BRIEF

PROMISING PROCUREMENT PRACTICES TO MAXIMIZE LEARNING RECOVERY

Increasing the Effectiveness of Contracting with External Vendors to Provide Services

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Introduction

The American Rescue Plan includes $122.7 billion for K-12 schools to help with reopening and learning recovery. In combination with additional state, local, and philanthropic investments, this amount of funds is unprecedented. A large portion of these funds (at least 20 percent of the federal dollars) must be spent on learning recovery and acceleration.[1] Students require additional supports and interventions to recover learning lost during the pandemic (AKA "the COVID-19 slide" [Kuhfeld 2020]), as well as to address the historical and systemic achievement gaps exacerbated by the pandemic.

Now, funds are available to support urgent needs, and a portion of these funds will be spent on contracts with external vendors to deliver needed services. However, a number of factors complicate the distribution of funds and the provision of services, including

- A need to distribute funds quickly;
- A need to design learning recovery programs at the school, district, and state levels in a short amount of time, while also planning for accelerated learning across multiple years;
- Decrease or elimination of education vendors due to health concerns during the height of the pandemic; and
- The inexperience of some vendors entering the learning recovery space, or lack of evidence to demonstrate their effectiveness.

If programs are designed effectively and efficiently, students will be able to not only recover learning but also accelerate their learning and reignite a love of learning. How can we ensure that the money is used effectively and efficiently and that contracted services produce expected results?

The procurement process is an important and often under-emphasized lever for improvement in education. Implementing strong procurement processes and structures increases the likelihood that funds are used wisely, high-quality external providers are hired, and by extension, student improvement occurs. Additionally, as emphasized by federal guidance the procurement process provides an opportunity for strong and inclusive stakeholder engagement to ensure plans are responsive to the real needs of students, families, and educators; stakeholder engagement and feedback could be embedded in planning and procurement practices as part of vendor and program selection. While it is difficult to step back and take time to plan, "time spent now figuring out how to organize stakeholders, use various incentives states can offer and leverage this incredible windfall most effectively will increase the impact. And because any plan must be bottom-up to get local school district buy-in, these dollars might bring about some structural changes past reforms failed to achieve" (Rotherham 2021). These funds present an opportunity to not only recover and accelerate learning, but also to transform how districts recruit, contract, and work with vendors.

[1] For more information on the use of funds, see O'Neal Schiess, J. American Rescue Plan Act of 2021: Analysis of Funding for Education, Children, and Families. Bellwether Education Partners. March 2021.

This brief is designed to support a variety of stakeholders who may have a role in learning recovery, including State Education Agencies (SEAs), Local Education Agencies (LEAs), and education vendors (which may include regional education agencies or collaboratives, non-profit or for-profit vendors, and others). This brief focuses on the various levers and steps that stakeholders can employ related to procurement and contracting processes, including procurement thresholds, preferred provider criteria and lists, request for proposal (RFP) processes, contracting (including performance contracting), monitoring, and evaluation.

Figure 1: Overview of the Process – Procurement to Service Delivery

The Procurement Process

(1) Preparing for Procurement	(2) Recruitment and Vendor Selection			(3) Contracting
a) The SEA or LEA clearly articulates the challenge it is trying to address	**a) Identify vendors**	**b) Review and assess proposals**	**c) Determine and select finalists**	**Technical terms** Financial
b) The SEA or LEA is clear on its strategy for impact, i.e., who it is trying to directly impact/whose actions it is trying to change with the procured service	Announce opportunity	Team to review and assess proposals	Finalist interview(s)-*optional*	Performance Success
c) The SEA or LEA is clear on how it will measure progress and service	Recruit potential vendor(s)	Team discussion about proposals to identify semi-finalists	Reference checks	**Relationship practices** Commitments from each organization
d) The SEA or LEA clearly articulates the amount of available budget and expectations regarding timeline		Semi-finalist responses/ clarifications to questions-*optional*	Select vendor	Frequency of engagement/feedback
e) The SEA or LEA determines the process for procurement (e.g., RFP or direct contact)				

