

**REPORT OF THE SPECIAL LEGISLATIVE COMMISSION
TO REVIEW AND PROVIDE RECOMMENDATIONS FOR PROFESSIONAL AND
LABOR-MANAGEMENT STANDARDS THAT PROVIDE SCHOOL-BASED
FLEXIBILITY AND ACCOUNTABILITY FOR EMPLOYEES OF THE PROVIDENCE
PUBLIC SCHOOLS**

Executive Summary

At Providence high school graduation ceremonies each Spring, students, families and educators celebrate the conclusion of their elementary and secondary education. Many of these Providence high school graduates go on to receive a quality college education on their way to living their version of the American Dream. In order to reach the graduation stage, these successful students often owe a debt of gratitude to their skillful and dedicated Providence teachers, hundreds of whom provide their students with a high-quality public education in hundreds of classrooms every day of the school year.

While graduations can be a time to celebrate, we do not measure the quality of public education exclusively by the stories of those who succeed. Peter McWalters described the current public education system as one that serves 30% of the students “no matter what we do,” while another 40% of the students “get through it.” In his view, the traditional system’s design ensures that the remaining 30% of the students “don’t do very well,” a figure that increases to 50% of students in disadvantaged populations.

One can debate the precision of these percentages, but it is indisputable that our public schools have the mission to provide a quality public education to every student, and the Providence Public Schools do not fulfill that mission for thousands of students every year. For these underserved students, the success of some of their peers provides no comfort. Instead, the inadequate public education we provide these children becomes a devastating setback for their futures, a source of professional frustration for their teachers, a basic failure of our State to safeguard these children’s civil rights and basic needs, and an ugly stain on our social fabric. The persistence of these calamities over decades (even after accounting for the progress we have

achieved) does not reduce the seriousness of either the severe challenges a new generation of students must overcome each succeeding year, or the urgency of bringing a definitive end to this ongoing and compounding tragedy; instead, the opposite is true.

When the Department of Education issued its Decision and Order taking control over the Providence Public Schools in 2019, it clearly articulated this urgent need. The Providence Public Schools developed a five-year turnaround action plan, stating comprehensive goals for that period. With the advent of the COVID pandemic, those goals were extended by two years due to these unforeseen circumstances. It is still not clear when these goals will be met.

The Senate formed a study commission to review these essential components of a successful public school program: (1) professional standards and the labor-management relationship; (2) school-based flexibility and (3) accountability for the district's professional educators. The Commission received public comment about conditions in Providence today, and expert presentations about best practices nationally.

The experts presented a consistent message that the traditional "industrial unionism" structure of labor-management relations in Providence does not match the needs of either the students currently receiving an inadequate education in Providence or the professional educators who entered the teaching profession to serve those students, but who are held back from doing so. In contrast, the best practice in school districts is to move to a "professional unionism" relationship in which:

- Teacher- district relations go beyond negotiated policy to negotiated shared responsibility as the basis of school district operations.
- Teaching is transformed from an individualized, private practice to a more collective and public professional practice informed by professional learning communities;

- Labor and management create shared decision-making structures at the district and school levels that promote partnerships between unions and districts to transform systems into learning organizations that work to continuously improve student learning;
- The union gains a stronger role as a vehicle for transforming teaching into a profession that will improve learning for all students within schools by ensuring strong teacher voice in decision making and holding teachers accountable to the highest professional standards.

A professional unionism relationship will also support greater school-based flexibility, as decisions on how best to educate students will be made by educators in the building, guided by an ongoing review of data on learning and other outcomes, paired with knowledge of best practices.

Professional unionism offers the promise of both improved learning for students and greater job fulfillment for teachers as they achieve more completely the ideals that brought them into the profession in the first place. The Commission heard descriptions of urban schools and districts that have successfully implemented elements of this transformation in such places as Toledo, Baltimore, Lawrence, Massachusetts and Springfield, Massachusetts. The Commission also learned that the current Providence labor-management relationship, as embodied in the collective bargaining agreement, contains small pieces of these best practices; however, the pace of progress will not serve the needs of generations of deserving children.

