# Summary of Public Comment – RIDE's Proposed Regulations Pursuant to R.I. Gen. Laws § 16-7.1-5.1

***Public Comment Period:*** *November 3rd, 2023, to December 18th, 2023*

Introduction and Public Comment Process:

In 2022, the Rhode Island General Assembly mandated that the Council on Elementary and Secondary Education (Council) create regulations pursuant to R.I. Gen. Law § 16-7.1-5.1. These regulations provide the 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 back to the local school board or committee. The Rhode Island Department of Education (RIDE) developed the proposed regulations (200-RICR-20-05-6) pursuant to R.I. Gen. Laws § 16-7.1-5.1 with input from public education stakeholders and experts and by examining education policy best practices.

At the Council's October 24, 2023, meeting, the Council formally approved the proposed regulations for the purpose of public review per Rhode Island General Law § 42-35-2.8. The following summary document details an overview of the comments provided, their main themes, the applicable areas where a change was requested, and the ensuing change or rejection of the proposed change.

The public comment period lasted 45-days (longer than the required 30-day period) from November 3rd, 2023, to December 18th, 2023. RIDE made public comment possible via formal public hearings, mail, and email at any point in time during the public comment process.

Public Comment Hearings:

Consistent with best-practices, RIDE conducted six (6) public hearings during the public comment hearing window. As these regulations are statewide regulations and applicable to every LEA, at least one public comment hearing was held in each county of Rhode Island, with two being held in Providence County (Providence and Woonsocket). The public hearings were advertised via RIDE's field memo and social media. At these hearings, a summary document of the proposed regulations, and the regulations in their entirety were made available to attendants. Attendants were able to provide oral testimony at a podium, or written testimony at a laptop station. The public hearing dates and locations are listed below:

- **November 15th** at Rogers Free Library, Herreshoff Community Room 525 Hope Street (Rt 114) Bristol, RI 02809 from 5-6PM
- **November 20th** at Newport Public Library, The Friends Room 300 Spring St. Newport, RI 02840 from 5-6PM
- **November 29th** at Bobby Hackett Auditorium, Knight Campus, CCRI 400 East Avenue, Warwick, RI, 02886 from 5-6PM
- **November 30th** at the Shepard Building, 1st Floor PAFF Auditorium, 80 Washington St, Providence, RI 02903 from 5-6PM
- **December 6th** at Kingston Free Library, Potter Hall 2605 Kingstown Road, Kingston RI 02881 from 5-6PM
- **December 13th** at Woonsocket Harris Public Library, 303 Clinton Street Woonsocket, RI 02895 from 5-6PM

Summary of Received Public Comments:

RIDE received a total of three (3) public comments from six (6) commenters during the public comment process. In order of receipt:

- The Rhode Island Federation of Teachers and Health Professionals (RIFTHP) provided simultaneous written submission and oral testimony from Frank Flynn, RIFTHP President, with a recommendation of proposed amendments for the regulations. Meribeth Calabro of the Providence Teacher's Union (PTU) provided subsequent oral testimony in support of the written submission from the RIFTHP.
- Mayor Brett P. Smiley, City Council President Rachel Miller, and Providence School Board President Erlin Rogel (City of Providence) provided joint written submission from the City of Providence with proposed amendments.
- Parents Leading for Educational Equity (PLEE) submitted written testimony, by executive Director Ramona Santos Torres, in support of the regulations, with proposed amendments.

Themes From Public Comment:

Following these hearings, RIDE engaged Dr. Kenneth Wong, the Walter and Leonore Annenberg Chair for Education Policy at Brown University, to serve as an external expert advisor to RIDE on the finalization and implementation of these regulations. Dr. Wong reviewed the public comment and provided RIDE with a written memo with his advisement, aligned with his expertise and national best-practices. RIDE then considered the public comment and Dr. Wong's advisement when finalizing the proposed amended regulations for the Council's consideration. As RIDE and Dr. Wong analyzed the public comments, four key themes emerged across all the comments received. These themes are listed below, while comments that do not fit neatly within any of the four themes are contained in the section titled "Other Comments."

- Theme 1: Community Input
- Theme 2: Independent Review Team
- Theme 3: Review Criteria
- Theme 4: Timeline for Turnaround
- Other Comments

Understanding the Document:

- The suggested change to language or rationale for no change describes why RIDE did or did not make a change to the proposed regulatory revision based upon the public comment received, categories for change rationale include:
    - "**Change**" meaning that RIDE has made a revision to the final regulatory proposal based upon this public comment.
    - "**No Change**" meaning that RIDE has not made a revision to the final regulatory proposal based upon this comment. The entry will include the rationale for RIDE did not incorporate this revision in the final regulatory proposal. This rationale may be that the comment is unrelated to the Secondary Regulations, that the comment is related to implementation, or that the comment is applicable to the Secondary Regulations, but RIDE has not made a change for a particular or specific reason.
    - "**No Change Requested"** meaning that the comment was in support of RIDE's proposed regulatory language and therefore no change will be made based upon that public comment.