(4) Monitoring, Evaluation, and Improvement

During this phase, data should be collected to address, at minimum, the following questions:

Implementation and Progress Monitoring	Evaluation and Assessment for Reinvestment
a) **Delivery.** Is the service being delivered and where (e.g., number of professional development sessions, number of summer courses offered, etc.)?	a) **Delivery.** Did the vendor deliver the service that was procured?
b) **Use.** Who and how many individuals (principals, teachers, students, etc.) are receiving the service?	b) **Performance.** Were the goals regarding how many schools, principals, teachers, or students being served achieved? Was the usage and duration achieved?
c) **Usage/Dosage.** How frequently is the service being used and by whom (e.g., attendance records, count of log-ins, frequency and duration of service, etc.)?	c) **Success.** Were the goals regarding performance outcomes achieved (e.g., credit earned, test scores, etc.? Were they sustained over time?

Figure 1 provides a model of the major steps in the procurement process and delineates key sub-steps and considerations at each stage, which are highlighted throughout this brief.

Suggested Practices

Many suggested practices in this brief are based on lessons from previous large-scale educational investments, many of which did not result in the expected or the desired outcomes. A number of studies of the experiences with Supplemental Education Services (SES) under *No Child Left Behind* and turnaround partners under the School Improvement Grant program document lessons learned that can inform how state and federal funds are used now. The lackluster results of those investments and their provision of services of external providers have been documented in a number of studies (Chappell et al. 2011, Deke et al. 2014, & Heinrich et al. 2011). Robert Slavin (2021) reflects on the lessons learned from SES and notes:

- There were extensive attendance and motivation issues,
- None of the hundreds of programs offered to students in SES were proven to be effective beforehand (or ever) in rigorous evaluations,
- There was no mechanism to find out which programs were working well until very late in the program's history,
- Neither schools nor parents had any particular basis for selecting programs according to their likely impact, and
- There was no pressure on program vendors to make certain that students benefited from the SES services they provided.

Slavin's research highlights key challenges that could have been mitigated with stronger procurement processes. He encourages education agencies to learn from prior efforts and change how this new influx of federal dollars is allocated and how services are procured.

In an effort to learn from prior efforts and to utilize best practices, this brief aligns with the main steps in the procurement process (Figure 1): (1) preparing for procurement, (2) recruitment and vendor selection, (3) and contracting. In addition, it is imperative that the procurement process include, at minimum, individuals with the following knowledge and skills to ensure successful program selection, implementation, and evaluation:

- Program knowledge
- Procurement
- Finance
- Data and evaluation

An effective procurement process goes beyond the procurement office, engaging others with varied expertise in pre-procurement planning, monitoring, and evaluation. We now have the opportunity to learn from prior experiences, to take steps to increase the quality control of education service vendors, to hold vendors accountable for results, and to truly change how procurement systems support programmatic decisions and the needs of school systems.

Procurement Process

Step 1 – Preparing for Procurement

SEAs and/or LEAs should consider clearly articulating the following components to maximize the probability that selected providers will provide the necessary services to meet the agency needs:

a. The ***challenge that the agency is trying to address, any required components, and any operating conditions that might impact service delivery.*** In articulating the challenge, be specific as possible. For example, rather than indicating "address learning loss resulting from the COVID-19 pandemic," a district could indicate that the provider must "address a third-grade literacy and math challenge, whereby 42% of the district's students are reading below grade level and 56% of students are doing math below grade level. The proficiency rate across schools varies from between 23% of students reading below grade level to over 60% reading below grade level. These trends have persisted over the past 3 years and the district expects to see this problem continue (and potentially increase) across the board due to recent interrupted learning."

