



## 2011-12 SES ASSURANCES

Approved SES providers in the State of Michigan must certify they have read and understood each of the following statements, agree to be held accountable for the content of each, and understand that the Michigan Department of Education (MDE) may invoke disciplinary action at any time, up to and including removal from the approved list, based upon evidence they have violated any of these Assurances.

1. The applicant entity certifies that the instructional program described in the application is the instructional program that will be offered to students.
2. The applicant entity certifies that the instruction and content that will be offered is secular, neutral, and non-ideological.
3. The applicant entity is responsible for payment of all payroll taxes and other business expenses or fees.
4. The applicant entity will be available to provide services in a district as required by the district's enrollment procedures or contract.
5. The applicant entity will serve all qualified eligible children whose parent(s)/guardian(s) register for services from the applicant entity, on a fair and equitable basis and in accordance with the terms specified in the application.
6. The applicant entity will promptly notify the district, in writing, within three business days, if it does not meet its minimum or exceeds its maximum number of students.
7. The applicant entity will provide parent(s)/legal guardian(s) of children receiving services, and district personnel, information on students' academic progress in an understandable format and language on a regular basis consistent with this application.
8. The applicant entity will provide evidence to the district (before services are delivered) that individuals providing services to children have successfully completed fingerprinting and criminal background checks as required in the district contract.
9. The applicant entity will not disclose to the public the identity of any student eligible for or receiving SES without the written permission of the parent(s)/guardian(s). All public requests for student information should be directed to the district.
10. The applicant entity ensures that the entity is financially sound and agrees to notify the MDE and district, in writing within ten business days, if and when it is no longer financially sound.

11. The applicant entity agrees to follow all applicable Federal, state, and local health, safety, employment, and civil rights laws at all times. This includes, but is not limited to, provision of occupancy permits and fire marshal reports to districts, if requested.
12. The applicant entity will not discriminate on the basis of race, national origin, sex, or disability in accepting students and providing students with SES under Title I (in general, a provider may not, on the basis of disability, exclude a qualified student with disabilities or a student covered under Section 504 if a student can, with minor adjustments, be provided SES designed to meet the individual educational needs of the student).
13. The applicant entity will provide services consistent with the qualified student's individualized education program under the Individuals with Disabilities Education Act (IDEA) if the student is covered under IDEA or Section 504 of the Rehabilitation Act of 1973 if the entity proposes to serve such students.
14. The applicant entity will comply with the MDE Standards for Monitoring SES Providers. The applicant entity agrees to make all documents available to the MDE or district for inspection/monitoring purposes, and participate in site visits at the request of the MDE or the district.
15. The applicant entity agrees to notify MDE and applicable district(s), in writing, of any change in the contact information provided in this application within ten business days.
16. The applicant entity further ensures that it will provide written notification to MDE, when SES will no longer be provided, thirty days prior to termination of services.

## 2011-12 SES CODE OF ETHICS

Approved SES providers in the State of Michigan must certify they have read and understood each of the following statements, agree to be held accountable for the content of each, and understand that the Michigan Department of Education (MDE) may invoke disciplinary action at any time, up to and including removal from the approved list, based upon evidence they have violated any of section of the SES Code of Ethics.

1. Providers must accurately and completely describe services to consumers in terms that are easy to understand. Reading level for informational materials should be no higher than eighth grade.
2. Providers must create and use promotional materials and advertisements that are free from deception. Deception may include, but is not limited to, misrepresentation through implied or stated endorsement for the provider by a school district, school building or its staff or representative.
3. Providers must not misrepresent to anyone the location of a provider's program or the approval status of a program. If the location of services is dependent upon a minimum student enrollment or the approval of a district, the provider shall indicate the applicable contingencies in its marketing materials.
4. Providers must not publicly criticize or disparage other providers.
5. Providers must not engage in false advertising about other providers' programs.
6. Providers must comply with each district's enrollment procedures.
7. Providers must not distribute a district enrollment form that has the selected provider's name pre-printed as part of the form.
8. The provider may not modify or alter a district enrollment form in any way. The provider is responsible for all district enrollment forms submitted to the district. A Provider that submits a modified or altered district enrollment form is responsible for submission of that form, whether the provider or another entity modified the form. The provider must not submit altered or modified forms.
9. Providers must not encourage or induce students or parents to switch providers, once enrolled, without approval by the district. Providers may not create or distribute enrollment change forms for this purpose.

