Frank Flynn, President
Rhode Island Federation of Teachers and Health Professionals
Suggested Amendments to Proposed Regulations **22-RICR-20-05-6 Governing the Intervention and Support for Failing Schools**
November 29, 2023

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TITLE 200 – BOARD OF EDUCATION
CHAPTER 20 – COUNCIL ON SECONDARY AND ELEMENTARY EDUCATION
SUBCHAPTER 05 – GENERAL AND SCHOOL OPERATIONS
PART 6 – Regulations Governing the Intervention and Support for Failing Schools

20-10-6.1. Authority

This Part is promulgated pursuant to R.I. Gen. Laws § 16-7.1-5.1.

20-10-6.2. Purpose

The purpose of this Part is to provide criteria and a procedure for determining the end of turnaround status for Local Education Agencies (LEAs) subject to intervention and support pursuant to R.I. Gen. Laws § 16-7.1-5, and to return control over the operation of such LEAs from the Council on Elementary and Secondary Education (Council) back to the local school ~~board or~~ committee.

20-10-6.3. Definitions

(A) As used in this Part, the following word and terms have ethe following meaning unless the context indicates another or different meaning or intent:

(1) "Commissioner" means the commissioner of elementary and secondary education, or her or his designee.

(2) "Council" means the council on elementary and secondary education.

(3) "Crowley Act" means R.I. Gen. Laws § 16-7.1-5 and § 16-7.1-5.1 regarding intervention and support for failing schools.

(3a) Independent Review Team is a group of three individuals to develop a report on the future of the turnaround status of a school district under state control. Members of the Independent Review Team shall be individuals who are not involved in the operation of the Turnaround District or employed by RIDE. One member of the Independent Review Team shall be appointed by the Governor, One shall be appointed by the Speaker of the House, and One shall be appointed by the Senate President.

(4) "Local education agency" or "LEA" means a public board of education/school committee or other public authority legally constituted within the State for either administrative control or direction of one or more Rhode Island public elementary schools or secondary schools.

(5) "Order" means any order of control and reconstitution issued by the Commissioner that sets forth the terms and conditions of authorization for the Commissioner to assume control over a LEA and its schools, and if necessary, reconstitute the schools of the LEA.

(6) "RIDE" means the Rhode Island Department of Education.

(7) "Turnaround Plan" means the plan to improve academic and nonacademic progress measures for LEAs designated as being in Turnaround Status under the Crowley Act.

(8) "Turnaround Status" refers to the status of an LEA designated as being under the control of RIDE, pursuant to the Crowley act.

20-10-6.4. Recommendation and Report by the ~~Commissioner~~ Independent Review Team

(A) For any LEA subject to intervention and support pursuant to the Crowley Act, R.I. Gen. Laws § 16-7.1-5, the ~~Commissioner (Commissioner) of the Rhode Island Department of Elementary and Secondary Education (RIDE)~~ **Independent Review Team** shall define within the LEA's turnaround plan the academic and other progress measures that the LEA must meet to exit turnaround status.

(1) Such progress measures shall, at a minimum:

(a) Be customized to the particular reasons for which the LEA was first entered into turnaround status under the Crowley Act;

(b) Be informed by input from community and other stakeholder engagement that helped inform the creation of the turnaround plan;

(c) Include academic measures that align to relevant components of the local education agency accountability system, as identified in R.I. Gen. Laws § 16-97.1-1; and,

(d) Include any additional progress measures identified for specific LEAs pursuant to R.I. Gen. Laws § 16-7.1-5.1.

(2) Other non-academic progress measures may include the successful completion of implementation milestones that address root causes that

contributed to the LEA's entering of turnaround status **and contained in the Turnaround Plan**.

(B)1 **At least nine (9) months** prior to the end of any order under the Crowley Act, and following input from a variety of community and other stakeholders, the ~~Commissioner~~ **Independent Review Team** shall prepare a report and recommendation to the Council regarding the future of the LEA's turnaround status.

2 A Local Education Agency may submit a request to the Council on Elementary and Secondary Education that the turnaround status of the district end prior to the end of the order under the Crowley Act. In that instance the Independent Review Team shall prepare a report and recommendation to the Council regarding the future of the LEA's turnaround status.

(C) The Independent Review Team shall conduct at least two public hearings held in public schools located in the affected LEA prior to issuance of the report. The report accompanying the recommendation of the ~~Commissioner~~ **Independent Review Team** to the Council shall include, but not be limited to, an analysis of the following:

(1) If the LEA has:

(a) met the academic and other progress measures identified within its turnaround plan;

(b) the capacity and readiness to continue to make progress on the academic and other progress measures, as identified within the LEAs turnaround plan, without the intervention and support provided pursuant to the Crowley Act.

(2) If the LEA's local school committee ~~or board~~ has the capacity and readiness to:

(a) support the LEA's continued progress on academic and other progress measures, as identified within the LEA's turnaround plan, without the intervention and support provided pursuant to the Crowley Act;

(b) provide said support consistent with responsibilities outlined in R.I. Gen. Laws § 16-2-9, as well as other site-based management, **professional autonomy** and governance best practices; and,

(3) If the legally responsible municipal entity has the capacity and readiness to:

(a) support the LEA's school committee ~~or board~~ to ensure the LEA's continued progress on academic and other progress measures, as

identified within the LEA's turnaround plan, without the intervention and support provided pursuant to the Crowley Act; and,

(b) demonstrate said support through the contribution of sufficient local funding to the local school committee ~~or board~~ necessary to sustain and continue the LEA's progress, including compliance with statutory maintenance of effort requirements as identified in the Crowley Act.

