

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COMMISSIONER OF EDUCATION

In re: Providence Public Schools District :

RIDE No. 19-089

**Decision Establishing Control Over
the Providence Public School District and
Reconstituting Providence Public Schools**

October 15, 2019

TABLE OF CONTENTS

OVERVIEW.....	1
EXECUTIVE SUMMARY.....	3
BACKGROUND.....	12
FINDINGS OF FACT.....	17
A. Comprehensive Education Strategy	17
B. School Accountability for Learning and Teaching	17
C. Rhode Island Department of Education (RIDE) Progressive Support and Intervention Strategies	18
D. RIDE’s Provision of Progressive Support and Intervention to PPSD and its Schools. 20	
I. Support and Intervention Strategy One: “[T]echnical assistance in improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement.”	20
II. Support and Intervention Strategy Two: “Policy Support.”	51
III. Support and Intervention Strategy Three: “[R]esource oversight to assess and recommend that each school has adequate resources necessary to meet performance goal.”	57
IV. Support and Intervention Strategy Four: “[C]reating supportive partnerships with education institutions, business, governmental, or other appropriate nonprofit agencies.”	61
E. After More Than Two Decades of Support, There Has Not Been Improvement in the Education of Students in PPSD, As Determined By Objective Criteria.	64
F. The Providence School Board, the Providence City Council, the Interim Superintendent, and the Mayor of Providence support RIDE’s assumption of control.	71
CONCLUSION	77
ADDENDUM A.....	A-1
ADDENDUM B.....	A-6
REFERENCES.....	A-11

OVERVIEW

The Decision Establishing Control Over the Providence Public School District and Reconstituting Providence Public Schools (the “Decision”) that follows sets forth specific findings of fact made in accordance with The Paul W. Crowley Rhode Island Student Investment Initiative, R.I. Gen. Laws § 16-7.1-5 (the “Crowley Act”). For convenience, the Decision includes an executive summary that provides an overview of the Rhode Island Department of Education’s (“RIDE”) years of support and intervention in the Providence Public School District (“PPSD”) and its schools and the lack of improvement in the education of students in the district.

The findings of fact made in the Decision track the Crowley Act. Sections A and B detail RIDE’s Comprehensive Education Strategy and its accountability standards. Section C generally identifies the progressive support and intervention strategies that RIDE has adopted consistent with its Comprehensive Education Strategy and accountability standards. Then, Section D demonstrates how RIDE has applied those strategies to progressively support and intervene in PPSD and its schools. Each subpart of Section D tracks the support and intervention strategies identified by the Crowley Act and provides detailed examples of RIDE’s progressive support of and intervention in PPSD and its schools since the passage of the Crowley Act. Section E demonstrates that notwithstanding RIDE’s years of progressive support and intervention in PPSD, there has not been improvement in the education of students, as determined by objective criteria. Section F details previous proceedings in this action that followed the Commissioner’s release of a prior version of this Decision in the form of a Proposal for Decision. Section F details that none of the officials currently exercising control over PPSD objected to RIDE’s intervention, and further explains that extensive community engagement showed community support for the intervention.

Based on those factual findings, the Order of Control and Reconstitution (the “Order”) that follows authorizes the Commissioner of Education to immediately take control over PPSD and schools within PPSD and, if necessary, reconstitute the schools upon entry of the Order. The Order sets forth the terms and conditions of that authority.

EXECUTIVE SUMMARY

Pursuant to The Paul W. Crowley Rhode Island Student Investment Initiative, R.I. Gen. Laws § 16-7.1-5 (the “Crowley Act”), the Council on Elementary and Secondary Education (the “Council”) is required to adopt a series of progressive support and intervention strategies for schools and school districts that fall short of performance goals outlined in the district strategic plans. Since the passage of the Crowley Act, the Rhode Island Department of Elementary and Secondary Education (“RIDE”), acting on behalf of the Council, has adopted and implemented progressive support and intervention strategies consistent with the state’s Comprehensive Education Strategy (“CES”) and the state’s accountability plan for schools and school districts.

RIDE Has Progressively Supported and Intervened in the Providence Public School District. Since the passage of the Crowley Act, the Providence Public School District (“PPSD”) has been one of the lowest-performing districts, and schools within it have consistently been among the lowest in the state.¹ *See* § E *infra*. And, since then, RIDE has progressively supported and intervened in PPSD and its schools by providing, *inter alia*, (1) technical assistance in improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement; (2) policy support; (3) resource oversight to assess and recommend that each school has adequate resources necessary to meet performance goal; and (4) assistance with creating for supportive partnerships with education institutions, business, governmental, or other appropriate nonprofit agencies. *See* § D *infra*. RIDE has further supported PPSD and its schools by creating and sustaining school improvement strategies dedicated to supporting PPSD in improvement efforts, launching numerous efforts and initiatives to support struggling schools in Providence.

The State Has Substantially Increased Funding to Support PPSD. To assist PPSD in utilizing the progressive support and intervention strategies deployed by RIDE, the state has also substantially increased funding to support PPSD. Since 2011, the State’s annual school aid to Providence has increased by \$84 million dollars (from \$179.6 million to \$263.8 million).² Over the past five years alone, PPSD’s state appropriation has increased by \$40.7 million.³ Over this same time period, the district has also received more than \$33 million in federal school improvement funds, and PPSD directly benefited from over \$18 million as a result of the state’s successful Race to the Top (RTTT) federal grant in 2010.

Nevertheless, PPSD Schools are Chronically Underperforming and Systemic Problems Prevent the District from Improving. Despite RIDE’s progressive support and intervention strategies and the State’s increase in financial support to PPSD, PPSD schools have remained chronically underperforming and are in dire need of improvement. Some of the key indicators of the need for more substantial improvement, demonstrated by objective criteria, include:

- ***Unacceptably Low Performance Across the District, Consistent Over Time:*** On the 2018 RICAS assessments, fewer than 2 in 10 Providence students were academically proficient in Math or English Language Arts (“ELA”).⁴ Specifically, only 15.4% of students were proficient in ELA, and 10.9% in Math.⁵ By comparison, 35.7% of students statewide were proficient in ELA, and 27.5% were proficient in math.⁶ While the overall proficiency rates have varied by assessment, this trend has been consistent over time, and the gap between PPSD’s average test results and the state average, has remained stubbornly flat.⁷

^a PPSD students comprise 16.7% of the statewide student population. *See* RIDE Data Supplement at Tab 11. Accordingly, PPSD performance measurements heavily influence statewide performance measurements. Here, persistently low RICAS scores in Providence have the effect of lowering the state average.

A similar severely low proficiency was reflected on the former NECAP and PARCC exams.⁸ On SATs given in 2008-2016, the average PPSD student scored 231 points lower than the average Rhode Island student.⁹ These results and trends provide no indication that student performance is considerably improving in any subject or across any grade level.

- ***Stagnant Graduation Rate and Growing Dropout Rate:*** A significant gap exists in the four-year graduation rate between PPSD and the state average. In each of the years 2011-2018, the high school graduation rate for students in PPSD was well below the state average.¹⁰ For the last seven years, the dropout rate for students in PPSD has been at least 1.5 times (and in some years almost twice) that students statewide.¹¹
- ***An Indication of Low Student Engagement:*** Attendance rates and chronic absenteeism rates consistently reflect a lack of student engagement in PPSD schools. Chronic absenteeism is defined as absent 10% or more of the days enrolled or 18 of the 180 days in the school year.¹² For the last five years, more than 46.76% of PPSD high schoolers were chronically absent.¹³ That percentage has increased in recent years. In the 2017-18 and the 2018-19 school years, *50 percent* of PPSD high schoolers were chronically absent.¹⁴ In those same years, just over 30% of all PPSD middle schoolers were chronically absent.¹⁵ These rates are almost double the state average.¹⁶
- ***Low Performance in Math and ELA for All Student Subgroups:*** While PPSD has more students from traditionally underperforming subgroups – Black, Hispanic, English Learners (“ELs”)^b, etc. – the performance of nearly every one of those student groups in PPSD is lower and sometimes significantly lower than the statewide performance of these

^b RIDE uses the term “Multi-Language Learner,” but because “English Learners” or “ELs” has been used historically by RIDE and by the United States Government in its dealings with the PPSD, for purposes of consistency the terms “English Learners” or “ELs” is used herein.

same groups in both Math and ELA.¹⁷ These students face performance gaps in schools across the district. Over a considerable period there has been very little improvement in low-performing subgroups including Latinx, Black, Free-Reduced Price Lunch, and ELs.¹⁸ In fact, over the past three years, the achievement gap between PPSD and the state has increased across all grades in ELA.¹⁹

In 2018, PPSD's treatment of ELs drew particular attention from federal law enforcement. In August 2018, PPSD signed a settlement agreement with the United States acknowledging that PPSD's treatment of ELs violated federal law governing Equal Educational Opportunities, codified at 20 U.S.C. §§ 1701 *et seq.* Specifically, PPSD acknowledged that it: (1) placed hundreds of ELs in schools that lacked EL services without obtaining the parent's voluntary and informed waivers of these services; (2) used an educationally unsound EL program called the Consultation Model; (3) failed to adequately implement several of its EL programs, including by not providing sufficient ESL; (4) failed to staff its EL programs with enough qualified teachers; (5) segregated some ELs in its Sheltered ESL program for an unreasonable amount of time; (6) lacked sufficient materials to implement some of its EL programs; (7) failed to adequately train principals; (8) did not timely identify all ELs; (9) did not effectively communicate with Limited English Proficiency parents; (10) did not provide ELs equal opportunities to participate in specialized programs; (11) used inappropriate exit criteria and did not adequately monitor former ELs; and (12) did not properly evaluate its EL programs for effectiveness.²⁰ Significant work, monitoring and evaluation is required under the Settlement Agreement to correct this systemic and district-wide problem.²¹

Based on the recent report of the Johns Hopkins Institute for Education Policy (“Johns Hopkins”), it does not appear that this systemic and district-wide problem has improved. The Johns Hopkins Report reflects the following:

- A teacher reported: “There is no information from the registration center about the educational background of new [EL] students. There has been no improvement for [EL] since the DOJ report. The report mandated that every teacher in Providence needed 10 hours of PD for teaching [EL]. The PD was delivered poorly, there were no administrators attending, and it lasted three hours total.”²²
- “The review teams encountered meaningful gaps in student support. These gaps ranged from too few [EL]-certified teachers and special education staff, to widespread difficulties recruiting substitute teachers that leaves students without subject-matter experts. The consequences for student learning are evidenced in publicly available academic outcomes.”²³
- Many groups cited the following key problem that must be solved: “Adequate bilingual supports. Many parents, partners, and teachers mentioned that the schools had little to no capacity to serve [ELs] and their parents.”²⁴
- The Johns Hopkins team observed an aid in a classroom who did not interact with children. “One team member asked him what his role was, and he said, ‘Supporting students, I’m an [EL] teacher.’ He did not speak Spanish, however (which many kids were doing), and he did not have content expertise. He explained that his role is not to teach language, but only to offer support – he can ‘break down’ problems well for students. When asked what he was doing

in that moment, he said he was marking PPT projects (for another class) as ‘complete’ or ‘incomplete.’”²⁵

- In one school, “[EL] classrooms were especially weak. Their class sizes were large, and teachers were working extremely hard, often alone, and unable to provide adequate support for the number of students present and the range of abilities in the room. As a result, most [EL] students were barely able to communicate in English at all and appeared completely disengaged, both in self-contained and inclusion settings.”²⁶
- “Across the board, and in every school, the team was told of chronic shortage of vitally needed [EL] coordinators, and a lack of bilingual support generally. One principal expressed concern that there were no bilingual clerical staff in the building.”²⁷

- ***Minimal Success in School Improvement:*** Since the passage of the Crowley Act, Rhode Island has adopted a series of progressive support and intervention strategies. Over time, those strategies were supplemented by strategies prepared in accordance with the Elementary and Secondary Education Act (“ESEA”)²⁸ and reauthorizations that resulted in the No Child Left Behind Act of 2001 (“NCLB”),²⁹ the ESEA Flexibility Waivers (“ESEA Flexibility Waivers”)³⁰ and the Every Student Succeeds Act (“ESSA”).³¹ Since NCLB was enacted, Rhode Island has identified schools needing improvement on an annual basis.³² Almost all of PPSD schools identified as in need of improvement under NCLB and under the ESEA Flexibility Waivers are still identified as in need of improvement more than a decade later.³³ Performance of schools just outside of identification has also remained significantly below the state average and has not shown improvement.³⁴ Presently, 71%

of PPSD schools are among the lowest 5% of all schools in RI, have subgroups among the lowest 5%, or have subgroups at a one-star level.³⁵ And 13 of its 41 schools are currently identified for Comprehensive Support and Improvement (CSI), and the number of schools identified in the bottom two school classifications has increased in recent years.³⁶ Only 7 PPSD schools are currently ranked as three or more stars.³⁷ The problem of low performance is not limited to a subset of the district's schools, as nearly all schools face significant performance issues.³⁸ But the district has struggled to support them in making significant improvements.

In addition to these key indicators of the need for more substantial improvement, which are demonstrated by objective criteria, over the years, students, parents, teachers, staff, district leadership, community organizations, and other stakeholders have expressed their frustrations with the school system and the continued lack of progress toward desired educational outcomes. Though PPSD has tried to respond to these frustrations by implementing a number of strategies and approaches aimed at improving student performance, most of these efforts have had minimal to no lasting impact. The hardworking students, teachers and staff who work tirelessly every day in Providence schools have been let down by the failures of a broken system.

The Recent Johns Hopkins Institute for Education Policy Report Underscores the Need for More Substantial Intervention in PPSD. The recent Johns Hopkins Report has further illustrated the need for more substantial intervention. In May 2019, Johns Hopkins led a review of PPSD to (1) review the academic outcomes of students enrolled in PPSD, with some comparison to other districts; (2) visit and observe classrooms in multiple schools, and meet and converse with students, teachers, administrators, and members of the community; and (3) hear the views of

individuals and groups who hold or have held leadership positions within PPSD governance structure.³⁹

The Johns Hopkins Report made the following primary findings:

- PPSD “is overburdened with multiple, overlapping sources of governance and bureaucracy with no clear domains of authority and very little scope for transformative change. The resulting structures paralyze action, stifle innovation, and create dysfunction and inconsistency across the district. In the face of the current governance structure, stakeholders understandably expressed little to no hope for serious reform.”⁴⁰
- “PPSD has an exceptionally low level of academic instruction, including a lack of quality curriculum and alignment both within schools and across the district.”⁴¹
- “School culture is broken, and safety is a daily concern for students and teachers.”⁴²
- “Beyond these safety concerns, teachers do not feel supported.”⁴³
- “School leaders are not set up for success.”⁴⁴
- “Parents are marginalized and demoralized.”⁴⁵

There Has Not Been And There Must Be Improvement In The Education of PPSD Students As Determined by Objective Criteria. Despite RIDE’s progressive support and intervention in PPSD (including its dedication of significant resources, capacity, and time) and the State’s considerable increase in funding to PPSD, there has not been improvement in the educational outcomes of PPSD students as determined by performance against the state’s goals and accountability system for the district. Most alarmingly, a number of indicators demonstrate that the district’s performance is continuing to decline despite increased interventions and funding. While the community’s continued commitment to the success of their students is unquestioned, if PPSD’s schools are going to see meaningful, lasting improvement in educational outcomes, there must be an entirely new approach in managing the district.

The reasons for this lack of improvement are multi-faceted and indicate that the issues that underlay the district's lack of improvement are structural in nature and cannot be solved by simply further increasing state effort and support of the current system, which the state has done for more than a decade to no avail. Because PPSD's issues are structural, improvement initiatives directed towards individual schools and focused on specific aspects of PPSD are unlikely to effectuate the changes that must be made. The time has come for the State to exercise control over the budget, program and personnel of PPSD and its schools and, if further needed, to reconstitute the schools by restructuring their governance, budget, program, and personnel and making decisions regarding their continued operation.

BACKGROUND

A generation ago, in the early 1990s, Edward Eddy, the President Emeritus of the University of Rhode Island, led a study into the state of Providence Schools with the aid of staff and a 33-member commission.⁴⁶ Over the course of 18 months, the persons conducting the Providence Blueprint for Education (“PROBE”) Study interviewed thousands of students, teachers, community members, and administrators, visited schools, and collected data, questionnaires, documents, and information concerning PPSD and 11 comparable school districts.⁴⁷ The study’s findings were summarized in a 1993 Report (the “PROBE Report”).

The findings of the PROBE Report from more than a quarter-century and a full generation ago may ring familiar. The PROBE Report described a broken “school system confused about priorities” whose adult constituents were “interested in personal rewards, patronage possibilities, or bureaucratic functions.”⁴⁸ The study surveyed the poor student outcomes in the school district and concluded that the various groups involved in running the Providence Schools—the City administration, the School Board, administrators, teachers, and even custodial workers—had lost sight of the best interests of the students, particularly those in secondary schools. The system was “strained by distrust and cynicism,” and the school system was viewed by some “for personal rewards—salary, fringe benefits, short workdays, and job security.”⁴⁹

The focus of the PROBE Report was “the interaction of the individual student with the teacher in the classroom setting,” the “central relationship” of the school system.⁵⁰ The problems with that relationship began outside the classroom, and stemmed in part from the governance structure of the Providence schools. The school board, the highest legal authority of the school system, did not act as a “unified body” because they were appointed to represent “special-interest groups” and felt that they “must be responsive to the Mayor rather than to the school system at

large.”⁵¹ Principals, the titular heads of schools, found that their ability to exercise any discretion in the hiring and firing of personnel—from custodians, to their own assistants, to teachers—was sharply restricted by law and contract.⁵²

As to teachers, the PROBE Report cast doubt on some teachers’ ability to see themselves as “union members with obligations first to the students.”⁵³ The contractual bargaining process had yielded a “personnel system [that was] designed neither to reward excellence in teaching nor to discourage incompetence.”⁵⁴ The process of filling vacancies was a “significant impediment to achieving excellence” as it “relie[d] heavily on seniority.”⁵⁵ A district-wide system dictated the steps to fill open positions, meaning that “the people who work in a [specific] school have no say as to who fills a vacancy.”⁵⁶

All constituencies, and perhaps foremost among them the teachers themselves, were profoundly frustrated with the district’s collectively-bargained personnel system: “Many teachers express[ed] anger over the system’s inability to recognize excellent teachers and to counsel out or fire incompetent educators. Responses [were] overwhelmingly clear: 91% of teachers believe that excellence is not recognized: 89% believe that incompetence is not addressed.”⁵⁷

The PROBE Report observed that the school personnel were generally well-remunerated: “Providence central administrators, principals, and teachers have the most liberal benefits packages” of the comparable districts addressed in the study.⁵⁸ And “[t]he average teacher salary in Providence is more than \$2,000 higher than the average of all the other districts” examined in the Report, even though “Providence teachers have, on average, less seniority and fewer master’s degrees than teachers in other districts,” and “the shortest school day and the shortest school year” than teachers in other comparable districts.⁵⁹ In 1993, and still in 2019, Providence had “181 work days (180 teaching days, one planning day).”⁶⁰

The PROBE Report also identified “[w]idespread dissatisfaction in Providence among most of those who need and want professional training,” a shortcoming the report blames on the School Board, the Union, central administration, principals, teachers, and the City Council.⁶¹ “Although almost 80% of the entire School Department budget is spent on personnel, less than one-tenth of 1% is spent on developing and reinforcing professional skills.”⁶²

The PROBE Report did note at least two areas in which the State could help address problems in the district. The PROBE Report noted that “Providence schools spend fewer dollars educating students than” eleven comparable urban districts, and credited complaints that this lack of funding was responsible for poor educational outcomes.⁶³ In the ensuing years, the state contributed more in absolute and relative terms to PPSD, and PPSD’s per pupil spending is well above the national average and meets or exceeds that of comparable districts.⁶⁴ Since 2011, annual state funding to PPSD increased by more than \$80 million.⁶⁵

The PROBE Report also recommended that the state create charter schools.⁶⁶ In 1995, the General Assembly passed legislation allowing for the creation of charter schools in the state.⁶⁷ But the legislation provided charter schools with little autonomy from the public school district.⁶⁸ As the Providence Journal summarized, the law “require[d] charter schools to be under local school board jurisdiction; charter teachers to be certified and members of teachers' unions; it permit[ted] only existing public schools or individual public school districts to receive charters. And teachers must be hired from within the district in which a charter school opens.”⁶⁹ This “limit[ed] the possibilities for and interest in charter schools” such that by the summer of 1997 there were no charter schools operating in the City of Providence.⁷⁰

In the summer of 1997, Representative Paul W. Crowley, a long-serving member of the General Assembly who led efforts related to school reform in the 1980s and 1990s and who was

then a member of the Board of Regents for Elementary and Secondary Education (the “Board of Regents”) (a predecessor to the Council), advocated for passage of the Rhode Island Student Investment Initiative (later renamed “The Paul W. Crowley Rhode Island Student Investment Initiative Act,” or here, the “Crowley Act”).⁷¹ From the time of its passage, the Student Investment Initiative required the Board of Regents to “adopt a series of progressive support and intervention strategies” for “failing” schools and school districts.⁷²

A year after its passage, the General Assembly amended Section 5 to permit RIDE to exercise control over school and/or district budget, program, and/or personnel and, if further needed, to permit the Board of Regents to reconstitute schools.⁷³ When the amendment was proposed, it was recognized that it was a powerful and innovative tool that “confers on the Education Department the power to move in and take over schools whose students fail to make progress toward proficiency in writing and math, based on the test results and other criteria.”⁷⁴ Even back in 1998, it was anticipated that the state would one day utilize the power granted by the Crowley Act to take control of PPSD, “one of the districts where a takeover [was] most likely, down the road.”⁷⁵ But, Rep. Crowley himself explained “Rhode Islanders must be prepared to stick it out for the long haul, to turn around student performance. ‘When you’re trying to change anything as big as education, you have to be prepared for the fact it’s going to take years, and there are going to be fits and starts.’”⁷⁶

The present version of the Student Investment Initiative Act, which was renamed the Paul W. Crowley Rhode Island Student Investment Initiative Act in 2008,⁷⁷ includes Section 5 titled “Intervention and support for failing schools,” subsection (a) of which provides in full:

Intervention and support for failing schools. - (a) The board of regents shall adopt a series of progressive support and intervention strategies consistent with the Comprehensive Education Strategy and the principles of the “School Accountability for Learning and Teaching” (SALT) of the board of regents for

those schools and school districts that continue to fall short of performance goals outlined in the district strategic plans. These strategies shall initially focus on: (1) technical assistance in improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement; (2) policy support; (3) resource oversight to assess and recommend that each school has adequate resources necessary to meet performance goal; and (4) creating supportive partnerships with education institutions, business, governmental, or other appropriate nonprofit agencies. If after a three (3) year period of support there has not been improvement in the education of students as determined by objective criteria to be developed by the board of regents, then there shall be progressive levels of control by the department of elementary and secondary education over the school and/or district budget, program, and/or personnel. This control by the department of elementary and secondary education may be exercised in collaboration with the school district and the municipality. If further needed, the school shall be reconstituted. Reconstitution responsibility is delegated to the board of regents and may range from restructuring the school's governance, budget, program, personnel, and/or may include decisions regarding the continued operation of the school. The board of regents shall assess the district's capacity and may recommend the provision of additional district, municipal and/or state resources. If a school or school district is under the board of regents' control as a result of actions taken by the board pursuant to this section, the local school committee shall be responsible for funding that school or school district at the same level as in the prior academic year increased by the same percentage as the state total of school aid is increased.⁷⁸

More than two decades have passed since the enactment of the Crowley Act. Since that time, RIDE has progressively supported and intervened in PPSD and its schools in myriad ways. Notwithstanding those progressive efforts, there has not been improvement in the education of students as determined by objective criteria.

FINDINGS OF FACT

The following findings of fact have been informed by a comprehensive review of RIDE’s current and historical records related to its support and intervention in PPSD.