A clearly articulated problem statement allows the procurement office to write a concise, specific RFP (or contract) to address identified needs. While creating the problem statement, clearly defining the SEA or LEA constraints and commitments makes it clear to a vendor what it can expect from a district. The SEA or LEA should be clear about any operational constraints and the commitment the district is willing to make to the vendor. For example, if the district chooses to procure a service to address third-grade literacy, the vendor must provide its services within the existing elementary school schedules (e.g., all schools have a 45-minute literacy block) and teacher professional development allotment (e.g., the district can dedicate up to 30 hours of teacher professional development through a combination of summer and half-day release time).

This type of information encourages vendors to clearly demonstrate how their program addresses the problem directly with consideration of any constraints. It also allows an agency to clarify if there are any additional program requirements and if the vendor requests additional supports from the district. Some examples of such requirements might include:

- If the district requires parental engagement, then the vendor must respond with how it ensures parental engagement and what the vendor might need from the LEA to execute the requirement.
- If Ed Tech / online learning components are desired or needed, a description of the district's technology infrastructure, security needs, and policies for use will be required, and should articulate what safeguards the vendor must have in place.

If the LEA is clear about their constraints and expectations, then the provider must address how their program model works within (or doesn't work with) the LEA's context. This clear articulation of information allows the LEA to determine the feasibility of implementation and success of the proposed service.

b. The ***strategy for impact.*** There are multiple strategies an SEA or LEA can pursue to address challenges, ranging from providing training and support for teachers, directly supporting students with minimal teacher engagement (e.g., after school programming), or providing programming to students delivered directly by teachers (e.g., content-based educational software). The SEA/LEA should clearly articulate how the offering fits in the strategy for impact, including who will be served and in what capacity, such as how many students, teachers, and/or classrooms should be served by the vendor. This information allows vendors to self-select in (or out) of the process based on their implementation capacity.

   If the SEA/LEA is open to proposals that include an alternative strategy to address the identified challenge than the strategy articulated by the agency, it should be clear about that willingness up-front.

c. The ***outcomes the agency intends to review to measure progress and success.*** To better understand whether the service is being implemented as planned and having the intended results, the SEA or LEA should clearly articulate its performance expectations, how performance will be assessed, and when it expects to see outcome data. Using the same third-grade literacy example, and depending on the service provided, an agency could request the following information from the vendor:

   Progress measures:

   » *Teacher professional development:* Number of teachers trained, teacher survey results
   » *Educational software:* Number of students using the educational software (and frequency and duration of use), student performance on within-software assessments, and/or student performance on interim assessments
   » *Tutoring:* Number of students served, average number of times a specific student engages (and duration), student GPA, and/or student performance on interim assessments

   Impact measures:

   » Student attendance
   » Student performance on benchmark and end of year assessments

   The SEA or LEA should articulate the minimum requirements and allow the vendor to provide additional data/information as they believe would help improve service implementation and impact.

d. The ***budget, contracting structure, and timeline.*** Another important factor to ensure that an agency can procure a vendor that meets its requirements is for the agency to be transparent about the budget it has available. An agency can provide a single number, a per-pupil amount, a range, or a "not to exceed" amount based on its maximum budget and the amount of flexibility it has regarding procurement rules.

In addition to the budget amount, an agency may choose to emphasize outcomes as part of its procurement process through its contracting structure. A few examples of different contracting structures could include:

- *Traditional contracting.* A vendor is paid for service delivered regardless of utilization rates or outcomes.
- *Performance contracting*. The vendor is paid based on the delivery of service and for reaching a certain benchmark. For example, a vendor is paid "x" for delivering the service, but if there is an attendance rate of 90%, the vendor gets paid "x+1." This type of contracting tends to focus on the implementation and delivery of services.
- *Success contracting.* The vendor is paid based on the delivery of service (aka performance), AND achievement of specified outcomes. For example:
  - A vendor is initially paid a baseline amount (e.g., 70% of contract value)
  - If they achieve performance/implementation outcomes (i.e., 90% attendance rate for the program) they would be paid an additional percentage on the contract, AND
  - If they achieve a particular outcome (e.g., 85% of third-grade students read at grade level by the end of the program) they would receive payment for the full contract.

