

**State and Federal Programs Department  
Supplemental Educational Services (SES)**

**CERTIFICATION OF COMPLIANCE WITH LEA ETHICS STANDARDS**

**SES PROVIDER / CONTRACTOR:** \_\_\_\_\_

The proposer/bidder certifies that it is familiar with and in compliance with all of the following ethics standards: 1) any employees, subcontractors or consultants, who, within the last three (3) years have been or are employees of LAS are disclosed below; 2) the bidder/proposer, contractor, or its subcontractors, have not compensated any former LAS employee or consultant to influence any action on a matter pending with the LAS, if that employee, within the last 12 months, held a LAS position in which they personally and substantially participated in that matter; 3) the proposer/bidder, contractor, subcontractor does not employ a former LAS employee or consultant who, while serving in an LAS position within the last two (2) years, substantially participated in the development of the contract's RFP requirements, specifications, or in any part of the contract's contracting process; 4) the bidder/proposer has not employed as a lobbyist any former LAS employee who left LAS within the last 12 months; and 5) the bidder or proposer did not receive any confidential information in connection with the procurement. The bidder/proposer further certifies that it has set forth below the names of all former Governing Board members and employees it intends to employ in connection with the services to be performed by the contract, which have been Governing Board members or employed by the LAS within the last three (3) years. Former Governing Board Members, Employees, Consultants, Subcontractors:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on \_\_\_\_\_, at \_\_\_\_\_,

\_\_\_\_\_  
Name and Title of Authorized Representative

## **Code of Professional Conduct and Business Ethics For Supplemental Educational Services Providers**

This revised code of ethics, as adopted by the Education Industry Association (EIA) Board of Directors, became effective January 8, 2008.

### ***General Guidelines***

#### **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. Comply with the confidentiality and non-disclosure provisions of all applicable federal, state and local laws, including those relating to student identity, records,
  1. reports, data, scores and other sensitive information.
9. 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.
10. Take appropriate corrective action against provider employees, consultants or contractors who act in a manner detrimental to the letter or spirit of this code.
11. 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***

#### ***Providers Shall:***

1. **Not** compensate school LEA 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 LEA employees who currently serve the LEAs in the capacity of Administrator, Principal, Assistant Principal, or school or LEA SES Coordinator.
3. **Not** employ any individuals, including teachers, parents or community leaders, who have any governing authority over a school LEA or school site. The sole exception shall be in school LEAs 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.
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.

7. **Not** misrepresent to anyone, including parents (during student recruitment), the location of a provider's program, principal/LEA or state's approval of a provider, or the likelihood of becoming so approved.
8. **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.
9. **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.
10. **Not** employ any SES-enrolled student.
11. **Not** use a LEA 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.
12. **Not** encourage students/parents to switch providers once enrolled. A student is considered enrolled once the LEA 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 student's 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 LEA 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 LEA policies governing conflict of interests and other LEA-imposed requirements. However, tutors who are currently employed by the school LEA may not recruit students.
5. Include in tutor compensation, incentives for student achievement consistent with a company's written policy.