A. Comprehensive Education Strategy

The primary responsibility of RIDE has been to ensure the full implementation of the state’s Comprehensive Education Strategy (“CES”). When the Crowley Act was enacted, the General Assembly made explicit that it is:

designed to accelerate implementation of the State Comprehensive Education Strategy. The strategy is an action plan for ensuring that all children achieve at high levels and become lifelong learners, productive workers, and responsible citizens. The standard for expected student achievement is currently being set at a high level both by the board of regents and in Rhode Island's districts and schools. High standards must be supported and these expectations must now be reached by all our students. All the state's children must enjoy the success that comes with proficiency in skill and knowledge.⁷⁹

Since then, the state has had various adopted comprehensive education strategies, and in 2015 the state adopted the most recent version, “Rhode Island’s Strategic Plan for PK-12 & Adult Education, 2015-2020.”⁸⁰

B. School Accountability for Learning and Teaching

In addition to providing for intervention and support in failing schools, when the Crowley Act was enacted, the General Assembly mandated that the Board of Regents (now the Council) adopt and publish standards of performance and performance benchmarks in core subject areas.⁸¹ Originally, those standards were known as School Accountability for Learning and Teaching (“SALT”) standards.⁸² Since 1997, the Board of Regents and/or its successors has adopted a school and school district accountability plan.⁸³

C. Rhode Island Department of Education (RIDE) Progressive Support and Intervention Strategies

Since passage of the Crowley Act, RIDE has adopted a series of progressive support and intervention strategies consistent with the state's CES and its accountability plans for those schools and school districts that continue to fall short of performance goals outlined in the district strategic plans. These support and intervention strategies initially included strategies required by state law and, in particular, the Crowley Act. Over time, they were supplemented by strategies required under plans prepared in accordance with the Elementary and Secondary Education Act ("ESEA")⁸⁴ and reauthorizations that resulted in the No Child Left Behind Act ("NCLB"),⁸⁵ the Elementary and Secondary Education Act Flexibility Waivers ("ESEA Flexibility Waivers"),⁸⁶ and the current federal Every Student Succeeds Act ("ESSA"),⁸⁷ thereby satisfying both the Crowley Act and applicable federal law. In accordance with ESEA, three federally mandated plans were prepared during this time period, which identify certain of the progressive support and intervention strategies adopted by RIDE:

- ***No Child Left Behind:*** In 2002, Congress reauthorized ESEA by passing NCLB. In response to that reauthorization, RIDE adopted a regulation titled Protocol for Interventions: Persistently Lowest-Achieving Schools dated September 2, 2010.⁸⁸ These strategies were rigidly prescribed under federal law and primarily relied on the implementation of four federally defined school improvement models.
- ***ESEA Flexibility Waivers:*** In 2012, the United States Department of Education under the Obama administration permitted states to submit flexibility waivers for federal approval known as the ESEA Flexibility Waivers.⁸⁹ With this additional flexibility, Rhode Island improved upon its comprehensive system of school accountability. Rather than requiring strict adherence to one of four federally defined school improvement models, RIDE permitted schools to adopt a series of practices from a menu of 32 research-based interventions responsive to school and district-specific data analysis.
- ***Every Student Succeeds Act:*** In December 2015, Congress again reauthorized the ESEA by passing the ESSA.⁹⁰ In response to this reauthorization, Rhode Island updated its system of school accountability and submitted an ESSA State Plan, which was approved in SY 2017-18 for full enactment in SY 2018-19.⁹¹ Paired

together, the new accountability and school improvement systems outlined in the ESSA State Plan focus on the schools with the greatest need and expand responsibility for districts to manage their school improvement efforts. While ESSA emphasizes the primacy of the district in the role of improving schools, it also makes clear that when districts are unable or unwilling to succeed, it is the obligation of the state education agency to intervene.

The various reauthorizations of the ESEA included improved and adjusted approaches to school accountability and improvement. Each involved annual assessment of students and subgroups, the use of these assessments as a basis for an accountability system, and then the use of that accountability system as a means for classifying the performance of schools. RIDE's progressive support and intervention framework to support struggling districts and schools has remained consistent since NCLB and has included:

- The identification of schools needing school improvement.⁹²
- The requirement that districts with low performing schools submit school improvement plans and receive increased federal funding, state resources, and state technical support to assist in carrying out those plans.⁹³
- Consistent monitoring of school improvement plans by RIDE, with avenues for engagement and feedback with school and district teams.⁹⁴
- The requirement that districts with low performing schools submit new and adjusted plans after unsuccessful implementation, with progressive levels of intervention and oversight by RIDE.⁹⁵

Today, as part of its continued and progressive efforts to support and intervene in schools and school districts that fall short of performance goals, RIDE supplements the strategies it has deployed in accordance with state and federal law with a wide range of other strategies designed to provide technical assistance, data analyses and progress monitoring to schools identified for school improvement, which are detailed herein.

D. RIDE’s Provision of Progressive Support and Intervention to PPSD and its Schools

Since the passage of the Crowley Act, RIDE, under the direction and supervision of the Council and its predecessors, has provided progressive levels of support and intervention in PPSD and Providence schools identified for school improvement consistent with the state’s CES and principles of accountability, as required by the Crowley Act. Each subpart of this Section tracks the support and intervention strategies identified by the Crowley Act and provides detailed examples of RIDE’s progressive support of and intervention in PPSD and its schools since the passage of the Crowley Act.

I. Support and Intervention Strategy One: “[T]echnical assistance in improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement.”⁹⁶

After the passage of the Crowley Act, RIDE has provided technical assistance to PPSD and its schools in a number of areas, including improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement. In that time, RIDE has progressively deployed capacity toward those efforts. In the immediate wake of the passage of the Crowley Act, RIDE advanced its SALT efforts through its newly-formed Office of Information Services Research, which RIDE created to create information services and systems, “the foundation of the intervention strategies, consistent with SALT, which the Regents will design in response to Article 31.”⁹⁷ After the Crowley Act was amended to provide for progressive support and intervention by RIDE, RIDE created a “Progressive Support and Intervention Office” (“PS&I Office”).⁹⁸ The PS&I Office was given responsibility for schools and districts identified for improvement. The PS&I Office would send formal management letters to districts announcing the “corrective action” status of their schools and districts, and for each district a “District Negotiated Agreement and a District Corrective Action Plan” were established, developed, implemented, and monitored.⁹⁹ RIDE assisted with the formation of partnerships with support providers (e.g., the

Educational Development Center, The Education Alliance at Brown University, Annenberg Institute for School Reform, and individual contractors), and conducted a systemic review of all state and federal funding expenditures.¹⁰⁰ For each identified district, a PS&I Director and a PS&I coordinator/specialist were assigned.¹⁰¹

The main strategy of SALT was to support schools' use of information to improve learning and teaching by helping schools network into consortia, help districts support schools more effectively, and connect field service support to schools.¹⁰² SALT activities were organized as a cycle that included the self-study, school improvement plan, school visits, school support and intervention agreement, and school report night for the parents and community.¹⁰³

Beginning in 2013, RIDE supported and intervened in schools identified for school improvement through its Office of Transformation/Charter Schools.¹⁰⁴ That office reported to the Chief of Accelerating School Performance who, in turn, reported to the Commissioner.¹⁰⁵

Beginning in 2016, RIDE's support and intervention in schools identified for school improvement was through offices reporting to a Chief or the Deputy Commissioner, who, in turn, reported to the Commissioner.¹⁰⁶ As part of RIDE's ongoing and progressive efforts to support and intervene in schools identified for school improvement, in 2019, RIDE created an Office of School Improvement with a director-level position.¹⁰⁷ That office, through its Associate Director of School Improvement, presently reports directly to the Commissioner.

In addition to RIDE's Office of School Improvement, a number of other offices have deployed significant capacity towards providing technical assistance to PPSD and its schools in improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement, including, but not limited to, the Offices of Instruction, Assessment, and Curriculum; Data, Analysis, and Research; the Office of Student, Community, & Academic

Supports; the Office of Educator Excellence and Certification Services; and the Office of College and Career Readiness.

The sections that follow provide examples of technical assistance provided by RIDE staff to PPSD in the areas of improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement.

1. Technical Assistance in Improvement Planning

For more than a decade, RIDE has supported PPSD with progressive levels of improvement planning. At its core, is RIDE's identification of schools needing school improvement and, thereafter, its facilitation of district's efforts toward improvement of those schools. Since NCLB was enacted in 2002, RIDE has been federally required to identify its lowest-performing schools on an annual basis.¹⁰⁸ Beginning in 2002, RIDE categorized schools as high, moderately, or low performing and provided disaggregated data showing performance levels of various student subgroups.¹⁰⁹ RIDE required low-performing schools to submit plans to improve student achievement.¹¹⁰

Even in those early years, PPSD schools were identified as requiring corrective action under NCLB.¹¹¹ For example, in or around 2005, six PPSD middle schools and two PPSD high schools were designated as in need of corrective action under NCLB. Evaluations performed at or around this time revealed that for all grades "large numbers of Providence students continue to lack reading skills essential to success in school."¹¹² Furthermore, a survey of Providence Middle School teachers in 2007 revealed that 75% of those teachers believed that: (1) less than half of their middle school students were "proficient readers"; (2) less than half of their students "give complete answers when responding to questions in writing"; and (3) less than half of their students "read aloud fluently and with expression."¹¹³ To address these types of issues, RIDE contracted with the Education Development Center ("EDC") in the Spring of 2005 to provide a

Turnaround Facilitator to work in each school. During the 2005-2006 and 2006-2007 school years, the turnaround facilitator worked with each school to address four broad areas: “leadership development, data analysis and use, teacher development, and creating structures and supports to enhance professional collaboration.”¹¹⁴ In the third year of this project, the focus of the project turned to working with the district staff to address school improvement.¹¹⁵

Over time, RIDE’s support has been more progressive. And, since 2010, RIDE has supported and taken varying levels of control over PPSD’s selection of district and school-based intervention strategies.¹¹⁶

(a) RIDE’s Identification of the First Cohort of PPSD Schools Needing Improvement.

In accordance with NCLB, in the fall of 2010, RIDE applied accountability metrics and identified a cohort of five schools as persistently lowest achieving (“PLA”).¹¹⁷ Of these five schools, four were within PPSD: two elementary schools (Lillian Feinstein and the Sgt. Cornel Young, Jr. & Charlotte Woods Elementary at The B. Jae Clanton Complex), one middle school (Roger Williams), and one high school (Juanita Sanchez Complex).¹¹⁸ Under RIDE regulations titled Protocol for Interventions: Persistently Lowest-Achieving Schools, these schools were required to select one of four federally defined turnaround models.¹¹⁹ Initially, each of the schools chose the “Restart” model of turnaround and the Providence Teachers Union AFT Local #958 (the “PTU”) and PPSD came together to design United Providence! (UP!), a new nonprofit education management organization (“EMO”) to support the first cohort of schools under the restart model.¹²⁰ The schools submitted school reform plans consistent with the “Restart” model.¹²¹ When it became clear that UP! was not yet in a position to take over the day-to-day management of schools, the four Providence schools in the first cohort decided to pursue the “Transformation” model of turnaround instead.¹²² In the 2010-11 school year, RIDE reviewed and provided

feedback on the reform plans submitted for these schools and, in January 2011, the schools in the first cohort submitted revised school plans incorporating the feedback they had received from RIDE.¹²³ RIDE approved those plans and thereafter facilitated a monitoring and compliance process through school improvement grant (SIG) awards.¹²⁴

(b) RIDE’s Identification of the Second Cohort of PPSD Schools Needing Improvement.

Subsequently, in 2011, RIDE identified a second cohort of eight additional schools needing school improvement.¹²⁵ Of those, five were PPSD schools: two elementary schools (Carl G. Lauro Elementary School and Pleasant View Elementary School), one middle school (Gilbert Stuart Middle School), and two high schools (Dr. Jorge Alvarez High School and Mt. Pleasant High School).¹²⁶ Those five schools, coupled with the four PPSD schools that were identified in the first cohort and that remained identified for school improvement, represented nearly a quarter of PPSD’s schools.¹²⁷

At that time, PPSD recognized that its need extended beyond improving the nine schools that had been identified as persistently lowest achieving and reached to systemic district-wide matters. PPSD acknowledged that “[i]n order to first target [its] PLA schools and ultimately produce district-wide improvements, [PPSD] must rethink the structure, staffing, and operations of our schools and the district central office,” and reaffirmed its commitment “both at the district and school levels, to producing significant and rapid improvements that are in the best interest of [its] students.”¹²⁸

As with the first cohort, pursuant to RIDE regulations, the second cohort was required to select one of four federally defined turnaround models.¹²⁹ At that time, the PTU and PPSD reengaged in conversations about the establishment of a joint labor management EMO to manage the turnaround process for the second cohort of Providence schools identified for school

improvement.¹³⁰ Ultimately, one Providence elementary school (Pleasant View Elementary) and one Providence high school (Mt. Pleasant High School) chose the “Transformation” model of turnaround.¹³¹ The remaining elementary, middle, and high schools in Providence chose the “Restart” model.¹³² RIDE approved PPSD’s chosen reform models and, at the same time, established a series of critical planning and performance benchmarks.¹³³ Those benchmarks required PPSD and its core partners to maintain clear, documented progress during a 120 day planning period.¹³⁴ RIDE cautioned PPSD that failure to meet those benchmarks would affect RIDE’s ability to approve PPSD’s school-intervention models.¹³⁵

To effectuate the “Restart” model in those schools choosing that option, PPSD selected UP! to serve as a lead partner for those schools in the second cohort that chose the “Restart” model.¹³⁶ In 2011-12 the schools in the second cohort joined the monitoring and compliance routines of their preceding cohort.

(c) RIDE’s Identification of the Third Cohort of PPSD Schools Needing Improvement.

While PPSD’s execution of the school improvement reform models and RIDE’s monitoring was ongoing, RIDE began working with local education agencies, including PPSD, on two complementary federal initiatives, namely Race to the Top (“RTTT”)¹³⁷ and an ESEA Flexibility Waiver which significantly and progressively reshaped the mechanisms of accountability and the process of transformation.¹³⁸

Beginning in 2012, RIDE developed an accountability system with six levels and based on a composite index score (CIS) derived from seven outcome-based metrics such as absolute proficiency, performance gaps, student growth, and graduation rates.¹³⁹ Schools identified for intervention would no longer be designated as PLA but rather would fall into one of two categories: Focus schools or Priority schools.¹⁴⁰ Focus schools were those with the lowest points in the state

(excluding Priority schools) for proficiency or gap-closing, regardless of their index score.¹⁴¹ Priority schools were those with the lowest Composite Index Scores in the state.¹⁴²

Applying this accountability metric, in the spring of 2012 RIDE reclassified the 13 schools that were previously identified as PLA (nine of which were PPSD schools) to Priority¹⁴³ and identified a third cohort of schools in need of school improvement. The third cohort included five new Priority schools (three of which were within PPSD – Gov. Christopher DelSesto Middle School, Mary E. Fogarty Elementary School and Robert L. Bailey IV Elementary School) and 10 Focus schools (eight of which were PPSD schools – Central High School, Frank D. Spaziano Elementary, George J. West Elementary, Harry Kizirian Elementary, Hope Educational Complex, Nathan Bishop Middle School, Providence Career and Technical Academy and Esek Hopkins Middle School).¹⁴⁴ Thus, by the spring of 2012, RIDE had identified a total of 18 Priority schools statewide (12 of which were PPSD schools) and 10 Focus schools (eight of which were PPSD schools).¹⁴⁵ Thus, a total of 20 PPSD schools – more than half of the district’s schools – were identified as needing school improvement.¹⁴⁶ These schools utilized a School Improvement Diagnostic Tool provided by RIDE (described *infra*) to engage in a rigorous diagnostic exercise, looking at large amounts of education data to identify areas of need.¹⁴⁷ Using that information, schools selected from a menu of researched-based turnaround interventions, according to their particular diagnoses.¹⁴⁸ Priority schools chose six interventions and Focus schools selected four from the menu.¹⁴⁹ In addition to the chosen interventions, all schools statewide participated in three “core intervention strategies,” which were 1) school-wide transition to the Common Core, 2) full implementation of a RIDE-approved educator and administrator evaluation system, and 3) use of a comprehensive data system designed to support daily instructional and school-level decision making.¹⁵⁰

Each of the schools in the third cohort submitted school improvement plans, which were reviewed by a RIDE team consisting of members of the Office of Transformation and Charter Schools and the Office of Student, Community, and Academic Supports.¹⁵¹ RIDE's objective in conducting the review was to ensure that the school reform plans put the schools and district in a strong position for implementation, progress monitoring and reporting.¹⁵² The RIDE team determined that the school reform plans addressed the full intent of the interventions and included plans for self-monitoring the interventions' success.¹⁵³ During the review process, the RIDE team identified several areas where PPSD schools in the third cohort may need technical assistance around progress monitoring and a number of supports that RIDE could offer to align with the school reform plans.¹⁵⁴ Those supports included the Data Use Professional Development Series, the Summer Institute through the Academy of Transformative Leadership and the Multi-Tiered System of Support.¹⁵⁵ RIDE approved each of the school reform models and the third cohort of schools joined the monitoring and compliance routines of the preceding cohorts.¹⁵⁶

(d) RIDE's Identification of the Fourth Cohort of PPSD Schools Needing Improvement.

After the conclusion of the 2012-13 school year, RIDE re-designated three schools previously identified as Focus schools to Priority status (two of which were PPSD schools – Central High School and Hope Educational Complex).¹⁵⁷ In addition, RIDE identified four new Focus schools, two of which were in PPSD (Asa Messer Elementary School and Alan Shawn Feinstein Elementary School).¹⁵⁸ As a result, there were then 21 Priority schools statewide (14 of which were PPSD schools) and 11 Focus schools statewide (8 of which were PPSD schools).¹⁵⁹ Thus, 22 PPSD schools had now been identified as needing school improvement, up from 20 the year before, and 9 the year before that.

(e) RIDE's Identification of the Fifth Cohort of PPSD Schools Needing Improvement.

In the 2013-14 school year, one Priority school closed¹⁶⁰ and RIDE identified one additional school as Priority (Orlo Avenue School in East Providence),¹⁶¹ leaving the complete contingent of identified schools statewide at 31 schools (21 Priority and 11 Focus schools).¹⁶² RIDE did not identify any new schools in the 2014-15 or 2015-16 school years.¹⁶³ However, one Priority school and one Focus school exited those statuses, neither of which were PPSD schools.¹⁶⁴ Thus, by the end of the 2015-16 school year, 30 schools remained in the transformation process statewide (20 Priority and 10 Focus schools).¹⁶⁵ Of those 30 schools, nearly 75% were PPSD schools (14 Priority and 8 Focus).¹⁶⁶ Four of those 22 schools had been in transformation for five years, five had been in transformation for four years and 13 had been in transformation for three years.¹⁶⁷

During the 2015-16 school year, about 3 in 4 Rhode Island students in a transformation school were enrolled at a school in PPSD.¹⁶⁸ In total, approximately 14,700 PPSD students – more than 60 percent of all PPSD students – attended a transformation school that school year.¹⁶⁹ Despite their name, the transformation schools had not been transformed. By August 2016, it was determined that a majority of transformation schools had no significant differences in the percentage of students meeting or exceeding expectations in both English Language Arts and Math, when comparing 2015 to 2016 Partnership for Assessment of Readiness for College and Careers (“PARCC”) results.¹⁷⁰ RIDE further determined that transformation efforts had not yielded meaningful improvements to overcome historical track records of low academic performance within PPSD.¹⁷¹

(f) RIDE’s Identification of the Sixth Cohort of PPSD Schools Needing Improvement.

In 2018, Rhode Island updated its system of school accountability consistent with ESSA.¹⁷² Under ESSA, only the bottom 5 percent of schools in the state are identified as “Comprehensive Schools and Improvement” (“CSI”) schools.¹⁷³ These schools receive increased levels of support and intervention from the state. Rhode Island now assigns a Star Rating to every public school. Ranging from 1 to 5 stars, the Star Rating simplifies and summarizes overall school performance, providing an easy-to-understand snapshot for parents and communities. Presently 13 of the 41 PPSD schools are identified as CSI schools.¹⁷⁴ In addition 71% of PPSD schools are among the lowest 5% of all schools in Rhode Island, have subgroups among the lowest 5%, or have subgroups at a one-star level.¹⁷⁵

Addendum B provides a chart setting forth those schools that have been identified for school improvement statewide since the 2009-2010 school year. PPSD schools are highlighted in yellow.

(g) RIDE’s Support of District and School Intervention in Schools Identified as Needing Improvement.

In addition to using accountability metrics to identify schools needing school improvement as demonstrated in Sections (a)-(f) above, since schools were first identified as needing improvement in the fall of 2010, RIDE has consistently provided support to districts and schools with respect to the selection of intervention strategies and the allocation of school improvement funds to carry out those plans.

RIDE’s Support, Review and Approval of School Improvement Plans: Under NCLB and ESEA Flexibility Waivers, once a district provided RIDE with its chosen intervention model and its rationale for that selection and associated data, RIDE reviewed that information to ensure

compliance with the federal government's programmatic and fiscal requirements and, in connection with its review, conducted in-person and virtual technical assistance sessions.¹⁷⁶ To the extent the district's selection, rationale and associated data was satisfactory, RIDE approved the district's chosen intervention model.¹⁷⁷ In those instances where the district's selection was not satisfactory, RIDE provided the district with feedback and required it to resubmit its chosen intervention model, rationale and associated data.¹⁷⁸ In addition, under ESEA Flexibility Waivers, RIDE assisted with the development of an intervention plan for all priority schools aligned to the seven federal turnaround principles, derived from a meta-analysis of research on school and district turnaround, including specific and concrete strategies to support the needs of ELs and students with disabilities.¹⁷⁹

RIDE's Facilitated and Monitoring Meetings with PPSD: Beginning in the 2010-11 school year,¹⁸⁰ RIDE has closely monitored PPSD schools identified for school improvement (and identified schools in other districts) by conducting quarterly facilitated and monitoring meetings. To assist PPSD (and other districts with schools identified for school improvement) to meaningfully participate in quarterly facilitated and monitoring meetings, in October 2014, RIDE developed, published and provided PPSD (and other districts) with a guide for implementing adaptive school monitoring routines to evaluate the quality of interventions titled the Facilitator's Guide to Quarterly Monitoring of School Reform Plans.¹⁸¹ The 32-page guide was written for RIDE and district staff as a training manual and it was the core of the training materials RIDE made available to PPSD (and other districts) and delivered to PPSD co-facilitators. The Facilitator's Guide provides an overview of the entire monitoring cycle followed by step-by-step guidance for reading school Quarterly Reports, leading the Facilitated Meeting, and completing the required documentation.

In accordance with the Facilitator's Guide, each quarter, PPSD schools identified for school improvement submit data using measurement tools and self-assessments, enabling RIDE and PPSD with information to prepare for facilitated meetings.¹⁸² RIDE's school improvement team and PPSD representatives co-facilitate school-level discussions focusing on implementation data, root causes, barriers and next steps.¹⁸³ Through these meetings, RIDE's school improvement technical assistance team supports the development, monitoring, and implementation of plans for school improvement.¹⁸⁴

The meetings have provided a forum to dive deeply into data to assess progress, discover root causes of failure or sluggish progress, and create action steps for improvement.¹⁸⁵ A monitoring dashboard is created following these facilitated meetings.¹⁸⁶ Thereafter, RIDE leadership and the district's Superintendent determine the appropriate next steps for removing barriers and resolving problems at the state and district level and school teams adjust their approaches and strategies accordingly.¹⁸⁷

As further evidence of RIDE's progressive support and intervention strategies, more recently, RIDE's school improvement meetings with PPSD have intensified: they meet monthly with PPSD, and those meetings have shifted away from a focus on implementation at the school level and have shifted toward how the district is functioning at a systems level.¹⁸⁸ The meetings focus on the competition for and administration of School Improvement Grants, as well as ongoing maintenance efforts of school improvement efforts outside the scope of School Improvement Grants district wide.¹⁸⁹ These meetings alternately focused on comprehensive meetings about all PPSD schools, School Improvement Grant schools, and forward facing ESSA transition preparations.¹⁹⁰ These meetings also focus on the fiscal health of the district and on the upcoming

school year through the assembly of CABs, the creation of improvement plans and on applications for funding.¹⁹¹

RIDE's Development of a School Improvement Diagnostic Tool: Beginning in the 2011-12 school year, under ESEA Flexibility Waivers, RIDE also supported those PPSD schools that were newly identified for school improvement in their efforts to identify an appropriate school improvement plan by developing and providing them with a School Improvement Diagnostic Tool, a robust screening tool for the purposes of diagnosing the school's improvement, curriculum, assessment, instruction, and engagement efforts.¹⁹² The School Improvement Diagnostic Tool was aligned to a matrix of 32 interventions, with specific measurable components pointing to appropriate intervention strategies, such that each school could determine where it was struggling or excelling in a certain capacity or function.¹⁹³ In the 2018-19 school year, under ESSA, RIDE updated the screening tool offered to districts and created the Rhode Island Model Comprehensive Needs Assessment, for adaptation by PPSD and other districts with schools identified for school improvement.¹⁹⁴ The Rhode Island Model Comprehensive Needs Assessment is discussed more fully herein.