As a result, the Providence Public Schools face the challenge of achieving the transformation from industrial unionism to professional unionism with necessary and appropriate urgency. The experts presented examples where such a transition successfully occurred in a compact amount of time. One example was particularly close to home, namely an initiative at Hope High School in the early 2000's that unfortunately was abandoned despite early success. The Commission believes the closest district-level analogue may be the Springfield Empowerment Zone, where the teachers union agreed, in a contract reached through collective

bargaining, to almost all of the major labor-management reforms that the experts said that Providence desperately needs. In the Commission's view, nothing but inertia prevents a Springfield-type contract from being negotiated for Providence to succeed the current one upon its expiration at the end of this school year.

This Report presents findings describing the components of national best practices in labor-management relations, professional standards, school-based flexibility and accountability. It also presents recommendations for legislation and other measures to help the Providence Public Schools achieve these best practices in the most urgent manner possible.

In conclusion, the Commission recognizes and appreciates that many contributions that educators have made in our current "industrial unionism" system to the education of the children of Providence. With that said, the limits of the current system are clear, and a transition to the best practices of "professional unionism" is essential to address the urgent needs of many students enrolled in the Providence Public Schools. The Commission believes this transition can and must take place on an urgent basis, and this Report provides alternative paths to fulfill this critical mission.

I. Background

In October, 2019, the Department of Education issued a Decision Establishing Control Over the Providence Public School District and Reconstituting Providence Public Schools. The Department took this step at the request of Providence officials pursuant to its authority under the Crowley Act, R.I.G.L. §16-7.1-5 to develop and implement strategies for schools and school districts "that continue to fall short of performance goals outlined in district strategic plans." For these schools and districts, the Crowley Act authorizes "progressive levels of control" by the

Department “over the school and/or district budget, program, and/or personnel,” leading ultimately to reconstitution if necessary. The Decision explained the need for the State takeover in this way:

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. . . . 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.

The Department attached to the Decision an Order of Control and Reconstitution, authorizing the appointment of a State Turnaround Superintendent and the development of a Turnaround Plan to be implemented for an initial term of five years.

The Turnaround Action Plan (TAP) that followed set forth Five Promises, the second of which is that “Every school will be staffed and led by supported, empowered educators.” The TAP also presented a series of goals and benchmarks to assess the progress of the takeover in such areas as student achievement, student and teacher attendance, graduation rate, and climate and culture. The arrival of the pandemic in 2020 disrupted the progress of public education everywhere, and the Providence Public Schools has amended the TAP from time to time to provide for more “realistic” annual goals. With that said, even after accounting for external conditions, the Providence Public Schools have not achieved progress to address the needs identified at the start of the takeover with sufficient urgency.

While the success of public education anywhere depends upon the interaction of factors both within and outside the control of a school district, the issues of labor management relations and professional educator standards form a crucial component of any school’s success, as

reflected in the above-quoted Promise set forth in the TAP. With that in mind, the Senate approved Resolution S-1131 in June, 2023 establishing a study commission to:

- Review the professional standards and the labor-management relationship for employees of the Providence Public Schools, particularly as defined by State law; and
- Develop recommendations that promote a rewarding professional environment and great school-based flexibility and accountability for the district's professional educators.

The Resolution called for the formation of a 15-member study commission comprised of educators, members of the public and elected officials to conduct hearings to investigate these issues and present a report to the Senate with findings and recommendations. The Commission held three meetings for public comment, three meetings for expert presentations and [] meetings for discussion of the issues.

