

Sample Code of Professional Conduct and Business Ethics for Supplemental Educational Services (SES) Providers

Providers of supplemental educational services (and other education service providers) operate in an environment that touches communities, school officials, parents, students and other providers. The importance of the activities and complexity of the interactions make it paramount that such organizations adhere to the highest standards of professional conduct and business ethics. High quality educational programs delivered by trained professionals represent the core value that is to be reflected throughout all partnerships with schools, parents and students. The following structure represents the collective judgment of the members of the Education Industry Association (EIA) on what constitutes ethical behavior.

General Guidelines

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

1. Conduct business honestly, openly, fairly, and with integrity.
2. Comply with applicable laws, statutes, regulations and ordinances.
3. Avoid known conflict of interest situations.
4. Never offer or accept illegal payments for services rendered.
5. Apply these guidelines and standards throughout the company by insuring all employees understand them and act accordingly.
6. Refrain from publicly criticizing or disparaging other providers.
7. 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.
8. 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.
9. Take appropriate corrective action against provider employees, consultants or contractors who act in a manner detrimental to the letter or spirit of this code.
10. Take immediate steps to correct any actions on its part that willfully or inadvertently violate of the letter or spirit of this code.

Assurances Specific to SES Providers in Massachusetts

1. The provider will meet all applicable health, safety, and civil rights laws on federal, state, and local levels, for both students and staff members, including all necessary occupancy licenses and permit, and including compliance with IDEA and ADA.
2. All sites in which students are to receive SES will have documented plans in place for emergency medical situations, evacuations, and ambulance and poison calls.
3. The provider will assume primary responsibility for conducting annual Criminal Offender Record Information (CORI) checks on all staff that will work with students before those staff members work with students through this program. The provider will certify that it has conducted a CORI check on staff and the staff has met the provider's screening criteria prior to working with students. The provider will maintain a file of annually updated CORI checks for each of these staff members. Alternatively, and at the discretion of the school district, the provider will furnish information to the school district that would enable the district to conduct CORI checks on provider staff members working in district schools (MGL ch. 71 § 38R).
4. The provider will adhere to the Conflict of Interest Law (MGL ch. 268A):
 - a. Non-district providers are prohibited from hiring school committee members, employees or volunteers of a district in the provider's service area to perform tutoring or any other services within the same district in which the person is employed.
 - b. District providers may employ their own staff to work in the district's SES program if:
 - i. The district pays the employee for SES provision under the employee's regular contract (by one check) for all services rendered (i.e., incorporate payment for SES with the teacher's regular salary payment) and
 - ii. The district sets up its SES program and hiring plan in advance of selecting students for the tutoring services;
 - iii. The district uses objective criteria for selecting students for the program without the involvement of teachers; or
 - iv. The district has a rule that no teacher may tutor his or her own students.
5. The provider will provide the Department with the resumes of any instructors/assistants before the employees start working with students under the RFR. The provider will, upon

request of the school district(s) in which the provider operates, provide same resumes to the school district.

6. The provider will not deliver services in a private residence other than that of the student, and not without the student's parent/guardian present.
7. All instruction and content delivered within a provider's program will be secular, neutral, and non-ideological.
8. All qualified children whose parents/guardians request services from the provider will be served equally, without restriction. The provider will not, on the basis of disability, exclude qualified students with disabilities or students covered under Section 504.
9. The provider will not disclose to the public the identity of any student eligible for or receiving SES without the written permission of the parent/guardian.
10. The provider is financially stable and will be able to complete services to the student and the school.
11. The provider will maintain liability insurance. The provider will, upon request of the school district(s) in which the provider operates, furnish a copy of said liability insurance to the school district.
12. The provider will not engage in illegal or deceptive practices, falsify any information on its application or other reports to the Department, or violate other State or federal laws, including:
 - a. Giving incentives or gifts to a student or parent for enrolling in a specific program or to switch enrollment to another program;
 - b. Offering incentives (such as cash, merchandise, or free educational services) in excess of \$5.00 in value to schools, school districts, parents, students or other entities for signing up students for their programs;
 - c. Offering "kickbacks" to school or school district officials, principals, or teachers who encourage parents to select that provider; and
 - d. Engaging in false advertising about its program or other providers' programs.
13. The provider will adhere to the provisions of the RFR originally submitted to and approved by the Department, such as:
 - a. The nature of programs or services offered;
 - b. The minimum or maximum number of students the provider agrees to serve;

- c. The student-to-instructor ratio;
 - d. Employee qualifications;
 - e. Rates charged for services; and
 - f. Timeline for notification of service availability (if the provider is a school district) and timeline for initiation of services.
14. The provider will be factual and forthright in reporting and documenting attendance rates, program effectiveness, and in explaining the theoretical/empirical rationale behind major elements of its program, as well as the link between research and program design.
15. The provider agrees to take appropriate corrective action against provider employees, consultants or contractors who act in a manner detrimental to the letter or spirit of the Assurances and Certification, and take immediate steps to correct any actions on its part that willfully or inadvertently violate the letter or spirit of these Assurances and Certification.

NOTE: This is partial information. The U.S. Department of Education (ED) has prepared Non-Regulatory Guidance on Supplemental Educational Services, available at <http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc>.

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