RIDE's Support of District-Wide Intervention Strategies. In addition to its support of intervention strategies for schools identified for school improvement, under ESEA Flexibility Waivers from 2012-2016, RIDE supported PPSD with three *district-wide* interventions. Under ESEA Flexibility Waivers, districts with identified Focus or Priority Schools were expected to adopt four to six additional interventions in each school. PPSD, however, requested, and was granted permission by RIDE, to implement three interventions district-wide.¹⁹⁵ PPSD sought to implement peer assistance and review ("PAR"), an analysis of course-taking patterns to substantially improve student scheduling and access to core content, and increased common

planning time (“CPT”), as well as a system for CPT’s effective utilization.¹⁹⁶ PPSD’s attempt to implement these interventions yielded significant concerns, among them, PPSD’s failure to timely provide reports to RIDE:

- PAR: In 2012, the district adopted a PAR support structure for struggling teachers to improve their performance with the assistance of a peer teacher-observer and mentor. In an impact analysis conducted internally, PPSD determined that PPSD overwhelmingly rated each other as effective or highly effective, and that there were too few teachers in assessed subjects (Math and ELA) to determine whether the program had an impact.¹⁹⁷
- Course-Taking: This intervention, requiring the analysis of student course-taking patterns, produced challenges for PPSD. PPSD produced no evidence this intervention was ever fully implemented nor could the district describe how they intended to assess its effectiveness.¹⁹⁸ It was found that the schools were sometimes forced to put students in an inappropriate placement because the schools’ intervention classes were at capacity.¹⁹⁹
- CPT: The district provided no evidence that CPT was consistently applied across all schools. Despite repeated requests from RIDE, PPSD was unable to report to RIDE how CPT was being implemented at every school and how the effectiveness of the time was being ensured.²⁰⁰ RIDE identified that, based on the reports submitted and discussions during facilitated meetings, the district failed to provide clarity to schools on the amount of CPT they had, as well as how much professional development they would have, when it was scheduled, and the degree of autonomy they had in scheduling this professional development time.²⁰¹

RIDE's Support, Guidance and Technical Assistance in the School Improvement

Process: Similar to RIDE's support of districts under NCLB and the Flexibility Waivers, RIDE, under ESSA, has provided districts, including PPSD, with guidance and technical assistance as they work through the school improvement process.²⁰² For example, RIDE has developed and published a Practitioners' Guide to School Improvement Planning, a 130-page publication designed to provide all stakeholders with a consolidated resource to guide the work of improving the lowest performing schools in Rhode Island.²⁰³ RIDE has also hosted webinars instructing on accountability measures²⁰⁴ and drafted a model Comprehensive School Improvement Plan.²⁰⁵

RIDE's Development of a Model Comprehensive Needs Assessment: Under ESSA, RIDE has also provided districts the resources they need to conduct a comprehensive needs assessment and root cause analysis for schools identified as needing school improvement. For example, similar to the School Improvement Diagnostic Tool provided to districts under the ESEA Flexibility Waivers, RIDE has assisted districts with selecting a comprehensive needs assessment by developing a Rhode Island Model Comprehensive Needs Assessment,²⁰⁶ which it made available to districts along with samples of other comprehensive needs assessments.²⁰⁷ RIDE also published guidance to assist districts in conducting a comprehensive needs assessment and root cause analysis.²⁰⁸ In addition, RIDE has provided districts with technical assistance, including an in-person training session²⁰⁹ and webinars²¹⁰ to guide districts in conducting a comprehensive needs assessment and root cause analysis.

RIDE's Support of Evidence-Based School Improvement Plans and Applications for and Use of School Improvement Funds: Since the inception of the ESEA, RIDE has supported districts in their efforts to define best practices for the development of school improvement plans and, correspondingly, the use of school improvement funds to carry out those plans.²¹¹ Originally,

under ESEA, interventions were required to be grounded in research.²¹² Under NCLB, interventions were to be supported by scientifically-based research.²¹³ Similarly, under ESSA interventions are to be supported on the basis of evidence and, specifically, four tiers of evidence-based support.²¹⁴ Thus, much like the support RIDE provided to districts under NCLB and the ESEA Flexibility Waivers related to the development of a school reform plan supported by scientifically-based research, under ESSA, RIDE has also supported districts with the creation of a school improvement plan tied to four tiers of evidence-based support.²¹⁵ For example, RIDE has provided guidance to districts on how to utilize evidence-based strategies and has provided examples of evidence-based strategies.²¹⁶ RIDE has also published guidance on developing a comprehensive school improvement plan.²¹⁷

Relatedly, RIDE has supported districts apply for funding for schools identified for school improvement. RIDE has provided districts with technical assistance, including an in-person training program,²¹⁸ written guidance,²¹⁹ and webinars²²⁰ related to applications for school improvement funding.

RIDE's Support of Community Advisory Boards: In furtherance of RIDE's progressive support and intervention in schools identified for school improvement, Rhode Island's ESSA plan imposes a new obligation on districts with identified schools. For the first time, districts are required to convene community advisory boards ("CABs") for meaningful, sustained participation in school improvement efforts.²²¹ In furtherance of this requirement, RIDE has provided PPSD (and other districts) with a suite of interventions related to CABs and has supported implementation by conducting a one-day convening for school improvement teams, including CABs.²²² The convening provided guidance to districts on assembling CABs and included a workshop for districts to plan for assembling, developing and supporting their CABs.²²³ More

recently, RIDE has conducted several CAB specific meetings,²²⁴ including a July 18, 2019 CAB-wide meeting for PPSD,²²⁵ and has provided districts with training webinars.²²⁶

Council on Elementary and Secondary Education Meetings Regarding PPSD School

Improvement: As further evidence of RIDE's progressive support and intervention strategies, in 2018, after reviewing PPSD's strategic plan, the Council on Elementary and Secondary Education invited the leadership of PPSD to its regularly scheduled meetings to participate in an ongoing conversation regarding PPSD's performance against its district strategic plan.²²⁷ This invitation was an unprecedented deviation from the Council's usual practice and supplemented RIDE's regular monthly meetings with PPSD.

Initially, RIDE provided PPSD with a proposed calendar of Council meetings running from July 2018 through March/April 2019 and recommended topics for discussion, along with recommended materials, dates for meetings to prepare, and recommended attendees at preparation meetings.²²⁸ PPSD responded with its own recommended schedule, topics and suggested attendees.²²⁹

At the first of those meetings, the then RIDE Commissioner recommended that the Council engage with PPSD on the following six key measures: (1) graduation rates; (2) third-grade literacy; (3) staffing and talent management; (4) English language proficiency; (5) teaching and learning and (6) procurement.²³⁰ At the second meeting, PPSD's Chief Academic Officer reviewed the district's strategic plan's goals and theory of action. In addition, the Council reviewed and received briefings on the six key measures identified at the first meeting.²³¹ At a subsequent meeting, the Council received briefing on PPSD grade K-3 literacy, special education screenings, challenges as a result of having only one day of professional development and challenges related to the procurement of curriculum.²³² During these meetings, the then RIDE

Commissioner voiced that while the Council has been understandably frustrated for many years over the lack of progress in PPSD, nothing has been done about teachers having to teach their students with low-quality instructional materials.²³³ He further observed that there needed to be a strategy for the district to invest in more time in ongoing professional learning, in addition to the one day of professional development in the Providence Teachers Union’s Collective Bargaining Agreement.²³⁴ PPSD’s Chief Academic Officer explained that while part of the challenge is finance-related as some schools cannot purchase the whole suite of curriculum for the whole school at one time, additional challenges arise from leadership changes and policies that may not provide the supports the teachers need.²³⁵ At another meeting, the Council received briefing on PPSD’s efforts toward empowerment school plans in two schools identified for school improvement – Mount Pleasant High School and Fogarty Elementary School.²³⁶

2. Technical Assistance in Curriculum Alignment

RIDE has long provided technical assistance to PPSD in curriculum alignment.

WIDA Consortium, NECAP Consortiums and Response to Intervention Initiative: Beginning in 2002, RIDE worked with the WIDA Consortium,²³⁷ the NECAP Consortiums,²³⁸ and/or the Rhode Island Response to Intervention Initiative to provide district leaders, principals, and teachers with professional development to help educators use state and local assessment data to inform decisions regarding curriculum and instruction.²³⁹ RIDE’s Office of Student, Community, and Academic Supports actively worked with PPSD (among other districts) to review and revise school reform plans in connection with Response to Intervention in 2013 and subsequent years.²⁴⁰ Available data show that PPSD’s participation in the Response to Intervention Initiative was lacking: PPSD’s participation in RIDE’s Math Response to Intervention training was disproportionately low compared to other districts,²⁴¹ and PPSD did not sign up for multi-year cohort trainings or specialized projects.²⁴²

Alignment with Common Core Standards as of 2011-12: In conjunction with the execution of school reform plans, PPSD adopted Common Core and self-reported that its mathematics curriculum was aligned to the Common Core Standards for grades K, 1, and 8, as well as for Algebra 1, Algebra 2, Geometry, and Pre-Calculus.²⁴³ As for English language arts and Social Studies, PPSD reported the curriculum frameworks were aligned to Common Core Standards for grades K-12.²⁴⁴

Study of Standards Program: In order to facilitate educator understanding of the Common Core Standards in or around the 2011-12 timeframe, RIDE implemented the Study the Standards training program.²⁴⁵ This training program taught Rhode Island educators, including those in the PPSD, the process for “continuous study of the standards in their schools and provided the tools necessary to study the standards.”²⁴⁶ With this training, teachers were able to integrate the standards into their instruction, as well as their assessment plan.²⁴⁷ More than 6,000 Rhode Island educators attended various Study the Standards sessions.²⁴⁸ Particularly for those educators who did not have an opportunity to participate in this program, RIDE also made materials developed during these sessions available on its website.²⁴⁹

District Network Meetings: RIDE’s support and intervention related to curriculum has continued to increase over time. Since 2012, RIDE’s Division of Teaching and Learning has convened regular District Network Meetings, open to all districts, including PPSD.²⁵⁰ These meetings serve as professional development to support the implementation of high-quality curriculum.²⁵¹

Kindergarten Curriculum Project. Since Fall 2016 RIDE has engaged PPSD in Boston’s Kindergarten Curriculum Project.²⁵² This innovative curriculum supports children in reaching Common Core State Standards (CCSS) by taking advantage of how young children learn best.²⁵³

During the 2018-19 school year, 18 PPSD teachers across 17 classrooms participated and received training in the new curriculum.²⁵⁴ These figures will likely increase in the 2019-20 school year, with 19 PPSD teachers across 18 classrooms having already signed up to participate.²⁵⁵ For the 2018-19 and 2019-20 school years, RIDE has provided necessary resources for PPSD's participation, thereby addressing the needs of PPSD kindergarten teachers and in turn serving PPSD kindergarten students by providing them with a proven first rate curriculum.²⁵⁶ To ensure implementation of the curriculum in participating PPSD classrooms for the 2018-19 and 2019-2020 school years, RIDE has awarded a grant to PPSD totaling \$256,232.²⁵⁷

RIDE Curriculum Survey: In 2018, RIDE conducted a statewide curriculum survey of district/LEA K-8 reading and mathematics curriculum and designated them as either red, yellow, or green in terms of quality, or not yet rated or locally developed.²⁵⁸ Fifty-Two districts/LEAs responded.²⁵⁹ In connection with its curriculum survey, in the 2018-2019 school year, RIDE developed a presentation that explains the curriculum survey process and the importance of selecting high-quality curriculum materials and professional learning and made it available to PPSD (and other districts).²⁶⁰

EdReports: Beginning in the 2018-2019 school year, RIDE has provided support from EdReports, an independent nonprofit designed to improve K-12 education that provides free reviews of K-12 instructional materials based on alignment to college and career-ready standards. EdReports conducted research into the use commonly used rubrics, observed review processes and trainings, gathered input from more than 500 educators on criteria and rubrics, and convened an Anchor Educator Working Group (AEWG) of expert practitioners to inform the creation of their review tools.²⁶¹ Although PPSD participated, its attendance was disproportionately low relative to other Rhode Island school districts.²⁶²

RIDE has also pursued initiatives to improve access to college and career coursework for students in PPSD.

Career and Technical Education. RIDE affords students the opportunity to engage in work-based learning experiences and extracurricular activities that provide for individual advancement and acceleration.²⁶³ As of July 1, 2019, PPSD schools are able to provide 18 different CTE programs to students who (1) are interested in entering the workforce or preparing for careers; and (2) wish to take advantage of post-secondary education or training.²⁶⁴

Advanced Coursework Network: In 2016-17, RIDE launched the Advanced Coursework Network, designed to enable secondary students to enroll in high value academic and career-focused courses while still remaining enrolled in their school. Since the advent of the program, more than \$1 Million in state funding has directly supported expanding access to advanced coursework opportunities in PPSD.²⁶⁵ ACN offers to students courses in a variety of subject matters, including: (1) STEM; (2) Business and Industry; (3) Humanities and World Languages; (4) Public Service and Education; and (5) Visual and Performing Arts.²⁶⁶ Course providers include, *inter alia*, institutions of higher learning as well as community based organizations.²⁶⁷ The Providence After School Alliance (“PASA”) – whose mission is to provide learning opportunities for Providence’s youth²⁶⁸—has served as a course provider since the advent of the ACN. Since the advent of ACN, RIDE has provided over \$500,000 in funding to PASA in this capacity.²⁶⁹

3. Technical Assistance in Student Assessment

Since the passage of the Crowley Act, RIDE has consistently supported PPSD (and other districts) in their use of assessment data to drive school improvement. From at least 1997 on, RIDE has maintained an office devoted to assessment.²⁷⁰ Since the 1997-98 school year, RIDE has maintained InfoWorks, which since the implementation of NCLB, has included assessment

data, teacher-quality information, disaggregation, and survey data on students, teachers, parents and administrators, all useful for school and district improvement efforts.²⁷¹ From then until now, RIDE's statewide student data systems and its well-developed data on public education have provided PPSD (and other districts and schools) with clear and transparent information on important school indicators of academic performance.²⁷²

Particularly relevant to PPSD are RIDE's consistent efforts to drive statewide administrations of student assessments across elementary and secondary grades. These assessments allow school personnel and members of the public to analyze their student's and school's progress and understand whether classroom instruction is lining up with what students need to know. Results also provide teachers with information they need to improve teaching and learning.

From 2002 on, RIDE was a member of the New England Common Assessment Program consortium, a.k.a. the NECAP consortium.²⁷³ The NECAP consortium was one of the first multi-state coalitions dedicated to developing "common priority academic content standards."²⁷⁴ Rhode Island's membership in the NECAP consortium allowed districts to compare academic outcomes not only against other Rhode Island districts, but against other similarly situated districts in New England that may be more similarly situated. Historical results from the NECAP administrations back to 2005 remain available on RIDE's website.²⁷⁵

By 2015, RIDE provided similar student assessment data through the newer Partnership for Assessment of Readiness for College and Careers (PARCC) assessments.²⁷⁶ PARCC was a group of states working together to develop high-quality assessments that give teachers, students and parents information they can use to improve instruction and meet the needs of individual students.²⁷⁷

2018 was the first year of the new Rhode Island Comprehensive Assessment System (RICAS) in grade 3-8 in English Language Arts and mathematics.²⁷⁸ Like its predecessors, RICAS is a high-quality assessment that fulfills federal requirements for annual assessments in English Language Arts (ELA) and mathematics, and it gives school personnel and the public important information about student outcomes and how to improve teaching, reading, and learning.²⁷⁹

In addition to statewide, comprehensive assessments in ELA and Mathematics, RIDE has also provided and continues to provide assessments for sub-groups particularly relevant to PPSD.²⁸⁰ Beginning in 2007, RIDE began working with the WIDA Consortium to provide EL assessments.²⁸¹ It does so still today.²⁸²

4. Technical Assistance in Instruction

RIDE has consistently supported PPSD (and other districts) with respect to student instruction. Those efforts have included:

During the ESEA Flexibility Waiver period from 2012-2016, RIDE required all schools in the state, including *all* schools in PPSD, to participate in RIDE-sponsored core school improvement strategies, which focused on improving instruction and ensuring conformity with the State's Common Core State Standards (CCSS).²⁸³ Specifically, RIDE administered three core improvement strategies, which it required every Rhode Island school to implement. Schools identified as priority or focus schools received additional performance monitoring to ensure that the core improvement strategies were being implemented.²⁸⁴

Core Improvement Strategy One required full staff participation in training to support schoolwide transitions to the CCSS.²⁸⁵ This strategy identified and implemented aggressive schedules for transitioning all schools to the Common Core State Standards, and provided statewide study of the standards.²⁸⁶ The transition process further required the development or

adoption of CCSS-aligned curriculum, and required schools to scale CCSS exposure activities to every teacher in the building by the 2012-2013 academic year.²⁸⁷

Core Improvement Strategy Two required full staff participation in Rhode Island's educator and administrator evaluation system.²⁸⁸ The evaluation system provided rigorous and thorough evaluations of every teacher in Rhode Island, and utilized student growth data of a teacher's current students and the students they taught in the previous year to further inform teacher performance.²⁸⁹

Core Improvement Strategy Three ensured the implementation and utilization of a comprehensive data system that informed daily instruction and school planning.²⁹⁰ This data system would then provide the following tools to Rhode Island schools: an instructional management system that provided an array of CCSS-aligned assessment and instructional tools; curriculum and lesson planning development and sharing tools for teachers; student growth visualization tools that enabled teachers to view and track student progress; comprehensive classroom-based RTI tools that enabled highly granular tracking of interventions and student response to intervention, including specialized modules for English Learners and students with disabilities; and early warning systems that identified students manifesting early signs of dropout beginning in the 6th grade.²⁹¹

(a) RIDE's Support of Teachers and School Leaders to Improve Student Instruction.

Through numerous initiatives, RIDE has provided resources and support for PPSD teachers and school leaders in an effort to improve student instruction. These initiatives have grown in size and scope in recent years and have included:

RI Beginning Teacher Induction Program:²⁹² In the 2011-2012 school year, RIDE implemented and monitored a systematic approach to providing first- and second-year teachers

with instructionally focused, data-driven coaching led by the New Teacher Center.²⁹³ The New Teacher Center partners with states, school districts and policy makers to design and implement systems that create, sustainable, high-quality mentoring and professional development, build local leadership capacity, work to enhance teaching conditions and improvement retention.²⁹⁴

The program's mission was to "develop beginning teachers by providing immediate, sustained, differentiated support that is instructionally focused and data driven."²⁹⁵ The program focused that support "on student success with the aim of all RI students receiving a high quality and equitable education."²⁹⁶ From 2011-14, every new teacher in the state was matched with an induction coach who provided intensive, one-on-one, job-embedded support.²⁹⁷ Induction coaches observed each new teacher, offered assistance in implementing effective learning strategies, and provided coaching on how to review student assessment data.²⁹⁸ New teachers also received ongoing targeted professional development.²⁹⁹

The Academy for Transformative Leadership (ATL): From 2013-15, RIDE invested \$5,700,851 in RTTT funds to launch an Academy for Transformative Leadership designed to create a comprehensive, empirically-proven service center within RIDE to improve instructional outcomes in schools identified for school improvement.³⁰⁰ The ATL focused on efforts to develop effective school-leadership teams of teachers and principals who will implement best practices in schools throughout the state.³⁰¹ Key support services delivered through the ATL included:

- ***Aspiring Turnaround Leaders Program:*** The ATL's flagship program, a year-long residency program that provided intensive training to develop cohorts of new and existing principals for schools identified for school improvement.³⁰² The program created a pipeline of highly trained school leaders prepared to work in turnaround environments. Between 2013 and 2015, six PPSD administrators participated in

the Aspiring Turnaround Leaders Programs (three as turnaround leaders, one as coachee and two as mentors);³⁰³

- ***Summer Intensive:*** A multi-week summer institute that simulated leadership of a Priority school.³⁰⁴ In 2013, nine individuals from PPSD attended the institute (six teachers and three principals). In 2014, ten individuals from PPSD attended the institute (seven teachers, two principals and a library media specialist).³⁰⁵
- ***Additional Professional Development Modules:*** Modules that offer targeted professional development of various lengths and on various topics, made available to teachers in all districts, including PPSD.³⁰⁶ In the 2014-15 school year, 11 professionals from PPSD received these benefits and in the 2013-14 school year, 17 professionals from PPSD received these benefits.³⁰⁷
- ***Technical Assistance for LEAs Supporting for Students with Disabilities and ELs:*** Partnership with the Regional Education Laboratory Northeast & Islands.³⁰⁸ From at least 2008 and into 2015, RIDE worked with the New England Equity Assistance Center, a program of the Education Alliance at Brown University that provides districts and schools with technical assistance to identify and address over- and under-representation of subgroups in gifted programs, special education programs, high- and low-level courses, extracurricular activities, disciplinary actions, and dropout statistics.³⁰⁹ The New England Equity Assistance Center has also assisted with EL programs.³¹⁰

Leadership Mini-Grants:³¹¹ Funded by the Rhode Island Foundation and awarded by RIDE in the 2016-17 and 2017-18 school years, these grants provided support for the development and growth of education leaders to improve instruction.³¹² PPSD applied for and received a grant

in 2016-2017: The Gilbert Stuart Middle School was awarded a mini-grant to build the capacity of teacher leaders in the area of personalization.³¹³

(b) RIDE Supports to Improve Instruction of English-Language Learners.

With increased emphasis in recent years, RIDE has also provided a number of technical assistance opportunities supporting the instruction of ELs. LEP students constitute 29% of PPSD student population.³¹⁴ PPSD has 51% of the state’s total population of LEP students.³¹⁵ RIDE’s support to ELs has included:

Professional Development Opportunities Related to Instructing English-Language Learners: RIDE became a member of the WIDA Consortium in 2006.³¹⁶ Since that time, RIDE has worked with the WIDA Consortium to provide districts with EL assessments and, after Common Core was implemented, to offer professional development opportunities to ensure alignment of the English Language Proficiency (ELP) Standards and the Common Core.³¹⁷ However, RIDE’s records of attendance data show that few PPSD educators attended:

Name	Begin Date	End Date	# of PPSD educators participating
WIDA Collaborative/Co-teaching Professional Development	02/05/2010	02/05/2010	29 registered, attendance not available
ELD Standards in Action	3/20/2015	3/20/2015	9 registered, 8 attended
Formative Language Assessment	5/8/2015	5/8/2015	2 registered, 1 attended
ACCESS for ELLs 2.0	11/23/2015	11/23/2015	6 registered, 5 attended
ACCESS for ELLs 2.0	12/4/2015	12/4/2015	0 registered, 0 attended
Differentiation	10/18/2016	10/18/2016	0 registered, 0 attended
Engaging ELLs in Science	4/4/2017	4/5/2017	0 registered, 0 attended
Long Term ELs	5/10/2017	5/10/2017	1 registered, 1 attended

Collaboration	10/24/2017	10/25/2017	0 registered, 0 attended
Scaffolding for Learning	12/6/2017	12/7/2017	3 registered, 2 attended both days
Leading Schools for Language Learner Achievement	10/2/2018	10/3/2018	2 registered, 1 attended both days
Purposeful Lesson Planning for Language Learners	12/11/2018	12/12/2018	1 registered, 1 attended half training
Formative Language Assessment	3/5/2019	3/6/2019	3 registered, 0 attended

Next Generation of WIDA English Language Proficiency Standards: Also since 2007, RIDE has partnered with the Center for Applied Linguistics, the Wisconsin Center for Education Research, and representatives from various institutions of higher education in the initial development of the next generation of WIDA English Language Proficiency Standards (ELPS).³¹⁸ Over the course of a school year, RIDE provides multiple trainings (workshops, presentations, etc.) to provide training and resources to teachers responsible for instructing EL students to help educators meet the academic and language needs of ELs at all proficiency levels.³¹⁹

(c) RIDE Supports to Improve Instruction of Special Education Students.