The Commission acknowledges the limitations of its project. As noted, the success of the Providence Public Schools depends on many factors outside of the scope of the Commission, such as curriculum, student and teacher attendance, supports for social and emotional learning and well-being, and the challenges many Providence children face outside classroom. For these reasons, improvements in labor-management relations, professional standards and accountability and site management are not a sufficient solution to the challenges facing the Providence Public Schools; however, the Commission believes that they represent a necessary element of that solution which, unlike many others, is eminently within the control of educators.

The Report that follows describes the elements of labor-management relations, professional standards, school-based flexibility and educator accountability that amount to best practices nationally. The Report then describes a vision for a brighter future in the Providence Public Schools based on those best practices, and approaches to achieving that vision in an effective and timely manner. Based on these findings, the Report then presents a set of

recommendations for actions by the General Assembly and the Providence Public Schools (which are now under State control) to advance that vision.

II. Issues to Address

The Commission heard public comment and expert testimony related to the four principal elements of its charge, namely (A) labor-management relations, (B) professional standards, (C) school-based flexibility and (D) accountability for Providence Public Schools Department employees. As will be explained, school districts can combine the best practices in these four elements to create a system of professional unionism in which all of the adults collaborate to work in the best interests of the children whom they serve. The Report will discuss each of these elements in turn.

A. Labor-management relations

1. Professional Unionism

Jo Anderson, Jr. of the Collaborative Leadership Consulting Group and former Executive Director of the Illinois branch of the National Education Association and former advisor to Secretary of Education Arne Duncan, presented his vision of the evolution of teacher unionism. He described the movement's origin in an industrial model that limited the scope of collective bargaining to "bread and butter, and security issues such as fair treatment and just cause." This model confined teacher voice in education policy decision making, depriving teachers of career fulfillment and students of much of teachers' professional knowledge and skill.

As a union leader, Mr. Anderson organized unions to move from "adversarial" negotiations to the "organizing of labor-management collaboration for the purposes of transforming how districts function." To achieve this end, some school districts used "interest-

based bargaining” to identify common goals, resulting in contracts such as the Glenview Constitution, which created shared decision-making structures at the school and district levels to articulate a partnership among the school board, the administration and the teachers’ union. Mr. Anderson sketched a vision of an emerging pedagogy that engages students actively in their learning to think critically, supported by a transformation of the way teaching is organized from individuals in the classroom to communities of practice, all brought about through collaborative redesign by teacher unions and management to empower the teaching and learning process.

Mr. Anderson identified site-based management as a critical element of this transformation, recommending “innovation zones” (referring specifically to, among other places, the Springfield Empowerment Zone in Massachusetts) and a stronger site-based management program that would assign district leadership (both labor and management) the responsibility of capacity building and maintaining a level playing field, while holding all schools accountable for results. In the paper he submitted,¹ Mr. Anderson also described how a “comprehensive union” can also incorporate social justice ideals for the good of the children and their families served by educational professionals.

Patrick Shelton, a Providence elementary school teacher, provided testimony that confirmed teachers’ desire to have voice in classroom instruction. He noted his frustration with the minute-by-minute scripts that central administration provides him to teach subjects, inability of teachers to help design and best use common planning time.

2. Collaboration Structures

The Commission also learned about the benefits of teacher-management collaboration from Professor Saul Rubenstein, Director of the Center for the Study of Collaboration in Work

¹ See <https://www.rilegislature.gov/commissions/PPS/commdocs/J.%20Anderson.pdf>

and Society at Rutgers University. Through the Center's Program for Collaborative School Reform and his independent research, Professor Rubenstein has compiled data correlating stronger labor-management collaboration in schools to improved student outcomes through, among other factors, greater teacher job satisfaction and retention. The Rutgers program brings teachers and management together to share best practices of collaboration in such areas as mentoring, pedagogy and curriculum through the operation of labor-management leadership teams at the school and district level. In his view, the state can support the development of collaboration by providing resources, facilitators and training in building collaboration structures and through interest-based bargaining.