  An agency may want to include additional bonus funding, if the vendor exceeds performance, as an additional incentive in this contracting model.

e. The ***procurement process.*** The SEA or LEA determines the process for procurement (e.g., RFP or direct contract) and the timeline, backtracking the timeline from when service delivery should begin.

Step 2 – Recruiting and Selecting Vendors

Once the need, success expectations, and budget have been identified, then the recruitment and selection of providers can begin using the agency's preferred method (e.g., grant, direct contracting, or an RFP process). The process of recruiting and selecting vendors can be broadly categorized as:

a. ***Identifying potential vendors.*** To provide SEAs or LEAs with a range of vendors from which to select, the agency should make its requirements as identified in Step 1 available to the vendors and/or generally in the case of a public RFP. Agencies can also reach out to potential vendors that have the appropriate expertise to encourage them to apply. The agency should also promote the opportunity in a variety of places to increase the potential market of vendors. Sufficient response time allows vendors to respond to the agency's specific needs, as opposed to massaging a previously used off-the-shelf RFP response. Allowing vendors to submit RFP responses electronically also increases the number of potential bidders, as the time and process of overnighting or hand-delivering proposals can be cost- and time-prohibitive.

b. ***Reviewing and assessing proposals.*** To ensure the highest probability of success, an agency should review and assess the proposal based on a set of criteria and, to the extent possible, a rubric that weights the criteria according to agency priorities. The criteria and the rubric should be shared with potential vendors and used equitably during the review process. Responses may be blind reviewed (i.e. all identifying information removed) to decrease any prior-knowledge or reviewer assumptions as well. The agency may also choose to follow-up with semi-finalists to obtain additional information/clarifications based on the submitted materials.

c. ***Determining finalists.*** Based on the review process and depending on the size and complexity of the potential engagement, an agency could also choose to engage in an interview process to allow the vendors to provide additional information to inform the final decision. If so, virtual interviews are encouraged to ensure that smaller vendors have an equal chance, as travel costs for in-person interviews can be cost-prohibitive and disadvantage smaller firms that may not have a discretionary travel budget. Regardless of whether an interview process occurs, an agency should conduct a reference check to better understand the vendor's performance and approach to management.

To the extent possible, particularly in the case of a formal RFP, the agency should also be clear about its review process, timeline for review, and evaluation criteria.

It is important to contact references while reviewing RFP responses. "Conversations with former clients, especially those who have received similar services, are particularly valuable to determine whether partnerships succeeded or if contracts ended because services were no longer needed or if other issues led to the termination of contracts" (Corbett 2015). A standard protocol for reference checks can ensure that the process is equitable across vendors, especially giving potentially unknown vendors a fair chance of being awarded the contract.

Step 3 – Contracting

While some pricing conditions should have been included in the RFP, once a provider has been selected, the district and external provider develop a contract to oversee the work. It also sets conditions that clearly articulate the service to be provided, the requirements/non-negotiables from both parties, the expected outcomes, cost/fee structure, legal considerations and liabilities, timelines, and project management responsibilities.

Step 4 – Monitoring, Evaluation, and Improvement

Once the contract is signed, district or state work does not end. Monitoring and evaluation are crucial components of working with external providers for both short- and long-term contracts.

Monitoring is conducted by both SEAs and LEAs in a variety of ways, such as:

» Tracking and reporting key indicators of progress;

» Analyzing data; and,

» Conducting progress monitoring meetings with all vendors working within the agency on learning recovery.

An example of close SEA monitoring of vendors who supported the School Improvement Grant program is Massachusetts, where the SEA took a two-step approach to support LEAs in finding strong vendors. First, the SEA used an RFP process to create a preferred provider list for School Improvement Grant providers. Then, the SEA developed a monitoring process to increase quality control of the preferred provider list. All vendors were required to take part in an annual evaluation process to assess if they added value to the schools' and districts' improvement efforts. Only effective providers remained on the list for consideration in subsequent years (Corbett 2015).