(4) The additional financial resources provided to the District caused by the District being placed in turnaround status and the financial impact to the LEA of ending turnaround status.

(D) Informed by the above analysis, the ~~Commissioner's~~ **Independent Review Team**'s report shall include a recommendation regarding the future of the LEA's turnaround status. The Commissioner's recommendation shall align to one of the following three options:

(1) renew the existing turnaround plan **up to an additional two years**, with potential amendments informed by the above analysis;

(2)~~create a new turnaround plan; or,~~

~~(3)~~ exit the LEA from turnaround status and return control over the LEA to the LEA's respective local school committee ~~or board~~.

(E) If the ~~Commissioner~~ **Independent Review Team** recommends a continuation of the LEA's turnaround status, the report to the Council shall also include, but not be limited to:

(1) the time duration **(no greater than two years)** for the renewed or new turnaround plan; and,

(2) an analysis as to whether any additional supports, prerogatives, and/or resources are needed, from either the state and/or local municipality, that could help make the turnaround plan more effective.

(F) If the ~~Commissioner~~ **Independent Review Team** recommends that the LEA be exited from turnaround status and returned to the control of the local school committee or board, the report to the Council shall also include:

(1) the date for which the LEA shall officially exit turnaround status and be returned to the control of the local school committee ~~or board~~, no later than the end of the term of the LEA's relevant order under the Crowley Act; and,

(2) any recommendations by the ~~Commissioner~~ **Independent Review Team** if the LEA's return to the control of the local school committee or board should be made subject to a transitional period pursuant to 20-10-6.5, below.

(G) The Independent Review Team shall provide a draft of the report to the LEA prior to the report being submitted to the Council. The Independent Review Team shall provide an expedited appeal process to the LEA for any recommendation made in its draft report to the Council that the LEA does not support.

20-10-6.5. Transitional Periods

(A) Unless otherwise specified below and approved by the Council, upon a LEA's official exit from turnaround status and return to the control of the local school committee ~~or board~~, the provisions of the Crowley act shall no longer apply to the LEA.

(B) The LEA may choose to continue to use the turnaround plan in order to continue to improve students' academic performance, renewing or revising it as appropriate **in accordance with the District Strategic Plan (16-7.1-2),** provided that any feature of the turnround plan that was adopted pursuant to the Crowley Act, in contravention of any general or specific law to the contrary, shall be discontinued unless the Council approves, informed by the ~~Commissioner's~~ **Independent Review Team**'s recommendation and prior to the LEA's exit from turnaround status, that such feature of the turnaround plan would contribute to the continued improvement of the LEA and should continue for a transitional period after the LEA exits from turnaround status.

(C) For any such feature of the turnaround plan to be continued during a transitional period, the ~~Commissioner~~ **Independent Review Team** shall recommend:

(1) the progress measures that the LEA must meet for each continuing feature of the plan to be discontinued;

(2) the progressive levels of control retained by RIDE over the LEA's budget, program, and/or personnel, as well as any reconstitution responsibility, necessary to carry out such retained continued feature of the turnaround plan during the transitional period; and,

(3) if the continued feature of the turnaround plan is applicable to the entire LEA or a subset of schools within the LEA.

(D) For each continued feature of the turnaround plan during the transitional period, upon determination by the ~~Commissioner~~ **Independent Review Team** that the LEA has met the identified progress measures necessary for such continued feature to be discontinued:

(1) such feature shall be discontinued; and,

(2) any progressive levels of control or reconstitution responsibility retained by RIDE during the transitional period to enact the continued feature shall cease, as it pertains to that specific continued feature.

~~(E) Two years (2) after the LEA exits from turnaround status, or after the extension of any subsequent transitional period, if any of the continuing features of the turnaround plan has yet to be discontinued during the transitional period, the Commissioner shall:~~

~~(1) conduct a review of the LEA to determine whether such continuing feature or features should remain in place or be discontinued; and,~~

~~(2) make a recommendation to the Council regarding whether such continuing feature of features should remain in place during an extended transitional period or be discontinued.~~

~~(F) If, during or at the conclusion of a transitional period, the Commissioner concludes that the return of control over the operation of the LEA to the local school committee or board would not be in the best interests of the students in the LEA, the Commissioner shall submit a report to the Council in support of the resumption of state control for some additional, legally permissible period, said report to be substantially in the form of the report to the Council referenced in 20-10-6.4, above.~~

20-10-6.6. Council Approval

The recommendations by the **Independent Review Team** described in 20-10-6.4 and 20-10-6.5, above, shall be of no force and effect unless and until approved by a majority vote of the Council, which shall act upon any such recommendation promptly. In the event that an order expires and/or a transitional period ends after a recommendation is made to the Council, but prior to the Council's action upon said recommendation, said period of control or transition shall continue in effect until such time as the Council acts upon said recommendation.