RIDE has also supported districts with the resolution of complaints related to special education students to ensure the provision of the required instruction per the students' Individual Education Plans.³²⁰ One of the dispute resolution resources that RIDE has provided to PPSD and its schools is the special education complaint process.³²¹ The special education complaint process permits individuals or organizations to file a formal written complaint with RIDE if they believe a school department or other educational agency has violated a requirement of the Rhode Island Board of Regents for Elementary and Secondary Education Regulations Governing the Education of Children with Disabilities or a provision of IDEA.³²² Upon receipt of any special education complaint, the RIDE Office of Student, Community, and Academic Supports will carry out an

investigation to determine whether the school department or educational agency is in compliance with special education laws and regulations.³²³ After completing its investigation, RIDE will issue a written decision to the family and school department or public education agency that addresses the allegations in the complaint, indicates findings of fact and conclusions, and issues a decision concerning the underlying allegations.³²⁴

In the event that RIDE finds that the school department or public education agency failed to comply with the applicable special education laws or regulations, RIDE will identify the appropriate corrective action that the school department or public education agency must take in order to address the needs of the student and ensure the appropriate future provision of services for students with disabilities.³²⁵ RIDE received six special education complaints for PPSD from 2014 through 2017, four of which resulted in a finding of noncompliance.³²⁶

5. Technical Assistance in Family and Community Involvement

Since the passage of the Crowley Act, RIDE has also supported PPSD by providing technical assistance in family and community involvement, including the following:

SurveyWorks: Since 1998, RIDE has conducted a survey of students, teachers and parents with an instrument initially called the SALT Survey, and later (and now) called SurveyWorks.³²⁷ The survey asks members of school communities their opinions and perceptions regarding a broad range of school culture-and-climate issues. The goal is to provide meaningful data that can help schools improve. This data is disaggregated by districts and schools and is annually provided to PPSD.³²⁸

Communications Plan for Families: Under each of the federal frameworks – NCLB, ESEA Flexibility Waivers and ESSA – RIDE has consistently required PPSD (and other districts) to develop plans for communicating with families and RIDE has supported those efforts by, among other things, review and approval of those plans.

Under NCLB, RIDE required, reviewed and approved for each school identified for school improvement the creation of a communications plan for families and community members.³²⁹ The nine PPSD schools identified in the first and second cohorts all submitted school reform plans to RIDE for approval, which included detailed communications plans for families and community members.³³⁰ These communication plans included, *inter alia*, the distribution of school news by conventional means (e.g., monthly newsletters and other mail correspondences), as well as through online platforms (e.g., mobile applications that integrate the school's website, social media, and mass notifications).³³¹ These plans also set forth methods in which family members could correspond directly with teachers, including, *inter alia*, an online messaging system, direct mail, and in person conferences.³³² Additionally, the communication plans encouraged family and community member participation through school events for parents throughout the academic term (e.g., open houses, report card nights) as well as regularly scheduled PTA and PTO meetings.³³³ These plans expressly facilitated communications in both Spanish and English, with the schools distributing news, exchanging messages, and hosting meetings in both languages.³³⁴ PPSD held stakeholder feedback meetings and planning sessions for the schools identified in the second cohort, bringing together parents, school staff and other community partners to discuss strategies to reform those schools.³³⁵ PPSD also issued quarterly newsletters and created a website to distribute information related to ongoing reform work in the Cohort 2 schools.³³⁶ In addition, PPSD established quarterly-meeting advisory councils comprised of key stakeholder groups in order to serve as ambassadors to the local community and help advance strategic reforms.³³⁷ As part of their commitments to developing communications plans with families, the Cohort 2 schools, among other things, took the following actions: (i) partnered with community based organizations to create PTOs where none previously existed³³⁸; (ii) partnered with nonprofit education

management organizations to hire a community engagement manager and build stakeholder engagement systems³³⁹; (iii) worked with advocacy organizations to support communication for families with at-risk children³⁴⁰; (iv) sponsored evening activities sessions for parents, tied to reinforcement of curricula and classroom instruction³⁴¹; (v) maintained news bulletins and electronic phone messaging systems to improve home/school communication³⁴²; (vi) hired a resource police officer to enhance close contact and positive relationships with students and parents³⁴³; (vii) worked with volunteer organizations to increase community engagement and involvement³⁴⁴; (viii) engaged community partners to provide mental health, physical wellness, intervention and post-graduation readiness services to students and families³⁴⁵; and (ix) established community outreach coordination committees.³⁴⁶

Under ESEA Flexibility Waivers, RIDE required and continued supporting PPSD in implementing family and community communication systems; engaging families and the community in promoting positive student achievement and behavior; and providing adult and alternative learning opportunities integrated with community needs.³⁴⁷

In keeping with the objective of communicating with families and community members, RIDE's state ESSA Plan now requires all schools in PPSD (and other districts) identified as in need of comprehensive support and improvement to assemble a CAB.³⁴⁸ CABs are described more fully in Section D(I)1 *supra*. While RIDE had advised that all districts have a CAB for each school, PPSD chose to have three CABs, one for elementary, one for middle and one for high schools.³⁴⁹ Each of PPSD's CABs has between 15-23 members and includes current students, alumni, parents and guardians, and other community members.³⁵⁰ PPSD's CABs are representative of the communities served by each identified school.³⁵¹ Although CABs serve multiple schools, each CAB has sub-committees of approximately 4-6 members who represent

individual schools. Sub-committees complete each aspect of the school improvement process and approve plans for the schools they represent.³⁵² Through the CAB, community stakeholders possess a dedicated advisory “seat at the table” in which they can provide feedback and support to the LEA on both the initial development and ongoing progress of the LEA’s school improvement plan. In January 2019, RIDE held a one-day convening during which it provided information and instructions related to the establishment of CABs. RIDE presently provides PPSD and other districts with policy guidance, technical assistance, launch funding and development and networking activities for CABs.³⁵³

II. Support and Intervention Strategy Two: “Policy Support.”³⁵⁴

RIDE has provided policy support to PPSD and other districts with schools identified for school improvement in two ways. First, RIDE has adopted and provided supportive policies and policy support specific to those districts with schools identified for school improvement. Second, RIDE has adopted and provided supportive policies and policy support applicable to all districts and schools but that particularly aid those districts with schools identified for school improvement.

Policy Support Specific to School Improvement: Since 2002, RIDE has adopted and provided supportive policies and policy support to districts and schools as they implement their improvement plans. This policy support has adjusted over time in response to reauthorizations to the ESEA and with increased awareness of evidence-based school improvement practices, but has consistently included providing districts and schools with:

- performance goals;
- the identification of districts and schools in need of improvement;
- school intervention models and strategies supported by data; and

- a multi-faceted, outcomes driven accountability system to help drive schools toward state goals and to keep students, families and the community informed.

Each state plan responsive to implementing the three federal frameworks since 2002 is summarized in the charts at Addendum A.

Other Policy Support Aiding School Improvement Efforts: Additionally, since 2002, RIDE has published a number of additional policies to support all districts but that particularly aid those districts and schools working to implement school improvement plans, including:

The Basic Education Program: Since well before the passage of the Crowley Act, the Council has adopted a set of regulations known as the Basic Education Program (“BEP”).³⁵⁵ The BEP policies outline basic standards to support and guide districts in ensuring a high-quality education is available to all public school students.³⁵⁶ In 2009, the BEP was revised to reflect 21st century knowledge and skills. The BEP is organized to provide expectations for the statewide education system, RIDE and local school districts. The BEP provides a guiding set of standards for districts to follow across a wide array of school district practices, including in the areas of (1) curriculum, instruction and assessment; (2) safe, healthy and supportive learning environments; and (3) administration, management and accountability of the district.

For example, with respect to “Curriculum, Management, and Supports,” the BEP provides:

Each LEA shall establish a comprehensive set of district-wide policies that will guide the development, alignment, and implementation of curriculum, instruction, and assessment systems to ensure that all students become proficient life-long learners. These policies shall be made public and be easily accessible to the community.

BEP standards go beyond in-classroom practices and also include standards for good district management. For example, in regard to “Efficient and Effective Finance Systems,” the BEP provides:

Each LEA shall adopt and maintain a financial accounting system, in accordance with Generally Accepted Accounting Principles (GAAP), the Governmental Accounting Standards Board (GASB), and the Financial Accounting Standards Board (FASB), and with requirements prescribed by the Commissioner of Education, in which all revenue and expenditure data shall be recorded. This system shall be the basis for the periodic reporting of financial data by the LEA to the Department of Elementary and Secondary Education.

In sum, the BEP's policies and procedures set high standards for districts to ensure high-quality education is available to all public school students.

2015 Equity Plan: Ensuring Equitable Access to Excellent Educators: In 2015, RIDE adopted an equity plan which detailed steps RIDE would take to support districts in ensuring that high poverty and high minority schools are not taught at higher rates than other students by inexperienced, unqualified, or out-of-field teachers.³⁵⁷ A result of the plan, RIDE:

- Coordinated opportunities for districts and preparation programs to build partnerships.
- Provided certification support to highest poverty districts. In response to a request from PPSD and in an effort to increase understanding of certification requirements, RIDE staff facilitated a session providing an overview of certification requirements and offering an express certification renewal opportunity for educators in PPSD among other districts
- Launched a task force focused on recruiting and retaining educators in hard-to-staff fields in conjunction with the National Governor's Association.
- Provided job-embedded coaching related to educator evaluation through the principal partnership. In 2015-16, RIDE provided job-embedded coaching to evaluators in six schools, including three of the state's highest poverty and highest

minority schools, one of which was a PPSD school. Although the sample size was small, results of surveys indicated strongly that principals felt supported by RIDE staff and that participating in the principal partnership was a valuable experience.

- Drafted an educator evaluation self-audit tool. Given the critical importance of ensuring all educators receive meaningful feedback on their practice, RIDE created an educator evaluation self-audit tool that districts can use to identify strengths and areas for improvement related to the implementation of educator evaluation.
- Developed a district talent management self-assessment tool and made it available to all districts, including PPSD. RIDE developed a Talent Management Self-Assessment Checklist for School Districts that was revised by the Equitable Access Support Network. School districts can use the tool to evaluate how effective their talent management strategies are in helping ensure equitable access to effective educators and make changes that they think are appropriate in the areas of recruitment, hiring, placement, and support.
- Helped LEAs analyze and improve teaching and learning conditions. RIDE attended working sessions on March 22, 2016 and June 2, 2016 focused on improving teaching conditions with teams from PPSD and Woonsocket School District. As part of this work, RIDE helped PPSD create a survey, which PPSD administered to teachers who were new to the district in the 2014-2015 or 2015-16 school years, related to management of student conduct and teacher leadership.³⁵⁸

Educator Quality and Certification Regulations: Since well before the Crowley Act, RIDE has adopted regulations governing the certification of teachers.³⁵⁹ These policies support districts in providing professional teaching standards for educators, school leaders, and required

policies and standards for prospective educators and school leaders.³⁶⁰ In December 2018 RIDE adopted revisions to certification regulations in response to feedback from districts and educators around the state.³⁶¹ Revisions included:

- increasing practical experience requirements for pre-service candidates;
- opening additional pathways into the profession for shortage areas; and
- re-establishing ongoing professional learning requirements for all educators.³⁶²

Career and Technical Education Standards: Since at least 2012, RIDE has adopted standards for the implementation of career and technical education programs.³⁶³ These standards ensure students are provided exposure to the world of work, an opportunity to learn rigorous technical and career-based skills aligned to industry standards, and through the earning of credentials, preparation for a seamless transition to postsecondary education and training programs or careers.³⁶⁴

Virtual Learning Standards: Since July 2012, RIDE has adopted standards for virtual learning education.³⁶⁵ This establishes comprehensive and coherent policies governing virtual learning education opportunities ensuring:

- all learners in Rhode Island will have access to high-quality, rigorous and relevant online learning opportunities;
- all learners are supported in meeting academic and career goals;
- reliable access to the internet and technology tools necessary for virtual learning; and coordination between RIDE, higher education institutions, and other state agencies.³⁶⁶

Educator Evaluation Systems Standards: Since the 2012-13 school year, RIDE has adopted expectations for district-based teacher evaluation systems.³⁶⁷ These ensure district evaluation systems:

- establish a common vision of educator quality;
- identify ways in which evaluation data are used for professional development, retention, incentives, and removal for educators;
- emphasize professional practice, a teacher’s impact on student learning, demonstration of professional responsibilities, and content knowledge for all educators; and
- integrate evaluation with district initiatives and the district’s strategic plan.³⁶⁸

Regulations Governing the Education of English Learners: Since at least 2009, RIDE has adopted standards governing the education of English-Language Learners, including regulations to:³⁶⁹

- ensure that ELs attain a level of proficiency in English and content knowledge that enable them to succeed in school, graduate, be prepared for postsecondary education, and become an asset to the state of Rhode Island;
- require that ELs are instructed and assessed in accordance with English Language Proficiency Standards if the World-Class Instructional Design and Assessment Consortium;
- ensure ELS meet the Common Core State Standards in all subject areas;
- ensure ELs have access to a free, appropriate public education equal to other students;

- facilitate the preservation and development of existing native language skills of ELs; and
- ensure English language proficiency in Rhode Island.³⁷⁰

School Construction Regulations: Since at least 2007, RIDE has adopted School Construction regulations that set standards for districts in determining the necessity of school construction projects, establishing standards for the design and construction of school buildings, approving projects for school housing aid reimbursement, and ensuring districts have adequate asset protection plans in place to maintain facilities.³⁷¹

Regulations Governing the Education of Children with Disabilities: Since well before the Crowley Act, RIDE has adopted regulations governing the education of children with disabilities which supports special education policy and implementation within school districts.³⁷²

III. Support and Intervention Strategy Three: “[R]esource oversight to assess and recommend that each school has adequate resources necessary to meet performance goal.”³⁷³

Since 2002, RIDE has conducted oversight of PPSD and school resources to assess the adequacy of each school’s resources to meet its performance goals and to make recommendations in that regard. RIDE’s efforts have included oversight of the budgeting of school improvement plans, the provision of additional resources to ensure adequacy in improvement efforts, and the provision of technology and information to offer transparency and accountability over the use of resources in schools identified for school improvement.

1. Resource Oversight

All school improvement plans submitted to RIDE (including those submitted by PPSD) have been required to include reviews of resource allocation, with particular focus on ensuring capacity to implement school improvement efforts in identified schools.³⁷⁴ Under NCLB, each

school reform model included requirements ensuring that the identified school had adequate resources to act upon their school improvement plan.³⁷⁵ For example, the Turnaround Model required the district to “[r]eplace the principal and grant the new principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates.”³⁷⁶ Similarly, the Transformation Model required the district to “Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates.”³⁷⁷

Under ESEA Flexibility Waivers, the districts (including PPSD) were required to submit a School Reform Plan, with a completed school-based budget, to the Commissioner for review and approval. Schools identified were eligible for grants under Title 1 1003a (formula) and 1003g (competitive) grants from NCLB through ESSA. Now those two funding streams are one, simply 1003. Since October 2012 PPSD has been awarded a total of \$20.2 million through school improvement grants, of which it has spent \$17.5 million.³⁷⁸

Finally, under ESSA, RIDE has continued to provide significant resource oversight of school improvement efforts in PPSD. RIDE has begun annual reviews of local, state, and federal funding sources including Titles I, II, III, and IV funding for alignment to PPSD and/or identified school’s plans for all schools identified for comprehensive or targeted support and improvement.³⁷⁹ RIDE has also utilized its financial transparency and accountability initiatives (further described below) to work with PPSD (and other districts), to look at the issue of equity across districts and to help to achieve better outcomes such as improved teacher quality, improved course curriculum, increased student achievement, and appropriate training and outreach activities.³⁸⁰

2. Accountability and Transparency

Pursuant to R.I. Gen. Laws § 16-2-9.4 (the relevant portion of which was enacted in 2004), all districts must use a Uniform Chart of Accounts (“UCOA”), a method of accounting that provides transparency, uniformity, accountability, and comparability of financial information across all schools and districts.³⁸¹ Specifically, the UCOA standardized account-code structure allows every school to use the same account codes and methods for tracking revenue and expenses in their daily accounting. UCOA enables a comparable analysis of Rhode Island district and school-level revenue and expenditures, by funding source, by requiring all districts to use a uniform accounting system.

As part of its continued effort to provide PPSD and other districts with schools identified for improvement with a means of assessing whether each school has the resources necessary to meet their performance goals, in 2018, RIDE began producing focused UCOA data visualizations for a resource allocation review for each district with a significant number of schools identified for comprehensive or targeted support and improvement.³⁸² These visualizations translate UCOA data into user-friendly, analytical tools that can be used by RIDE, districts, and other leaders to analyze trends across all identified comprehensive or targeted support and improvement schools, and then leverage that information to provide resource allocation recommendations to LEAs.³⁸³ Specifically, these tools enable RIDE and leaders to analyze how financial decision-making processes and investments align toward improving instruction and advanced learning.³⁸⁴ The visualizations include key information pertaining to resource allocation, such as funding by source and expenditure codes, student outcomes, and student demographics.³⁸⁵ RIDE has publicly launched these UCOA data visualization tools and updates them on an annual basis.³⁸⁶ The visualizations have been built in such a way that all stakeholders, including administrators, parents,

board members, legislators, and community members, can access and understand the data while still being able to download the data sets themselves for further exploration. This resource allocation review supplements the school's comprehensive needs assessment and informs the school improvement planning process and final plan, as well as the annual SEA report on school improvement.

3. Provision of Adequate Resources

RIDE has also directed a significant amount of new resources to ensure that schools identified for school improvement, including those in PPSD, have adequate resources. This has included increased state, federal and private funds.

From FY 2001 to FY 2011, PPSD received substantial funding—more than any other district—from funds for “Progressive Support and Intervention.”³⁸⁷ During that period approximately \$28 million was appropriated, and of the \$21.6 million distributed to districts as aid, Providence received \$14.4 million, or just over two-thirds.³⁸⁸ PPSD also benefited from the remaining \$6.3 million that was not distributed as aid, as this was spent for RIDE support staff and RIDE contracts in order to provide services to struggling districts such as PPSD.³⁸⁹ The 2011 General Assembly eliminated this general revenue support when federal Race to the Top Funds became available.³⁹⁰ PPSD was ultimately awarded at least \$18.5 million in Race to the Top funding for the period from April 2011 to September 2014.³⁹¹ Of this \$18.5 million, \$7.5 million was specifically awarded for the purpose of School Transformation & Innovation.³⁹² PPSD also benefited from the creation of the instructional improvement, educator evaluation, and human capital systems at the state level as a result of RTTT funding, which supported a significant expansion of the school improvement technical assistance RIDE was able to provide to PPSD in the ESEA Flexibility Waivers era.

The City of Providence regularly receives more than a quarter of the state’s total education aid.³⁹³ Since 2011, the year the state’s funding formula was enacted, PPSD’s allocation of state funding has increased from \$179.6 million to \$263.8 million, an increase of over 46.8%.³⁹⁴ Over the past five years, PPSD’s state appropriation has increased by \$40.7 million alone.³⁹⁵ Funding towards specific school improvement efforts have also been directed to schools identified for school improvement, with many grants going to Providence. RIDE oversees the administration of multiple school improvement grant funding programs – including Title 1 – 1003(a) School Improvement Allocation Funding and competitive Title-1 (1003g) School Improvement Grants.³⁹⁶ The allocation of these funds are designed to help support school improvement efforts at identified, low-performing schools. Since October 1, 2012, over \$20 million in school improvement grants have been awarded to PPSD.³⁹⁷

IV. Support and Intervention Strategy Four: “[C]reating supportive partnerships with education institutions, business, governmental, or other appropriate nonprofit agencies.”³⁹⁸

RIDE has supported PPSD and other districts with schools identified for improvement by initiating a number of partnerships with outside entities. These include establishing supportive partnerships with PPSD and the following partners:

Principal Residency Network: Since 2009, with RIDE support, PPSD partnered with the nationally recognized Principal Residency Network (PRN), a principal preparation program of the Center for Leadership and Educational Equity.³⁹⁹ The program was initiated in 2000 as a state-approved administrator certification program featuring an intensive residency with a mentor principal and a cohort structure and has supported the training of numerous PPSD administrators.

United Providence!: In 2011-2012, RIDE provided PPSD with the flexibility to create a unique labor-management turnaround model in Providence to establish a joint management organization “United Providence!” or UP!. UP! developed reform plans for some of the city’s

lowest-performing schools together.⁴⁰⁰ The partnership was supported by a \$100,000 legislative grant from the state and a grant from the Rhode Island Foundation.⁴⁰¹ *See also* § D(I)(4)(a) *supra*.

Race to the Top Supported Partnerships: Under RIDE’s successful RTTT grant, PPSD benefitted from a number of school improvement partnerships with outside nonprofits and consultants. These included:

- ***Mass Insight:*** Contracting with Mass Insight to work with administrators on the design and implementation of a district partnership ‘zone’ strategy for transformation of the district’s struggling schools.⁴⁰²
- ***Teachscape:*** Beginning in SY 2010-2011, PPSD contracted with Teachscape to provide School Achievement Specialist (SAS) services and to support instructional leadership and institutionalization of reform efforts.⁴⁰³ This has been supplemented by support from Cambium/NAEP, which provided SAS services in three PPSD schools: Mount Pleasant, Central, and Juanita Sanchez.⁴⁰⁴

21st Century Community Learning Center Grants: RIDE also administers 21st Century Community Learning Center funds (over \$5.5M in grants are currently deployed annually) in a way that ensures a focus on students and schools in greatest need.⁴⁰⁵ This has facilitated strong growth of afterschool and community programs in Providence, such as the Providence After School Alliance. Around 3,600 Providence students are served by the partnerships funded by these grants. RIDE currently has seven grants totaling just under \$2M annually that go to five community-based agencies to serve students in 14 Providence schools.⁴⁰⁶ The grants are:

- ***Boys & Girls Clubs of Providence,*** which serves Roger Williams Middle School and Alvarez High School;
- ***New Urban Arts,*** which serves Central and Classical high schools;

- *ONE / Neighborhood Builders*, which serves the William D’Abate Elementary School;
- *Providence After School Alliance*, which serves Bishop, DelSesto, Hopkins, and West Broadway middle schools, Hope High School, and the Juanita Sanchez Educational complex; and
- *The YMCA of Greater Providence*, which serves the Bailey, Fortes, and Lima Elementary Schools.⁴⁰⁷

EdTechRI: In 2016, the state supported the Highlander Institute in receiving a \$1.78M grant for the expansion of Fuse RI and the EdTechRI Testbed.⁴⁰⁸ The EdTechRI Testbed trained and supported approximately 40 teachers across 12 schools in PPSD, studying the impact of math and reading software and personalized learning platforms. A key goal of the project was to help educators become more informed consumers in this digital age, giving them the tools to determine whether a particular technology product is the right fit in their classroom.

