**Section 675.30 Code of Ethics**

The specific provisions of this Section are intended to illustrate the ethical behavior that is expected of personnel employed by providers of SES, their agents, and school districts, as well as by parents in certain situations. The provisions of this Section shall not be construed as exhaustive but rather as examples that not only apply in the specified situations, but that also guide the parties' actions under related circumstances. The requirements of this Section for providers shall apply not only to each provider but also to any subcontractor or other person or entity ("agent"), whether paid or unpaid, who acts in conjunction with or on behalf of an approved provider for the purpose of performing any function related to a program of supplemental educational services, including, but not limited to, marketing the program, tutoring students, providing snacks, conducting assessments, and completing individual learning plans. Each provider shall maintain a record of having notified each agent of the agent's responsibility for complying with the requirements of this Section. This notification shall include either the transmittal of a paper or electronic copy of this Part or provision of the web address where this Part is posted by the State Superintendent of Education.

a) Providers must accurately and completely describe services to consumers in terms that are easy to understand. Providers' statements regarding the number of hours of service offered in their programs must match the number of hours for which districts have contracted. That is, a provider shall not charge a district for a portion of the hours of service offered and indicate that the remaining hours of service are to be provided free of charge.

b) Providers must create and use promotional materials and advertisements that are consistent with their approved applications and free from deception. Upon request, providers shall submit all promotional materials and advertisements related to the SES program to ISBE or the school districts in which they wish to serve.

c) 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 contingent upon a minimum student enrollment or the approval of a district, the provider shall indicate the applicable contingencies in its marketing materials.

d) Providers must not publicly criticize or disparage other providers.

e) Providers must not distribute a district enrollment form that has the selected provider's name pre-printed as part of the form. Providers must not distribute enrollment forms with directions for how to complete the forms.

f) Providers must not market their programs directly to students in the absence of those students' parents or guardians, except in the course of district-sponsored provider fairs, school assemblies, or other events permitted pursuant to this Part.

g) Providers must maintain a system of addressing consumer grievances and concerns and must immediately report any grievances to both the district and ISBE.

h) Providers must not compensate district employees in exchange for access to facilities, to obtain student lists, or for any illegal purpose. 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).

i) Role of District Personnel

1) Employees of a particular district may be hired by a provider serving that district for instructional purposes or to perform other functions related to the delivery of the provider's program of SES. District personnel hired for these purposes shall not recruit students to a provider's program, engage in marketing activities on behalf of a provider, distribute or collect enrollment forms, or otherwise promote or encourage students to enroll in a provider's program.

2) District personnel without responsibility for or involvement in the district's administration of SES may be employed to perform solely clerical functions having no relationship to the marketing of a provider's program or the recruitment of students.

3) Where a school district or a school is also a provider of SES, an individual may be employed as coordinator or site manager for the SES program it provides if the individual will have no other responsibilities apart from oversight and management of that SES program, which may include marketing and recruitment, subject to the following additional requirements.

A) The individual 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) The individual's duties related to the SES program for which the district is the provider shall be entirely distinct from those of any other district employee who performs oversight with respect to the provision of SES generally, such as serving as the district's liaison to all SES providers within a school or schools.

j) Each restriction applicable to a school district employee under this Section shall apply equally to each officer of any governmental or nonprofit organization formed to support or advise a particular school in which the provider seeks to offer services, to each member of a local school board, governing body, or board of control, and to each member of a local school council in a school district organized pursuant to Article 34 of the School Code [105 ILCS 5/Art. 34].

k) 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.

l) Providers must not make payments or in-kind contributions to a district, exclusive of customary fees for facility utilization.

m) Providers must not offer or advertise economic incentives or gratuities of any kind to parents or students to solicit them to select the provider for SES. Providers may not offer any incentives to potential students in the course of informational sessions, but may offer promotional materials of negligible value, such as pencils, balloons, or magnets.

n) During the provision of SES, providers may offer only nominal rewards to students for achievement of program milestones or objectives that cannot be attained through attendance alone, or for above-average attendance when given after the mid-point of the provider's program. Providers shall not spend more than $50 per pupil on rewards, exclusive of rewards that consist of materials and equipment used directly in the provision of services.

o) Providers must not encourage or induce students or parents to switch providers once enrolled.

p) Providers must not attempt to influence or bias parents when performing an evaluation of the provider's services and achievement of the objectives in the student's Individual Learning Plan.

q) A provider shall not use information provided by parents of students served under this Part 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.

r) School district personnel shall treat all providers of SES impartially. Whether or not the employing district or school is a provider, school personnel shall not:

1) promote or disparage specific SES providers;

2) distribute SES enrollment forms that include a pre-printed provider's name;

3) obstruct parents in exercising their right to select an SES provider;

4) seek to influence parents' choices among SES providers;

5) alter or destroy registration forms submitted by parents without specific authorization from the parents; or

6) encourage students to drop out of an SES program or switch providers once enrolled.

(Source: Amended at 33 Ill. Reg. 8497, effective June 1, 2009)