3. Teacher Preferences

Evan Stone, co-founder of Educators for Excellence, presented his findings concerning best practices and teacher preferences based on the organization's review of more than 100 teacher contracts and survey data from more than 40,000 teachers. He identified school-based flexibility as a major mechanism to promote collaboration, recommending that site-based management be made the default in school districts, as opposed to something schools can opt into. Mr. Stone cited with approval the Springfield Empowerment Zone collective bargaining agreement as a notable example of this reform. He identified open bargaining sessions as a possible tool for collaboration, and noted that collaboration was achieved in Lawrence, Massachusetts the receiver's wise use of the extraordinary powers of that state's receivership law.

Mr. Stone also presented survey findings of teacher preferences that promote professionalism. Those preferences included:

- Differentiated compensation for teachers who work in hard-to-staff schools and subjects, and for teachers who achieve multiple outstanding evaluations;

- Providing teachers with more time to collaborate with other teachers through team teaching and mentoring;
- High quality professional development;
- School-based flexibility, site-based team teaching and different class sizes where appropriate;
- Basing layoffs on performance rather than seniority (preferred by a 2:1 margin);

(Mr. Stone noted that Rhode Island's seniority-based layoff statute is one of only thirteen remaining on the books across the country.)

- Paid planning time at the start of the school year.

B. Professional Standards

Heather Peske is the President of the National Council on Teacher Quality, whose mission is to “to ensure every child has effective teachers and every teacher has the opportunity to be effective.” The Council has compiled a national database of state laws and policies, teacher contracts and school board policies from which it has developed recommendations based upon national best practices.

Dr. Peske presented the Council's findings in the areas of collaboration and teacher quality. The Council found that contracts and policies could advance teaching quality through shared decision-making in such areas as curriculum materials, professional development, increased diversity, common planning time, strategic staffing, and the addition of support staff. In the area of teacher compensation, the Council found that state laws such as Rhode Island's, which mandate a “lock step” salary schedule² do not promote teacher retention, and that paying

² The Council's research reveals that Rhode Island is one of only fourteen states with such a mandate. Nine of these states' laws include language expressly permitting adjustments to compensation based on performance, but Rhode Island is one of five states which is silent on this issue. In contrast, according to the Council, Massachusetts law is silent on lockstep compensation, but encourages pay based on performance. *See* <https://www.nctq.org/publications/State-of-the-States-2022:-Teacher-Compensation-Strategies>.

teachers more for master's degrees did not lead to greater teacher effectiveness. Instead, she recommended that school districts repurpose the funds used for advanced degree bonuses to use instead as pay enhancements for those working in hard-to-teach subjects. Also, Dr. Peske described public bargaining as a mixed blessing, as in some settings it could lead to posturing for external audiences.

C. School Based Flexibility

Nancy Mullen, after serving in Providence as Principal at Mount Pleasant and Hope High Schools, continued her career at the Kuss Middle School in Fall River, Massachusetts. The Commonwealth of Massachusetts staged an intervention at Kuss because of its status as the state's lowest-performing school. During her tenure, the school went from "worst to first," a development she credited to her teachers, as well as the school's special site-based flexibility policies.

Through the State intervention, the school was provided with extra support staff and the flexibility to provide teachers with extra pay to support a longer school day. Kuss also revised the schedule to incorporate double block periods, which reduced the number of students per day that each teacher taught from 125 to 75. As principal, Ms. Mullen had full responsibility for staffing, including reduced documentation for the non-renewal of probationary teachers. The school's policies concerning all of these matters were resolved at the school level between the principal and the teachers there without the oversight or other involvement of district level or State-level labor or management officials.

