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Memorandum of Understanding

TEC SDPA Service Proposal

August 13, 2019

To RISTE: John Bilotta

Thank you for the opportunity to explore a partnership between RISTE and The Education Cooperative. Rhode Island has identified the need to protect its students online through the use of data privacy agreements with marketplace providers, and we believe that our background, experienced team, proven processes, and relationships with providers uniquely positions us to meet your student DPA requirements.

About The Education Cooperative (TEC)

Established in 1968, The Education Cooperative (TEC) is a Massachusetts DESE approved educational collaborative and 501(c)(3) non-profit organization. TEC develops and coordinates educational and organizational programs to meet the needs of our member communities and their students and promotes interdistrict collaboration that strengthens all participants and offers the opportunity to do more than what one district can do individually.

TEC SDPA Background

In 2016, following a TEC training program on student data privacy led by Steve Smith of the Student Data Privacy Consortium (SDPC), our schools began the task of trying to secure signed DPAs for all online resources in use at their districts. Without dedicated administrative resources and adequate funding for legal services, this proved to be a struggle and yielded mixed results.

TEC realized that our districts could achieve internal economies of scale, and greater negotiating strength, by collaborating to outsource these specialized tasks and processes. We engaged the services of Murphy, Hesse, Toomey & Lehane LLP (MHTL), with experts in the field of Education Law, for contract negotiations: hired a dedicated, experienced contract administrator; and partnered with SDPC. This collaborative approach proved highly successful and within six months we had signed, enforceable DPAs for nearly 200 applications. Equally important, we identified those providers not in compliance and unable to sign.

In late 2018 we began to expand and offer our services to non-member school districts throughout Massachusetts. We are excited to now collaborate with other states!

Pricing

TEC is able to offer SDPA services to RISTE for a fee of \$1.00/student, capping at a maximum of \$5,000.00 per district. Services to be provided for one year. Since 15% of the revenue will be directed to the SDPC, TEC can provide 5% of revenue to the RISTE for general support, professional development, and recruitment efforts for the TEC SDPA service. RI enrollment information found here:

<https://www.ride.ri.gov/InformationAccountability/RIEducationData/EnrollmentGraduationData.aspx>

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Onboarding Process

Once TEC and the RISTE are in agreement about the project, TEC will commence all the logistical and technical work for an anticipated operational date of 9/1/19. TEC will enable RI districts to sign up now with a renewal date of 9/1/2020. TEC will be doing all the District invoicing and will accept check and credit card payments.

Participating districts will need to:

1. Complete an electronic TEC onboarding form. sign the service agreement.
2. Create a RISPA account (if they do not already have one).
3. Provide list of online resources in use (only those with student accounts and/or PII collection) using their method of choice:
 - a. Share an existing list in most any format with our contract administrator (Excel spreadsheet, Google Doc, etc),
 - b. Use the RISPA bulk upload tool (recommended for districts planning to use all the robust features of RISPA), or
 - c. Add resources to RISPA individually at leisure.

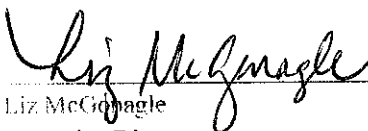
DPA Process


Our contract administrator will send the model RI DPA to all identified marketplace providers, with four possible outcomes:

1. Provider signs DPA
 - a. DPA is then countersigned by the originating district. We return the fully executed DPA to the provider, distribute General Offer of Terms Exhibits to applicable districts, return countersigned Exhibits to provider, and post all documents to RISPA.
2. Provider requests modifications
 - a. We engage our attorney in negotiations. Our attorney will make a reasonable effort to reach an initial vendor agreement. Additional hours by our expert legal counsel are available for \$250 per hour if a custom agreement is necessary for a district. Once an agreement is reached, we follow the steps above, and also circulate our attorney's compare/contrast document so that districts can see the modifications agreed to.
3. Provider declines to sign DPA*
 - a. We post the application as "declined" and "not approved for use" on RISPA, and include the provider's stated reason for declining.
4. Provider unresponsive despite repeated communications*
 - a. We post the application as "vendor unresponsive" and "not approved for use" on RISPA.

*If desired, we can provide a legally-drafted parent/guardian release template to districts that wish to continue using a declined application so that the school is protected and in FERPA compliance.

Please don't hesitate to contact us with questions, concerns, or if you'd like any additional information. We are looking forward to working with RISTE, and we hope you'll choose TEC for your student DPA needs.


Liz McGonagle
Executive Director
The Education Cooperative


John Bilotta
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