Summary of Public Comment and Impact on Proposed Regulations:

| Theme | Regulation Section (or topic) | Commentors | Summary of Comments | Suggested Change to Language or Rationale for No Change |
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| **Theme 1: Community Input** | 20-10-6.4(B) | PLEE | PLEE recommends that RIDE establish a clear and structured process for collecting and utilizing input including but not limited to, "town hall meetings, surveys, focus groups, or other inclusive methods." | **Change—**<br>20-10-6.4(B)(1) is added to include a specific list of stakeholders from whom the Commissioner shall solicit input. This list includes, "students, families, community members, educators, school leaders, LEA school committee or board members, and municipal entity leaders."<br><br>**Rationale—**<br>RIDE has amended the regulations to detail explicitly which stakeholders RIDE will engage during the review process. Specifically mentioned are, "students, families, community members, educators, school leaders, LEA school committee or board members, and municipal entity leaders."<br>Multiple comments received by RIDE noted a desire to have specific processes for gathering community input spelled out in the regulations themselves. It should be noted that the proposed regulations include a requirement for gathering community input which does not exist in comparable regulations in Massachusetts or in any other state.<br>Further, consistent with RI and MA practices, RIDE envisions incorporating public comment feedback when delineating the process mechanics for how community input is gathered when providing subsequent technical details on the review process. This approach, consistent with MA, enables RIDE to contextualize community input mechanics based on the needs of a specific community, rather than ossifying processes in regulations. |
| | 20-10-6.4(A) and (B) | City of Providence | City of Providence recommends providing more precise guidelines pertaining to stakeholder engagement but did not provide specific recommendations on to what the more precise language may include. | |
| | 20-10-6.4(C) | RIFTHP | RIFTHP recommends that the solicitation of community input be specified in the regulations to include at least two public hearings held in public schools located in the affected LEA prior to issuance of the report. | |
| **Theme 2: Independent Review Team** | 20-10-6.3(3)(A) | RIFTHP | It is recommended that an Independent Review Team replace the Commissioner as the entity that has the authority to review LEAs and make a recommendation to the Council on turnaround status. RIFTHP recommends that members of the Independent Review Team 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 | **No Change—**<br><br>**Rationale—**<br>RIDE consulted Dr. Kenneth Wong to review the regulations and the comments and suggestions noted by stakeholders. A national policy scan revealed that there is no state that currently delegates review and reporting authority regarding state interventions to an independent committee. Dr. Wong's recommendation was to retain existing regulatory language given the national policy and best-practice scan, but that RIDE may incorporate an independent review process in the subsequent protocol. This regulatory approach is consistent with how RIDE already incorporate independent reviews in other regulatory required review processes. |

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| | | | Governor, one shall be appointed by the Speaker of the House, and one shall be appointed by the Senate President. | |
| | 20-10-6.3(4), 20-10-6.4(A), 20-10-6.4(C), 20-10-6.4(F), 20-10-6.5(B) and (C) and (D), 20-10-6.6 | RIFTHP | In accordance with the change requested above, RIFTHP recommends replacing Commissioner with Independent Review Team in relevant areas. | **No Change—**<br><br>**Rationale—**<br>See the above section. |
| | 20-10-6.4(G) | RIFTHP | RIFTHP recommends that a draft of the report be provided to the LEA prior to the report being submitted to the Council along with the inclusion of an expedited appeal process to the LEA for any recommendation made in its draft report to the Council that the LEA does not support | **Change—**<br>20-10-6.4(B)(2) has been updated to note that the Commissioner will consult "with the LEA's school committee or board members prior to the issuance to the Council of any report and recommendation regarding the LEA's continued turnaround status."<br><br>**Rationale—**<br>RIDE agrees with the principle of this proposed change that that an LEA be given a chance to review a draft report for factual correction prior to finalization. RIDE therefore is including regulatory language that is consistent with R.I. Gen. Law § 16-7.1-5.1, ensuring that a school committee is consulted prior to the finalization of any recommendation by the Commissioner to the Council. Furthermore, consistent with existing regulatorily required review processes, specific mechanics regarding draft reviews may be delineated further in the review process's technical details. Further, nothing in these existing regulations prohibit an LEA or school committee from submitting a written appeal to the Council if they object to the recommendation to the Commissioner's recommendation. |
| | 20-10-6.4(B)(2) | RIFTHP | RIFTHP recommends that an LEA may submit a request to the Council that the turnaround status of the district end prior to the end of the order under RIGL § 16-7.1-5.1. In that instance, the Independent Review Team shall prepare a report | **No Change—**<br><br>**Rationale—**<br>The recommendation that the regulations contain a provision allowing for an LEA to petition the Council on turnaround status is one that closely mirrors Massachusetts' regulations. However, the requirement for such regulations was |