Peter McWalters served as Rhode Island's Commissioner of Elementary and Secondary Education during 1992-2009. In 2005, he invoked the authority of the Crowley Act (which the Providence Teachers Union president at the time did not contest) to reconstitute Hope High

School.³ The reconstitution order required all teachers there to choose between signing a commitment to a new set of professional expectations including peer review, a non-traditional schedule, accepting teaching assignments based on student need, participating in the school improvement team and many other commitments to benefit students, or else leaving the school. Commissioner McWalters appointed Nicholas Donohue to serve as Special Master. Mr. Donohue and the Hope High School teachers collaborated in the shared project of improving student outcomes. Under the reconstitution order, half of the teachers left, but those who remained embraced the changes with enthusiasm. The State contributed additional funds to support this effort, but unfortunately the initiative faded away after the supplemental State funding ran out.⁴

D. Accountability

In his paper describing professional unionization, Mr. Anderson offers two foundations for accountability within professional unionism. The first comes from “A Nation Prepared,” a 1986 Carnegie Foundation report that stated:

Unions, boards, and school administrators need to work out a new accommodation based on exchanging professional level salaries and a professional environment, on the one hand, for the acceptance of professional standards of excellence and the willingness to be held fully accountable for the results of one’s work, on the other.

He finds a second foundation in site-based schools, in which they have “control over staff, budget and program including curriculum with accountability for results,” providing the

³ See Decision of Order and Reconstitution (February 4, 2005), viewable at http://www2.ride.ri.gov/applications/RideDirectory/DOCS/2005/0012-05-Hope_High_School_Order_of_Reconstitution_020405.pdf

⁴ Mr. Shelton’s previously cited testimony also highlighted the ways in which “top down” administrative directives can frustrate teachers’ initiative and constrain their ability to gain professional fulfillment and provide the best education they can to our children.

opportunities for innovation claimed by charter schools while retaining students within the public school district.

John Papay, Associate Professor of Education and Economics at Brown University and Director of the Annenberg Institute explained the benefits of peer assistance and review, where teacher mentors provide support to their colleagues to promote professional standards. When those efforts are not successful, the mentor recommends to management that the teacher in question is not suited for the position. When Steve Smith as Providence Teachers Union President and Susan Lusi as Providence Public Schools Superintendent attempted to make greater use of this innovation, their efforts were frustrated by the extended procedural “due process” that teachers invoked even after their peers had engaged in suitable, but unsuccessful support efforts. In their view (and in the view of the other experts who presented), school resources can be wasted on excessive rounds of due process, especially when that teacher’s peers have concluded that the teacher in question is unfit for the job. Mr. Papay identified robust peer assistance and review combined with expedited due process as a best practice.

III. A Vision for the Providence Public Schools

From the public testimony and the expert presentations, the Commission learned how professional unionism can combine a more fulfilling professional climate for teachers with an education program that is better designed to provide a quality public education to all of the children on Providence. Such a vision for a brighter future would contain the following elements:

- The Providence Public Schools will provide a work environment that will attract and retain high quality educational professionals.

- All educators within the Providence Public Schools have a shared commitment to provide all children with a quality public education.
- All educators have a meaningful voice and collaborative role in fulfilling their shared commitment.
- Teachers have a responsibility to maintain high professional standards, and they have the authority and responsibility to support their colleagues in meeting them.
- All educators are personally accountable for the quality of their contribution to this shared commitment.

As described by the experts, the Providence Public Schools can fulfill this vision by incorporating these programmatic elements:

1. Collaborative Decision-Making Structures

Teacher voice in matters of education policy, including curriculum and professional development, provides important benefits to teachers and to students. It recognizes the teachers' critical role as a learning professional, providing career fulfillment. It benefits students by adding an important source of skills and experience to effective education policy.

2. Sharing Of Best Teaching Practices

Teachers need the opportunity to collaborate with their colleagues to advance their professional skills to their highest level through such programs as common planning time and peer assistance.

3. Site-based Management

In order to provide a quality education to every child, the Providence Public Schools needs allow the educational professionals in each school to have the flexibility to adapt their programs to the needs of their student population. Combining this element with the previous two, each school can, through a collaborative leadership structure, best adapt its program to its students' distinctive backgrounds and needs through in such matters as budget, personnel, and professional development.

