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DEPARTMENT OF PROCUREMENT

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July 31, 2019

Via Electronic Mail and Facsimile

EdisonLearning, Inc.

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Fort Lauderdale, FL 33301

Attn: Romney L. Grippo - General Counsel;

Thom Jackson - President & Chief Executive Officer

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Re: Response to Notice of Protest; Request for Proposal (RFP) for Alternative Learning Opportunities Programs (ALOP) for High School Student Services, Specification No. 18-350062

**RESPONSE TO BID-PROTEST**

Dear Mr. Jackson,

Pursuant to Section I(D)(2)(C) of the Chicago Board of Education's (the "Board") Department of Procurement Services Solicitation and Contract Process Protest Procedures, the Chief Procurement Officer ("CPO") issues this Final Determination as to EdisonLearning, Inc.'s ("EdisonLearning") protest of the Board's decision to award the Project to Pathways in Education-Illinois, Inc. and Ombudsman Educational Services, Ltd.

**I. EdisonLearning's Grounds for Protest**

In its letter dated May 30, 2019, EdisonLearning set forth the following grounds for a protest regarding EdisonLearning's grading in the following areas: Curriculum;

Instructional Methods; Assessment and Goals; College and Career Readiness; Program Behavioral Health and Social-Emotional Learning; Program and Calendar; and, Staffing Model. The Board honored your request for an in-person meeting on June 13, 2019, and discussed the above-stated matters and additional topics regarding EdisonLearning’s past performance. The Board will only address the issues raised in your initial bid-protest and raised again at the June 13th in-person meeting.

## II. Decision

### A. Initially, EdisonLearning’s Protest Does Not Fall Within the Grounds Set Forth in the Solicitation and Contracting Process Protest Procedures

Under Section, I(C) of the Solicitation and Contracting Process Protest Procedures, the subject of a protest shall be limited to fraud, corruption or illegal acts undermining the objective and integrity of the procurement process. Your letter dated May 30, 2019, does not allege fraud, corruption or illegal acts, and, as such, EdisonLearning’s protest lacks merit.

### B. Curriculum

Contrary to the materials presented at the in-person meeting that all EdisonLearning teachers implement direct instruction in all classes, EdisonLearning’s written response to the RFP<sup>1</sup> clearly established that online coursework is the primary mode of instruction for students and direct instruction is optional. ( EdisonLearning Response to Interrogatories [hereinafter “ROI”], at 1-2). As a supplement to the online coursework, EdisonLearning wrote that “In addition to the online coursework, the instructional methods to be used . . . **may include** . . . **direct instruction**” for core subject areas. (ROI, at2) (emphasis added).

Our review of EdisonLearning’s online coursework revealed that most tasks were basic recall and low-level cognitive tasks. One evaluator noted: “The objectives are rote (most start with read, identify, define or explain) and do not reflect activities that will get students to mastery of the standards.”

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<sup>1</sup> The use of “RFP” in this letter refers to The Board’s Solicitation Spec Number 18-350062 – Alternative Learning Opportunities Programs (ALOP) For High School Students, advertised beginning December 17, 2018.

EdisonLearning's proposal did not meet the criteria under this section. In the "Curriculum" section of the RFP Interrogatories, CPS expressly prompted applicants to provide:

- The rationale for your curricular choices, such as textbook selection and supporting materials by subject.
- Evidence that selected curricula are research-based, aligned to Illinois learning standards, and have been effective with students similar to those the program expects to serve. (Attachment J (Interrogatories) to RFP, at 1.

Evaluators determined that Edison had done neither adequately. Several evaluators noted that EdisonLearning's proposal lacked compelling data that demonstrates effective credit recovery for students and potential for growth, nor did it provide a clear description of or rationale for the selection of curricula with persuasive research-based evidence of success with the targeted student population.

### **C. Instructional Methods**

Based on EdisonLearning's application and oral presentation, evaluators determined that, contrary to EdisonLearning's claim in its June 13th meeting, EdisonLearning is not following the best practices of blended learning. Instead, EdisonLearning is primarily using its proprietary online platform and did not identify in its RFP response what instructional method would be used when. Further, EdisonLearning never answered the express question to "provide a breakdown, by percentage, of methods of teaching (i.e., traditional, virtual, project-based, etc.)" (Attachment J (Interrogatories) to RFP, at 1.). The failure to answer the question in the written response, at oral presentation or otherwise, is a material flaw in EdisonLearning's proposal.

### **D. Assessment and Goals**

EdisonLearning did not adequately address the prompts in Interrogatory C (Goals and Assessments / Student Success Plans), which gave EdisonLearning its low score for this section. In addition to requiring information on Assessments, which EdisonLearning addressed in part during the in-person meeting, Interrogatory C (Goals and Assessments/ Student Success Plans) sought substantial information related to Student Success Plans, Program Goals, and how the program intends to use Assessments and Data-Driven Program and Instruction. (Interrogatories, P. 2). It is a lack of specific information responding to the prompts that gave EdisonLearning its low score for Interrogatory C.