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| | | | and recommendation to the council regarding the future of the LEA's Turnaround Status | required via specific enabling legislative requirement stipulated in Massachusetts (Mass. Gen. Laws ch. 69, § 1K). There is no equivalent for this enabling requirement in Rhode Island's General Laws.<br>Furthermore, from a practical perspective, nothing in the regulations would prohibit an LEA from submitting such a request to the Council to review turnaround status at any time. There is no process for stopping an LEA from petitioning the Council to review turnaround status. As such, there was no change made to the regulations. |
| **Theme 3: Review Process and Criteria** | 20-10-6.4(C)(3)(b) | City of Providence | The City recommends defining the criteria through which a municipality's financial capacity will be assessed more specifically. | **No Change—**<br><br>**Rationale—**<br>As the regulations themselves note, the requirement is to assess statutorily required maintenance of effort for the relevant municipal entity. R.I. Gen. Laws § 16-7.1-5(a) notes, "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."<br>Dr. Wong in his review of public comments notes that maintaining funding for schools is critical, particularly those under turnaround status. RIDE believes accurately assessing the financial circumstances of the LEA as it returns to local control is critical to ensuring that the LEA can maintain and build off the gains and changes made under state intervention. As such, RIDE made no changes based on this recommendation. |
| | 20-10-6.4(C) | City of Providence | The City recommends removing language referencing maintenance of effort from the proposed regulations | |
| | 20-10-6.4(C)(4) | RIFTHP | RIFTHP recommends the Commissioner's report include an assessment of the additional financial resources provided to the LEA caused by the LEA being placed in turnaround status and the financial impact to the LEA of ending turnaround status. | **Change—**<br>20-10-6.4(E)(2)(a) is created to reflect the review process may include an assessment of "additional financial resources provided to the LEA caused by the LEA being placed in turnaround status, and the financial impact to the LEA of ending its turnaround status."<br><br>**Rationale—**<br>The comments call for increased specificity for the assessment of fiscal capacity. RIDE agrees that an accurate assessment of financial resources provided to an |

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| | | | | LEA and the relevant municipal entity's fiscal capacity to support a returning LEA is a vital component of the review process, especially within the context of identifying what additional resources, if any, are needed to further enable the success of the LEA's turnaround plan. As previously mentioned, Dr. Wong in his review of public comments notes that maintaining funding for schools is critical, particularly those under turnaround status. As such, RIDE has amended the regulations in response to these public comments to require that these relevant financial components be analyzed during the review process. |
| | 20-10-6.4(C)(1) | City of Providence | The proposed regulations currently allow for the Commissioner to determine LEA performance metric progress by using the turnaround action plan as well as other relevant data. The city recommends altering this language to omit the turnaround plan, as the turnaround plan's growth targets are deemed too high to feasibly be accomplished. | **Change—**<br>20-10-6.4(C)(1)(a) is amended to change assessment of whether an LEA met turnaround plan goals to whether an LEA made sufficient progress on turnaround plan goals.<br><br>**Rationale—**<br>The City of Providence notes correctly that the Turnaround Action Plan (TAP) serves as a useful goal and progress measuring device for an LEA under state control. It is important to note that within the context of these regulations (as well as in practice in Providence) the metrics required in the turnaround plan are supposed to be developed with community input.<br>However, if the TAP language is omitted, per the City's suggestion, then another mode of analysis is needed to assess an LEAs progress under turnaround status. The creation of a new methodology of analysis for an LEA, separate from the TAP would be as time-consuming as it would be confusing not only for RIDE and the Commissioner but also for an LEA, as well as the community that provided input into the metrics. That being stated, Dr. Wong's review of the City of Providence's written public comment speaks to the need to contextualize the progress made with the metrics with external considerations (ex: the pandemic).<br>As such, RIDE has rephrased some of the regulatory language to reflect necessary flexibility in determining an LEA's progress by evaluating if sufficient progress has been made towards achieving the originally identified performance metrics. |
| **Theme 4: Timeline for Turnaround** | 20-10-6.4(B) | RIFTHP | The current proposed regulations allow for the report to be sent to the Council at any time before the expiration of an order under RIGL § 16-7.1-5.1. RIFTHP recommends that | **Change—**<br>20-10-6.4(B)(3) is added to ensure that the review process begins within the last year that an LEA is subject to an order under the Crowley Act. |

