



**Thomas M. Jackson**  
**President & CEO**

**EdisonLearning, Inc.**  
One East Broward Blvd.  
Suite 1111  
Ft. Lauderdale, FL 33301  
Phone 201 630-2732  
Fax 201 569-3637

**Via Fax (773-553-2251) and Hand Delivery**

May 30, 2019

Chicago Public Schools  
Department of Procurement  
42 W. Madison St.  
Chicago, IL 60602

Att: Jonathan Maples, Chief Procurement Officer  
Janice K. Jackson, Chief Executive Officer

Re: **NOTICE OF PROTEST**  
Request for Proposal (RFP) for Alternative Learning Opportunities Programs (ALOP) for High School Student Services  
Specification No. 18-350062

Dear Mr. Maples and Ms. Jackson,

By letter dated May 20, 2019, the Chicago Public School (“CPS”) Department of Procurement (the “DOP”) notified EdisonLearning, Inc. (“EdisonLearning”) of its determination that EdisonLearning’s proposal with respect to the above-referenced RFP (the “Proposal”) would not be proceeding to the next round of evaluations. We have attached a copy of the DOP’s letter (the “Letter”) as Exhibit A.

In accordance with Department of Procurement Solicitation and Contracting Process Protest Procedures (the “Procedures”), and in order to preserve its rights and remedies, EdisonLearning is hereby submitting this Protest and requests that the Chief Procurement Officer (as defined in the Procedures) reverse the determination in the Letter, re-evaluate EdisonLearning’s submissions on an objective and fair basis, and allow EdisonLearning to proceed to the next round of evaluations.

At EdisonLearning’s request, a meeting was held on Wednesday, May 29, 2019 (the “Meeting”) attended by EdisonLearning representatives and the following representatives of the DOP: Carissa Hubbard, Contract Administrator Procurement and Contracts, Mary Bradley, Executive Director Innovation and Incubation, Cristina Gonzalez, Senior Category Buyer Procurement and Contracts, and Sam Mariata (the “DOP Representatives”). The purpose of the Meeting was to provide EdisonLearning with a more fulsome understanding of the DOP’s evaluation of the Proposal and more specificity as to the bases for the ultimate determination to exclude EdisonLearning from

continuing further in the process.

As was explained to EdisonLearning, there were two rounds of evaluation. EdisonLearning passed the first round, but did not pass the second round having received only 43.26 points out of the 50 required to advance in the process. At EdisonLearning's request, the DOP Representatives provided EdisonLearning with an explanation of the criteria against which the Proposal was measured in the second round, the scores given to EdisonLearning for each category and, to the extent time permitted, the reasoning for the scores. By the conclusion of the Meeting, it was more than apparent that the determination that EdisonLearning would not proceed to the next round of the process was an engineered outcome based on a clear failure to apply the evaluation criteria to EdisonLearning objectively and in compliance with applicable laws, rules and regulations.

The DOP Representatives cited thirteen separate criteria against which the Proposal was measured and scored: 1) Executive Summary; 2) Curriculum; 3) Instructional Methods; 4) Educational Assessment; 5) College and Career Readiness; 6) Attendance; 7) Program Behavioral Health and Social Emotional Learning; 8) Diverse Learning; 9) Program & Calendar; 10) Staffing Model; 11) Partnerships; 12) Facilities; and 13) Budget. Due to time constraints, EdisonLearning was unable to explore the scoring rationale for each category. While the scores assessed to EdisonLearning are questionable in almost every category, it is evident that the scoring methodologies and rationale applied to EdisonLearning with respect to the categories discussed at the Meeting and below had no basis in fact or reality and it is beyond comprehension how the DOP could possibly have arrived at these conclusions absent malfeasance.

### Curriculum

With regard to "Curriculum", EdisonLearning was told that it received a score of 4 points out of a possible 10 points. The DOP Representatives stated as "reasons" for the low score that EdisonLearning provided *no evidence* of the link between its curriculum and results with respect to credit attainment, that EdisonLearning's curriculum was heavily online learning with no direct instruction, and that it only offered low level tasks to students. It is incomprehensible that EdisonLearning could be given a score of 4 in this category in light of the substantial information provided by EdisonLearning to the DOP.

