

**Contract Committee Review Request**  
**MUST BE COMPLETED IN FULL**

Date: 12/11/2023

Contract/Agreement Vendor:

Name of Vendor & Contact Person

Vendor Email Address

Describe Contract (Technology, program, consultant-prof Development, etc.)

Please use Summary below to fully explain the contract purchase, any titles, and details for the Board of Education to review.

Reason/Audience to benefit

BOE Date      Amount of agreement

Person Submitting Contract/Agreement for Review:

**PLEASE SEND THROUGH APPROPRIATE APPROVAL ROUTING BEFORE SENDING TO BOARD CLERK**

Principal &/or Director or Administrator:

D23EAE1B28D6C0BCF621A58F055F8AC7      readySign

Does this Contract/Agreement utilize technology? YES/NO

If yes, Technology Admin:

6FC0D1A830DC2317E9D011C8B769FBA0      readySign

Cabinet Team Member:

F2E63BEAAE31AA47112F240E69DA8A9F      readySign

Funding Source:

Fund/Project      OCAS Coding

☒ **Consent**

☐ **Action**

Special Education classrooms already use the Specially Designed Services / Functional Academics (formerly Styer Fitzgerald) curriculum and assessment program. This is an agreement to participate in their new pilot of a cloud-based data collection tool. There is no cost to the district during the pilot period, and no obligation to purchase after the pilot expires. The initial pilot begins after approval of participation until June 2024. Pilot may be extended, as needed for development. No identifying student data will be used and all information is entered manually. There is no need for integration with any district platforms. 1-4 Administrators and 1-4 teachers will participate and each participant will be required to sign an NDA.

**Summary**

This area must be complete with full explanation of contract

**The Contract/Agreement should be received at least 2 weeks prior to a Board Meeting to ensure placement on the Agenda. The Contract Committee meets most Tuesdays at 8:00a.m. All Contracts/Agreements, regardless the amount, must be first approved by the Contract Committee and then presented to the Board of Education for approval and signature. The item will be placed on Electronic School Board for the board agenda by Janet Brown. By following this process, the liability of entering into an agreement is placed with the district rather than an individual.**



## Functional Academics Program Pilot Offer

### What you will be doing:

Your team gets to test out data collection and reporting features and provide feedback about:

- Usability - look, feel, efficiency, access, etc.
- Reporting - for IEPs, progress reports, decision making, accountability, compliance, etc.
- Adding, Inviting, and Involving - students, staff, and parents with the system.

The initial pilot begins ASAP and runs until the minimum viable product is released to the public. The anticipated release date is estimated to be June, 2024, however this is subject to change. That being said, we encourage participants to continue with us long-term, meaning we want feedback on our initial release as well as any features we add over time. Before we release a new add-on or feature, it must be approved by our pilot teams. We are happy to work with individual district preferences regarding duration of pilot participation.

### What you need to know:

- During initial usability testing, **no identifying student information will be added**. You will be testing with a student persona in the system. With regards to usability feedback and interviews, we will not require any actual student info.
- In circumstances where reviewing actual sample data or example reports is necessary, we will ask participants to obscure or redact student identifiers.
- During ongoing pilot/beta testing while in the classroom, we will ask participants to use aliases for their students so we are able to capture real data and input real notes to best test the functionality while on site. We are also happy to work with districts to obtain parent/guardian permission if that is preferred.
- All information will be input manually during the pilot phase; no integrations with current district technology is required for the pilot or the initial release of the product. Single User Sign-On may be a feature we add in the future.
- Both Specially Designed Education Services (SDES) and all pilot participants reserve the right to end the pilot at any time for any reason or for no reason at all.

### What you get for participating:

- A voice! You get to help us create a tool that aims to revolutionize special education!
- All pilot participants will get free access to our cloud-based data collection system for as long as you are working in special education and are willing to participate.
- Pilot participants who choose to participate in the initial pilot only will be given free access to our cloud-based data collection system for one year after its initial release.
- Should your district decide to purchase the Program for non-pilot participants, our team will provide free in-person training and ongoing mentorship districtwide.
- The ability to improve the lives of students with disabilities and those who serve them on a global level!

### What we need from you:

If you would like to participate, we are asking for the following:

- This [brief form](#) to be completed expressing your interest and intent to participate.
- On this form you will be asked to:
  - ◆ Identify 1-4 administrative/management level staff to join the pilot (this includes directors, assistant directors, coordinators, supervisors, TOSAs, BCBA's, technology reps, principals, vice principals, etc.)



- ◆ Identify 1-4 teachers to join the pilot - Ideally we would like one teacher at each level - elementary, middle school, high school, transition.
- ◆ Identify a point person from your district. This person will be the primary liaison between your team, SDES, and our developers. At times it will be challenging to get everyone together for meetings and feedback. When needed, the point person can collect input from the team to report back.

### **Participation Requirements:**

You must either have the authority to approve participation in this pilot and/or be able to obtain district/administrator approval prior to participating.

Participants must also have experience and familiarity with The Functional Academics Program (previously the Styer-Fitzgerald Program).

All participants must sign a sensible [non-disclosure agreement \(NDA\) and indemnification \(hold harmless\)](#) prior to gaining access to the platform.

We are offering pilot participants free access to our cloud-based system for as long as you are working at your district and are willing to participate and provide feedback. In order for this pilot to work, we need participation and responsiveness. We absolutely understand the requirements of your job and how crazy busy things can get, so we promise to keep our requests reasonable and manageable. However, we also need to ensure we are able to maintain a viable business model. Therefore, we are asking you to commit to connecting with us at least once a month. This connection can be via Zoom, email, text, or questionnaire and will most often be scheduled through a Calendly link where you can dictate the date and time that works best for you.