Sample Monitoring Interviews

LEA or SEA leaders can conduct monitoring interviews to assess the effectiveness of a vendor and their model for learning recovery. Questions should be asked of both LEA leaders and vendor staff to uncover any implementation barriers and may include:

» Please describe the relationship between the LEA/school and the external vendors supporting learning recovery.

» How often do school leaders communicate with provider staff?

» How often do LEA leaders communicate with provider staff?

» Reflect on the progress towards the projected benchmark goals, including leading and lagging indicators that monitor both climate and academic performance. What conclusions can be made about the vendor's effectiveness?

» If implementation barriers emerged during the provision of services, how were they addressed by both the LEA/school and the vendor?

» How are the LEA/school and the provider building a plan for sustainability (i.e., what steps are the LEA/school and the vendor taking to ensure growth is sustained once the current contract ends)?

Content adapted from Corbett, 2015.

Engaging a Vendor: A Checklist and Potential Guiding Questions

The following checklist and guiding questions can help create an SEA or LEA RFP, or a vendor's response. A vendor can always go beyond the information requested in an RFP and provide more information to the SEA or LEA about their program model, needs, and non-negotiables.

Vendor Checklist	Guiding Questions for RFPs and RFP Responses
Regardless of which approach is used to procure services, an SEA or LEA should always include in its announcement the information highlighted from Step 1 – Preparing for Procurement. In addition, to help the agency make the best choice possible, it is recommended that vendors provide the following information in their response to the agency's request: ☐ *Program model*. The vendor should provide a clear description of the program model, including program components, program size and duration, who will be served (e.g., teachers and student), and delivery approach (e.g., in-person, on-line, hybrid, etc.) ☐ *Evidence of implementation and impact*. The vendor should provide evidence of effective implementation and impact on the outcomes identified by the agency. ☐ *List of required resources.* The vendor should provide a list of resources, or non-negotiables, the vendor will need from the agency to support their service model and approach to increase the likelihood of successful program implementation. ☐ *Data requirements and availability*. The vendor should provide the list of data variables it will make available to the agency to help with progress monitoring and impact evaluation. Included in this description is information about how the data will be shared/provided, the frequency of the	Questions specific to learning recovery that could be included are in an RFP and in vendor responses are detailed below. This list of guiding questions is intended to be directional rather than comprehensive. ***Program Model*** What are the program model components? » What, if any, are the academic or curricular components of the model: › What academic areas do the program focus on and include? › What enrichment and extracurricular offerings are included in the program (if applicable? › How is academic content culturally relevant to students? » What, if any, is the relationship between families/caregivers and the program? › How does the program communicate with families/caregivers? › What is the frequency of communication? › What is the expectation for engagement from families/caregivers in program delivery? » How does the program ensure equity in service delivery, engagement, etc. across different student groups, among families, and/or across communities? » What, if any, components of the program model are designed to address attendance, behavioral, and/or social and emotional learning needs? » What, if any, are the staffing and professional development requirements associated with the program model? › Who provides the services to students? What are the staffing model and ratios? › What training is required and provided by the vendors, e.g., instructional training, social-emotional

data sharing, and the type of analysis the vendor will conduct. The agency should also seek to understand all the data that might be available, not only the minimum requirement.

- ☐ *Project team and relationship practices*. The vendor should provide a description of the project team, including the lead, who will serve as the point of contact for the engagement. The vendor should also provide the relationship management practices (e.g., check-ins, feedback loops, etc.) to help facilitate effective implementation.
- ☐ *Budget model*. The vendor should provide a clear breakdown of its budget and costs to allow the agency to understand cost differences across vendors.
- ☐ *A select list of clients and references.* A client and reference list will allow the agency to get a third-party assessment of a vendor's performance.

learning, trauma-informed instruction, software usage, etc.?