- No Evidence of Link to Results. In actual fact, EdisonLearning provided substantial evidence and information of a strong and rigorous curriculum and the results thereof in Exhibit J to the RFP (the "Interrogatories") (see pages 1-10 of the Interrogatories, a copy of which is attached hereto as Exhibit B), and in a Power Point presentation (the "Presentation") given to the DOP on February 13, 2019 (see slides 11-12 of the Presentation, a copy of which is attached hereto as Exhibit C). More importantly, however, CPS's own data proves that link. As CPS's data indicates, the graduation rates of EdisonLearning programs range from 89% to 100% (average of 94% last two years), which is substantially higher than other CPS schools and schools operated by other RFP applicants. In light of all of this evidence, including CPS's own data, the assertion that there is "no evidence" of the link between EdisonLearning's program and results is patently false.
- No Direct Instruction. EdisonLearning has been operating blended-learning ALOP schools in the Chicago metro area for the past six years under contract with Chicago Public Schools. There is, and always has been, direct instruction at these schools in conjunction with on-line learning. EdisonLearning also provided substantial information of its direct instruction in the Proposal and

Presentation. It is incomprehensible that anyone at CPS would assert that there is no direct instruction at these schools as a basis for the ludicrously low score given to EdisonLearning with regard to Curriculum.

- Low-Level Tasks. This is patently untrue and the DOP has more than enough information to have known that this “reason” has no basis. In actual fact, EdisonLearning provided substantial evidence and information of a strong and rigorous curriculum, including, among other things, information about its project based learning mastery courses (the “PBL Courses”) which combine EdisonLearning’s competency-based eCourse curriculum with engaging, authentic, and rigorous assessments where students can demonstrate their mastery of concepts through a variety of means including projects, presentations, product development, and podcasts. See pages 1-10 of the Interrogatories. See also slides 11-12 of the Presentation. In fact, at the DOP’s request, EdisonLearning even provided samples of projects completed by students in the PBL Courses. See Exhibit D attached hereto which includes a narrative about the PBL Courses that was provided to the DOP).

In sum, the rationale for assessing EdisonLearning only 4 out of 10 points in the category of Curriculum, has no basis in fact or reality.

#### Instructional Methods

With regard to “Instructional Methods”, EdisonLearning was told that it received a score of 3.3 points out of a possible 10 points. The DOP Representatives stated as “reasons” for the low score that EdisonLearning provided *no evidence* of methods or research. Again, it is incomprehensible that EdisonLearning could be given a score of 3.3 in this category in light of the substantial information provided by EdisonLearning to the DOP.

As stated in the Proposal (see pages 10-13 of the Interrogatories), EdisonLearning’s Bridgescape Learning Academy has based its schedule and instructional design heavily on iNACOL’s standards, specifically iNACOL’s research around using online learning options for credit recovery. This research, published in September 2015, emphasizes the importance of delivering the credit recovery curriculum through a blended learning model. Virtual content enhanced by significant face-to-face interaction with teachers and advisors results in increased student performance. The blended approach provides not only subject-specific support through remediation and tutoring, but also advisory guidance on time management, effective study skills, and even counseling. EdisonLearning further expanded on this in the Presentation, providing information and evidence that its curriculum is specifically aligned to Common Core and Illinois State Standards. See Presentation slides 11-12. There is simply no basis for giving EdisonLearning a 3.3 in this category.

#### Assessment and Goals

With regard to “Assessment and Goals”, EdisonLearning was told that it received a score of 4 points out of a possible 10 points. While the DOP did not provide feedback on this category, this score is nonsensical in light of the information provided by EdisonLearning. For example, EdisonLearning specifically indicated in its Presentation the nature of the assessments (such as the STAR Assessment, which is one of a number of assessments), the reason for the assessments, and the frequency of assessments. See Presentation slides 13 and 14. See also pages 19-23 of the Interrogatories discussing goals and assessment plans in detail.

### College and Career Readiness

With regard to “College and Career Readiness”, EdisonLearning was told that it received a score of 4 points out of a possible 10 points. Again, while the DOP did not provide feedback on this category, this score is nonsensical in light of the information provided by EdisonLearning. In fact, CPS’s own Naviance ILP Report – April 2019 Options – Grade 12 (copy attached as Exhibit E) indicates that EdisonLearning has high marks in the area of college and career readiness. See also pages 23-34 of the Interrogatories and slides 18-21 and 25 of the Presentation.

### Program Behavioral Health and Social Emotional Learning

With regard to “Program Behavioral Health and Social Emotional Learning”, EdisonLearning was told that it received a score of 5.8 points out of a possible 12 points. The DOP Representatives stated as “reasons” for the low score that EdisonLearning strategies did not foster support for students – Tier I – Tier III. Again, it is incomprehensible that EdisonLearning could be given a score of 5.8 in this category in light of the substantial information provided by EdisonLearning to the DOP and in light of the fact that the curriculum used by EdisonLearning is the curriculum that CPS *recommended* that it use. See pages 47-51 of the Interrogatories. See also Presentation slides 23-25.

### Program & Calendar

With regard to “Program and Calendar”, EdisonLearning was told that it received a score of 1.9 points out of a possible 5 points. While the DOP did not provide specific feedback on this category, we do not understand how we could be given such a low score when the RFP states specifically that the CPS calendar must be adopted and that is exactly when EdisonLearning has done. See also Exhibit F which is the schedule that we provided with the Proposal.