4. Removing Seniority-Only Mandates

The practice of exclusive seniority-based mandates represents one of the most prominent examples of industrial unionism. As is true for any learned profession, teaching experience provides a valuable foundation for skill and effectiveness; however, it is far from the only determinant of effective teaching. As a result, many harms result from mandated use of seniority as the exclusive criterion for professional advancement. Survey data reveals that effective teachers feel frustrated when their less effective but more senior colleagues receive greater compensation and recognition. Students miss out when a strict seniority-based class assignment structure deprives them of the teacher(s) best suited to meet their educational needs. The Providence Public Schools' efforts to recruit and retain teachers whose backgrounds and cultures match that of their students (which can promote teacher effectiveness) are compromised and frustrated by seniority-based mandates for classroom assignments and layoffs. It was therefore not surprising to learn that Rhode Island is one of a small number of states that has not moved on from these industrial-unionism mandates.

5. Peer Review And Expedited Due Process

Along with teacher voice, professional unionism depends upon teacher accountability based on professional standards. Under the current industrial unionism structure in Providence, teacher union leadership has legal obligation to represent and defend all members who face termination proceedings due to inadequate performance, even if the teacher in fact is performing inadequately. By bringing teachers into the role of peer assistance, these mentor teachers can measure their colleagues' ability to meet professional standards once that assistance is provided. Should peer assistance not succeed, the union should have the authority and responsibility to

recommend a teacher's non-retention, at which point the teacher would receive sufficient due process in an efficient and expedited manner.

IV. Recommendations

The Commission recommends bringing best practices in labor-management relations, professional standards, school-based flexibility and educator accountability to the Providence Public Schools through a combination of collaborative collective bargaining, building capacity and removing legislative barriers.

A. Collaborative Collective Bargaining

Several experts emphasized that progress is best achieved through collaboration, rather than through mandates. The Springfield, Massachusetts Empowerment Zone collective bargaining agreement⁵ provides a model for labor management collaboration in the best interests of students. Among the salient features of this contract are the following:

- Joint Commitment to Collaboration (Article 7)
- Building Cooperation (Article 10)
- Dispute Resolution Process: Expedited Mediation and Arbitration (Article 19)
- Establish teacher leadership teams as the vehicle for shared decision-making at the school level (Articles 22-24)
- Authorizing principals to select the best qualified staff from both internal and external candidates without regard to seniority (Article 28)
- Authorizing the Empowerment Zone to reassign displaced teachers and staff to positions for which they are qualified (Article 30)
- Site-based management for professional development (Article 33)

⁵ <https://www.rilegisature.gov/commissions/PPS/commdocs/educators%20cba%20-%20sezp%20sea%202021-2025.pdf>

- Reduced role for seniority in:
 - Teacher assignments (Article 29)
 - Teacher displacements (Article 30)
 - Reductions in force (Article 36)
- Expedited dismissal and discipline (Article 37)
- Establish a joint labor-management evaluation team (Article 44)
- Career ladder (Article 63), including:
 - Stipends/additional pay for leadership and other roles (Article 65)
 - Additional compensation for exceptional performance (Article 67)
- Shared expectations for collaboration between principals and teacher leadership teams (Appendix A)

The current Providence contract contains incremental steps towards professional unionism, but they are only incremental steps. As Professor Alonso noted, the current contract does not contain a statement of principles “until page 55.”⁶ An accurate and prominent statement of these principles within the collective bargaining agreement is needed.

While the Commission heard a compelling case for professional unionism as being in the best interest of both teachers and students, there remain tremendous forces of inertia preventing progress from coming to the Providence Public Schools. The modest reforms incorporated into the two State-negotiated contracts are steps in the right direction, but at the current limited pace of progress, generations of Providence students and teachers will be stuck in the quagmire of industrial unionism. We cannot afford to wait for this inertia to dissipate over time; instead, we must deliver a jolt of urgency to overcome it.

