Bill Summary

Outcome-Based Contracting for High-Dosage Tutoring Model Policy

Purpose: The Outcome-Based Contracting for High-Dosage Tutoring Model Policy establishes a statewide framework for implementing outcome-based contracts (OBC) for high-dosage tutoring in public schools. The goal is to improve academic outcomes for students through performance-driven agreements that reward providers for achieving measurable results while ensuring mutual accountability and transparency.

Policy Rationale: The model policy is grounded in extensive research showing that high-dosage tutoring—delivered frequently, in small groups, using quality materials—is one of the most effective interventions to accelerate learning. By tying funding to outcomes rather than activities, the policy ensures both public dollars and provider efforts are directed toward measurable student success.

The proposed model policy establishes a structured but flexible partnership between state and local education systems. While the State Education Agency (SEA) provides the overarching framework, tools, and accountability infrastructure, the Local Education Agencies (LEAs) retain autonomy in selecting tutoring providers, structuring contracts, and implementing services at the ground level. The policy promotes mutual responsibility, data transparency, and shared commitment to student success.

Key Provisions:

- **Phased Implementation:** Launches a two-year statewide rollout beginning in Year 1, with all tutoring contracts required to have at least 40% of their value contingent on student outcomes by Year 2.
- **Standards of Excellence:**
  Defines core elements of effective OBC contracts, including:
  - Clearly defined student populations and outcomes
  - Contingent outcome payments tied to performance
  - Mutual accountability provisions
  - Continuous improvement structures
- **Provider Approval:** The state education agency will maintain a vetted list of providers that meet evidence-based criteria and agree to operate under outcome-based contracts.
- **Technical Assistance:** Establishes funding and support for LEAs to develop and manage outcome-based contracts, including access to templates, training, and data tools.
- **Oversight and Reporting:** Requires LEAs to report standardized data on student participation and outcomes. The agency will publish annual statewide reports on tutoring effectiveness.
- **Enforcement Mechanisms:** Authorizes LEAs to withhold payments if performance targets are not met and permits the agency to limit LEA eligibility for future funding if OBC standards are not upheld.

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Bill Draft

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Section 1: Title and Purpose

1.01 This model policy shall be known as the "Outcome-Based Contracting for High-Dosage Tutoring Policy."

1.02 The purpose of this policy is to establish a framework for implementing outcome-based contracting (OBC) for high-dosage tutoring services in public schools, ensuring quality, accountability, and impact through clear outcomes and metrics.

Section 2: Findings

2.01 WHEREAS, research consistently demonstrates that high-dosage tutoring, delivered with fidelity, is one of the most effective interventions for improving student academic achievement, particularly for students who are behind grade level; and

2.02 WHEREAS, high-dosage tutoring is most effective when delivered frequently, with a low tutor-to-student ratio, using evidence-based instructional materials; and

2.03 WHEREAS, outcomes-based contracting (OBC) provides a framework for ensuring that tutoring providers and LEAs are held mutually accountable for achieving measurable student outcomes; and

2.04 WHEREAS, outcomes-based contracting (OBC) creates marketplace transparency by establishing clear benchmarks for performance and helping districts identify high-quality, evidence-based providers; and

2.05 WHEREAS, outcomes-based contracting (OBC) provides a clear and efficient framework that streamlines the development of high-quality, well-defined contracts, enables effective spending, and generates systematic data on intervention effectiveness that supports evidence-based decision-making;

NOW, THEREFORE, be it enacted as follows:

Section 3: Definitions

3.01 "Agency" means the [state agency responsible for education].

3.02 "Approved Vendor" means an external vendor providing high-dosage tutoring services that is listed on the Agency's vetted list of OBC-approved providers.

3.03 "High-Dosage Tutoring" means tutoring services that meet the following criteria:

- Small group or one-on-one instruction.
- At least three sessions per week.
- Consistent, high-quality instructional materials.
- Data-driven, with ongoing assessment and feedback.

3.04 "Outcomes-Based Contracting (OBC)" means a contract model in which payments to a tutoring provider are contingent on meeting predefined student outcomes, as measured by standardized metrics.

3.05 "Eligible LEA" means a Local Education Agency or public charter school eligible to receive tutoring services under this policy.

3.06 "Metric" means a reliable and valid assessment, measure, and performance threshold to measure tutoring impact, including, but not limited to, state-standardized outcomes (academic achievement, student growth) and student attendance.

3.07 “Contingent Outcomes Payments” mean payments that are disbursed as students achieve the agreed-upon outcomes.

3.08 “Payment Outcomes” mean indicators of student success that are tied to payment.

3.09 “Outcome Payment Cap” means the maximum total amount payable across all students for each specific outcome.

3.10 “Rate Card” means a table specifying each payment outcome, its per-student price, and the outcome payment cap.

3.11 “Process Outcomes” mean indicators of student success and program implementation that are used to inform ongoing learning and continuous improvement but are not tied to payment.

