

TEXAS EDUCATION AGENCY
Supplemental Educational Services Provider Application
School Year 2009-2010 (Including Summer 2010)

Name of Provider (as entered on page 1)

Code of Business Ethics for SES Providers

The following was adapted from the Education Industry Association's Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers amended *January 8, 2008*, with permission granted from the Education Industry Association.

In the conduct of business and discharge of responsibilities, Providers commit to:

1. Conduct community outreach and student recruitment and to serve students fully consistent with the terms of their state-approved application and all state and local policies.
2. Conduct business honestly, openly, fairly, and with integrity.
3. Comply with applicable laws, statutes, regulations and ordinances.
4. Avoid known conflict of interest situations.
5. Never offer or accept illegal payments for services rendered.
6. Apply these guidelines and standards throughout the company by insuring all employees understand them and act accordingly.
7. Refrain from publicly criticizing or disparaging other providers.
8. In the case of any conflict, first attempt resolution directly with each other. However, the parties involved may ask EIA to help mediate potential disputes.
9. Comply with the confidentiality and non-disclosure provisions of all applicable federal, state and local laws, including those relating to student identity, records, reports, data, scores and other sensitive information.
10. Be factual and forthright in reporting and documenting attendance rates, effectiveness of their programs, and in explaining the theoretical/empirical rationale behind major elements of its program, as well as the link between research and program design.
11. Take appropriate corrective action against provider employees, consultants or contractors who act in a manner detrimental to the letter or spirit of this code.
12. Take immediate steps to correct any actions on its part that willfully or inadvertently violate of the letter or spirit of this code.

Standards Specific to SES

EIA Members will consistently implement the NCLB Supplemental Services provisions and promote full access to SES services. To that end, Providers Shall:

1. **Not** compensate school district employees personally in exchange for access to facilities, to obtain student lists, to assist with marketing or student recruitment, to promote enrollment in a provider's program at the exclusion of other providers, to obtain other similar benefits for their SES program, or for any illegal purpose.
2. **Not** employ any district employees who currently serve the districts in the capacity of Principal, Assistant Principal, or school or district SES Coordinator.
3. **Not** employ any individuals, including teachers, parents or community leaders, who have any governing authority over a school district or school site. The sole exception shall be in school districts that are considered rural and where there are few providers.
4. **Not** hire school-employed personnel for any purpose other than instruction-related services or program coordination, as described in item #3 in the next section below.

TEXAS EDUCATION AGENCY
Supplemental Educational Services Provider Renewal Application
School Year 2009-2010 (Including Summer 2010)

Name of Provider (as entered on page 1 _____)

Code of Business Ethics for SES Providers (continued)

5. **Not** make payments or in-kind contributions to schools or school personnel, exclusive of customary fees for facility utilization in exchange for access to facilities, to obtain student lists, to increase student enrollment, to obtain other similar benefits for their SES program or for any illegal purpose.
6. **Not** misrepresent to anyone, including parents (during student recruitment), the location of a provider's program, principal/district or state's approval of a provider, or the likelihood of becoming so approved.
7. **Not** offer a student, parent or teacher any form of incentive for signing-up a student with a provider. This includes restricting the promotion of any allowable attendance or performance incentives to the period following student enrollment. Only then may the provider inform the student of any incentives that are directly linked to attendance or performance in SES.
8. **Not** sponsor promotional events including pizza parties on school grounds for student recruitment that are for the sole benefit of a single provider. The preferred practice is for the school to organize such recruitment events that are for the benefit of all providers, accepting voluntary sponsorship from providers.
9. **Not** employ, offer compensation, or offer anything of value to any students due to confidentiality of data requirements.
10. **Not** use a district enrollment form that has the selected provider's name pre-printed as part of the form. Any facsimile of the enrollment form used to demonstrate how to accurately complete it must be clearly marked as "SAMPLE" and this facsimile shall in no way be used to actually enroll the student.
11. **Not** encourage students/parents to switch providers once enrolled. A student is considered enrolled once the District has issued the formal student / Provider selection list.

Providers MAY:

1. Provide simple door prizes of a nominal value (approximately \$2 per prize) and refreshments to potential students and their families, while attending informational sessions.
2. Offer enrolled students performance rewards with a maximum value of \$50 that are directly linked to documented meaningful attendance benchmarks and/or the completion of assessment and program objectives. These incentives shall not be advertised in advance of actual enrollment.
3. Employ a parent of an SES-eligible student subject to the following conditions. Each parent of an eligible student who is hired by a provider must have a written job description and must be compensated on the same basis as all other employees of the provider who perform similar work. No parent may receive any commission or other benefit related to the enrollment of his or her child in a provider's program, nor may a parent be subject to any employment action by the provider on account of the parent's selection of an SES program for his or her child.
4. Employ school district employees (subject to items #2, #3 and #4 in the previous section above) for instruction-related services or program coordination purposes as long as the person does not restrict the marketing or enrollment opportunities of other providers, subject to District policies governing conflict of interests and other District-imposed requirements. However, tutors who are currently employed by the school district may **not** recruit students.
5. Include in tutor compensation, incentives for student achievement consistent with a company's written policy.