⁶ He appears to have been speaking figuratively.

The history behind the Springfield Empowerment Zone contract provides important lessons for the Providence Public Schools. At the time, Springfield faced the threat of an imminent state takeover by a Massachusetts-style receivership. District and Union officials collaborated to retain their role in finding the best approach to educate the district's children. As a result, the Empowerment Zone contract marked a giant leap from industrial unionism to professional unionism in the best interest of the students.

Springfield's history is not unique. According to Professor Alonso, Baltimore's district and teachers also agreed to professional unionism reforms due to a shared sense of urgency concerning the risk of State takeover; indeed, he stated his regret that Providence had failed to take advantage of the imminent State takeover in 2019 to have the conversations that occurred at Commission meetings. Professor Reville noted that the Lawrence public schools took a quantum leap towards professional unionism when the State receiver, Jeff Riley, chose to collaborate with the teachers' union rather than exercise his broad powers under that state's receivership law.⁷ Peter McWalters described the temporary success at Hope High School, where collaboration was established after he conducted a show cause hearing in which he held that State law empowered him to change collective bargaining agreements unilaterally.

While, as Professor Alonso noted, labor and management in the Providence Public Schools missed the opportunity to agree to a transformative contract in order to avoid a State takeover, there are other reasons to believe that current conditions can support a shared sense of urgency. During Commission hearings and meetings, teachers expressed their frustration with the State takeover, and Providence Teachers Union leadership demanded an end to the takeover

⁷ Mr. Reville stated that the Massachusetts receivership law "made the difference" in Lawrence, and that while he supports unions, he prioritized the needs of children.

in March, 2022.⁸ The Crowley Act assigns to the Council of Elementary and Secondary Education the responsibility of overseeing the takeover, and the Council is currently reviewing draft regulations concerning the return of local control.⁹ The draft regulations condition the conclusion of the State takeover on such factors as:

- Sufficient progress under the district’s Turnaround Plan;
- Successful “completion of milestones that address root causes that contributed to the [district’s] entering of turnaround status”;
- The capacity and readiness of the Providence School Board to support the district’s continued progress;
- The capacity and readiness of the Providence city government to ensure the district’s continued progress.

In the meantime, the City of Providence has convened “Return to Local Control Cabinet” to, as one reporter described it, “figure out what needs to happen before the city regains control of Providence Public Schools.”¹⁰ In his presentation, former Commissioner McWalters endorsed this process, observing that Providence should set some conditions that need to be satisfied prior to accepting a return to local control; in his view, the State should not just “hand back” the schools to the City; instead, “something has to come with it.”

In short, the shared wish to end the State takeover in Providence can provide the same impetus for collaboration towards a professional unionism contract that Springfield’s education labor and management felt when they joined hands to prevent a State takeover from occurring. In the Commission’s opinion, the Springfield empowerment zone contract provides a template

⁸ See, e.g., <https://www.wpri.com/news/local-news/providence/nothing-but-broken-promises-providence-teachers-demand-end-to-state-takeover-of-district/>

⁹ https://ride.ri.gov/sites/g/files/xkgbur806/files/2023-10/Regs_Website.pdf

¹⁰ <https://www.wpri.com/news/local-news/providence/citys-internal-working-group-preparing-for-taking-back-providence-schools/>

for what labor and management can accomplish over the next several months before the current contract expires. In short, a decision to agree to a professional unionism contract along the lines of the Springfield Empowerment Zone represents the fastest and most effective way to increase the quality of public education provided to all Providence students, as well as a greater sense of satisfaction and fulfillment for Providence educators.