- › What is the training frequency and duration?
- › What resources are available post-training?
- › What are the provider efforts to increase diversity of their staff to more closely resemble the students being served?

Evidence of Implementation and Impact (aka Evidence Base)

- » Does the vendor utilize evidence-based practices to recover and accelerate learning? (https://www.evidenceforessa.org/ may be a great resource for additional program models as well)
- » Does the vendor provide examples of effective implementation in communities that have similar demographics?
- » Does the vendor provide evidence of impact, e.g., research studies, evaluation results, client testimonials, etc.?
- » Does the vendor provide evidence of impact across various demographic groups and subgroups of students?

List of Required Resources

Depending on the program and service delivery model, the agency should seek clarity regarding the vendor's operational needs.

- » Facilities. What type(s) of facilities does the vendor need to deliver its program? For example, if the program is being delivered in person, what space is available in the district to the vendor to address comfort and safety of staff and students (i.e. air conditioning, air filtration, presence of gyms, cafeterias, outdoor recreation, adequate furniture to allow social distancing if needed)? Or, if an external facility is used, how are air quality (circulation, filtration, and temperature) adjusted to keep students and staff safe and healthy?
- » Meals. What food preparation facilities or meal vendors are available in the district for the vendor to use? Or, if an external facility is used, what meals are provided? Do meals meet federal nutrition and any district-defined quality requirements?

	» Transportation. How will the district and the vendor coordinate transportation needs of students? » Wraparound services. What additional wraparound services will be provided to students? A district may specify additional needs. » Technology. What are the minimum technological requirements for the system and/or individual students to ensure implementation? ***Data Requirements and Availability*** » What data does the vendor need and what data will the vendor make available to different stakeholders (e.g., teachers, principals, and/or agency staff) to facilitate progress monitoring and impact evaluation? » What information does the provider expect to receive from the previous academic year's teachers? » What data sharing and analysis agreements need to be in place to collect and analyze student progress and performance data? » What data security measures are in place to keep student information confidential? *Data For Progress Monitoring and Support* » How does the provider assess students' instructional needs at the beginning of, during, and at the conclusion of the program? » If a summer program, what information will the provider share with the subsequent academic year's teachers? » If an academic year program, how will the provider and daily classroom teachers share information about student needs? *Data For Impact Evaluation* » What student performance data will be provided to allow for impact evaluation? Will it be provided at the student level? How frequently will this information be provided? » How will data be disaggregated to show performance/outcomes from the service across student subgroups? » What analysis will be conducted and shared with different stakeholders about program impact?

Additional Leverage Points & Considerations

Additional ideas to increase flexibility and allow for expedited processing without compromising quality and learning include revisiting procurement thresholds, developing preferred provider lists and criteria, performance contracting, and monitoring.

Revisit Procurement Thresholds

Some SEAs and LEAs are raising caps to approve vendor contracts without local board of education approvals. This can be a useful step to make decisions more quickly, but doing so still requires quality assurance and monitoring from the SEA or LEA and the local board of education.

Develop Preferred Provider Lists & Criteria

Due to the magnitude and urgency of need, many LEAs may struggle with the capacity to recruit, develop partnerships, manage an RFP process, and contract with numerous education support providers. Large districts are often able to take on these roles themselves. But small districts often lack the capacity to create a preferred provider list, or the market strength to garner interest by some of the larger providers.

“A state-initiated RFP inviting external partners to become approved providers enables the SEA to set specific selection criteria and attract suitable, high capacity providers for districts across the state. In addition, it allows districts to focus on establishing the right set of conditions for [learning recovery], as opposed to spending time recruiting and vetting partners on their own. Once an RFP is released, the SEA must evaluate the responses against an evaluation rubric aligned to the SEA’s supports and needs” (Corbett 2015).

