns.
- 14.13. <u>Headings.</u> The headings used in this Agreement are for convenience only and shall have no effect upon the construction or interpretation of this Agreement.
- 14.14. **Entire Agreement.** This Agreement constitutes the entire Agreement of the parties regarding the subject matter addressed herein and supersedes all prior Agreements, whether oral or written, pertaining to said subject matter.

- 14.15. <u>Signatures.</u> This Agreement may be executed and delivered via portable document format (pdf), and the pdf signature of any party shall be considered valid, binding, effective and an original for all purposes. This Agreement may be signed in counterparts, and each counterpart shall be deemed an original, and all the counterparts taken as a whole shall constitute one and the same instrument.
- 14.16. <u>Warranty of Authority</u>. The individuals signing below represent and warrant that they have the authority to execute this Agreement on behalf of their respective organizations and bind their respective organizations to the terms of this Agreement.

IN WITNESS WHEREOF, the District and the Contractor have signed this Agreement as of the date first set forth above.

AMPLIFY EDUCATION, INC.

POUDRE SCHOOL DISTRICT R-1

By: Richard Morris	By: R David Montoya
Name: Richard Morris Title: SVP, Finance	R. David Montoya Chief Finance Officer
	By:

John Passantino Director of Curriculum