LeadRI: In 2017, RIDE partnered with the state’s leading business executives to create the nonprofit coalition, Partnership for Rhode Island.⁴⁰⁹ The Partnership for Rhode Island launched LeadRI Partnership, a leadership development program for education administrators. RIDE worked with the Partnership for Rhode Island to provide principals, superintendents, and RIDE senior leadership with a year-long executive development program to enhance leadership skills, promote strategic thinking, and cultivate innovative school improvement strategies. Fourteen administrators in PPSD took part in the year-long program.

E. After More Than Two Decades of Support, There Has Not Been Improvement in the Education of Students in PPSD, As Determined By Objective Criteria.

After more than two decades of the foregoing support and intervention strategies, there has not been improvement in the education of students in PPSD, determined by myriad objective criteria.

1. Effect of Support and Intervention Strategies

Almost all of the schools identified as in need of improvement under NCLB and under the ESEA Flexibility Waivers are still identified as in need of improvement more than a decade later.⁴¹⁰ Performance of schools just outside of identification has also remained significantly below the state average and has not shown improvement.⁴¹¹ Presently, 71% of PPSD schools are among the lowest 5% of all schools in RI, have subgroups among the lowest 5%, or have subgroups at a one-star level.⁴¹² In PPSD, 13 of its 41 schools are identified for Comprehensive Support and Improvement (CSI), and the number of schools identified in the bottom two school classifications has increased in recent years.⁴¹³ Only 7 PPSD schools are currently ranked as three or more stars.⁴¹⁴ The problem of low performance is not limited to a subset of the district's schools, as nearly all schools face significant performance issues.⁴¹⁵ But the district has struggled to support them in making significant improvements.

While the multitude of the foregoing support and intervention strategies have had little success in PPSD and its schools (see Background, *supra* § B), engagement in RIDE's school improvement processes has produced positive outcomes in other identified districts and schools. As indicated in Addendum B, 13 schools identified for improvement in PPSD in SY 2011-12 still remain identified as needing of improvement. For details regarding the identification of district schools outside of PPSD, see Addendum B.

2. Educational outcomes of students in Providence public schools.

Across all grade levels, a full 90 percent of students are not proficient in math, and 86 percent are not proficient in English Language Arts (“ELA”).⁴¹⁶ These current proficiency rates are not outliers, and they are falling, or at best not reliably improving, over time:

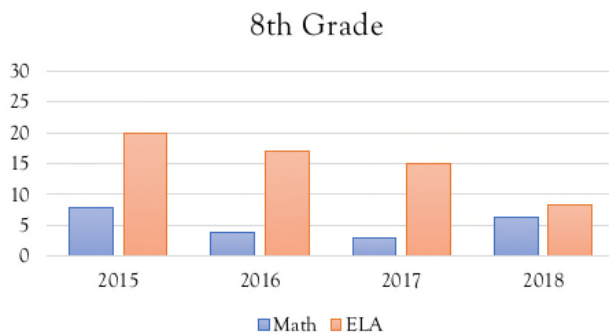


Figure 2 to the Johns Hopkins Report

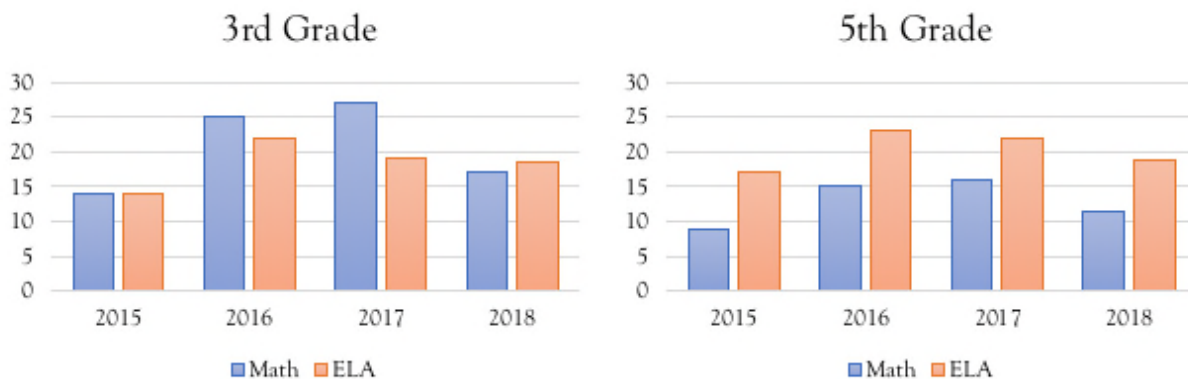


Figure 2 to the Johns Hopkins Report

While the overall proficiency rates have varied by assessment, this trend has been consistent over time, and the gap between PPSD’s average test results and the state average, has remained stubbornly flat.⁴¹⁷ A similar severely low proficiency was reflected on the former NECAP and PARCC exams.⁴¹⁸ On SATs given in 2008-2016, the average PPSD student scored 231 points lower than the average Rhode Island student.⁴¹⁹ These results and trends provide no

indication that student performance is considerably improving in any subject or across any grade levels.

As demonstrated in the recent Johns Hopkins Report, a comparison with student outcomes in Newark, New Jersey and Worcester, Massachusetts shows that this abysmal result is not compelled by the demographics of Providence.

Statistics Concerning Proportions of Disadvantaged Groups in Providence, Rhode Island, Newark, and Worcester

	Providence	Newark	Worcester
Economically Disadvantaged	87.1%	79%	57.9%
Limited English Proficiency	27.9%	10.5%	32.8%
Special Education	15%	16.6%	19.4%
Black	16.6%	42.9%	16.3%
Hispanic	64.6%	47.2%	42.9%
White	9%	8.4%	29.6%
Total Students	24,075	36,112	25,415

Excerpt of Table 1 to Johns Hopkins Report

These statistics show that Newark and Worcester have similar proportions of traditionally disadvantaged students (economically disadvantaged students, Limited English Proficiency Students, special education students, and students who are members of an under-represented minority). Yet students in Providence schools scored lower than students in these comparable districts in *every subject, in every grade, and in every year* examined in the report.⁴²⁰

The gap in achievement between Providence and these comparable districts is staggering. In 2018, the proficiency rate in English Language Arts for students in Providence was under 20% for all grade levels examined in the report.⁴²¹ It was nearly (and in some cases more than) double that in Newark and Worcester.⁴²² And this metric is trending negative in Providence:

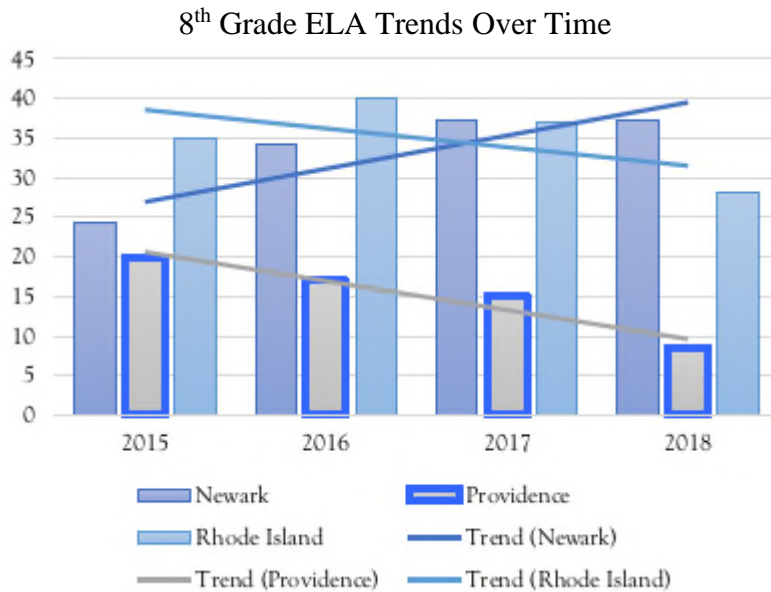


Figure 3 to the Johns Hopkins Report

Proficiency rates in mathematics tell a similar story. In 2017, the eighth grade proficiency rate in Providence dipped to 3%.⁴²³ Students in Worcester consistently performed far better:

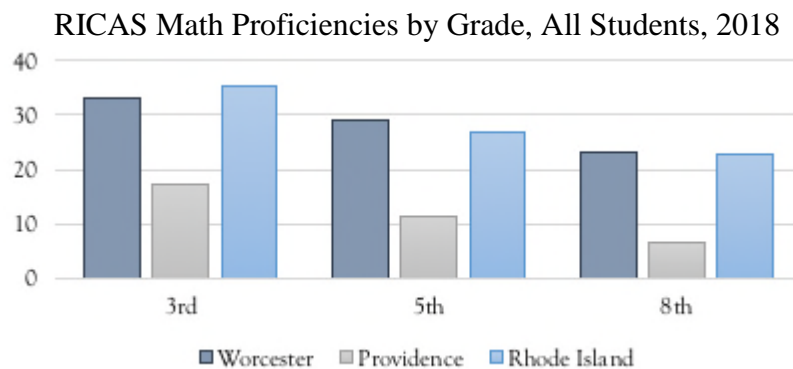


Figure 13 to the Johns Hopkins Report

While PPSD has more students from typically underperforming subgroups – Black, Hispanic, ELs, etc. – the performance of nearly every one of those student groups in PPSD is lower and sometimes significantly lower than the statewide performance of these same groups in both Math and ELA.⁴²⁴ These students face performance gaps in schools across the district. Over a considerable period there has been very little improvement in low-performing subgroups including Latinx, Black, Free-Reduced Price Lunch, and ELs.⁴²⁵

Reading Performance by Subgroups Over Time									
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
	NECAP						PARCC		
All	47%	47%	47%	46%	47%	46%	18%	20%	17%
Native American	54%	50%	43%	48%	44%	43%	16%	18%	14%
Asian	55%	56%	55%	56%	55%	56%	27%	32%	30%
Black	48%	45%	46%	46%	48%	48%	19%	19%	16%
Latinx	43%	44%	44%	49%	44%	46%	15%	17%	15%
White	60%	62%	63%	60%	66%	64%	37%	38%	36%
ELL No	51%	51%	52%	57%	54%	54%	22%	24%	21%
ELL Yes	11%	12%	11%	12%	13%	15%	2%	4%	3%
Free/Reduced	45%	45%	45%	50%	46%	47%	16%	18%	15%
Paid	63%	46%	64%	61%	64%	67%	38%	36%	35%
Male	42%	41%	42%	47%	45%	41%	15%	15%	13%
Female	52%	54%	51%	50%	54%	58%	23%	26%	22%
IEP No	54%	54%	54%	58%	54%	53%	21%	23%	20%
IEP Yes	14%	13%	12%	13%	13%	14%	2%	2%	2%

Math Performance by Subgroups Over Time									
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
	NECAP						PARCC		
All	33%	31%	34%	36%	37%	35%	11%	14%	15%
Native American	22%	25%	25%	33%	27%	29%	9%	9%	10%
Asian	44%	42%	45%	47%	49%	47%	19%	25%	30%
Black	30%	27%	29%	33%	33%	33%	9%	11%	12%
Latinx	31%	29%	33%	34%	34%	32%	9%	12%	13%
White	45%	44%	49%	55%	55%	55%	25%	32%	31%
ELL No	36%	34%	38%	41%	42%	41%	13%	17%	18%
ELL Yes	14%	9%	13%	11%	16%	12%	3%	6%	6%
Free/Reduced	31%	29%	32%	34%	34%	33%	9%	13%	13%
Paid	48%	45%	53%	57%	59%	58%	26%	26%	31%
Male	33%	30%	34%	36%	36%	34%	10%	14%	15%
Female	33%	31%	34%	36%	37%	36%	11%	15%	16%
IEP No	38%	35%	39%	42%	42%	40%	12%	16%	17%
IEP Yes	10%	7%	8%	9%	7%	8%	1%	2%	2%

In fact, over the past three years, the achievement gap between PPSD and the state has increased across all grades in ELA.⁴²⁶ The Johns Hopkins report also surveyed data indicating that students who are members of a disadvantaged group achieve proficiency at markedly lower rates than the same students in Worcester.⁴²⁷

The Johns Hopkins report also highlighted data showing that student proficiency rates in Providence schools sharply declined in later grades:

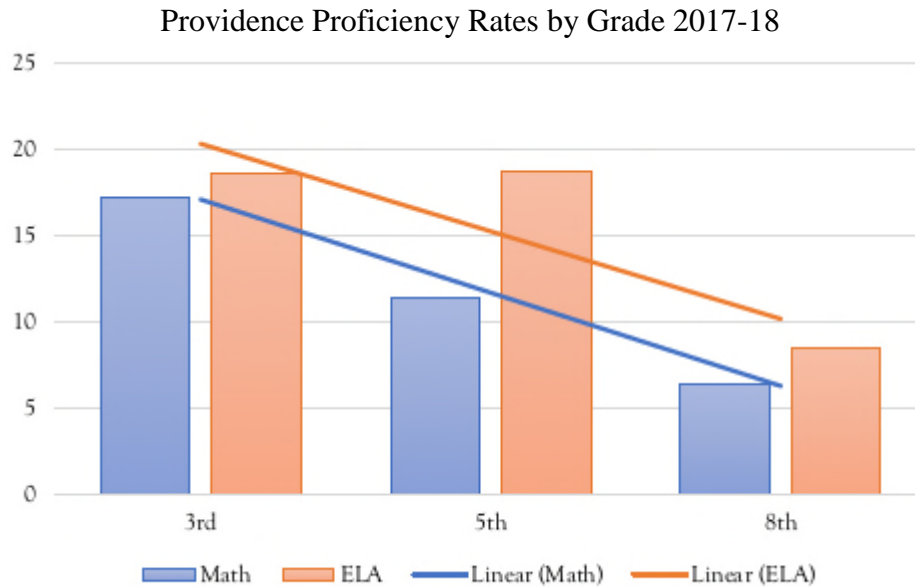


Figure 1 to the Johns Hopkins Report

The sharp drop-off in proficiency rates in later grades suggests that secondary schools in Providence are particularly deficient, and/or that it is not the students themselves, but rather continued exposure to Providence schools, that leads to poor student outcomes.

3. Graduation Rates for Students in PPSD.

A significant gap exists in the four-year graduation rate between PPSD and the state average. In each of the years 2011-2018, the high school graduation rate for students in PPSD was well below the state average.⁴²⁸ For the last seven years, the dropout rate for students in PPSD has been at least 1.5 times (and in some years almost twice) that students statewide.⁴²⁹

4. Attendance Rates for Students in PPSD.

Attendance rates and chronic absenteeism rates consistently reflect a lack of student engagement in PPSD schools. Chronic absenteeism is defined as absent 10% or more of the days enrolled or 18 of the 180 days in the school year.⁴³⁰ For the last five years, nearly half (more than 46.76%) of PPSD high schoolers were chronically absent.⁴³¹ That percentage has increased in recent years. In the 2017-18 and the 2018-19 school years, *more than 50 percent* of PPSD high

schoolers were chronically absent.⁴³² In those same years, over 30% of all PPSD middle schoolers were chronically absent.⁴³³ These rates are almost double the state average.⁴³⁴

In sum, RIDE’s objective data show that PPSD is failing to fulfill its duty to its students. The district is failing them at staggering rates, despite significant financial resources and interventions and support from the State.

F. The Providence School Board, the Providence City Council, the Interim Superintendent, and the Mayor of Providence support RIDE’s assumption of control.

The Commissioner released an earlier draft of this Decision (the “Proposal for Decision”) and an earlier draft of the accompanying Order (the “Draft Order”) on August 8, 2019.⁴³⁵ Copies of both documents were served on the Mayor of the City of Providence (the “Mayor”), the Providence School Board (the “School Board”), the PPSD Interim Superintendent (the “Superintendent”), and the Providence City Council (the “City Council”) (collectively, the “Show Cause Parties”). The Show Cause Parties were also served a copy of an “Order to Show Cause” which invited each of them to object and show cause why the Proposal for Decision and the Draft Order should not be entered.⁴³⁶ The Show-Cause Parties were afforded the opportunity to submit written materials (i.e., written memoranda, a list and copy of any evidence, and a list of any witnesses) by September 4, 2019, or, in the alternative, to submit a Notice of Non-Opposition. The Commissioner set a hearing on the Order to Show Cause for September 13, 2019.⁴³⁷

1. The School Board, City Council, Superintendent, and Mayor of Providence did not oppose the entry of the Proposal for Decision or Draft Order.

On September 4, 2019 each of the Show Cause Parties submitted a Notice of Non-Opposition.⁴³⁸ City Council President Sabina Matos informed the Commissioner that the City Council had no objection to “assuming control and decision-making authority over the Providence Public School District”⁴³⁹ She further stated the City Council’s “intent ... to

work collaboratively with the Commissioner” to achieve the goals of a Turnaround Plan. In a cover letter, Council President Matos also noted the “academic underperformance,” “aging condition of our facilities,” “reported bullying, abuse, lack of supports, and hopelessness” in PPSD, and concluded that “[t]he school culture across our city is broken” and “students and teachers suffer.”⁴⁴⁰ Council President Matos recounted that she attended “all but one RIDE Community Forum,” which were open public conversations instituted and directed by the Commissioner, and that the parents shared their dissatisfaction with the system and their relief that RIDE was listening.⁴⁴¹

In the Notice of Non-Opposition to Order of Control and Reconstitution submitted by the Mayor and the Superintendent, both officials similarly expressed their intention to work collaboratively with the Commissioner and with the State Turnaround Superintendent or other designees to achieve the goals of the Turnaround Plan.⁴⁴² The Mayor and the Superintendent also expressed their expectation that a broad variety of stakeholders, including the school leaders, teachers, students, families, city leaders and community leaders will inform the State intervention and the development and implementation of the content and ultimate goals of the Turnaround Plan.⁴⁴³

In the Notice of Non-Opposition to the Commissioner’s Order of Control and Reconstitution of Providence Public Schools submitted by the School Board, the School Board similarly expressed its intention to work collaboratively with the Commissioner and with the State Turnaround Superintendent or other designees to provide valuable input into the development of a Turnaround Plan.⁴⁴⁴ The School Board further stated that it agrees to the Order under the expectation that a broad variety of stakeholders, including the School Board, school leaders, educators, students, parents, families, city leaders and community leaders will provide

input in the development of the content and ultimate goals of the Turnaround Plan. The School Board also provided an addendum setting forth its recommendations relative to the Turnaround Plan for the Providence Public School District.⁴⁴⁵

2. Other Responses Received

On September 4, 2019, Councilwoman Rachel Miller, the elected representative for Ward 13, e-mailed the Commissioner and stated that “I will not be submitting written evidence at this time but I look forward to the opportunity to address the Commissioner at the show cause hearing on September 13, 2019.”⁴⁴⁶ On September 11, 2019, Councilwomen Anthony, Kerwin, and Miller, through Attorney Samuel Zurier, requested an opportunity to speak for up to five minutes at the September 13, 2019 hearing.⁴⁴⁷ They wished to present “objections to the [Draft Order] they have heard from constituents,” because “they believe [that the Draft Order] does not create the necessary conditions for a successful State intervention, along with their ideas about how to revise the Proposed Order to address those objections.”⁴⁴⁸ In response, the Commissioner, through her counsel, noted that the Councilwomen had failed to comply with the Order to Show Cause in that they failed to submit written materials, a list of evidence and witnesses, and a copy of evidence.⁴⁴⁹ Without deciding whether the Councilwomen had standing, as individual members of the Council rather than the Council itself, to object to the Proposed Order, the Commissioner permitted the Councilwomen the opportunity to present testimony under oath, subject to cross-examination, for the full amount of time requested by the Councilwomen.⁴⁵⁰

Also on September 4, 2019, the Commissioner received a document titled the “Providence Public School Parents’, Students’ and Student Organizations’ Motion to Intervene and for Accountability, Transparency and Inclusion in the Proposed Intervention” (the “Motion to Intervene”). The Motion to Intervene was submitted by eight individuals who are parents of PPSD students, nine PPSD high school students, four graduates of PPSD high schools, and four

organizations (collectively, the “Proposed Intervenors”).⁴⁵¹ The four organizations characterized themselves as “student organizations” that “provid[e] direct support to Providence Public School Students” and whose members “are current Providence Public School students, as well as recent Providence Public School graduates.”⁴⁵² On September 10, 2019, the Mayor wrote to indicate that he did not oppose the Motion to Intervene.⁴⁵³ On the same day, RIDE objected to the Motion to Intervene and submitted a memorandum of law.⁴⁵⁴

The hearing commenced on September 13, 2019 at 9:00 a.m. and concluded at 4:17 p.m.⁴⁵⁵

(a) The Motion to Intervene.

The Motion to Intervene as well as the testimony presented at the September 13, 2019 hearing demonstrated that none of the Proposed Intervenors objected to the proposed assumption of control over PPSD. The Motion to Intervene stated that the Proposed Intervenors’ intention was to “require” “accountability, transparency, and inclusion” for parents and students in “education system decision-making.” The form of relief that the Proposed Intervenors would seek if they were allowed to Intervene was not made clear in the Motion to Intervene nor in their testimony at the hearing. The Proposed Intervenors did state that they sought more accountability, transparency, and inclusion than was provided for in the following paragraph of the Draft Order:

Upon appointment, the State Turnaround Superintendent and/or other designee(s) shall immediately begin a process to co-create a Turnaround Plan with the Commissioner. Before, during, and after the development of such a Turnaround Plan, the State Turnaround Superintendent and/or other designee(s) shall engage, be accessible, and be responsive to students, parents, families, educators and the public broadly. This engagement may include, but not be limited to, public forums and current existing structures such as parent organizations and community advisory boards, as well as any new undefined structures at the discretion of the State Turnaround Superintendent and/or other designee(s) and the Commissioner. This process of developing a Turnaround Plan shall also include an opportunity for public engagement for the purpose of soliciting recommendations for the content and ultimate goals of the Turnaround Plan from a

broad variety of stakeholders, including, school leaders, educators, students, parents, families, and community members.⁴⁵⁶

The eight parents and nine PPSD high school students demonstrated a laudable and sincere interest in the improvement of the PPSD. Their Motion to Intervene and supporting testimony did not, however, offer any evidence nor suggest that their legal interest in the operation or leadership of the PPSD differed from that of the tens of thousands of other PPSD parents and students. In addition, notwithstanding their submission of the Motion to Intervene, some of the Proposed Intervenors explained that they in fact did not want to *personally* intervene in the legal proceedings, and instead clarified that they sought formal representation for parents and students generally.⁴⁵⁷

After hearing approximately four hours of testimony and cross-examination of the Proposed Intervenors, the Commissioner denied the Motion to Intervene for the reasons stated on the record at the hearing.⁴⁵⁸ The Commissioner determined that applicable state law did not permit intervention.⁴⁵⁹ Assuming for the sake of argument that she could permit intervention, the Commissioner determined that it would be inconsistent with the apparent intent of state law, her duties and responsibilities as Commissioner and, in particular, those duties and powers that have been delegated to her under the Crowley Act, to allow a small subset of Providence parents, students, graduates, and certain non-profit organizations to become parties to this legal proceeding between RIDE and the Show Cause Parties.⁴⁶⁰ Further, the Commissioner and RIDE emphasized throughout the hearing that to the extent the Proposed Intervenors expressed the relief they would seek if allowed to intervene, the Draft Order reflected the substance of that relief by requiring substantive community involvement in the shaping of the Turnaround Plan. The Commissioner emphasized that the Order by which RIDE would displace other entities currently asserting control of PPSD was not the same as the Turnaround Plan that would follow.

(b) The Show Cause Hearing.