10. Providers must maintain a system of addressing consumer grievances and concerns and must immediately report any grievances to both the district and MDE.
11. Providers must not charge districts more than the maximum hourly rate identified in the application, nor charge districts any additional fees.
12. Providers must not make payments or in-kind contributions to a district, exclusive of customary fees for facility utilization or transportation.
13. Providers must not compensate district employees in exchange for access to facilities, registration, to obtain student lists, or to encourage any district employee to violate district policies or procedure including conflict of interest.
14. Providers must not solicit or accept an exclusive arrangement with any district or school (including, but not limited to, an exclusive right to conduct in-school assemblies or other marketing activities).
15. Providers may not seek access to individual classrooms or interrupt instructional time during the school day for any reason.
16. Providers may not employ any SES-eligible or enrolled student.
17. 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 their 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 their child.
18. Any school personnel employed by an SES provider shall not recruit students to a provider's program, engage in marketing activities on behalf of a provider, or otherwise promote or encourage students to enroll in a specific provider's program. This restriction does not apply to school districts that are approved SES providers. Please see #21 below for specific guidance regarding marketing and recruiting in school districts that are approved SES providers.
18. Providers shall not employ any school district staff who currently serve in the capacity of Superintendent, Assistant Superintendent, Finance or Business Officer, Principal, Assistant Principal, or other administrative staff in a decision-making capacity, building SES Coordinator, or district SES Coordinator (updated for 2011-2012 school year).
19. Providers are subject to any conflict of interest policy/procedures of the district. Teachers may be employed by a SES provider as a tutor in the same district in which they are employed. See #17 for more information on

prohibited activities of school personnel employed by SES providers (updated for 2011-2012 school year).

20. Providers shall not be or employ any individuals, including parents or community leaders, who have any decision-making authority over a school district or school site in which those individuals are employed and/or hold leadership positions. The sole exception shall be in school districts that are considered rural and where there are few providers (updated for 2011-2012 school year).
21. Where a school district or a school is also an approved provider of SES, district personnel assigned SES provider responsibilities shall avoid all conflicts of interest or favoritism, including the following:
  - a. Individuals employed by the district for this purpose shall not present marketing or recruitment information on any occasion unless all other providers approved for the schools served are offered the same opportunity to present information or recruit students.
  - b. The district shall ensure that the individual has no greater access to parents and students at provider fairs, school assemblies, and other, similar occasions than is afforded to all other providers. "Access" means the amount of speaking time available, the space used, and any other resources allocated to providers.
  - c. Individuals serving as an approved SES provider shall have duties that are entirely distinct from those of any other district employee who performs oversight with respect to the provision of SES. This prohibits the district SES provider from duties such as serving as the district's liaison to all SES providers within a school or schools, or assigning students to other providers.
22. Before or during the registration period, providers must not distribute any objects (such as gift cards, money, pencils, balloons, candy, Frisbees, tote bags, etc.) to parents or students. Informational program materials should be printed on paper.
23. Before or during the registration period, providers must not verbally or nonverbally promise or reference any objects or rewards that will be provided upon registration, program completion or as student rewards during the provision of services.
24. Informational program materials, including the 150-word program summary, must not verbally or non-verbally promise or reference any objects or rewards that will be provided upon registration, program completion or as student rewards during the provision of services.
25. During the provision of SES, providers may not exceed a total of \$20.00 per student annually for rewards. These rewards may not be identified in any

written informational material or identified verbally to parents until AFTER enrollment.

26. Technology-based providers may not advertise computers as a reward for program completion. Students may keep computers at the cessation of tutoring services, but providers must fully disclose information about the computers as detailed in the MDE Policy of December 15, 2008. This information may not be included in any written informational material or identified verbally to parents until AFTER enrollment. Computers are not subject to the \$20.00 annual cap on rewards.
27. Providers must not attempt to influence or bias parents when performing an evaluation of the provider's services and achievement of the student's individualized learning goals.
28. A provider shall not use information provided by parents of SES-enrolled students for any commercial purpose without securing the parent's prior written consent for the intended use of the specified information, except that a provider may use parental contact information to communicate about SES with the parents of students served by that specific provider in any prior year.
29. Providers must serve substantially all students registered and immediately communicate to the district any students who cannot be served or who drop out of the program.
30. Providers may not solicit confidential information on minor students without the written consent of parents and/or the school district. This includes, but is not limited to, collecting student or parent information such as addresses, phone numbers, or email addresses.