3.12 “Implementation Success Plan” means a comprehensive plan that outlines the activities needed to support and drive implementation consistent with research-based best practices and articulates the responsibilities for all parties to improve implementation and drive towards agreed-upon student outcomes.

Section 4: Implementation and Phased Rollout

4.01 The Agency shall develop and maintain an approved list of OBC-qualified tutoring providers.

4.02 Eligible LEAs may contract with any approved OBC vendor for tutoring services under this policy.

4.03 A phased implementation of this policy shall begin in [Year 1] with a two-year period for full statewide adoption.

4.04 By [Year 2], all OBC tutoring contracts must meet the minimum criteria set in this policy, including a minimum of 40% of total contract value being contingent on student outcomes.

Section 5: Standards of Excellence in Outcome-Based Contracting

5.1 Clearly Defined Population

5.1.1 The contract must specify the target like-performing student population defined by one or more quantitative criteria, including grade level, subject area, historical performance, and other identifiers.

5.1.2 The contract must include a detailed program description aligned with research-based high-dosage tutoring practices.

5.2 Clearly Defined Outcomes and Metrics

5.2.1 The contract must specify multiple measurable, research-backed outcomes and corresponding metrics, including academic achievement and growth.

5.2.2 The contract must establish data collection and sharing processes, including timelines and responsibilities.

5.3 Contingent Outcomes Payments

5.3.1 The total contract value must be all-inclusive and sufficient to fund all services required for fidelity of implementation, and at least 40% of the total contract value must be contingent on achieving student outcomes.

5.3.2 The contract must include a rate card specifying multiple payment outcomes and caps.

5.3.3 The rate card must include a per-student base payment, per-student outcome prices, and outcome payment caps.

5.4 Mutual Accountability

5.4.1 The contract must include minimum service requirements - such as attendance, tutor consistency, data sharing, and a provider-developed implementation success plan - ensuring each party is responsible for the achievement of student outcomes.

5.4.2 The contract must outline mutual accountability mechanisms - clear remedies for non-compliance with partnership obligations that maintain trust and drive desired outcomes by making roles and responsibilities explicit.

5.5 Continuous Improvement

5.5.1 The contract must describe a partnership between the district and provider that articulates how the parties will collaborate to successfully achieve student outcomes.

5.5.2 The contract must include multiple process outcomes that can be used to inform continuous improvement and monitor progress towards achieving payment outcomes.

5.5.3 The contract must establish structures for continuous improvement, including regularly scheduled meetings and a plan for data analysis and determination of next steps.

Section 6: Technical Assistance Funding

6.01 The Agency shall establish a technical assistance fund to support LEAs in developing and managing OBC tutoring contracts.

6.02 Technical assistance may include training, model contract templates, data management guidance, and direct support for contract negotiation and implementation.

Section 7: Contracting and Provider Approval

7.01 The Agency shall develop a process to identify a list of approved evidence-based tutoring providers who are committed to contracting through an OBC. Providers seeking approval must demonstrate:

- Commitment to contracting through an OBC, including contingent outcome payments and mutual accountability
- Capacity to deliver high-dosage tutoring at scale
- Compliance with state tutoring standards

7.02 The Agency shall publish the list of approved evidence-based tutoring providers who are committed to contracting through an OBC. The information published for each provider must include:

- Clear evidence of research-based intervention design and positive student outcomes in prior tutoring engagements
- Transparent pricing structure
- Grade levels and content areas served
- Implementation support services offered

7.03 The Agency shall maintain the list of approved evidence-based tutoring providers who are committed to contracting through an OBC. Requirements for providers to remain on the list must include:

- Demonstrated positive student outcomes through completed OBC contracts
- Active participation in outcomes-based contracting with at least 40% of contract value contingent on student outcomes
- Compliance with mutual accountability mechanisms and continuous improvement processes

Section 8: Compliance and Reporting

8.01 LEAs are responsible for ensuring compliance with OBC standards in their contracts.

8.02 LEAs shall collect and report data on tutoring implementation and outcomes to the Agency using state-standardized metrics, including student participation / attendance and outcome achievement.

8.03 The Agency shall establish systematic data collection protocols to track program implementation and student outcomes, utilizing data management support to ensure comprehensive monitoring.

8.04 The Agency shall review OBC data annually and publish a statewide report on tutoring program performance.

Section 9: Enforcement and Remedies

9.01 If a provider fails to meet contracted outcomes, LEAs may withhold outcome-based payments as specified in the contract.

9.02 If an LEA fails to monitor or enforce OBC standards, the Agency may restrict the LEA's eligibility for future tutoring grants.

Section 10: Rulemaking and Guidance

10.01 The Agency shall adopt rules and issue guidance necessary to implement this policy, including OBC contract templates, implementation resources, and compliance guidelines.

10.02 The Agency shall provide technical assistance to LEAs for the adoption and implementation of OBC contracts.

Summary+Model Policy

2025 Model State Policy: Outcomes-Based Contracting for High-Dosage Tutoring

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