### Staffing Model

With regard to “Staffing Model”, EdisonLearning was told that it received a score of 1.25 points out of a possible 5 points. While the DOP did not provide specific feedback on this category, the staffing model employed by EdisonLearning’s Bridgescape Learning Academy was vetted and recommended, in part, by CPS. The model included in the Proposal contained FTE dedicated to areas CPS wanted to emphasize at all ALOP schools. These positions include SEC, CCC, Social Worker, Math intervention teacher, and ELA intervention teacher. See Exhibit G which is the staffing model provided in the Proposal.

Lastly, the 13 categories of evaluation stated by the DOP at the Meeting were not consistent with the criteria as stated in the RFP itself. This calls into question whether the entire RFP was flawed as EdisonLearning and the other applicants were not properly advised in the RFP of the actual categories of evaluation, or the content expected in those categories, or the process by which it would be evaluated. To be blunt, it appears that CPS was “hiding the ball” in respect of the process by, and criteria against, which it intended to evaluate applicants. Specifically, the RFP categories are stated as follows:

1. Program & Environment. ("The educational curriculum must be aligned with CPS standards and frameworks, including the CPS Student Code of Conduct"). This is not the "Executive Summary" category that the DOP cited at the Meeting as its first category of evaluation. In fact, there is nothing in the RFP that cites “Executive Summary” as a category for

evaluation. Note also that the school calendar is addressed in this section as well and not as a separate category of evaluation (per the RFP, "Proposer must adopt the CPS calendar").

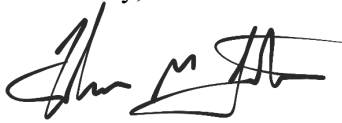
2. Goal and Assessment. (Proposer's Program must adhere to the CPS minimum high school graduation requirements.) This is not the "Curriculum" category cited by the DOP at the Meeting.
3. Student Success Plans. (Proposer shall develop student success plans.) This is not the "Instructional Materials and Method" category cited by the DOP at the Meeting.
4. Assessments, Progress Reports, and Report Cards: A. Proposer must administer academic progress and other assessments as required by ISBE and as directed by the Board in its sole discretion in accordance with the Board's School Quality Rating Policy and other assessment requirements. This is not a category cited by the DOP at the Meeting, but we assume it is what was referred to as the "Educational Goals" category.
5. Postsecondary Programming. (Proposer must use Naviance, or the designated recording system provided by the Board in its sole discretion). At the Meeting, the DOP referred to this as "College and Career Strategy".
6. Attendance. (Proposer must provide an attendance management plan that includes a specific tiered approach to attendance that encourages attendance and provides interventions to alleviate truancy.) EdisonLearning provided exactly this information and received a score of only 2 points out of 7.5 possible points.
7. Transition. (Proposer must have a transition process for new ALOP students that begins on the first day of enrollment of a student.) The DOP did not mention this at all at the Meeting.
8. Program Culture, Social Emotional Learning, and Behavioral Management Systems. See above discussion on this subject.
9. Diverse Learners/Students with Disabilities. See above discussion.
11. Staffing Model & Human Capital. This was the DOP's 10<sup>th</sup> identified category).
12. Partnerships. This was DOP's 11<sup>th</sup> identified category.
13. Facilities. This was DOP's 12<sup>th</sup> identified category.

Finally, the DOP indicated that we were "evaluated" on our proposed Budget. This was not a category identified for evaluation in the RFP.

In sum, the ludicrously low scores given to EdisonLearning in the above discussed categories alone defy rational explanation and the reasons stated therefor have no basis in fact or reality. Furthermore, the fact that every other RFP applicant somehow passed the second phase of the evaluation process while EdisonLearning did not is even more incomprehensible – particularly in light of CPS's own comparative data. Moreover, the entire evaluation process is suspect in that it was not consistent with the information provided in the RFP.

It is evident that the scoring given to EdisonLearning, and the process by which it was evaluated, was intended to achieve an outcome without regard to facts, evidence or the actual quality of the program offered by EdisonLearning, and the result of fraud, corruption, or illegal acts undermining the objective and integrity of the procurement process. It is equally evident that, had EdisonLearning been evaluated objectively and in compliance with applicable laws, EdisonLearning would have and should have attained a score more than sufficient to allow it to advance to the next phase. Accordingly, EdisonLearning repeats its request that the Chief Procurement Officer reverse the determination in the Letter, re-evaluate EdisonLearning's Proposal on an objective and fair basis, and allow EdisonLearning to proceed to the next round of evaluations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas M. Jackson', with a stylized flourish at the end.

Thomas M. Jackson  
President & CEO

Cc: Cristina Gonzalez, Senior Category Buyer