

December 2, 2018

Dear Fellow East Siders:

I hope you enjoyed your Thanksgiving, and that you are looking forward to the upcoming holiday (including for some of us tonight's beginning of Chanukah). This week's letter discusses our public schools' education program, the public school facilities and the Hope Point Tower project.

Friday's Providence Journal contained two reports relating to public education. The [first article](#) describes the test scores from Rhode Island schools in the first year of taking the Massachusetts standardized test, revealing a wide gap between Rhode Island and Massachusetts students. The [second article](#) reports the filing of a lawsuit by Rhode Island public school students asserting a right to quality civics education under the United States Constitution. The first article notes that the Bay State's superior public school program was developed "[a]fter a 1993 lawsuit challenged the way schools were funded, Massachusetts established high standards, developed tests to measure whether students were meeting those standards, tied high school graduation to a test, and set a higher bar for teachers." Historically, the public education programs in Rhode Island and Massachusetts were comparable prior to the 1993 Massachusetts Education Reform Act, which was instituted after that state's highest court ruled that the Massachusetts Constitution contained a fundamental right to education. Sadly, the Rhode Island Supreme Court reached a different result when it reviewed the Rhode Island Constitution in 1995, and in my opinion this made all the difference, as Massachusetts elected officials used the court ruling as "political cover" to make difficult educational policy decisions for which Rhode Island has lacked the political will; hence the need for a lawsuit declaring a right to education under the United States Constitution. On the other hand, the federal lawsuit (in which I am pleased to appear as associate *pro bono* legal counsel) alleges that Rhode Island's public education program's emphasis on reading and mathematics has crowded out other important subjects, such as civic education.

On Wednesday, December 5 at 5:30 p.m. at City Hall, Third Floor, the Committee on School Department Oversight will receive a report concerning current plans to repair and improve Providence's public school facilities. On Election Day, Providence voters approved a \$160 million school facilities bond, while Rhode Island voters approved a \$250 million bond, some of which will be available to Providence. These two bonds provide a significant opportunity to Providence to upgrade its inventory of school buildings, but many questions remain about priorities and timing. We hope to learn some answers to these and other questions on Wednesday night.

This past Friday afternoon, Mayor Elorza announced his veto of the zone change ordinance requested by the developer of the Hope Point Tower. He issued a statement indicating that the developer was agreeable to contributing to maintain the neighboring park and to comply with a schedule, the developer would not agree to give the City approval authority over the project's design. The City Council now has 30 days in which to consider overriding the veto, which would require at least 10 votes in favor, which would require at least one more favorable vote than the developer currently has. I foresee a lot of arm-twisting over the next month. If that is not successful, the developer may ask the General Assembly to approve superseding legislation, but even if it passes, it may result in court proceedings about whether the State can intervene in this type of local regulation. In short, there are more twists and turns ahead.

Sincerely,