With respect to Student Success Plans, evaluators noted a lack of confidence in Edison's system of intake and their student success plans. Further, EdisonLearning also failed to explain how it will communicate with students and parents/guardians about academic achievement and progress (Attachment J (Interrogatories) to RFP, at 4). After the oral presentation, an evaluator noted that Edison has not described how their assessment plan provides "information about the communication plan that involves students and their parents/guardians" or how it "aligns with Student Success Plans."

#### **E. College and Career Readiness**

Perhaps in response to the evaluation of EdisonLearning's College and Career Readiness submissions, EdisonLearning presented its 2017-18 and 2018-19 Credit Attainment and Graduation rates as a purported reason that the Board may have erred in its decision. However, these data were not considered and were not evaluated as part of the express questions and evaluation criteria of the RFP, and thus were outside the purview of the RFP. Nonetheless, in providing this information as part of its bid-protest, EdisonLearning paints an inaccurate picture of its historical performance. Edison has cherry-picked what it believes are its strongest data points out of the full context of data considered in the SQRP, where many aspects of EdisonLearning's other SQRP data points are not as strong (for example, an average attendance rate of 58%, and only approximately 47% of their students meeting growth targets in Reading and Math). In any event, all of the data points discussed in this paragraph refer to historical performance in certain metrics and are not part of the evaluation criteria of the RFP.

#### **F. Program Behavioral Health and Social-Emotional Learning**

Per the RFP material submitted regarding Program Culture, Social Emotional Learning, and Behavioral Management (Attachment J (Interrogatories) to RFP, at 4), evaluators determined that EdisonLearning's response reflected a realistic understanding of the anticipated social and emotional ("SEL"), mental and physical needs of the targeted student population. However, evaluators also determined that the strategy to promote positive student behavior and foster a positive academic and social environment with high expectations was woefully insufficient. Notably, EdisonLearning stated that it would provide 30 minutes of SEL instruction in students' schedule utilizing the UMOJA curriculum to be supported by staff members. While EdisonLearning provided a list of appropriate MTSS interventions, it failed to provide an explanation or

demonstrate an understanding of how the interventions would be implemented. For both its SEL and attendance systems, EdisonLearning intended for its Tier II and III interventions to be outsourced to community partners. EdisonLearning did not indicate what would happen to students after referrals are made or how the partner organizations are held accountable for outcomes. The MTSS tracker that EdisonLearning provided includes a brief description of the student issues. But, there is no indication of what interventions are being applied and the outcomes of the interventions. The MTSS Menu of Interventions was bland and lacked Evidence-Based Practices to support student needs, but rather focused on strategies. The BHT tracker form that was submitted was not easily read.

Finally, EdisonLearning noted that it has achieved status as an “Emerging Supportive School” at each campus, but that designation is not relevant to the RFP and was not considered. In any event, “Emerging Supportive School” status is the lowest classification in the CPS SEL certification framework for schools except for “Coming Soon,” which means a school has not opted into the SEL Supportive School Framework.

#### **G. Program and Calendar**

Although EdisonLearning suggests that its calendar “followed all of CPS suggestions and recommendations,” EdisonLearning did not submit a student schedule with its RFP application. (ROI P. 47 cites to “Attachment 4” for a sample student schedule, but Attachment 4 is a Teacher schedule. (See ROI, Attachment 4)).

#### **H. Staffing Model**

EdisonLearning’s initial RFP application expressly provided a substantial reduction in force (RIF) in key teaching and counselor positions, resulting in a plan to have only 1 guidance counselor per 250 students and only 1 social worker per 500 students. (ROI, Attachment 6, noting a RIF). EdisonLearning’s written application was in contrast to the information it presented at the June 13<sup>th</sup> in-person meeting, and EdisonLearning was evaluated on its written application.

In terms of budgeting, EdisonLearning provided a budget with a cost of EdisonLearning’s proprietary eAcademy at \$1200 per student, with extended electives at \$60 per student per elective, and Advanced Math at \$1,980 and Reading Plus at \$9,312.50. EdisonLearning intended to have a cost increase to its proprietary software at 2% annually. This software takes money away from spending on classroom teachers and

face-to-face time and drives down funding for adults in the building. (See ROI, Attachment I -(ALOP RFP Budget), Tab named "Academic Expenses-Campus 1").

### III. CONCLUSION

The CPO concludes EdisonLearning's protest is without merit. This decision shall become final within five (5) days unless a timely request for reconsideration is filed under the Solicitation and Contract Process Protest Procedures.

Very truly yours,



Jonathan Maples