



## *iKeepSafe Product Profile*

### *Specially Designed Education Services*

### *Functional Academics*

## Introduction

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The *iKeepSafe* FERPA, CSPC (California) and COPPA Privacy Program is available to operators and service providers of websites and online services, data management systems and other technologies that are, in whole or in part, intended for use in and by schools, and which may collect, store, process or otherwise handle student data.

This *iKeepSafe* Product Profile is intended to assist you in determining whether [Functional Academics](#) complies with FERPA, CSPC (California) and COPPA. It indicates that [Functional Academics](#) has been assessed for alignment with the iKeepSafe FERPA, CSPC (California) and COPPA Guidelines.

## Product Overview

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Functional Academics

[SDESworks.com](https://www.sdesworks.com)

[functionalacademics.net](https://functionalacademics.net)

The Functional Academics Program is specifically designed to meet the needs of students with a variety of developmental disabilities. The skills targeted throughout the Assessment and Curriculum have been chosen for the explicit purpose of empowering students to reach their greatest level of independence, access their communities, and live fulfilled lives as contributing, responsible, and equal members of society.

Functional Academics Program is inclusive of an aptitude Assessment that then translates to an individualized Curriculum aimed for students diagnosed with mild to moderate disabilities. The Program is centered around administering ABA structured discrete trials that produce student data. Functional Academics SaaS product is simply the: collection, aggregation, reporting, and storage of that data all via secure portals held within the AWS ecosystem.

## Agreement

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### **A. As related to the Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. Section 1232g) and California AB 1584 , Functional Academics agrees:**

1. Student records obtained by Functional Academics from an educational institution continue to be the property of and under the control of the educational institution. The educational institution retains full ownership rights to the personal information and education records it provides to Functional Academics.
2. Functional Academics users retain possession and control of their own generated content by contacting the educational institution.
3. Functional Academics will not use any information in a student record for any purpose other than those required or specifically permitted by the Functional Academics Terms of Service and Privacy Policy.
4. Parents, legal guardians, or eligible students may review personally identifiable information in the student’s records and correct erroneous information by contacting their educational institution. Additionally, Functional Academics users may access, correct, update, or delete personal information in their profile by signing into Functional Academics, accessing their Functional Academics account, and making the appropriate changes.
5. Functional Academics is committed to maintaining the security and confidentiality of student records. Towards this end, we take the following actions:
  - a. we limit employee access to student data to only those employees with a need to such access to fulfill their job responsibilities;
  - b. we conduct background checks on our employees that may have access to student data;
  - c. we conduct regular employee privacy and data security training and education; and
  - d. we protect personal information with technical, contractual, administrative, and physical security safeguards in order to protect against unauthorized access, release or use.
6. In the event of an unauthorized disclosure of a student’s records, Functional Academics will promptly notify users unless specifically directed not to provide such notification by law enforcement officials.

Notification shall identify:

- (i) the date and nature of the unauthorized use or disclosure;
- (ii) the Private Data used or disclosed;
- (iii) general description of what occurred including who made the unauthorized use or received the unauthorized disclosure;
- (iv) what Functional Academics has done or shall do to mitigate any effect of the unauthorized use or disclosure;
- (v) what corrective action Functional Academics has taken or shall take to prevent future similar unauthorized use or disclosure; and
- (vi) who at Functional Academics the User can contact. Functional Academics will keep the User fully informed until the incident is resolved.

7. Functional Academics will delete or de-identify personal information when it is no longer needed, upon expiration or termination of our agreement with an educational institution with any deletion or de-identification to be completed according to the terms of our agreement with the educational institution, or at the direction or request of the educational institution.
8. Functional Academics agrees to work with educational institutions to ensure compliance with FERPA and the Parties will ensure compliance by providing parents, legal guardians or eligible students with the ability to inspect and review student records and to correct any inaccuracies therein as described above.
9. Functional Academics prohibits using personally identifiable information in student records to engage in targeted advertising.
10. Functional Academics will not make material changes to our Terms of Service or Privacy Policy, including making significant changes impacting the collection, use, disclosure or retention of data collected without prior notice to the educational user.

**B. As related to the Children's Online Privacy Protection Act ("COPPA") (15 U.S.C §§ 6501-6506 ), Functional Academics agrees:**

1. Functional Academics contracts directly with schools and, as such, may rely on consent from the school instead of the parents for collection of personal information from students when data collected is for the use and benefit of the school, and not for any other commercial purposes.
2. Functional Academics makes available clearly written policies explaining what data it collects from users, how such data is used, stored and to whom it may be disclosed.
3. Functional Academics makes a copy of the privacy policy available to the school prior to completion of the sale, download or installation of the product.
4. Functional Academics provides the school a description of the types of personal information collected; an opportunity to review the child's personal information and/or have the information deleted; and the opportunity to prevent further use or online collection of a child's personal information.
5. Functional Academics collects limited data from or about children that is reasonably needed to provide users with a feature or activity, or to perform a valid business function that meets the strict definition of support for internal operations.
6. Functional Academics does not and will not condition a child's participation in an activity on the child disclosing more personal information than is reasonably necessary to participate in such activity.
7. Functional Academics maintains reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children. It takes reasonable steps to release children's personal information only to service providers and third parties who can maintain the confidentiality, security and integrity of such information, and who provide assurances that they will maintain the information in such a manner.
8. Functional Academics will retain personal information collected online from a child only as long as is reasonably necessary to fulfill the purpose for which the information was collected. It must delete such information using reasonable measures to protect against unauthorized access to, or use of, the

information in connection with its deletion.

