

## **Cognitive First and the CogRead Literacy and Learning Success Campaigns Terms of Use**

CogRead is a campaign of Cognitive First. Cognitive First (hereinafter "Cog1st"), is a project of United Charitable Programs, a registered 501(c)(3) public charity.

Cog1st is a nonprofit organization that provides services to schools to help improve literacy and learning.

It should be noted that test results from products provided to or through access from Cog1st do not necessarily diagnose any learning disability. They are used to provide the test taker with an indication of relative cognitive skill levels compared to others who have taken the test. Results from subsequent tests may indicate a change in skill level.

The use of the online exercises does not guarantee that the user will improve her/his cognitive skills. We do know that improvement is typically correlated to diligent and consistent practice as defined on the BrainSkills LLC website.

Cog1st authorizes schools to use the Cog1st Online CogRead and BrainSkills Program. Schools are to provide support services to implement any testing and training sponsored or otherwise provided to schools. Cog1st will not be directly responsible to provide support services.

It is important that each participating school or an organization representing each school agrees to provide adequate monitoring and supervision of students and training of staff. Cog1st will not be responsible for monitoring and supervision of students and training of staff at any or each participating school.

The current evaluations and exercise sets made available through Cog1st sponsorships are:

PASS Assessment—Online phonemic awareness skill set (PASS) assessment.

CogRead Exercises—Online phonemic awareness training.

Gibson Test—Online cognitive skill assessment.

BrainSkills—Online core cognitive skill training exercise sets.

PASS Assessment, Gibson Test and BrainSkills are owned by BrainSkills LLC and provided to Cog1st under contract.

Cog1st will provide schools that are granted sponsored use of the Gibson Test with access at no charge to test students attending their schools. Every student will receive one Gibson Test. Students completing at least thirty (30) hours of time on task in the BrainSkills program may be included with other students to be randomly selected as a control group for the purposes of evaluation and ongoing effectiveness measurement.

Schools that are granted sponsored use of the PASS Assessment and CogRead Phonemic Exercises will be provided access at no charge to train students in K-2nd grades. Cog1st will provide schools access to the administrative system at no cost to register and manage student accounts. Student test results will be available through the schools administrative account. As appropriate, schools may provide parents with access to their child's test results and/or progress reports.

Cog1st will provide one lead (primary contact) person named by schools with reasonable email, screen sharing and/or web-based training support so schools can properly use the sponsored programs.

It is the intent of Cog1st that schools agree to test as many students as reasonably possible using the Gibson Test in grades 2 and above.

Schools are to agree to the terms and conditions of use in this document and available along with the privacy policy available on the Cognitive First website, <http://cog1st.org>.

It is important that schools understand:

- that the PASS Assessment and the Gibson Test are to be used as screening tools only and not to diagnose any learning disabilities.
- that schools obtain parent permissions as may be required by appropriate laws and regulations.
- that Cog1st will also, at no cost, provide to schools for approved students a total equivalent of ten (10) licenses to use the BrainSkills program for each school that participates by completing the Gibson Test with their 2nd grade and above students. An approved student must be income qualified on the free and reduced school lunch program or students who would qualify on the free and reduced school lunch program.
- that schools agree to use best efforts to ensure students have an adequate introduction to exercises and are training properly. Students are to be supervised to ensure maximum value from the BrainSkills training. Schools will provide monitoring and training for students at each participating campus or location for a minimum of 12 weeks. Adequate supervision, coaching and mentoring is to include an adult reviewing progress weekly with each participating student.
- that Cog1st will provide access to one BrainSkills Exercises Set at no cost to a student who qualifies for the school lunch program for each unit purchased directly through access provided on the Cog1st website at retail (\$495) based upon the direct promotional efforts of schools.
- that schools will be responsible for any cost incurred by schools to implement any product or program sponsored or otherwise supplied to schools by Cog1st.
- that selecting students for placement in a BrainSkills Exercises Set that has or will be provided in whole or in part with any Cog1st sponsored or otherwise facilitated access, requires that schools consider the following factors carefully:
  - Selected students must be income qualified on the free and reduced school lunch program or students who would qualify for the free and reduced school lunch program.
  - “Bubble Students” –Basic/Mastery level students who are approaching the next achievement level– need to be included in the selection process and may positively affect schools AYP/Growth Target.
  - Student cooperation and initiative is an important factor in schools selection of students.
  - Selected students should not all come from the lowest quadrant on their standardized academic tests– the body of students selected should be representative of all student quadrants in order to better evaluate how the program performs across schools entire student population.
  - Selected students scoring at or below the 50th percentile on a recent Gibson Test of brain skills on auditory processing should first meet the Phonemic Awareness Skill Set (PASS) standard indicating that they have no current deficiency in auditory processing. Completion of the Sound Analysis exercise set (a subset of the complete BrainSkills Exercises Set) is accepted as a measure of having previously met the PASS standard.
  - In the selection process be aware that students who have a recent Gibson Test of brain skills indicating that three or more of the following skills are at or below the 25th percentile: working memory, long-term memory, auditory memory, visual memory, processing speed, visual processing, visual memory, or logic and reasoning, may require supervision and one-on-one training that is in addition to and beyond the scope of the level of mentoring and coaching that is needed to support the online training of students who are not in this category.
  - Selected students should meet one of the three following criteria:
    - Selected students should have a recent Gibson Test of brain skills indicating that at least one of the following skills are at or below the 25th percentile: working memory, long-term memory, auditory memory, visual memory, processing speed, visual processing, visual memory, logic and reasoning, or
    - Selected students should have a recent Gibson Test of brain skills indicating that both word attack and processing speed are at or below the 50th percentile, or
    - Selected students should have a recent Gibson Test of brain skills indicating that both long-term memory and processing speed are at or below the 50th percentile.
- that it is expected that Cognitive First and each participating school or organization in the course of implementing this agreement (terms of use), may have access to confidential information relating to the other’s operations. Reasonable care considered acceptable is to be used to safeguard the disclosure of any confidential information. Confidential information needs to be clearly communicated to Cognitive First and to each participating school or organization. Cog1st agrees to not disclose student information to third parties, except those who have a relationship with Cog1st, when disclosure is required to implement this agreement (terms of use) and/or the ongoing

