Code of Professional Conduct and Business Ethics
Education Industry Association
For
Supplemental Educational Services Providers
Amended January 8, 2008

This revised code of ethics, as adopted by the EIA Board of Directors, shall become effective January 8, 2008.

SES Providers (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 EIA member organizations adhere to the highest standards of professional conduct and business ethics. In its role of providing critical leadership to the education industry, both public and private, EIA has adopted this voluntary code to describe key organizational behaviors and policies that will guide its member companies and others.

High quality educational programs delivered by trained professionals represent the core value that is to be reflected throughout all of our partnerships with schools, parents and students. The following structure represents the collective judgment of what constitutes ethical behavior. EIA members are committed to using it to guide decision-making and performance at all levels of their organizations—from the CEO to the employee in the classroom. Accountability for achieving desired results consistent with these guidelines and standards is the ultimate benchmark upon which EIA member service providers will be judged.

We encourage States and Local School Districts to adopt these guidelines into their governance, contractual and oversight systems and apply all appropriate sanctions when the guidelines have been breached.

EIA Compliance Procedures:

1. EIA will develop educational materials on these standards for use by providers, States and school district personnel. These materials will be distributed to members and non-members alike for their incorporation into their internal staff development procedures.

2. All EIA members will sign a statement acknowledging their acceptance of these standards. EIA will maintain a list of signers on its website for the public to review.

3. When a State or School District completes an investigation and has a finding that a breach of these guidelines has occurred, EIA may issue its own censure, suspend or terminate the membership status of the Member. Before EIA acts, it will discuss the matter with the party and offer the party the opportunity to present its information to an ad hoc committee of the Board of Directors.

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. 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.

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 any SES-enrolled student.

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.

For more information about the Education Industry Association, contact www.educationindustry.org.