9. Functional Academics will conduct annual training related to data privacy and security, including FERPA and COPPA requirements, for all employees responsible in whole or in part for design, production, development, operations and marketing of their products. Such training will include all employees who are directly or peripherally involved in collection, use, storage, disclosure or any other handling of data.

10. Functional Academics will not make material changes to its privacy and security policies, including adding practices around new or additional data collection, or changes that may lessen the previously noted protections without prior notice to the school, separate from any notice in a “click wrap” agreement. It will notify schools and obtain the prior verifiable consent for any material changes to its privacy policy that affect the collection or use of personal information from students.

**C. As related to Student Online Personal Information Protection Act (SB1177 -“SOPIPA”), Functional Academics agrees:**

**Prohibitions:**

1. Functional Academics does not target advertising via its website or on any other website using information about a K-12 student acquired from a use of the technology.
2. Functional Academics does not use information, including persistent unique identifiers, created or gathered by the site to amass a profile about a K–12 student except in furtherance of K–12 school purposes.
3. Functional Academics does not and will not sell, rent, or otherwise provide personally identifiable information to any third party for monetary gain.
4. Functional Academics does not disclose student information unless for legal, regulatory, judicial, safety or operational improvement reasons.

**Obligations:**

5. Functional Academics is committed to maintaining the security and confidentiality of pupil records as noted herein.
6. Functional Academics will delete student information when requested by the school district.
7. Functional Academics will disclose student information when required by law, for legitimate research purposes and for school purposes to educational agencies.

## Data Access and Review Process

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Functional Academics collects data on behalf of schools. Any party wishing for Functional Academics to provide or correct their personal information can make a request either via their school or directly to Functional Academics and they will provide or correct the information as instructed.

A data access request which asks Functional Academics to provide, correct or delete personal information can be sent via an email to [info@sdesworks.com](mailto:info@sdesworks.com). Depending on the nature of the request they may require the requestor to provide information to verify their identity, and/or be an authorized agent of their school.

## Security Protocols

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Functional Academics has a comprehensive Security Program in place designed to protect the confidentiality, integrity and availability of systems, networks and data. The following is a general overview of data security protocols:

### Data in Transit

Functional Academics uses secure socket layer technology (SSL) when a user enters any information anywhere on the Service as a default and this technology enables the encryption of that information during server transmission.

### Data at Rest

Functional Academics database is encrypted at rest, where they store a user's personal information, which converts all personal information stored in the database to an unintelligible form.

### Data Center Security

Functional Academics uses AWS Data Centers and these centers conform to the following:

AWS is a secure, durable technology platform with industry-recognized certifications and audits: PCI DSS Level 1, ISO 27001, FISMA Moderate, FedRAMP, HIPAA, and SOC 1 (formerly referred to as SAS 70 and/or SSAE 16) and SOC 2 audit reports. Their services and data centers have multiple layers of operational and physical security to ensure the integrity and safety of your data.

Please see more information below in the available link:

[Amazon Web Services \(AWS\) https://aws.amazon.com/security/](https://aws.amazon.com/security/)

### Personnel

Background Checks: All employees with access to student data have undergone criminal background

checks.

Training: Employees of Functional Academics will receive annual privacy and security training that includes FERPA and COPPA.

Access: Access to student data is role-based; limited to those employees who need access to perform job responsibilities.

## Access to Audit

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Once per year, Functional Academics will provide schools with:

audit rights to the school's data

access to the results of Functional Academics or its third-party security audit

## Data Breach

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In the event of an unauthorized disclosure of a student's records, Functional Academics will promptly notify users unless specifically directed not to provide such notification by law enforcement officials. Notification shall identify:

- a. the date and nature of the unauthorized use or disclosure;
- b. the Private Data used or disclosed;
- c. general description of what occurred, including who made the unauthorized use or received the unauthorized disclosure;
- d. what Functional Academics has done or shall do to mitigate any effect of the unauthorized use or disclosure;
- e. advice to the impacted user on how they can best protect themselves;
- f. what corrective action Functional Academics has taken or shall take to prevent future similar unauthorized use or disclosure; and
- g. who at Functional Academics the user can contact. Functional Academics will keep the user fully informed until the incident is resolved.