implementation of products or services sponsored or otherwise provided by Cognitive First. Cog1st may use the student results of the Gibson Test and BrainSkills LLC in aggregate for the purposes of research, analysis, product improvement and publishing, but no individual data attributable to a student is allowed to be disclosed publicly. Cog1st may not publicly disclose the relationship with a participating school or organization for endorsement or marketing purposes without the prior written consent. Statements, observations, quotes or endorsements from the parents of participating students or the students themselves will only be publicly communicated with either prior written consent and release from the parents or with the identity of the child and parents protected for anonymity. Schools or organizations may register students anonymously using their own internal identification system to protect the identities of student information. Only accurate demographic information is required to provide accurate reports.

When a school or organization utilizes any additional or supplemental (outside) clinic(s) or trainer(s), whether paid or as volunteers, in the implementation of a program or product sponsored by Cognitive First and provided by the product supplier BrainSkills LLC, neither the confidentiality or privacy policies of Cognitive First or BrainSkills LLC apply to nor are they considered to inform or constrain the intentions or actions of that additional or supplemental clinic(s) or trainer(s).

It is the responsibility of a school or organization participating in sponsorship with Cognitive First to establish and maintain adequate privacy and confidentiality agreements both internally and with any additional or supplemental clinic(s) or trainer(s) regarding the use of information or data collected by either Cognitive First or BrainSkills LLC and the availability of any access to or reporting of that information or data including and as related to participation by or with any additional or supplemental clinic(s) or trainer(s) selected by or utilized by a participating school or organization.

The success of exercises sponsored or otherwise provided by or through Cog1st is dependent upon administrator, instructor, and student fidelity to the terms of use. Failure to fully comply with these terms may result in withdrawal of the access to Cog1st sponsored or otherwise provided evaluations, exercises, training, programs or products.

The completion of comprehensive exercise sets can require rigorous computer-based intervention per student and when obtained at a rate of 5 hours per week, the utilization of and compliance with this program meets the 5 hour per week time requirement of R.T.I. Tier III intervention. The minimal recommended 2.5 hours per week of actual time-on-task work per student (for a minimum of 12 weeks or more) utilization and compliance with this program meets/exceeds the R.T.I. Tier II time requirement of 2.5 hours of intervention per week.

Schools are authorized to use the Gibson Test and BrainSkills Exercise Sets for their students and all relevant materials provided by Cog1st, however, BrainSkills LLC will retain all right and title to all intellectual property associated with the PASS Analysis, the Gibson Test and BrainSkills products including all training materials developed in the implementation process.

Cog1st may use schools' student results of the Gibson Test and BrainSkills Program in aggregate for the purposes of research, analysis, product improvement and publishing, but no individual data attributable to a student is allowed to be disclosed publicly. Cog1st may not publicly disclose the relationship with schools for endorsement or marketing purposes without the prior written consent of schools. Statements, observations, quotes or endorsements from the parents of participating students or the students themselves will only be publicly communicated with either prior written consent and release from the parents or with the identity of the child and parents protected for anonymity. Schools may register students anonymously using their own internal identification system to protect the identities of student information. Only accurate demographic information is required to provide accurate reports.

Finally, if the use of the PASS Assessment, Sound Analysis, the Gibson Test, the BrainSkills Exercise sets or any other program or product for which access was gained through Cog1st causes any concern or discomfort, please discontinue use. It is important that each child be observed using any test or program to ensure compliance and to discontinue use if a test or program is not right for a child.