### **Timeline for Pilot and Commitment**

Development is moving quickly! Our software developers are ready to start having teachers test usability next week. After that, they will want to follow up with administrator interviews to discuss reporting. Therefore, we are asking that you please let us know ASAP if you would like to participate or not. As we mentioned earlier, you are one of our top ten choices to partner with. If you are not interested or able to participate, we will need to move down the list quickly so we don't delay development. We sincerely hope that you will choose to partner with us!

### **Pricing of the Data Collection System upon Release**

Should you want to purchase the Cloud-Based Data Collection tool district-wide once it releases to the public, the cost will be \$150 per student per year, which includes the Data Collection tool and digital copies of all curriculum components plus extra resources only available online.

If you need some time to complete the [Pilot Information Form](#), you can simply respond to this email to let us know one way or the other.

Thank you so much for your consideration!

Specially Designed Education Services  
[www.SDESworks.com](http://www.SDESworks.com) | 425.820.5855





Specially Designed  
Education Services

**Specially Designed Education Services (SDES) Agreement and  
Acknowledgement for:  
Participation in the Pilot of the Functional Academics SaaS Data Collection &  
Reporting Tool**

In the spirit of good faith, transparency, and clarity, anyone participating in the pilot of the Functional Academics SaaS data collection & reporting tool must:

- 1) **Agree** to keep all things related to this pilot confidential. You acknowledge that information you receive from SDES is proprietary to SDES. Such information includes, without limitation: (i) the designs, specifications, and all other technical information of or concerning SDES's products or services, the Services or SDES Works; (ii) any non-public information concerning SDES's business or business plan; (iii) any other information the disclosure of which might harm or destroy a competitive advantage of SDES; and (iv) any and all information related to the Services or information overheard or observed at, or learned from third-parties during the time you are providing the Services. All such information, whether or not marked as such, will be collectively referred to as "**Confidential Information**." Furthermore, you will not, either directly or indirectly, disclose any Confidential Information to any third party. The degree of care you use to protect and safeguard the Confidential Information will be no less than what you use to protect your own confidential information.
- 2) **Agree** to indemnify, defend, and hold harmless SDES, and SDES's directors, contractors, and agents from and against all claims, damages, losses, and expenses (including attorneys' fees and costs) made by a third party arising out of or in connection with: (a) your breach of this Agreement; and (b) all injuries to any third party or property caused by your use of the Functional Academics SaaS Data Collection & Reporting Tool during this pilot, including such injuries caused by your negligence or willful misconduct.
- 3) **Acknowledge** that SDES is the sole and exclusive owner of all intellectual property now existing or which you have created, invented, designed, developed, contributed to, or improved upon or may create, invent, design, develop, contribute to, or improve upon as a result of participating in this pilot.

**Pilot Participant Name:** \_\_\_\_\_

Please print first and last name

**Pilot Participant Signature:** \_\_\_\_\_

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

## Royal, Tiffany A

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**From:** Debbie Austin <debbie@sdesworks.com>  
**Sent:** Friday, December 8, 2023 10:05 AM  
**To:** Royal, Tiffany A  
**Cc:** Debbie@SDESworks.com; Thornton, Daylene; Little, Lindsay D  
**Subject:** Re: Functional Academics Pilot Program  
**Attachments:** Broken Arrow Cloud Pilot Offer.pdf; SaaS Pilot Participation Agreement(s) and Acknowledgement (2).pdf

**Categories:** Contracts

**CAUTION:** This email originated from outside of the district. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Tiffany!

I have attached a revised Cloud Pilot Offer that addresses your questions. The following has been added:

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- Dates of Service: It begins now and runs through at least the initial release. Estimated release is June, 2024 (subject to change). We encourage, however, long-term participation for future releases if participants are willing.
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- I highlighted the section that indicates when we ask for student data, it will be through an alias or other non-identifying persona.
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- There are no requirements of integrations with any existing technology used at your district; all information will be added manually. Single User Sign-On may be offered down the road but not in the first release.
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- We added pricing information should you choose to purchase the product for teachers other than the pilot participants.
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- I've also attached a copy of the NDA each participant must sign.
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Please let me know if you need anything else.

Thank you so much again for your consideration of this offer.

**Debbie Austin**

VP of Operations | Senior Editor

425.820.5855 | [www.SDESworks.com](http://www.SDESworks.com)



----- 12/04/23 04:18 PM **taroyal@baschools.org** wrote -----

Good morning,

I was forwarded the information regarding the Cloud Pilot Program. Our district is very interested in participating, however, the only person(s) authorized to sign any agreements are the members of our contract committee and school board. We would love to be able to get this put on the agenda for approval and signature for the January meeting. In order to do so, we will need an MOU stating the requirements of the program and what information you are needing from us and our district. Specifically, they will look for specific dates of service and what, if any, student data, will be collected. They will want to know if there is any integration needed from our technology department, or if all information is input manually. I noticed that there is a mention of each participant signing an NDA. If you would please provide a sample copy of that document. I am sure they will want to review it prior to any staff signing. If the program is available for purchase after the trial period, if you will please provide an estimated cost on what it would be to expand our licenses to the districtwide use. If you are able, please provide this information by December 11, so that we are able to make the agenda deadline, prior to the district closing for Winter Break.

Let me know if you have any questions!

*Tiffany Royal*

**Assistant to the Directors of Special Education**

P 918-259-5757

E [taroyal@baschools.org](mailto:taroyal@baschools.org)