Functional Academics will notify impacted user (s) within a reasonable period of time following the discovery of a breach of security that results in the unauthorized release, disclosure or acquisition of student information, and any acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by Functional Academics.

## Data Deletion

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Functional Academics stores your personal information for as long as it is necessary to provide products and Services to you and others. Personal information associated with the user account will be kept until the account is deleted or until we no longer need the data to provide products and services.

Functional Academics may have to retain some information after your account is closed, to comply with legal obligations, to protect the safety and security of our community or our Service, or to prevent abuse of our Terms. At Functional Academics, a user may delete their account at any time by contacting their school directly or by contacting Functional Academics at [info@sdesworks.com](mailto:info@sdesworks.com).

## Research

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Functional Academics may use data which has been de-identified and/or aggregated for product development, research, analytics and other purposes, including for the purpose of analyzing, improving, or marketing the Services. On certain occasions, Functional Academics may share this data with business partners to improve their services or offerings. If they disclose information to authorized business partners to conduct research on online education or assist in understanding the usage, viewing, and demographic patterns for certain programs, content, services, promotions, and/or functionality on their Service, such data will be aggregated and, or anonymized to reasonably avoid identification of a specific individual.

## Third Parties

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Functional Academics does not sell, trade, lease or loan the personal information they collect or maintain, in the course of providing the service, to any third party for any reason, including direct marketers, advertisers, or data brokers.

Functional Academics contracts with other third-party companies to perform business functions or services on their behalf and may share PII with such third parties as required to perform their functions. Functional Academics has agreements in place with all third parties with access to student personal information to ensure they only use the information for purposes necessary to deliver the authorized service and to ensure they maintain the confidentiality and security of the information. The agreements align with Functional Academics data privacy and security policies and expectations.

### **Functional Academics utilizes the following third-party vendors:**

*Amazon Web Services, for cloud storage services:*

*All software coding and User Data are stored within the AWS environment.*

*UpTech Studios, as software development:*

*No User data is shared directly with UpTech Studios, however, the development team has access to AWS and the third party services used in ensuring the software is functioning efficiently.*

*Amplitude, for software performance analytics:*

*Internal User inputted: Student ID, First name and Last name.*

*Sentry, for software error reporting:*

*Software error logs.*

*MailerSend, for automated Emails through newsletters:*

*User name and User email address.*

*ZoHo, SDES's Contact Management System (CMS):*

*Storage of User contact information provided by User, plus an automatic archive of e-mail conversations between SDES and User.*

*Clever, for Single Sign On (SSO) services:*

*\*For future use, by User (primarily used by public School Districts), who will request SDES to custom build an Application Programming Interface (API) for User convenience when accessing software that is held within the AWS ecosystem. The amount of information shared is solely dependent on User preference.*

## Product Data List

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Data Collection by Functional Academics include the following:

	<b>DATA Collected for Operation</b>	<b>General Purpose of Data Collected</b>
1	STUDENT FIRST and LAST NAME	Required to support Product Functionality
2	OTHER STUDENT ID	Required to support Product Functionality
3	PARENT FIRST and LAST NAME	Required to support Product Functionality
4	PARENT PHONE/MOBILE NUMBER	Required to support Product Functionality
5	PARENT EMAIL ADDRESS	Required to support Product Functionality
6	SCHOOL NAME	Required to support Product Functionality
7	SCHOOL ADDRESS	Required to support Product Functionality
8	PHOTOGRAPH,VIDEO OR AUDIO FILE	Avatar images for users/students
9	BROWSER TYPE	To provide and improve the platform for the user (e.g., letting schools know about usage).
10	ACCESS TIME	To provide and improve the platform for the user (e.g., letting schools know about usage).
11	TIME SPENT ON SITE	To provide and improve the platform for the user (e.g., letting schools know about usage).
12	PAGE VIEWS	To provide and improve the platform for the user.



## Accuracy Statement

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Functional Academics hereby confirms the accuracy and truthfulness of all information provided to iKeepSafe during the assessment process. Functional Academics hereby confirms the accuracy and truthfulness of all information contained in the Functional Academics profile and has authorized iKeepSafe to make the profile available to any interested schools.

Signed and agreed:

DocuSigned by:  
  
24FEEDB48041C455

(Signature)

Brent Fitzgerald  
CFO & Managing Director  
Specially Designed Education Services  
Home of The Functional Academics Program  
18223 102nd Ave NE, Ste B  
Bothell, WA 98011

10/08/2024

The Functional Academics service has been reviewed and found in alignment with iKeepSafe's FERPA, CSPC (California), and COPPA Privacy Program Guidelines as indicated by this product profile. Functional Academics has been awarded the iKeepSafe FERPA, CSPC (California), and COPPA Certification.

DocuSigned by:  
  
4936610B3823488

(Signature)

Amber Lindsay  
President & CEO  
iKeepSafe

10/08/2024

## Copyright

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