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| | | | this language be changed to require the Commissioner or Independent Review Team submit the report and recommendation at least 9 months prior to the end of any order under RIGL § 16-7.1-5.1. | **Rationale—**<br>This comment appears to stem from an understandable concern around ensuring that review and recommendation proceedings for an LEA subject to an order under R.I. Gen. Laws § 16-7.1-5.1 do not drag on indefinitely and proceed posthaste. To address this concern, RIDE has included language within the regulations that specifically call for the review process to begin after the last applicable year of accountability data is released for an LEA subject to review and within the last year that an LEA is subject to an order under the Crowley Act. This ensures that the most relevant performance data is immediately used to then inform the review process.<br>The nine-month period proposed by this comment, however, is not currently feasible to implement as the potential exists for that review process to start prior to the most accountability data being released. Therefore, the proposed regulatory change ensures that the review process commences as soon as feasible. |
| | 20-10-6.4(D), 20-10-6.4(E)(1), 20-10-6.5(E) and (F) | RIFTHP | RIFTHP recommends capping turnaround status at "up to additional two years" post-expiration of an order under RIGL § 16-7.1-5.1. Additionally, this would also remove the ability of the Commissioner to create a new turnaround plan for the LEA under review. | **No Change—**<br><br>**Rationale—**<br>In reviewing these stakeholder comments, Dr. Wong noted that the proposed public comment is not in line with national practices. Massachusetts nor the preponderance of other states include the proposed time restrictions identified within the public comment. Based on this review, Dr. Wong recommended that RIDE not include a time cap on turnaround status as, "not placing a time limit on the turnaround status will enable LEAs, where necessary, to complete their school improvement activities without time constraint. Placing a time limit may undermine LEAs' school improvement efforts." As such, RIDE has not included this requirement in the amended regulations. |
| | 20-10-6.6 | City of Providence | The City of Providence recommends establishing a 90-day deadline for the Council on Elementary and Secondary Education to act upon the recommendations by the Commissioner. | **No Change—**<br><br>**Rationale—**<br>There are no other RIDE regulations, nor are there comparable regulations in other states that include a timeframe that restricts the Council in deliberating to decide an LEA's turnaround status. As such, this recommendation was not included in the amended proposed regulations. |

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| **Other Comments** | 20-10-6.5(B) | RIFTHP | Amend the regulations to include the District Strategic Plan to be consulted when changing the turnaround plan. | **Change—**<br>20-10-6.3(A)(7) is amended to include, "in alignment with the requirements of the district improvement plan as required by R.I. Gen. Laws § 16-97.1-1".<br>**Rationale—**<br>RIDE appreciated the inclusion of the District Strategic Plan language to be included for an LEA undergoing review. To ensure that this inclusion of the District Strategic Plan is woven throughout the document, RIDE included a note in the definition section to specify that the Turnaround Action Plan be aligned to the District Strategic Plan. |
| | 20-10-6.4(C)(2)(b) | RIFTHP | Amend the report mandated by the regulations to specifically assess if School Board has ability to support professional autonomy. | **No Change—**<br><br>**Rationale—**<br>RIDE included within the original proposed regulations in 20-10-6.4(C)(2)(b) language regarding "site-based management and governance best practices." Included within this language are considerations about teacher and administrator roles within schools. Though potentially ambiguous, the focus of the term "professional autonomy" appears to be included within the existing language. The proposed change would be of uncertain value as there is no specific definition of professional autonomy to be assessed. As such, the proposed revision was not included in the amended proposed regulations. |
| | Entire Proposal | PLEE | PLEE submitted written comment in support of the regulations, urging the Council approve these regulations. PLEE noted that the readiness evaluation of both the LEA, and the LEA's local school committee or board were useful inclusions to the regulations. Additionally, PLEE applauded the strong equity focus, and stipulation of community stakeholder input to the report and recommendation process. | **No Change Requested—** |
| | Throughout proposal | RIFTHP | The regulations use the term "school board or committee" in the regulations. RIFTHP recommends | **No Change—**<br><br>**Rationale—** |

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| | | | that throughout the regulations "board or" be struck from the phrase "school board or committee." | As this recommended change is primarily aesthetic, given that R.I. Gen. Laws § 16-7.1-5.1 makes references to both school boards and school committees, RIDE maintained the existing language in regulations as is. |