After the conclusion of the Motion to Intervene, the Commissioner commenced the Show Cause Hearing. Each of the three Providence City Councilwomen (Kerwin, Anthony, and Miller, collectively, the “Councilwomen”) testified and asked that the Draft Order be amended to include language that they or their constituents preferred. Councilwoman Kerwin advocated for the Draft Order to include language that tracked a Massachusetts statute governing state intervention in school districts.⁴⁶¹ The General Assembly has not adopted the provisions of Massachusetts law that Councilwoman Kerwin advocated for including.⁴⁶² Further, the cited Massachusetts law included these provisions as they concern a turnaround plan—not the initial order by which the state government assumes control, which here is the Draft Order.⁴⁶³ Councilwoman Miller similarly sought “a legally binding process for accountability and transparency that includes students and parents.”⁴⁶⁴ Councilwoman Anthony sought the same form of relief.⁴⁶⁵ Councilwoman Anthony also argued for the first time, “in the alternative, in effect” that “she had questions as to whether the State actions to date comply with the Crowley Act[.]”⁴⁶⁶ But she clarified that the purpose she appeared at the hearing was to seek “some form of more accountability in the Order.”⁴⁶⁷

Assuming for the sake of argument that individual members of the City Council have standing to object, the Commissioner concludes that none of the Councilwomen showed cause why the Draft Order and the Proposal for Decision should not have entered. If it were their prerogative to do so, the Councilwomen may have drafted the Crowley Act or the Draft Order differently to better suit their own preferences. The Councilwomen failed to show, and did not appear to argue that the terms of the Draft Order were unconstitutional, contrary to law, exceeded any relevant powers granted by law, or were otherwise legally defective. Assuming for the sake of argument that Councilwoman Anthony objected that the prerequisites of the Crowley

Act have not been met, such an objection was, at best, lacking in specificity, but more importantly, inconsistent with the Findings of Fact set forth within this Decision, which clearly demonstrate that the prerequisites of the Crowley Act have been fulfilled.

(c) Amendments to the Draft Order following the Show Cause Hearing.

After the September 13, 2019 hearing, the Commissioner voluntarily amended the Draft Order to, *inter alia*, respond to points raised by the Proposed Intervenors, the Providence City Councilwomen, the City Council, the Mayor, the Superintendent, and the School Board in their submissions and/or testimony.

CONCLUSION

For the foregoing reasons, the Commissioner will enter the Order of Control and Reconstitution enclosed herewith.

ADDENDUM A

Summary of Policy Support Provided by Each Federal Framework Since 2002

No Child Left Behind
Performance Goals⁴⁶⁸
<p>RIDE’s method for identifying persistently lowest-achieving schools included an analysis of the following factors, with the ultimate goal being 100% proficiency in English and Math by 2014:</p> <ol style="list-style-type: none">(1) School-wide student performance in mathematics and reading against the statewide average performance in these subject areas;(2) NCLB Classification with respect to number of years in need of improvement;(3) Student growth percentile at elementary and middle school levels in reading and mathematics and graduation rates at high school levels against the state-wide average growth; and(4) School-wide improvement in reading and mathematics against the state-wide average improvement. <p>In addition, the NCLB further authorized the LEA to perform an annual review of the progress of each of its Title I schools to determine whether the school was making adequate yearly progress (AYP) against the 2014 goal.</p>
School Identification⁴⁶⁹
<p>Under NCLB, the state set annual targets for proficiency or improvement at each school level (elementary, middle, high school). The targets rose in equal increments each year until they reached 100 percent efficiency in 2014. Schools were required to meet targets for their level on a school-wide basis as well as for each of eight student groups — Asian, Black, Hispanic, Native American, White, students in poverty, students with disabilities, and English-language learners — if the school had at least 45 students in that group across all tested grades. Schools identified as persistently lowest-achieving required intervention by the responsible district beginning in the school year following identification by the state.</p>
Intervention Models⁴⁷⁰
<p>Under NCLB there were four allowable school intervention models: turnaround model, restart model, school closure, or transformation model.</p> <ol style="list-style-type: none">(1) Turnaround model. A turnaround model is one in which a district must—

- (i) Replace the principal and grant the new principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;
 - (ii) Use locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students: (A) Screen all existing staff and rehire no more than 50 percent; and, (B) Recruit and select new staff;
 - (iii) Implement strategies such as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain highly qualified staff with the skills necessary to meet the needs of the students;
 - (iv) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that are able to facilitate effective teaching and learning and successfully implement school reform strategies;
 - (v) Adopt a new governance structure
 - (vi) Use data to identify and implement an instructional program that is research based, "vertically aligned" from one grade to the next and aligned with State academic standards;
 - (vii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;
 - (viii) Establish schedules and implement strategies that provide expanded learning time (as defined in this Protocol); and
 - (ix) Provide appropriate social-emotional and community-oriented services and supports for students. A turnaround model may also implement: (a) any of the required and permissible activities under the transformation model; or (b) a new school model (e.g., themed, dual language academy).
- (2) Restart model. A restart model is one in which a district converts a school or closes and reopens a school under one of the following mechanisms: (1) a charter school operator, or a charter management organization (CMO); or (2) an education management organization (EMO) that has been selected through a rigorous review process.
- (3) School closure. School closure occurs when an LEA closes a school and enrolls the students who attended that school in other public schools within the state that are higher achieving.
- (4) Transformation model. A transformation model is one which the LEA must implement each of the following strategies:
- (i) Teacher and school leader effectiveness. The district must: (A) Replace the principal who led the school prior to commencement of the transformation model; (B) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that -- (a) Take into account multiple and diverse data sources, such as student growth (as defined in this notice), observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement, drop-out, attendance and discipline data and increased high-school graduations rates; (b) Are designed and developed with teacher and principal involvement; (c) Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so; (d) Provide staff with ongoing,

high-quality, job-embedded professional development (e.g., subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school’s comprehensive instructional program and designed with school staff to ensure effective teaching and successful implementation of school reform strategies; (e) Implement strategies such as financial incentives, increased opportunities for promotion and career growth, and flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students; and, (f) Require that teacher and principal mutually consent to staff assignment, regardless of teacher seniority.

(ii) Comprehensive instructional reform strategies. The district must: (A) Use data to identify and implement an instructional program that is research based, “vertically aligned” from one grade to the next and aligned with State academic standards; (B) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students; and, (C) For secondary schools, establish early-warning systems to identify students who may be at risk of failing to achieve to high standards or graduate.

(iii) Increased learning time and community-oriented schools. The district must: (A) Establish schedules and implement strategies that provide expanded learning time (as defined in this Protocol); and, (B) Provide ongoing mechanisms for family and community engagement. (iv) Operational flexibility and sustained support. The LEA must: (A) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and (B) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).

ESEA Flexibility Waivers

Performance Goals⁴⁷¹
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RIDE adjusted its primary performance goals under the ESEA Flexibility Waiver to include the following:

1. Improve the absolute proficiency of all students in all schools in reading and mathematics (All Students);
2. Reduce the percent of students not proficient in mathematics and reading in half by 2016-17 in all schools and districts (All Students);
3. Set individualized school-specific and district-specific level Annual Measurable Objectives (AMOs) for all schools in reading and mathematics for the all student groups and for all subgroups and programs (minority, free/reduced-price lunch, English Learners, students with disabilities);
4. Recognize schools that exceed proficiency standards in reading and mathematics (All Students)
5. Improve growth in reading and mathematics in all elementary and middle schools (All Students, minority, free/reduced-price lunch, English Learners, students with disabilities);

- 6. Reduce the percent of students not graduating by half by 2016-17, using 4-year, 5-year, and 6-year cohort graduation calculations and set graduation-rate Annual Measurable Objectives (AMOs) (All Students); and
- 7. Increase high-school scaled-score growth on the NECAP mathematics and reading assessments.

School Identification⁴⁷²

Under the waiver, The Priority Schools accounted for 5% of all Title I schools in Rhode Island plus one additional non-Title I school. The Priority Schools are those with the lowest Composite Index Score, (CIS). The Commissioner had discretion to classify a school as a Priority School based on a number of factors, including resource availability and other information collected beyond the CIS. Focus Schools were also identified by its Composite Index Score, (CIS). Rhode Island proposed to use its CSI as a means to identify schools with large gaps and low performance.

Intervention Models⁴⁷³

Under the waiver, the state preserved the four allowable school intervention models: turnaround model, restart model, school closure, or transformation model, and added an ESEA Flex Intervention Model.

The Flex Model required districts to select a comprehensive package of intervention strategies from a RIDE-developed and managed list of 32 empirically proven intervention strategies. The district selection of the strategies was required to be: (1) coherent, (2) comprehensive, (3) responsive: the results of the diagnostic screen, and (4) ambitious but achievable.

The Flex Model was designed to reflect the basic principles of response to intervention (RTI) by classifying 32 intervention strategies into three tiers based upon their intensity and scope. The Flex Model required priority schools to select and implement no fewer than nine intervention strategies of their choice.

ESSA State Plan

Performance Goals⁴⁷⁴

By 2025, 75 percent of students attaining proficiency in English-language arts and mathematics, as well as a 95 percent graduation rate. There are also annual interim targets.

School Identification⁴⁷⁵

Rhode Island’s methodology for identifying the lowest performing five percent of all schools receiving Title I funds in the state utilizes all accountability indicators. To identify schools in need of comprehensive support and improvement, Rhode Island will first narrow down to the one star schools. If less than five percent of Title I schools receive one star ratings, Rhode Island will adjust the cut points for the academic proficiency and student growth indexes so that at least five percent of Title I schools receive one star ratings. Of the schools with a one star rating, any school that fits one or more of the following will be identified as in need of comprehensive support and improvement.

1. The lowest performing five percent of all schools – including at least the bottom five percent of Title I schools – in terms of growth and achievement in English language arts and mathematics state assessments. See image below for example. With current data modeling, cuts have been determined, but will be revisited annually when data from the new assessments are available.
2. Any high school failing to graduate one third or more of their students within four years.
3. Any school with the lowest score for all applicable non-graduation indicators, and one or two points for graduation, if applicable: a.1 point each on ELA and Math achievement; b.1 point each on ELA and Math growth; c.1 point on English language proficiency; d.1 or 2 points on graduation rate; e. The lowest cut on any combined indicator (for example, less than 7 points using the current cuts for Exceeds (ELA/Math), Absenteeism (Student/Teacher), and suspension).

Intervention Models⁴⁷⁶

Under RI’s ESSA plan, districts undergo the school improvement planning phases and/or choose from one of the five following School Redesign models for struggling schools:

1. Empowerment: A school is redesigned pursuant to the Rhode Island General Law 16-3.2-1: School and Families Empowerment Act, with elements including alternative governance, an empowered leader, and a comprehensive list of autonomies and performance targets agreed upon by the school, the LEA, and RIDE.
2. Restart: A school is reopened under the management of a charter management organization, educational management organization, or other state-approved managing entity with a proven record of successfully operating schools.
3. Small Schools of Choice: An evidence-based whole school reform, where a school is reorganized into one or more “small schools” (roughly 100 students per grade) which emphasize student-centered personalized learning programs and relationships between students and adults; a rigorous and well-defined instructional program; long instructional blocks that promote interdisciplinary work; and a focus on postsecondary preparation. Evidence supporting Small Schools of Choice as an effective turnaround model can be found in MDRC’s research study of NYC public schools in 2014.
4. District Proposed Redesign: An LEA designed alternative model, which meets the following criteria: a) a high quality school leader, b) a new school model, and c) significant school autonomy. This may include an alternative governance model for the school.
5. Closure: A school ceases all operations and students are relocated to schools that are not identified as in need of comprehensive support and improvement.

ADDENDUM B

Rhode Island Schools Identified for School Improvement 2009-present

School	District	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
B. Jae Clanton Complex	Providence	PLA	PLA	P	P	P	P	P	P	P	
Central Falls High School	Central Falls	PLA	PLA	P	P	P	P	P	P	P	
Juanita Sanchez Complex	Providence	PLA	PLA	P	P	P	P	P	P	P	CSI
Lillian Feinstein	Providence	PLA	PLA	P	P	P	P	P	P	P	
Roger Williams	Providence	PLA	PLA	P	P	P	P	P	P	P	CSI
Charles E. Shae High School	Pawtucket		PLA	P	P	P	P	P	Exited		CSI
William E. Tolman High School	Pawtucket		PLA	P	P	P	P	Exited			
Carl G. Lauro Elementary School	Providence		PLA	P	P	P	P	P	P	P	CSI
Dr. Jorge Alvarez High School	Providence		PLA	P	P	P	P	P	P	P	CSI
Gilbert Stuart Middle School	Providence		PLA	P	P	P	P	P	P	P	CSI
Mt. Pleasant High School	Providence		PLA	P	P	P	P	P	P	P	CSI
Pleasant View	Providence		PLA	P	P	P	P	P	P	P	
RI School for the Deaf	Rhode Island		PLA	P	P	P	P	P	P	P	CSI
Agnes B. Hennessey	East Prov.			P	P	P	P	P	P	P	
Dr. M.H. Sullivan Elementary	Newport			P	P	Closed					

Gov. Christopher DelSesto Mid.	Providence			P	P	P	P	P	P	P	CSI
Mary E. Fogarty Elementary	Providence			P	P	P	P	P	P	P	
Robert L. Bailey IV Elementary	Providence			P	P	P	P	P	P	P	CSI
Central High School	Providence			F	P	P	P	P	P	P	
Dr. Earl F. Calcutt Middle School	Central Falls			F	P	P	P	P	P	P	
Esek Hopkins Middle School	Providence			F	F	F	F	F	F	F	
Frank D. Spaziano Elementary	Providence			F	F	F	F	F	F	F	
George J. West Elementary	Providence			F	F	F	F	F	F	F	
Harry Kizirian Elementary	Providence			F	F	F	F	F	F	F	
Hope Educational Complex	Providence			F	P	P	P	P	P	P	CSI
Nathan Bishop Middle School	Providence			F	F	F	F	F	F	F	CSI
NEL/CPS C&C	Cranston			F	F	F	F	F	F	F	CSI
Prov. Career and Technical Acad.	Providence			F	F	F	F	F	Exited		
Asa Messer Elementary School	Providence				F	F	F	F	Exited		
Segue Institute for Learning	Indep. Char.				F	F	Exited				
Veterans Memorial Elementary	Central Falls				F	F	F	F	F	F	
Alan Shawn Feinstein Elem.	Providence				F	F	F	F	F	F	

Orlo Avenue School	East Prov.					P	P	P	P	P	
Martin Luther King	Providence										CSI
West Broadway Middle	Providence										CSI
Alfred Lima	Providence										CSI
Harris Elementary	Woonsocket										CSI
Chariho Alter. Learning Acad.	Chariho										CSI
Rhode Island Nurses Institute	RINI										CSI
Goff Junior High School	Pawtucket										CSI
Slater Junior High School	Pawtucket										CSI
Nowell Central	Nowell										CSI
Nowell Capital	Nowell										CSI

Legend:

PLA = Persistently Lowest Achieving (classification used during 2009-2011)

P = Priority (classification used during 2011-2017)

F = Focus (classification used during 2011-2017)

Exited = Met criteria to exit Priority or Focus status based on meeting objective exit criteria in place from 2011-2017

CSI = Comprehensive Support and Intervention used in 2018.

 = PPSD school

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- ² RIDE Data Supplement, Tab 9, *available at* www.ride.ri.gov/ProposalForDecision61.
- ³ *Id.*, Tab 9 (FY20-FY16).
- ⁴ *Id.*, Tab 6; *see also* RIDE, School and District Report Cards; <http://www.ride.ri.gov/StudentsFamilies/RIPublicSchools/SchoolDistrictReportCards.aspx>; *see also* Johns Hopkins School of Education, Institute for Education Policy, Providence Public Schools District: A Review (June 2019) (“Johns Hopkins Report”) at 2, *available at* <https://edpolicy.education.jhu.edu/wp-content/uploads/2019/06/PPSD-REVISED-FINAL-002.pdf>.
- ⁵ RIDE Data Supplement, Tab 6.
- ⁶ *Id.*
- ⁷ *See infra* § B of Background.
- ⁸ *See* Information Services, R.I. Dep’t Elementary Secondary Educ., <https://www.eride.ri.gov/eride40/reportcards/17/Schools.aspx> (last visited Aug 5, 2019) (hereinafter Historical Report Cards”); *see also* RIDE, Assessment Results, <http://www.ride.ri.gov/InstructionAssessment/Assessment/AssessmentResults.aspx> (results from the NECAP examinations).
- ⁹ RIDE Data Supplement, Tab 8. As with the RICAS data cited *supra*, the average Rhode Island SAT score includes the performance of Providence students. *See id.* Providence consistently has the most SAT test-takers out of any school district, nearly double Cranston. *See id.* Thus, the persistently low scores in Providence have the effect of lowering the state average.
- ¹⁰ *See* RIDE Data Supplement, Tab 2.

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- ¹¹ *See id.*
- ¹² *See* Attendance Leaderboard For School Year 2018–19, RIDE, <https://www3.ride.ri.gov/attendance/public> (last visited Aug 5, 2019).
- ¹³ RIDE Data Supplement, Tab 4.
- ¹⁴ *Id.*
- ¹⁵ RIDE Data Supplement, Tab 4.
- ¹⁶ *Id.* As with RICAS and SAT data cited *supra*, the state chronic absenteeism average is heavily influenced by PPSD data. Thus, PPSD’s rates have the effect of increasing the state chronic absenteeism rate.
- ¹⁷ *See* RIDE Data Supplement, Tab 7.
- ¹⁸ *See* RIDE Data Supplement, Tab 17.
- ¹⁹ *See* RIDE Data Supplement, Tab 10, Tab 16.
- ²⁰ Settlement Agreement Between the U.S. and Providence Pub. Schs. 1 (Aug. 9, 2018), <https://www.justice.gov/crt/case-document/file/1087056/download>.
- ²¹ *Id.*
- ²² Johns Hopkins Report at 49.
- ²³ *Id.* at 7 (emphasis in original).
- ²⁴ *Id.* at 66.
- ²⁵ *Id.* at 32.
- ²⁶ *Id.* at 38.
- ²⁷ *Id.* at 44.
- ²⁸ Pub. L. No. 89–10 (1965).
- ²⁹ Pub. L. No. 107-110 (2002).
- ³⁰ Pub. L. No. 107-110, tit. IX § 9401 (2012).
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- ³² School Accountability and Classifications, RIDE, <https://www.ride.ri.gov/InformationAccountability/Accountability/SchoolClassifications.aspx> (last visited Aug 5, 2019) (relative to both 2018 and 2017 data); School and District Report

Cards, RIDE,
<https://www.ride.ri.gov/InformationAccountability/Accountability/SchoolDistrictReportCards.aspx?#1206608-previous-years-report-cards> (last visited Aug 5, 2019) (relative to Report Cards from 2003 through 2017); Rhode Island Department of Education Information Works! School Year 2004-2005 Learning and Achievement: Accountability <http://www.infoworks.ride.uri.edu/2006/state/accountability.pdf>; Rhode Island Department of Education Information Works! School Year 2003-2004 Learning and Achievement: Accountability; <http://www.infoworks.ride.uri.edu/2005/state/accountability.pdf>; Rhode Island Department of Education Information Works! School Year 2002-2003 Rhode Island 2003 Adequate Yearly Progress <http://www.infoworks.ride.uri.edu/2004/state/stateapp.pdf>; Rhode Island Department of Education School Performance Categories, Technical Assistance Bulletin, October 2002 <http://www.infoworks.ride.uri.edu/2003/techbulletin/techbull-performance.pdf>; Information Works! Technical Brief on the Statistical Model Used in the 2002 Rhode Island School and District Reports (School Year 2000-2001) <http://www.infoworks.ride.uri.edu/2002/techbrief/statbrief2002.pdf>; Information Works! Technical Brief on the Statistical Model Used in the 2001 Rhode Island School and District Reports (School Year 1999-2000) <http://www.infoworks.ride.uri.edu/2001/techbrief/techbrief.pdf>; Information Works! Technical Brief on the Statistical Model Used in the 2000 Rhode Island School and District Reports (School Year 1998-1999) <http://www.infoworks.ride.uri.edu/2000/pdffiles/techbrief.pdf>; Information Works! Technical Brief on the Statistical Model Used in the 1999 Rhode Island School and District Reports (School Year 1997-1998) <http://www.infoworks.ride.uri.edu/1999/pdffiles/techbrief.pdf>; Information Works! Technical Brief on the Statistical Model Used in the 1998 Rhode Island School and District Reports (School Year 1996-1997) <http://www.infoworks.ride.uri.edu/1998/Guide/techbrief98.pdf>.

³³ See Addendum B.

³⁴ See, e.g., December 4, 2018 Memorandum to Mary Ann Snider from Office of School Improvement Regarding CSI and ATSI Schools in Providence under ESSA Accountability System, *available at* www.ride.ri.gov/ProposalForDecision27; RIDE Data Supplement, Tabs 10, 8, 7. *see also* n.26 *supra* (collecting sources identifying schools needing improvement).

³⁵ RIDE, Report Card: Providence, <https://reportcard.ride.ri.gov/DistrictAccountability?DistCode=28> (last visited August 5, 2019) (“Providence RIDE Report Card”); *see also* Memorandum to Mary Ann Snider, Deputy Commissioner, Rhode Island Department of Education from School Improvement Team dated December 4, 2018, *available at* www.ride.ri.gov/ProposalForDecision27.

³⁶ 2017-18 District Report Card for Providence, ReportCard RIDE, https://reportcard.ride.ri.gov/sites/default/files/PrintReportCard/28/District_28.pdf.

³⁷ Providence RIDE Report Card.

³⁸ See, e.g., RIDE Data Supplement, Tabs 4 & 10.

³⁹ See Johns Hopkins Report.

⁴⁰ *Id.* at 2.

⁴¹ *Id.* at 3.

⁴² *Id.* at 3.

⁴³ *Id.* at 3.

⁴⁴ *Id.* at 3.

⁴⁵ *Id.* at 4.

⁴⁶ Providence Blueprint for Education, *Imagine: The Report of the PROBE Commission*, May 1993, available at <https://files.eric.ed.gov/fulltext/ED365762.pdf> (the “PROBE Report”) at 6-7.

⁴⁷ *Id.* at 16-21.

⁴⁸ *Id.* at Document Resume Abstract.

⁴⁹ *Id.* at 40.

⁵⁰ *Id.* at 14.

⁵¹ *Id.* at 56.

⁵² *Id.* at 59.

⁵³ *Id.* at 14.

⁵⁴ *Id.* at 43.

⁵⁵ *Id.* at 59.

⁵⁶ *Id.*

⁵⁷ *Id.* at 83.

⁵⁸ *Id.* at 36.

⁵⁹ *Id.* at 35.

⁶⁰ *Id.*

⁶¹ *Id.* at 31.

⁶² *Id.* at 32.

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- ⁶³ *Id.* at 33.
- ⁶⁴ See RIDE Data Supplement, Tab 9 (PPSD funding over time); *id.* at Tab 13 (PPSD funding relative to Springfield and Worcester).
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- ⁶⁶ PROBE Report at 41.
- ⁶⁷ P.L. 1995, ch. 197.
- ⁶⁸ See *id.*
- ⁶⁹ D. Morgan Mcvicar, Rhode Island Legislature Considers Charter School Bill, *The Providence Journal* (June 16, 1998).
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⁸² SALT, A Blueprint for School Accountability for Learning and Teaching, The Final Report of the RI School Accountability Team, Rhode Island Department of Education, 2nd Edition, Feb. 1997, <http://www.catalpa.org/PDF/SALT%20Blueprint.pdf>.