The SEA could determine the criteria, which could include:

- Do providers utilize evidence-based practices to recover and accelerate learning? If so, which parts of their model are evidence-based? If not, what impact did their model demonstrate in similar communities? (https://www.evidenceforessa.org/ may be a great resource for additional program models as well)
- What types of training do providers deliver and require of the staff working with students? Instructional training? Social-emotional learning training? Trauma-informed instruction?
- How do providers assess a student's instructional needs at the beginning of a program? Throughout? At the conclusion of an effort?
- What is the cost model for the program?

While the federal funds remain relatively flexible to the state and districts, a state could define additional requirements and parameters to increase the likelihood of successful interventions. For example, a state could set cost thresholds to ensure that programs are priced fairly and consistently, noting that some programs will provide additional wraparound and enrichment services, while others might provide a targeted service, i.e. tutoring.

Under the *Every Student Succeeds Act* (ESSA), many SEAs also created preferred provider lists to support districts implementing the evidence-based intervention requirements. The ESSA requirements also “prompted uncomfortable conversations between districts and long-time vendors, as districts sought to ensure that vendors’ products and services met one of the ESSA evidence tiers” (Stark Renter et al. 2019). Continuing to hold education service providers accountable for their results will be a natural continuation of the ESSA requirements.

Districts may work with providers outside of such lists, especially if they have established relationships with other community partners and organizations. However, creating a preferred provider list would lessen the burden on district administrators, while also notifying providers of the state’s intentions and expectations to provide equitable high-quality services to meet student’s needs and produce results.

For the School Improvement Grant program in Colorado, the SEA decided not to create an approved provider list, but leaders recognized the need for additional guidance to districts on how to recruit, select, and work with external partners. Leaders created a Resource Guide that includes working with external partners, completing a needs assessment, releasing an RFP, evaluating responses, selecting a partner, performance contracting, best practices for implementation, and monitoring and evaluating performance. The descriptive and explanatory information is then supported by a variety of appendices that include additional resources and tools districts can use, including an RFP template, sample interview questions, and model contract language (Corbett 2015).

Utilize Performance or Success-Based Contracting

While some pricing conditions should have been included in the RFP, once a provider has been selected, the district and external provider develops a contract to oversee the work and set conditions. As described above, there are several types of contracts that could be used, from traditional to outcomes-based fee structures. While developing contracts between providers and a district is common, utilizing performance or success-based contracts is less common and would support the effective implementation of learning recovery programming. “Performance contracting ensures relationships between districts and their external partners are based on an explicit stipulation of desired outcomes and consequences for not meeting goals (e.g., cancellation of the contract)” (Corbett 2015). Just like a district may include consequences to a bus transportation company for frequent late arrivals, a district could include provisions that provide incentives for exceeding expectations and consequences for not producing expected results in academic growth or efficient operations.

Conclusion

States, districts, and education service providers each have a role in reforming procurement and contracting processes. There are a number of steps that could be taken to increase the likelihood of achieving desired results for students based on prior experiences with large scale investments, including:

- State or LEA use of an RFP to develop a preferred provider list;
- State or LEA define criteria for education service providers;
- LEA use of an RFP that includes extensive expectations regarding services, communications, approach, and quality control measures;
- Close monitoring of LEA/vendor relationships by all parties;
- Vendors including expectations and non-negotiables to ensure effective communication with the LEA and fidelity of model implementation; and,
- Accountability for results, including performance contracts, removal from preferred provider lists, and After Action Reviews to uncover what could have helped a partnership work better.

It is also important to remember that federal rules and regulations set minimum amounts and conditions for the use of funds. SEAs and LEAs have the ability to add additional requirements to increase fund amounts designated for a specific purpose (e.g., learning recovery, trauma-informed care and instruction, or to increase the likelihood of quality.) Federal rules and regulations are the floor, not the ceiling. The implications and burden of any additional requirements on LEAs or vendors should be carefully designed and considered.

With unprecedented funds flowing directly to LEAs, there is also a unique opportunity to truly reform educational procurement processes. States, LEAs, and educational vendors have the opportunity to change how business is conducted in schools to improve educational outcomes for all students and to ensure funds are used efficiently and effectively.

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