Rhode Island Department of Education
Commissioner of Education Angélica Infante-Green
255 Westminster Street
Providence, RI 02903

Re: 200-RICR-20-05-6 Regulations Governing the Intervention and Support for Failing Schools

To: Commissioner Infante-Green, Chair Patricia DiCenso, and members of the Rhode Island Board of Education

The Office of Mayor Brett P. Smiley, Providence City Council and Providence School Board are excited to provide the following comments on the proposed Regulations Governing the Intervention and Support for Failing Schools. As the local governmental authorities whose capacity and readiness will be assessed within these guidelines, we are grateful to the Rhode Island Department of Elementary and Secondary Education (RIDE) and the Rhode Island Council on Elementary and Secondary Education for providing the opportunity for public comment.

The City of Providence, Providence City Council, and Providence School Board (the City) are committed to ensuring that the process of transitioning Providence Public School District (PPSD) back to local governance maintains strategic continuity with the priorities outlined in the district's turnaround plan, promotes community engagement, and accelerates progress towards improving learning for Providence students.

The City is aligned with many of the guiding principles informing these regulations. We strongly support regular community input, using data to inform decision-making, and establishing progress-based metrics to determine a phased transition of schools rather than a single arbitrary date. There are several areas where the City would recommend revising these regulations to more accurately account for the governance of PPSD during the period of RIDE's intervention.

The City recommends that RIDE revises these regulations by

- **eliminating the use of turnaround plan goals in Section 6.4-C-1 in determining the state of the intervention,**
- **defining the criteria through which a municipality's financial capacity will be assessed in Section 6.4-C-3b,**
- **replacing vague and overly broad language regarding stakeholder input with more precise guidelines in Section 6.4-A and Section 6.4-B, and**
- **establishing a 90-day deadline for the Council on Elementary and Secondary Education to act upon the recommendations by the Commissioner in Section 6.6.**

The proposed regulations use the academic and progress measures within the Local Education Authority's turnaround plan as the primary criteria to evaluate the status of the state's intervention in Section 6.4-C-1. The Providence Turnaround Action Plan (TAP) contains 43 benchmark goals across four priority categories to be achieved by the 2024-25 school year. Reviewing both these goals and the 8 progress reports that PPSD has provided, these benchmarks are unrealistically aspirational and unrelated to how progress has been tracked and reported on during this period of intervention.

The TAP goals are not realistic benchmarks to measure the success of RIDE's intervention. Within the TAP category Excellence in Learning, PPSD has either regressed from the initial baseline or shown only

single digit progress in 15 of the 22 goals. Meeting many of these academic progress measures would require unprecedented growth every year. This is an unfeasible expectation even before the learning losses that occurred during the height of the COVID-19 pandemic. The TAP provides excellent areas of priority, but goals such as RICAS scores improving annually by 10% cannot be put forward as realistic or obtainable metrics.

This is supported by the progress reports that PPSD has submitted on the TAP. Only one report since 2020 (the Summary of Progress issued in March 2023) provides a comprehensive update on most of the TAP benchmark goals, while the rest focus on strategies or district highlights that occasionally reference a select metric. The School Board has not received any additional reports on these 43 benchmark goals, and both RIDE and PPSD staff have testified to the General Assembly that tracking and reporting on these goals is excessively burdensome. Since being published in June 2020, the district has only been able to submit 8 of the 16 reports required in Section VI of the TAP. These proposed regulations place more weight on unrealistic and excessively demanding goal metrics.

The City requests that RIDE considers alternative, realistic goals that could be used to measure the condition of RIDE's intervention and support without forcing the district to create a new turnaround plan. The City recommends measuring progress against comparable school districts, statewide academic averages, and/or selecting a small subset of goals or metrics that will more accurately account for PPSD's progress under the state intervention.

In Section 6.4-C-3b of the proposed regulations, RIDE's Commissioner will provide an analysis to the Council on Elementary and Secondary Education regarding whether the district receives sufficient local funding necessary to sustain and continue the LEA's progress, including compliance with statutory maintenance of effort requirements as identified in the Crowley Act. The issue of what constitutes compliance with the Crowley Act's maintenance of effort requirements is the subject of active litigation between the City of Providence and RIDE. These regulations should not be used to litigate unsettled disputes, and the City recommends that the Commissioner considers the many alternative and objective methods to assess a municipality's financial capacity.

The City also questions how municipal readiness can be ascertained from the severely limited financial information that has been provided by PPSD. The City does not have a clear understanding of how the administration of PPSD operates in support of the goals established within the TAP, and as such does not know how PPSD staffing relates to continued academic progress. The City has received undetailed and incomplete budget information from PPSD, and there has been a significant lack of transparency on the budget compared to actual spending. The City has yet to receive a full accounting of the allocated and spent federal Elementary and Secondary School Emergency Relief (ESSER) funds. In particular, the City does not know how many positions are currently sustained through ESSER funds and the anticipated impact of these funds expiring. These areas are essential in determining the financial state of the school district.

The City recommends that RIDE removes references to maintenance of effort, provides criteria through which this financial assessment will occur, **and mandate complete financial transparency for the Mayor's Office, City Council and School Board leadership**. The City also recommends that this assessment does not hold the municipality responsible for differing levels of state and federal funds to ensure this remains an accurate assessment of local funding.

As the first Rhode Island school district to undergo this model of state intervention, Providence has faced a recurring issue since 2019 with public confusion in determining their role and power within the new governance of their school district. The amount of public comment or input required has been a conflict point regarding the development of the TAP, school facility decisions, and even the state of the intervention itself. These regulations refer to being ". . . informed by input from community and other stakeholder engagement . . ." (Section 6.4-A-1b.) and ". . . following input from a variety of community and other stakeholders. . ." (Section 6.4-B).

The City recommends that RIDE considers clarifying this language, defining the scope, weight, and requirement of community input within these regulations to help avoid the type of confusion that can lead to stakeholder disengagement.

Finally, the City recommends that Section 6.6 is amended to require the Council on Elementary and Secondary Education to act upon the Commissioner's recommendation within 90 days rather than "promptly." The City recommends that to ensure compliance with this change, if the 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 expire.

Transitioning a school or school district from a period of state control is a difficult process. In Providence, Hope High School serves as an unfortunate reminder that it is difficult to sustain the progress made within a period of state intervention. Lawrence Massachusetts, once heralded as an intervention success story, is now entering twelve years under state control without significant progress towards improving standardized testing and graduation rates since 2015. Newark School District was under state control for 25 years before being transitioned back to local governance. The City would like to ensure that PPSD has a more efficient navigation back to local control, by creating its own targets and goals the district must meet.

The work of improving Providence schools will outlast any period of state intervention. The City is eager to actively partner with RIDE and the Council on Elementary and Secondary Education to consider how a collaborative and strategic transition process could build upon the positive strides taken under RIDE's governance.

Thank you for your consideration,

Brett P. Smiley, Mayor
City of Providence

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Erlin Rogel, President
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