⁸³ *See* Rhode Island Statewide Accountability System, Technical Bulletin, Version: December 10, 2018 (draft) http://media.ride.ri.gov/Commissioner/DRAFT_TechnicalReport_Accountability.pdf; R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School and District Accountability System (Oct. 2017), <https://www.eride.ri.gov/eride40/reportcards/17/documents/RIAccountabilitySystem2017TechnicalBulletin.pdf>; R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School and District Accountability System (Oct. 2016), <https://www.eride.ri.gov/eride40/reportcards/16/documents/RIAccountabilitySystemTechnBulletin.pdf>; R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School and District Accountability System ESEA Flexibility under NCLB (Feb. 2016), <https://www.eride.ri.gov/eride40/reportcards/15/documents/RIAccountabilitySystemTechnicalBulletin.pdf>; R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School and District Accountability System ESEA Flexibility under NCLB (May 2014), <https://www.eride.ri.gov/eride40/reportcards/14/documents/RI%20Accountability%20System%20-%20Techn%20Bulletin-May%202014.pdf>; R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School and District Accountability System ESEA Flexibility under NCLB (May 2013), <https://www.eride.ri.gov/eride40/reportcards/13/documents/RI%20Accountability%20System%20-%20Techn%20Bulletin-May%202013.pdf>; RIDE, Accelerating All Schools Toward Greatness: The New Rhode Island Accountability System (2012), <https://www.eride.ri.gov/eride40/reportcards/12/documents/NewRIAccountabilitySystem.ppt>; R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School and District Accountability System (Mar. 2011), <https://www.eride.ri.gov/reportcard/11/documents/RIAccountabilitySystem-TechnicalBulletin.pdf>; R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School and District Accountability System (Apr. 2010), <https://www.eride.ri.gov/reportcard/10/documents/RIAccountabilitySystemTechnBulletinRevApril2010.pdf>; R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School Performance and Accountability System (May 2009), <https://www.eride.ri.gov/reportcard/09/DOCS/School%20and%20District%20Performance-Account%20Sys%205-4-09.pdf>; R.I. Bd. of Regents Elementary and Secondary Educ.,

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⁸⁴ Pub. L. No. 89–10 (1965).

⁸⁵ Pub. L. No. 107-110 (2002).

⁸⁶ Pub. L. No. 107-110, tit. IX § 9401 (2012).

⁸⁷ Pub. L. No. 114-95 (2015).

⁸⁸ Rhode Island Board of Regents Regulations, “Protocol for Interventions: Persistently Lowest Achieving Schools”, September 2, 2010, *available at* http://media.ride.ri.gov/BOE/CESE/082118%20Meeting/Encl5c3_protocol_for_persistently_lowestachieving_schools.pdf (“Protocol for Interventions”).

⁸⁹ Rhode Island Department of Education, “Approved ESEA Flexibility Request,” May 29, 2012, <https://www2.ed.gov/policy/eseaflex/approved-requests/ri.pdf>; Rhode Island Department of

Education (“2012 ESEA Flexibility Request”), “Approved ESEA Flexibility Request (Amended),” October 9, 2014. <https://www2.ed.gov/policy/eseaflex/approved-requests/riamendreq2014.doc>; Rhode Island Department of Education, “Approved ESEA Renewal (Current),” July 9, 2015, <https://www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/rirenewalreq2015.pdf>.

⁹⁰ See Pub. L. No. 114-95 (2015).

⁹¹ RIDE, “Rhode Island’s Every Student Succeeds Act State Plan,” March 29, 2018, <http://ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/ESSA/RhodeIsland-ESSA-State-Plan-Final-032918.pdf> (“State ESSA Plan”).

⁹² Protocol for Interventions at 3-4; 2012 ESEA Flexibility Request at 74-77; 99-100; 112-113; State ESSA Plan at 41-45, 99-111.

⁹³ Protocol for Interventions at 4, 11-12; 2012 ESEA Flexibility Request at 77-96, 100, 114-16; State ESSA Plan at 53-58.

⁹⁴ Protocol for Interventions at 12-13; 2012 ESEA Flexibility Request at 92, 109; State ESSA Plan at 54-55.

⁹⁵ Protocol for Interventions at 12-14; 2012 ESEA Flexibility Request at 97, 109-11; State ESSA Plan at 48-50.

⁹⁶ Crowley Act, R.I. Gen. Laws § 16-7.1-5(a).

⁹⁷ Memorandum to the Board of Regents from RIDE Commissioner Peter McWalters dated September 9, 1997, *available at* www.ride.ri.gov/ProposalForDecision47.

⁹⁸ Compiled Organizational Charts for the Rhode Island Department of Education (2001 & 2003), *available at* www.ride.ri.gov/ProposalForDecision15.

⁹⁹ U.S. Dep’t of Educ., Consolidated State Performance Report: School Year 2007–2008 Rhode Island (2009), <https://www2.ed.gov/admins/lead/account/consolidated/sy07-08part1/ri.pdf>.

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¹⁰¹ *Id.*

¹⁰² Letter from the Comm’r, Office of Progressive Support and Intervention: SALT WORKS - School by School, RIDE (1999), <https://web.archive.org/web/20110321090507/https://www.ride.ri.gov/PSI/salt/resources/schoolbyschool.aspx>.

¹⁰³ *Id.*

¹⁰⁴ Compiled Organizational Charts for the Rhode Island Department of Education (2013 & 2014).

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- ¹⁰⁵ *See id.*
- ¹⁰⁶ Compiled Organizational Charts for the Rhode Island Department of Education (2016 & 2017).
- ¹⁰⁷ *Id.* (2019).
- ¹⁰⁸ Pub. L. 107-110 (No Child Left Behind Act) Pub. L. 114-95 (Every Student Succeeds Act); *see also supra* n. 76.
- ¹⁰⁹ Rhode Island Department of Education, School Performance Categories, Technical Assistance Bulletin, October 2002, <http://www.infoworks.ride.uri.edu/2003/techbulletin/techbull-performance.pdf>.
- ¹¹⁰ *Id.*
- ¹¹¹ Rhode Island Department of Education Corrective Action Intervention Team, Final Report, June 30, 2008, at 1, *available at* www.ride.ri.gov/ProposalForDecision91.
- ¹¹² Center for Resource Management, *Evaluation of the Providence Program: Phase 1 Evaluation Findings*, Dec. 2006, at i, *available at* www.ride.ri.gov/ProposalForDecision93.
- ¹¹³ Center for Resource Management, Literacy Development Across the Disciplines in Providence Middle Schools, June 2007, at 4, *available at* www.ride.ri.gov/ProposalForDecision92.
- ¹¹⁴ Rhode Island Department of Education Corrective Action Intervention Team, Final Report, June 30, 2008, at 1, *available at* www.ride.ri.gov/ProposalForDecision91.
- ¹¹⁵ Rhode Island Department of Education Corrective Action Intervention Team, Final Report, June 30, 2008, at 1, *available at* www.ride.ri.gov/ProposalForDecision91.
- ¹¹⁶ *See, e.g.*, R.I. Bd. of Regents Elementary and Secondary Educ., Rhode Island School Performance and Accountability System (May 2009), <https://www.eride.ri.gov/reportcard/09/DOCS/School%20and%20District%20Performance-Account%20Sys%205-4-09.pdf>; *see also infra*.
- ¹¹⁷ *See* Addendum B.
- ¹¹⁸ *Id.*
- ¹¹⁹ *See* Protocol for Interventions.
- ¹²⁰ United Providence Schools, EMO Overview, *available at* www.ride.ri.gov/ProposalForDecision70; United Providence, Compact Between Labor and Management for School Turnarounds, *available at* www.ride.ri.gov/ProposalForDecision69; *see also* United Providence! Business Plan at 6, *available at* www.ride.ri.gov/ProposalForDecision68.

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- ¹²¹ School Reform Plans, October 2010 (Sgt. Cornel Young, Jr. & Charlotte Woods Elementary School at the B. Jae Clanton Complex, Juanita Sanchez Educational Complex, Lillian Feinstein Elementary School, Roger Williams Middle School).
- ¹²² United Providence! Business Plan at 6, *available at* www.ride.ri.gov/ProposalForDecision68.
- ¹²³ School Reform Plans, October 2010 (Sgt. Cornel Young, Jr. & Charlotte Woods Elementary School at the B. Jae Clanton Complex, Juanita Sanchez Educational Complex, Lillian Feinstein Elementary School, Roger Williams Middle School), *available at* www.ride.ri.gov/ProposalForDecision49, www.ride.ri.gov/ProposalForDecision50, www.ride.ri.gov/ProposalForDecision51, and www.ride.ri.gov/ProposalForDecision52, respectively.
- ¹²⁴ United Providence! Business Plan at 6, *available at* www.ride.ri.gov/ProposalForDecision68; see also Sandra Abrevaya, Rhode Island to Receive \$12.5 Million to Turn Around Its Persistently Lowest Achieving Schools, U.S. Dep't Educ. (July 2, 2010), <https://www.ed.gov/news/press-releases/rhode-island-receive-125-million-turn-around-its-persistently-lowest-achieving-schools>.
- ¹²⁵ *See* Addendum B.
- ¹²⁶ *See* Addendum B.
- ¹²⁷ United Providence! Business Plan at 6-7, *available at* www.ride.ri.gov/ProposalForDecision68.
- ¹²⁸ December 9, 2011 Letter to Commissioner Deborah A. Gist from PPSD Superintendent Susan F. Lusi, *available at* www.ride.ri.gov/ProposalForDecision29.
- ¹²⁹ *See* Protocol for Interventions.
- ¹³⁰ United Providence! Business Plan at 7, *available at* www.ride.ri.gov/ProposalForDecision68.
- ¹³¹ December 9, 2011 Letter to Commissioner Deborah A. Gist from PPSD Superintendent Susan F. Lusi, *available at* www.ride.ri.gov/ProposalForDecision29; School Reform Plan of Mount Pleasant High School (March 2012) at 1, *available at* www.ride.ri.gov/ProposalForDecision43; School Reform Plan of Pleasant View Elementary School (March 2012) at 46-49, *available at* www.ride.ri.gov/ProposalForDecision44.
- ¹³² December 9, 2011 Letter to Commissioner Deborah A. Gist from PPSD Superintendent Susan F. Lusi, *available at* www.ride.ri.gov/ProposalForDecision29; School Reform Plan of Carl G. Lauro Elementary School (March 2012) at 1, *available at* www.ride.ri.gov/ProposalForDecision40; School Reform Plan of Gilbert Stuart Middle School (March 2012) at 1, *available at* www.ride.ri.gov/ProposalForDecision42; School Reform Plan of Dr. Jorge Alvarez High School (March 2012) at 1, *available at* www.ride.ri.gov/ProposalForDecision41.

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- ¹³³ December 23, 2011 Letter to PPSD Superintendent Susan F. Lusi from Commissioner Deborah A. Gist, *available at* www.ride.ri.gov/ProposalForDecision26.
- ¹³⁴ *Id.*
- ¹³⁵ *Id.*
- ¹³⁶ United Providence! Business Plan at 7, *available at* www.ride.ri.gov/ProposalForDecision68.
- ¹³⁷ *See* State of Rhode Island, Race to the Top: Application for Initial Funding (May 28, 2010), <https://www2.ed.gov/programs/racetothetop/phase2-applications/rhode-island.pdf>.
- ¹³⁸ *See* 2012 ESEA Flexibility Request; RIDE, “Approved ESEA Flexibility Request (Amended),” October 9, 2014, <https://www2.ed.gov/policy/eseaflex/approved-requests/riamendreq2014.doc>.
- ¹³⁹ RIDE, Accelerating All Schools Toward Greatness: The New Rhode Island Accountability System (2012), <https://www.eride.ri.gov/eride40/reportcards/12/documents/NewRIAccountabilitySystem.ppt>.
- ¹⁴⁰ *See id.*; *see also* Fact Sheet: Accelerating Schools Toward Greatness: The Rhode Island Accountability System, R.I. Bd. of Regents Elementary and Secondary Educ. (R.I. Dep't of Educ.), June 2012, https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/Accountability/Accountability_System_Fact_Sheet.pdf.
- ¹⁴¹ *See id.* Stated another way, Focus schools are those with substandard achievement in reading and math, unacceptable achievement gaps, and little or no academic progress in improving student achievement or increasing graduation rates. *See* RIDE, School Accountability and Classifications, <https://www.ride.ri.gov/InformationAccountability/Accountability/SchoolClassifications.aspx> (last visited Aug 5, 2019).
- ¹⁴² *See* Fact Sheet 2012. Stated another way, Priority schools were those reflecting the greatest need for overall improvement in that they had the lowest achievement in reading and mathematics, intolerable gaps in student performance and demonstrate little or no progress in improving student outcomes. *See* <https://www.ride.ri.gov/InformationAccountability/Accountability/SchoolClassifications.aspx>
- ¹⁴³ *See* Addendum B.
- ¹⁴⁴ By some counts, there were 11 Focus schools identified in 2012. This discrepancy is as a result of considering Hope Information Technology School and Hope Arts School as two different schools. In future years, it is treated as one school – the Hope Educational Complex or Hope High School. For consistency, this Decision treats it as one school in 2012. *See* Addendum B.
- ¹⁴⁵ *See* Addendum B.

¹⁴⁶ *Id.*

¹⁴⁷ Rhode Island Department of Education, “Approved ESEA Flexibility Request,” May 29, 2012, <https://www2.ed.gov/policy/eseaflex/approved-requests/ri.pdf>, at 79-81, 101; *see also Rhode Island Department of Education Diagnostic Screen Tool.*

¹⁴⁸ 2012 ESEA Flexibility Request at 79-82, 101.

¹⁴⁹ *Id.* at 85, 101.

¹⁵⁰ *Id.* at 85-86, 101.

¹⁵¹ April 30, 2013 Letter from Tonda Dunbar, Director, Office of Transformation and Charter Schools, RIDE to Providence Public Schools Superintendent Susan Lusi, *available at* www.ride.ri.gov/ProposalForDecision11.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *See* Addendum B.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Public School Review, Sullivan School, <https://www.publicschoolreview.com/sullivan-school-profile> (last visited August 5, 2019) (listing status as closed in 2014).

¹⁶¹ 2014 Rhode Island School Accountability Summary for Orlo Avenue School, <https://www.eride.ri.gov/eride40/reportcards/14/SchoolReportCard2.aspx?schcode=10124&schType=1>.

¹⁶² *See* Addendum B.

¹⁶³ *See id.*

¹⁶⁴ William E. Tolman High School in Pawtucket and Segue Institute for Learning exited in those years. *See* Addendum B.

¹⁶⁵ *See* Addendum B.

¹⁶⁶ *See id.*

¹⁶⁷ *See id.*

¹⁶⁸ Council on Elementary and Secondary Education, Minutes of the August 30, 2016 Work Session, Enclosure 2b to September 20, 2016 Meeting at 8, *available at* <https://www.ride.ri.gov/Portals/0/Uploads/Documents/CESE/Encl2b.pdf>.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 6.

¹⁷¹ *Id.*

¹⁷² *See RIDE, Rhode Island Launches New School Report Card Platform: Report Cards Make School Accountability More Accessible and Transparent Than Ever Before* (2019), <https://www.ride.ri.gov/InsideRIDE/AdditionalInformation/News/ViewArticle/tabid/408/ArticleId/533/Rhode-Island-Launches-New-School-Report-Card-Platform.aspx> (last visited Aug 5, 2019).

¹⁷³ RIDE, School Improvement: Comprehensive Support and Improvement (2019), <https://www.ride.ri.gov/InformationAccountability/Accountability/SchoolImprovement.aspx#41591685-comprehensive-support-and-improvement> (last visited Aug 5, 2019).

¹⁷⁴ *See* Addendum B.

¹⁷⁵ *Id.*; *see also* Memorandum to Mary Ann Snider, Deputy Commissioner, Rhode Island Department of Education from School Improvement Team dated December 4, 2018, *available at* www.ride.ri.gov/ProposalForDecision27.

¹⁷⁶ *See, e.g.*, December 9, 2011 Email exchange re "Soft Submission" - Model Recommendation Package, *available at* www.ride.ri.gov/ProposalForDecision28, April 30, 2013 Letter to Dr. Lusi from Tonda Dunbar, Director, Office of Transformation and Charter Schools, *available at* www.ride.ri.gov/ProposalForDecision11, December 23, 2011 Letter to Superintendent Lusi, Providence School District from Deborah A. Gist, Commissioner, *available at* www.ride.ri.gov/ProposalForDecision26.

¹⁷⁷ *See id.*

¹⁷⁸ *See, e.g., supra* n.123.

¹⁷⁹ 2012 ESEA Flexibility Request at 76.

¹⁸⁰ State of Rhode Island, Race to the Top: Application for Initial Funding (May 28, 2010), <https://www2.ed.gov/programs/racetothetop/phase2-applications/rhode-island.pdf> at A-32 (noting in May 2010 that RIDE is “[c]onvening participating LEA leadership teams on a quarterly basis to monitor and assess progress toward meeting goals and to identify gaps in reaching goals in order to inform the Transforming Education Advisory Committee”).

¹⁸¹ Rhode Island Department of Education, “Facilitator’s Guide to Quarterly Monitoring of School Reform Plans,” October 2014 (“Facilitator’s Guide”), *available at* <http://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/Transformation/Facilitators-Guide-Quarterly-Monitoring-Fall-2014.pdf>.

¹⁸² *Id.* at 5.

¹⁸³ *Id.*

¹⁸⁴ *See* RIDE, School Improvement (2019), <https://www.ride.ri.gov/InformationAccountability/Accountability/SchoolImprovement.aspx> (last visited Aug 5, 2019); *see also* Mass Insight Educ., *Providence Public Schools: An Assessment of the Need for District Transformation To Accelerate Student Achievement* (May 2015), <https://data.providenceri.gov/download/3aac-8bhe/application%2Fpdf>.

¹⁸⁵ *See id.* at 14; *see also* Providence Public Schools & RIDE Meeting Agendas & Notes: 12 February 2019 (discussing in meeting “[h]ow to take trends on the [PPSD’s schools’] tracker and turn them into hypotheses, action steps, decisions?”), *available at* www.ride.ri.gov/ProposalForDecision1, Providence Public Schools & RIDE Meeting Agendas & Notes: 19 September 2018 (recognizing that “[a]ll meetings will . . . include as-needed check ins for RIDE/PPSD partnership activities writ large,” including “NISEL, CTE Equity/program applications, SAMHSA grants, BPS Kindergarten initiative, Induction Coaching, and Curriculum work[,]” with the goal being “to bring coherence to RIDE support of PPSD across programs/initiatives to increase the impact of all efforts.”), *available at* www.ride.ri.gov/ProposalForDecision2.

¹⁸⁶ Facilitator’s Guide at 5.

¹⁸⁷ *Id.*

¹⁸⁸ *See, e.g.*, Agenda and Notes for December 20, 2018 Meeting Between RIDE School Improvement Team Members and PPSD Personnel, *available at* www.ride.ri.gov/ProposalForDecision3; Notes for February 12, 2019 Meeting Between RIDE School Improvement Team Members and PPSD Personnel, *available at* www.ride.ri.gov/ProposalForDecision1; Notes for March 6, 2019 Meeting Between RIDE School Improvement Team Members and PPSD Personnel, *available at* www.ride.ri.gov/ProposalForDecision8; Notes for April 9, 2019 Meeting Between RIDE School Improvement Team Members and PPSD Personnel, *available at* www.ride.ri.gov/ProposalForDecision9.

¹⁸⁹ *See id.*

¹⁹⁰ *See id.*

¹⁹¹ *See id.*

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- ¹⁹² See Rhode Island Department of Education Diagnostic Screen Tool, *available at* www.ride.ri.gov/ProposalForDecision86.
- ¹⁹³ See *id.*; see also 2012 ESEA Flexibility Request.
- ¹⁹⁴ See Rhode Island Department of Education, "Practitioners' Guide to School Improvement," January 11, 2019, IX. Technical Assistance Tools & Additional Resources ("Practitioners' Guide"), *available at* <http://ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/Accountability/SchoolImprovement/RI-Model-ComprehensiveNeedsAssessment-PGAppendix.docx>.
- ¹⁹⁵ March 29, 2013 Summary Intervention Selection Report, *available at* www.ride.ri.gov/ProposalForDecision45.
- ¹⁹⁶ *Id.*
- ¹⁹⁷ RIDE, Internal Notes regarding Q1 2015 Meeting with PPSD at 5, *available at* www.ride.ri.gov/ProposalForDecision66; see also RIDE Notes regarding Questions on District-Wide Interventions (questioning whether principals are surveyed, and noting that "evaluations are not required this year for anyone who was rated effective or highly effective, how will this impact the implementation of PAR and[] the identification of additional teachers to participate?"), *available at* www.ride.ri.gov/ProposalForDecision100.
- ¹⁹⁸ *Id.* at 7.
- ¹⁹⁹ *Id.*
- ²⁰⁰ RIDE, Notes of Quarterly Monitoring Meeting with PPSD, April 2015, *available at* www.ride.ri.gov/ProposalForDecision10; RIDE, Notes of Quarterly Monitoring Meeting with PPSD, June 2014, *available at* www.ride.ri.gov/ProposalForDecision39; RIDE, Notes of Quarterly Monitoring Meeting with PPSD, January 2015, *available at* www.ride.ri.gov/ProposalForDecision33; see also RIDE Notes Regarding June 13, 2019 Meeting with PPSD, *available at* www.ride.ri.gov/ProposalForDecision99.
- ²⁰¹ See *id.*
- ²⁰² See, e.g., RIDE, School Improvement Under ESSA, 72 (Jan. 11, 2019), <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/Accountability/SchoolImprovement/1.11-Convening-SI-Under-ESSA-Final-Slide-Deck.pdf> at 72.
- ²⁰³ RIDE, "School Improvement Under ESSA, Practitioners' Guide to School Improvement Planning," last revised on January 8, 2019, published on January 11, 2019 <http://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/Accountability/SchoolImprovement/RI-Practitioners-Guide-to-School-ImprovementPlanning-1.8.19-151.pdf> ("Practitioners' Guide").

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- ²⁰⁴ View this recording, GoToWebinar, <https://register.gotowebinar.com/recording/3763649590855125251> (last visited Aug 5, 2019); View this recording, GoToWebinar, <https://register.gotowebinar.com/recording/7764056622265822475> (last visited Aug 5, 2019); and View this recording, GoToWebinar, <https://register.gotowebinar.com/recording/2627493439685052935> (last visited Aug 5, 2019).
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- ²⁰⁷ Practitioners' Guide at 39, 51-60.
- ²⁰⁸ *Id.* at 22-36.
- ²⁰⁹ *Id.* at 34-49.
- ²¹⁰ View this recording, GoToWebinar, <https://register.gotowebinar.com/recording/2746091161368883725> (last visited Aug 5, 2019); View this recording, GoToWebinar, <https://register.gotowebinar.com/recording/5753004774690541826> (last visited Aug 5, 2019).
- ²¹¹ RIDE, Evidence-Based Interventions in ESSA, <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/ESSA/Hub/Evidence-Based-Interventions-Guidance.pdf> (last visited Aug 5, 2019).
- ²¹² *Id.*
- ²¹³ *Id.*
- ²¹⁴ *Id.* (citing ESSA Section 8101(21)(A)).
- ²¹⁵ Practitioners' Guide at 51-60.
- ²¹⁶ *Id.*
- ²¹⁷ *Id.* at 40-41; *see also* RIDE, Evidence-Based Interventions in ESSA, <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/ESSA/Hub/Evidence-Based-Interventions-Guidance.pdf> (last visited Aug 5, 2019).

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³⁶⁵ *See* Regulations of the Board of Regents Governing Virtual Learning Education in Rhode Island at 5, *available at* <https://www.ride.ri.gov/Portals/0/Uploads/Documents/inside-ride/Laws-Regulations/Virtual-Learning-Regs-Aug-2012.pdf>.

