Model State Policy: Outcomes Based Contracting for EdTech Instructional Interventions

Purpose: The Outcomes Based Contracting for Edtech Instructional Interventions Model Policy establishes a statewide framework for implementing outcomes based contracts (OBC) for edtech instructional intervention programs 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 research demonstrating that technology-enabled instructional interventions—when implemented with appropriate dosage and instructional coherence—can accelerate student learning in literacy and mathematics. Building on recent federal guidance that centers the educational value of technology over screen time, the policy creates a framework for high-quality instructional technology to be selected well, implemented with integrity, and held to account, so that its value is realized and demonstrated through student outcomes. By tying funding to outcomes rather than inputs, the policy ensures that 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, Local Education Agencies (LEAs) retain autonomy in selecting edtech providers, structuring contracts, and implementing services at the ground level and consistent with local control. 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 edtech instructional intervention 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:
    - Clearly defined student populations and programs
    - Measurable outcomes and metrics
    - Contingent outcome payments
    - 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 outcomes based contracts. The list is updated annually, and continued inclusion depends on providers demonstrating outcomes for students.
- **Technical Assistance:** Establishes funding and support for LEAs to develop and manage outcomes 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 edtech program 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.

Contacts:
Brittany Miller, PhD., The Center for Outcomes Based Contracting

Updated October 2026

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Table of Contents

1. Title and Purpose
2. Findings
3. Definitions
4. Implementation and Phased Rollout
5. Standards of Excellence for Outcomes Based Contracting
    a. 5.1 Clearly Defined Population and Program
    b. 5.2 Clearly Defined Outcomes and Metrics
    c. 5.3 Contingent Outcome Payments
    d. 5.4 Mutual Accountability
    e. 5.5 Continuous Improvement
6. Technical Assistance Funding
7. Contracting and Provider Approval
8. Compliance and Reporting
9. Enforcement and Remedies
10. Rulemaking and Guidance

Section 1: Title and Purpose

1.01 This policy shall be known as the "Outcomes Based Contracting for EdTech Instructional Interventions Policy."

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

Section 2: Findings

2.01 WHEREAS, research demonstrates that technology-enabled instructional interventions, implemented with appropriate dosage and instructional coherence, can accelerate student learning in literacy and mathematics, particularly for students performing below grade level; and

2.02 WHEREAS, edtech instructional interventions are most effective when they are evidence-based, adaptive, interoperable, safe, and inclusive, as reflected in established quality indicator frameworks; and

2.03 WHEREAS, outcomes based contracting (OBC) provides a framework for ensuring that edtech 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 performance benchmarks, 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 and continuous improvement.

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 edtech instructional intervention provider listed on the Agency's vetted list of OBC-approved providers.

3.03 "Edtech Instructional Intervention" means curricular-based technology that contains standalone academic content, adaptively addresses student needs, and acts as a direct student intervention meeting the following criteria:

- Aligned to evidence-based instructional design principles.
- Adaptive to individual student learning needs.
- Capable of generating reliable usage and outcome data.
- Safe, accessible, interoperable, and compliant with applicable federal and state data privacy laws.

3.04 "Outcomes Based Contracting (OBC)" means a contract model in which payments to an edtech provider are contingent on meeting predefined student outcomes, as measured by reliable and valid metrics, and includes a base payment component and contingent outcomes payments tied to a rate card specifying outcome prices and outcome payment caps.

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

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

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 payment 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 implementation consistent with evidence-based practices and articulates the responsibilities of all parties to improve implementation and drive towards agreed-upon student outcomes.

3.13 "Dosage" means the recommended quantity, frequency, duration, and quality of an intervention as derived from research, which must be observable, measurable, and trackable.

3.14 "Minimum Service Requirements" mean agreed-upon commitments made between a district and provider that establish baseline service delivery standards necessary for achieving student outcomes.

Section 4: Implementation and Phased Rollout

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

4.02 Eligible LEAs may contract with any approved OBC vendor for edtech instructional intervention 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 edtech instructional intervention 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 for Outcomes Based Contracting

5.1 Clearly Defined Population and Program

5.1.1 The contract must specify the target 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 program description that identifies the edtech instructional intervention, describes its evidence base, and specifies how it will be implemented for the target population.

5.1.3 The contract must define dosage requirements, including prescribed or recommended quantity, frequency / duration, and quality of an intervention derived from provider efficacy studies.

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 secure 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. 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, per-student outcome prices, and outcome payment 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 specify minimum service requirements for both the district and the provider, including platform access and availability, student dosage, and professional learning, ensuring each party is responsible for the achievement of student outcomes.

5.4.2 The contract must outline mutual accountability mechanisms—clear, predefined remedies for unmet partnership obligations—that maintain trust and drive desired outcomes by making roles and responsibilities explicit.

5.4.3 The contract must include an Implementation Success Plan that outlines the activities needed to support and drive implementation consistent with research-based best practices.

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 edtech instructional intervention 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 and maintain a list of approved edtech instructional intervention providers 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 and support edtech instructional intervention services at scale
- Compliance with applicable state and federal data privacy and security requirements and other applicable standards.

7.02 The Agency shall publish and annually update the list of approved evidence-based edtech 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 engagements
- Transparent pricing structure
- Grade levels and content areas served
- Implementation support services offered, including professional learning and data reporting capabilities
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7.03 The Agency shall maintain the list of approved evidence-based edtech 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
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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 edtech program implementation and outcomes to the Agency using state-standardized metrics, including platform usage and dosage and student 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 edtech program performance

Section 9: Enforcement and Remedies

9.01 If a provider fails to meet contracted outcomes or fulfill minimum service requirements, LEAs may withhold contingent outcome 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 edtech instructional intervention 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.

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Table of Contents

1. Title and Purpose
2. Findings
3. Definitions
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5. Standards of Excellence for Outcomes Based Contracting
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