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- ³⁶⁶ See 200-RICR-20-10-5 (Rhode Island Code of Regulations governing Virtual Learning in Rhode Island); *see also* RIDE, Virtual Learning, <https://www.ride.ri.gov/StudentsFamilies/EducationPrograms/VirtualLearning.aspx> (last visited Aug. 5, 2019).
- ³⁶⁷ See 200-RICR-20-20-3, *available at* [https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Regulations/200-RICR-20-20-3\(Educator_Evaluation_System_Standards\).pdf?ver=2018-12-19-130609-260](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Regulations/200-RICR-20-20-3(Educator_Evaluation_System_Standards).pdf?ver=2018-12-19-130609-260); *see also* RIDE, RI Model Guidance & FAQs, <https://www.ride.ri.gov/TeachersAdministrators/EducatorEvaluation/RIModelGuidanceandFAQs.aspx> (last visited Aug. 5, 2019).
- ³⁶⁸ See 200-RICR-20-20-3, *available at* [https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Regulations/200-RICR-20-20-3\(Educator_Evaluation_System_Standards\).pdf?ver=2018-12-19-130609-260](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Regulations/200-RICR-20-20-3(Educator_Evaluation_System_Standards).pdf?ver=2018-12-19-130609-260).
- ³⁶⁹ Rhode Island Board of Regents for Elementary and Secondary Education, Basic Education Program Regulations, *available at* <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Inside-RIDE/Legal/BEP.pdf>.
- ³⁷⁰ See 200-RICR-20-30-3 (regulations governing student supports), *available at* https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Regulations/200-RICR-20-30-3_ELL_Regulations.pdf.
- ³⁷¹ See *id.*; *see also* RIDE School Construction Regulations (May 2007), *available at* <https://www.ride.ri.gov/Portals/0/Uploads/Documents/inside-ride/Laws-Regulations/School-Construction-July-2007.pdf>.
- ³⁷² See Regulations of the Board of Regents for Elementary and Secondary Education Governing The Special Education of Children with Disabilities (1992), *available at* www.ride.ri.gov/ProposalForDecision72; *see also* 200-RICR-20-30-6 (regulations governing Student Supports), *available at* https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Regulations/200RICR20301_Disabilities_Final.pdf
- ³⁷³ Crowley Act, R.I. Gen. Laws § 16-7.1-5(a).
- ³⁷⁴ Protocol for Interventions at 7-8.
- ³⁷⁵ *Id.* at 8
- ³⁷⁶ *Id.* at 4.
- ³⁷⁷ *Id.* at 7.
- ³⁷⁸ See RIDE Data Supplement, Tab 1, *available at* www.ride.ri.gov/ProposalForDecision61.
- ³⁷⁹ State ESSA Plan at 50.

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- ³⁸⁰ See RIDE, Uniform Chart of Accounts Executive Summary (March 25, 2011), *available at* <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/RI-Education-Data/UCOA-Tab-1/Executive-Summary.pdf>; *see also* RIDE, Uniform Chart of Accounts Presentation (March 25, 2011), *available at* <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/RI-Education-Data/UCOA-Tab-1/UCOA-Briefing-Release.pdf>; *see also* RIDE, Data Center: Financial Data, <https://datacenter.ride.ri.gov/finance/all-reports> (last visited Aug. 5, 2019).
- ³⁸¹ APPROPRIATIONS—FISCAL YEAR ENDING JUNE 30, 2005, 2004 Rhode Island Laws Ch. 04-595 (04–H 8219A). Providence implemented the UCOA system in 2008. *See* Providence Public Schools District, 2009-2010 Proposed Budget, *available at* <https://www.providenceschools.org/site/handlers/filedownload.ashx?moduleinstanceid=237&dataid=327&FileName=2009-2010%20PROPOSED%20BUDGET%20BOOK.pdf>.
- ³⁸² *See* RIDE, Data Center, <https://datacenter.ride.ri.gov> (last visited Aug. 5, 2019); *see also* RIDE, Data Center: Financial Data, <https://datacenter.ride.ri.gov/finance/all-reports> (last visited Aug. 5, 2019).
- ³⁸³ RIDE, RIDE’s Uniform Chart of Accounts, <http://www.ride.ri.gov/informationaccountability/rieducationdata/uniformchartofaccounts.aspx> (last visited Aug. 5, 2019).
- ³⁸⁴ *See* RIDE, Data Center, <https://datacenter.ride.ri.gov> (last visited Aug. 5, 2019).
- ³⁸⁵ *See id.*
- ³⁸⁶ RIDE, Data Center, <https://datacenter.ride.ri.gov/finance/all-reports>.
- ³⁸⁷ RIDE Data Supplement, Tab 12; *see also* House Advisory Staff, Rhode Island Education Aid (September 2015), <http://www.rilin.state.ri.us/housefiscalreport/Special%20Publications/2015%20Session/Education%20Aid%20History%20-%202015%20Edition.pdf> at 69-70 (last visited Aug. 5, 2019).
- ³⁸⁸ *See id.*
- ³⁸⁹ *See id.*
- ³⁹⁰ *See* House Advisory Staff, Rhode Island Education Aid (September 2015), <http://www.rilin.state.ri.us/housefiscalreport/Special%20Publications/2015%20Session/Education%20Aid%20History%20-%202015%20Edition.pdf> at 69-70 (last visited Aug. 5, 2019) at 69-70.
- ³⁹¹ *See* RIDE, Notification of Grant Award for ARRA Race to the Top (July 2014), *available at* www.ride.ri.gov/ProposalForDecision35.
- ³⁹² *See id.*

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- ³⁹³ See RIDE Data Supplement, Tab 3.
- ³⁹⁴ See *id.*
- ³⁹⁵ See *id.* at Tab 9 (FY 19 – FY 15).
- ³⁹⁶ US Department of Education, School Improvement Grant MAP: State of Rhode Island, <https://www2.ed.gov/programs/sif/map/ri.html> (last visited Aug. 5, 2019).
- ³⁹⁷ RIDE Data Supplement, Tab 1.
- ³⁹⁸ Crowley Act, R.I. Gen. Laws § 16-7.1-5(a).
- ³⁹⁹ Center for Leadership and Educational Equity, Principal Residency Network (PRN), <https://clee-ri.org/prn> (last visited Aug. 5, 2019).
- ⁴⁰⁰ United Providence! Business Plan, *available at* www.ride.ri.gov/ProposalForDecision68.
- ⁴⁰¹ Rhode Island Legislature, Community Service Grants FY16 Enacted by Department, <http://www.rilegislature.gov/housefiscalreport/Community%20Service%20Grants/2015%20Session/FY%202016%20Grants%20By%20Department.pdf> (last visited Aug. 5, 2019).
- ⁴⁰² Mass Insight, Our Work: School Improvement, <https://www.massinsight.org/ourwork/school-improvement/> (last visited Aug. 5, 2019).
- ⁴⁰³ See RIDE Record of FY2011 Grant Expenditure on Teachscape, *available at* www.ride.ri.gov/ProposalForDecision91.
- ⁴⁰⁴ School Reform Plan of Carl G. Lauro Elementary School (March 2012) at 37- 39, *available at* www.ride.ri.gov/ProposalForDecision40; School Reform Plan of Gilbert Stuart Middle School (March 2012) at 39-44, *available at* www.ride.ri.gov/ProposalForDecision42; School Reform Plan of Dr. Jorge Alvarez High School (March 2012) at 38-42, *available at* www.ride.ri.gov/ProposalForDecision41; School Reform Plan of Pleasant View Elementary School (March 2012) at 46-49, *available at* www.ride.ri.gov/ProposalForDecision44.
- ⁴⁰⁵ RIDE, Afterschool Programs & 21st Century Community Learning Centers, <http://www.ride.ri.gov/studentsfamilies/educationprograms/after-school21stcenturyclcs.aspx> (last visited August 6, 2019).
- ⁴⁰⁶ See RIDE, Compilation of Selected 21st Century Grant Awards, *available at* www.ride.ri.gov/ProposalForDecision65.
- ⁴⁰⁷ *Id.*
- ⁴⁰⁸ Providence Journal, “\$1.7 million grant will go toward Rhode Island Ed Tech Teacher Projects” August 23, 2016; Center for Digital Education, \$1.7 Million Grant Will Go Toward Rhode Island Ed Tech Teacher Projects, <https://www.govtech.com/education/k-12/17->

Million-Grant-Will-Go-Toward-Rhode-Island-Ed-Tech-Teacher-Projects.html (last visited Aug. 5, 2019).

⁴⁰⁹ Rhode Island Department of Education, Press Release: Business, Education Leaders Launch LeadRI Partnership (June 28, 2017), *available at* <http://www.ride.ri.gov/InsideRIDE/AdditionalInformation/News/ViewArticle/tabid/408/ArticleId/411/Business-Education-Leaders-Launch-LeadRI-Partnership.aspx>.

⁴¹⁰ *See* Addendum B.

⁴¹¹ *See, e.g.*, December 4, 2018 Memorandum to Mary Ann Snider from Office of School Improvement Regarding CSI and ATSI Schools in Providence under ESSA Accountability System, *available at* www.ride.ri.gov/ProposalForDecision27; RIDE Data Supplement, Tabs 10, 8, 7.

⁴¹² *See* RIDE, Providence Report Card, <https://reportcard.ride.ri.gov/DistrictSnapshot?DistCode=28> (last visited Aug. 5, 2019); *see also* RIDE, Spreadsheet of School Indicator Data, <https://reportcard.ride.ri.gov/sites/default/files/datafiles/201718/Accountability.xlsx> (last visited Aug. 5, 2019).

⁴¹³ *See, e.g.*, December 4, 2018 Memorandum to Mary Ann Snider from Office of School Improvement Regarding CSI and ATSI Schools in Providence under ESSA Accountability System, *available at* www.ride.ri.gov/ProposalForDecision27; *see also* RIDE, 2017-18 District Report Card for Providence, https://reportcard.ride.ri.gov/sites/default/files/PrintReportCard/28/District_28.pdf (last visited Aug. 5, 2019).

⁴¹⁴ *See* RIDE, 2017-18 District Report Card for Providence, https://reportcard.ride.ri.gov/sites/default/files/PrintReportCard/28/District_28.pdf (last visited Aug. 5, 2019).

⁴¹⁵ *See, e.g.*, RIDE Data Supplement, Tab 4, Tab 10.

⁴¹⁶ Johns Hopkins Report at 2.

⁴¹⁷ *See infra* § B of Background.

⁴¹⁸ *See* RIDE, Information Services, <https://www.eride.ri.gov/eride40/reportcards/17/Schools.aspx> (historical report cards) (last visited Aug. 5, 2019); *see also* RIDE, Assessment Results, <http://www.ride.ri.gov/InstructionAssessment/Assessment/AssessmentResults.aspx> (last visited Aug. 5, 2019) (NECAP results).

⁴¹⁹ RIDE Data Supplement, Tab 8. As with other measures of statewide performance cited in this Decision and Order, the average Rhode Island SAT score includes the performance of Providence students. Providence consistently has the most SAT test-takers out of any school

district, nearly double Cranston. Thus, the persistently low scores in Providence have the effect of lowering the state average.

⁴²⁰ *Id.* at 14 ¶ 3.

⁴²¹ *Id.* at 18 (Figure 7).

⁴²² *Id.*

⁴²³ Johns Hopkins Report at 23; *see also id.* at 18-21, 24-26.

⁴²⁴ *See* RIDE Data Supplement, Tab 7.

⁴²⁵ *See* RIDE Data Supplement, Tab 17.

⁴²⁶ *See* RIDE Data Supplement, Tab 10, Tab 16.

⁴²⁷ Johns Hopkins Report at 14 ¶ 6.

⁴²⁸ *See* RIDE Data Supplement, Tab 2.

⁴²⁹ *See id.*

⁴³⁰ *See* RIDE, Attendance Leaderboard For School Year 2018–19, <https://www3.ride.ri.gov/attendance/public> (last visited Aug 5, 2019).

⁴³¹ RIDE Data Supplement, Tab 4.

⁴³² RIDE Data Supplement, Tab 4.

⁴³³ *See id.*

⁴³⁴ *Id.* The state chronic absenteeism average is heavily influenced by PPSD data. Thus, PPSD’s rates have the effect of increasing the state chronic absenteeism rate.

⁴³⁵ RIDE, Proposal for Decision and Order Establishing Control Over the Providence Public School District and Reconstituting Providence Public Schools, *available at* [https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Proposal%20for%20Decision%20and%20Order%20\(00000003\).pdf](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Proposal%20for%20Decision%20and%20Order%20(00000003).pdf) (last visited Sept. 24, 2019).

⁴³⁶ RIDE, Order to Show Cause, *available at* www.ride.ri.gov/ProposalForDecision101.

⁴³⁷ *Id.*

⁴³⁸ *See* September 4, 2019 City Council Notice of Non-Opposition and Cover Letter; September 4, 2019 Notice of Non-Opposition to Order of Control and Reconstitution submitted by The Honorable Jorge O. Elorza, Mayor of Providence, and the Superintendent of the Providence Public School District; September 4, 2019 “Providence School Board’s Notice of Non-

Opposition to the Commissioner’s Order of Control and Reconstitution of Providence Public Schools.”

⁴³⁹ September 4, 2019 City Council Notice of Non-Opposition and Cover Letter at 3.

⁴⁴⁰ *Id.* at 1-3.

⁴⁴¹ *Id.* at 1.

⁴⁴² September 4, 2019 Notice of Non-Opposition to Order of Control and Reconstitution submitted by The Honorable Jorge O. Elorza, Mayor of Providence, and the Superintendent of the Providence Public School District.

⁴⁴³ *Id.*

⁴⁴⁴ September 4, 2019 “Providence School Board’s Notice of Non-Opposition to the Commissioner’s Order of Control and Reconstitution of Providence Public Schools.”

⁴⁴⁵ *Id.*

⁴⁴⁶ September 4, 2019 E-mail from Councilwoman Rachel Miller to the Commissioner.

⁴⁴⁷ September 11, 2019 Correspondence from Attorney Samuel D. Zurier to Commissioner.

⁴⁴⁸ *Id.* at 1.

⁴⁴⁹ September 11, 2019 Correspondence from Attorney John A. Tarantino to Attorney Zurier.

⁴⁵⁰ *Id.*

⁴⁵¹ *See* Motion to Intervene at Exhibits A, B, and C (attaching Declarations). The Motion failed to note that it was submitted on behalf of PPSD graduates, but an examination of the accompanying “Student Declarations” showed that four of the students had graduated. *See id.* at Exhibit B (Brian Aun, Symone Burrell, Kimberly Tzoc Dy, and Nancy Xiong each declare they are graduates).

⁴⁵² *See id.* at Exhibit C.

⁴⁵³ *See* September 10, 2019 Correspondence from City Solicitor Jeffrey Dana to Commissioner.

⁴⁵⁴ *See* RIDE’s September 10, 2019 Memorandum of Law in Opposition to Motion to Intervene.

⁴⁵⁵ *See* September 13, 2019 Hearing Transcript (“Sept. 13 Transcript”).

⁴⁵⁶ RIDE, Proposal for Decision and Order Establishing Control Over the Providence Public School District and Reconstituting Providence Public Schools at A-2, *available at* [https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Proposal%20for%20Decision%20and%20Order%20\(00000003\).pdf](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Board-of-Education/Proposal%20for%20Decision%20and%20Order%20(00000003).pdf) (last visited Sept. 24, 2019).

⁴⁵⁷ *See, e.g.*, Sept. 13 Transcript at 105:4-8 (testifying that “I do not personally want a seat at the table. I am not asking personally ... to have a seat at any particular table. ... I moved to intervene so parents have a seat on the table collectively.”)

⁴⁵⁸ Sept. 13 Transcript at 183:16-195:22.

⁴⁵⁹ *Id.* at 189.

⁴⁶⁰ *Id.* at 193-196.

⁴⁶¹ *See id.* at 217-222; *see also* M.G.L. Ch. 69, Section 1K.

⁴⁶² *See* The Crowley Act, R.I. Gen. Laws Section 16-7.1-5.

⁴⁶³ *See* M.G.L. Ch. 69, Section 1K.

⁴⁶⁴ Sept. 13 Transcript at 233:17-20.

⁴⁶⁵ *Id.* at 260:6-11; *see also id.* at 247:10-24.

⁴⁶⁶ *Id.* at 252:23-253:9.

⁴⁶⁷ *Id.* at 260:6-11; *see also id.* at 247:10-24.

⁴⁶⁸ Protocol for Interventions at 3.

⁴⁶⁹ *Id.* at 3-4

⁴⁷⁰ *Id.* at 3-7

⁴⁷¹ 2012 ESEA Flexibility Request at 44-45.

⁴⁷² *Id.* at 74-75.

⁴⁷³ *Id.* at 83-88.

⁴⁷⁴ State ESSA Plan at 16-17.

⁴⁷⁵ *Id.* at 41-45.

⁴⁷⁶ *Id.* at 48-50.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COMMISSIONER OF EDUCATION

In re: Providence Public Schools District :

RIDE No. 19-089

ORDER OF CONTROL AND RECONSTITUTION

Based on the foregoing Findings of Fact, the Commissioner hereby also finds that “after a three (3) year period of support there has not been improvement in the education of students [in the Providence Public School District (“PPSD”)] as determined by objective criteria.” R.I. Gen. Laws § 16-7.1-5(a). In fact, a considerably longer period of time has transpired with extensive interventions and supports producing no measurable improvement in the educational outcomes of PPSD’s students. Accordingly, the Commissioner, pursuant to her duties as Commissioner of Education as set forth in R.I. Gen. Laws §§ 16-1-5 and 16-60-6 and pursuant to those powers delegated to her by the Council on July 23, 2019, hereby assumes control and decision-making authority over PPSD and schools within PPSD subject to the following terms and conditions:

1. The Commissioner shall control the budget, program, and personnel of PPSD and its schools and, if further needed, the Commissioner shall reconstitute PPSD schools, which may include restructuring the individual school’s governance, budget, program, personnel and/or decisions related to the continued operation of the school. The Commissioner shall exercise all the powers and authorities delegated by the Council to the Commissioner and all powers of RIDE over the budget, program and personnel of PPSD and over the individual school’s governance. The Commissioner shall also have all powers and authorities currently exercised by the Providence School Board and Superintendent (Acting, Interim or Permanent), as well as all powers and

authorities of the Mayor of Providence, and the Providence City Council as it pertains to PPSD and its schools.

2. This control may be exercised in collaboration with the City of Providence. Such collaboration may be pursuant to a separate agreement.

3. The Commissioner may retain a State Turnaround Superintendent and/or other designee(s) each of whom shall serve at the Commissioner's pleasure and may replace the PPSD Superintendent (Acting, Interim or Permanent). The Commissioner may delegate to the State Turnaround Superintendent and/or other designee(s) any or all of the powers delegated to her by the Council on July 23, 2019 and any or all of her powers as Commissioner of Education to carry out Paragraph 1 of this Order; provided, however, that the Commissioner shall have final decision-making authority.

4. Upon appointment, the State Turnaround Superintendent and/or other designee(s) shall immediately begin a process to co-create a Turnaround Plan with the Commissioner. Before, during, and after the development of such a Turnaround Plan, the State Turnaround Superintendent and/or other designee(s) shall engage, be accessible, and be responsive to students, parents, families, educators and the public broadly. This engagement may include, but not be limited to, public forums and current existing structures such as parent organizations and community advisory boards, as well as any new undefined structures at the discretion of the State Turnaround Superintendent and/or other designee(s) and the Commissioner. This process of developing a Turnaround Plan shall also include an opportunity for public engagement for the purpose of soliciting recommendations for the content and ultimate goals of the Turnaround Plan from a broad variety of stakeholders, including, but not limited to, the City Council, the Mayor, School Board, school leaders, educators, students, parents, families, and community members. Approval of the

Turnaround Plan shall occur after this opportunity for public engagement. The Turnaround Plan shall take into account the issues that youth and families identify, and will include, among other things, the following: (i) provisions, policies, and practices to ensure transparency in the implementation of the Turnaround Plan, (ii) respect, recognition, and value for the diverse communities served by PPSD, (iii) provisions to afford students and parents sufficient opportunity to measure the progress of the Turnaround Plan; and (iv) provisions to afford relevant stakeholders, including students and parents, sufficient mechanisms to express their opinion on material decisions. Whether the Turnaround Plan satisfies the foregoing requirements shall be determined by the Commissioner in her discretion.

5. The State Turnaround Superintendent and/or other designee(s) shall oversee the implementation of the Turnaround Plan for PPSD, provided, however, that the Commissioner shall have final decision-making authority. The State Turnaround Superintendent and/or other designee(s) shall be deemed to act in the name of the Commissioner for the purpose of carrying out Paragraph 1 of this Order and shall exercise the power to do all acts and take all measures necessary or proper upon all matters embraced by the Turnaround Plan.

6. The Commissioner and State Turnaround Superintendent and/or other designees may jointly develop additional components of the plan and shall jointly develop annual goals for each component of the Turnaround Plan. The State Turnaround Superintendent and/or other designee(s) shall be accountable for meeting the goals of the Turnaround Plan. The Commissioner and the State Turnaround Superintendent and/or other designees shall annually evaluate the progress and results of the Turnaround Plan, and shall consult with the School Board in connection therewith. Any documented annual evaluation shall be available to members of the public, the Mayor of the City of Providence, the Providence School Board, and the Providence City Council

(except insofar as the evaluation is not a public record under the Access to Public Records Act, R.I. Gen. Laws § 38-2-1, and except insofar as any other law requires that portions of the annual evaluation be withheld from public release).

7. This Turnaround Plan shall be authorized for an initial period of five years from the effective date of this Order. The Commissioner shall then evaluate the progress of the Turnaround Plan with reference to the specific goals relating to student achievement to be articulated in the Plan, and following input by a variety of stakeholders – including, but not limited to, the City Council, the Mayor, the School Board, school leaders, educators, students, parents, families, and community members – shall decide, at her discretion, whether to continue the turnaround under an adjusted plan or extend the current Turnaround Plan; and the Commissioner shall make and publish any specific factual findings in support of any decision to continue the turnaround.

8. Throughout the duration of this Order, the City of Providence and the local school committee shall have all of the responsibilities set forth in R.I. Gen. Laws § 16-7.1-5, a copy of which is attached.

9. Beginning on November 1, 2019 and throughout the duration of this Order, all employees of PPSD shall report to the State Turnaround Superintendent or, in the absence of a State Turnaround Superintendent, the Commissioner.

This ORDER is entered this 15th day of October, 2019

A handwritten signature in cursive script that reads "A. Infante".

Angélica Infante-Green
Commissioner

TITLE 16
Education

CHAPTER 16-7.1

**The Paul W. Crowley Rhode Island Student Investment Initiative [See Title
16 Chapter 97 – The Rhode Island Board of Education Act]**

SECTION 16-7.1-5

§ 16-7.1-5. Intervention and support for failing schools.

(a) The board of regents shall adopt a series of progressive support and intervention strategies consistent with the Comprehensive Education Strategy and the principles of the "School Accountability for Learning and Teaching" (SALT) of the board of regents for those schools and school districts that continue to fall short of performance goals outlined in the district strategic plans. These strategies shall initially focus on: (1) technical assistance in improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement; (2) policy support; (3) resource oversight to assess and recommend that each school has adequate resources necessary to meet performance goal; and (4) creating supportive partnerships with education institutions, business, governmental, or other appropriate nonprofit agencies. If after a three (3) year period of support there has not been improvement in the education of students as determined by objective criteria to be developed by the board of regents, then there shall be progressive levels of control by the department of elementary and secondary education over the school and/or district budget, program, and/or personnel. This control by the department of elementary and secondary education may be exercised in collaboration with the school district and the municipality. If further needed, the school shall be reconstituted. Reconstitution responsibility is delegated to the board of regents and may range from restructuring the school's governance, budget, program, personnel, and/or may include decisions regarding the continued operation of the school. The board of regents shall assess the district's capacity and may recommend the provision of additional district, municipal and/or state resources. If a school or school district is under the board of regents' control as a result of actions taken by the board pursuant to this section, the local school committee shall be responsible for funding that school or school district at the same level as in the prior academic year increased by the same percentage as the state total of school aid is increased.

(b) For FY 2007, the department shall dedicate one hundred thousand dollars (\$100,000) from funds appropriated to support progressive support and intervention and SALT visits to support the Rhode island Consortium for Instructional Leadership and Training. This consortium is engaged in training school leaders to be more effective instructional leaders in the standards based instruction environment.

History of Section.

(P.L. 1997, ch. 30, art. 31, § 1; P.L. 1998, ch. 31, art. 31, § 1; P.L. 2002, ch. 65, art. 18, § 1; P.L. 2003, ch. 376, art. 9, § 7; P.L. 2004, ch. 595, art. 23, § 5; P.L. 2005, ch. 117, art. 13, § 1; P.L. 2006, ch. 246, art. 19, § 2.)