B. Building Capacity

Several speakers emphasized that school districts need to build capacity to establish and maintain professional unionism. This can take several forms, including the following:

- Programs at the University of Chicago and other institutions that train principals to be managers, rather than instructional leaders (Jo Anderson, Jr.);
- Professional development (including teacher-led professional development) and common planning time (Heather Peske);
- Facilitators and training to support labor-management collaboration (Saul Rubinstein);
- Facilitators and training for interest-based bargaining (Saul Rubinstein, John Papay);
- Funding additional teacher time (or positions) to operate a robust peer assistance and review program (Jo Anderson, Andres Alonso, John Papay);
- Increasing teacher compensation taking on extra work, or for positions that are more difficult to fill due the subject matter (such as STEM) or the challenges of a particular school or population;
- Other areas.

Most of these initiatives require resources. Any decision to commit substantial additional State funds over the long term to build capacity in the Providence Public Schools may face long odds in the current budget climate; however, there may be alternative short-term funding

opportunities. For example, according to the Rhode Island Department of Education,¹¹ the federal government allocated the Providence Public Schools more than \$128 million under the ESSER III program, of which the district has spent just under \$38 million as of November 30, 2023. Under federal guidelines, those funds must be “obligated” by September 30 of this year and spent by January 28th, 2025. The ESSER III guidelines specify the permitted uses of the funds, including “addressing learning loss.” While the Commission is not able to give an opinion about which capacity building programs (if any) fit within this requirement, there would appear on the surface to be room to explore these opportunities.

With regard to State funds, the Senate last year recognized that the local education aid funding formula should include greater aid for multi-language learners, of which there are many in Providence. Last year’s budget implemented this reform by applying the “student success factor” budget increase to multi-language learners as well as students in poverty. While this was a step forward, most other states have separate additive factors for both poverty and multi-language learners, and the Senate Finance Committee last year reviewed data supporting this change. Given the large number of Providence Public Schools students who are multi-language learners and who also live in poverty, such a change to the funding formula would provide significant additional annual State aid to the Providence Public Schools as part of an overall State aid increase.

Finally, the Commission recommends that the State revise the “state share” component of the funding formula to match that of Massachusetts. More specifically, Rhode Island calculates the state’s share of each community’s foundation budget by comparing each community’s

¹¹https://tableau.ride.ri.gov/t/Public/views/EsserFundsDashboard2/ESSERRIAll?%3Adisplay_count=n%3Aembed=y%3AisGuestRedirectFromVizportal=y%3Aorigin=viz_share_link%3AshowAppBanner=false%3AshowVizHome=n),

property tax base per enrolled child (as measured against the statewide average). While this measure is a useful first approximation, the fact remains that some students have greater needs, and their education requires greater resources.

Consider the example of two communities, A and B, each of which has a property tax base of \$100 million and an enrollment of 100 students. Suppose, however, that A's students are all native English speakers from affluent families, while half of B's students are multi-language learners from households in poverty. As reflected in Rhode Island's funding formula, Community B's foundation budget will be substantially larger than Community A's, as "student success factor" will be added to the cost to educate each student who is either in poverty or is a multi-language learner.

From this difference in the composition of student population, it follows that Community B will require a larger "tax effort" to pay its share of the cost to educate its resident student population than will Community A. Because Rhode Island's current funding formula does not account for this difference, our formula would apply the same "state share" to both communities.

In contrast, Massachusetts calculates state share by comparing each community's property tax base to its foundation budget, rather than its property tax base per student. Adjusting the state share in this way would be "expenditure neutral," i.e., it would not require additional State dollars. The Commission asked the Senate Fiscal office to calculate how this revision would affect State aid to the Providence Public Schools from the current year's budget. The Fiscal Office estimated that this change would increase state aid by approximately \$3 million.

There also appears an opportunity to redirect resources within the current teacher's contract. The Providence Public Schools currently spend approximately \$5.8 million in pay increases for teachers who have earned advanced degrees. Expert presentations (Heather Peske and John

Papay) noted that the research data does not correlate teachers' attainment of these degrees with greater effectiveness in the classroom.

The Commission recommends that the Providence Public Schools make use of these external and internal opportunities to assemble resources to build capacity, and that labor and management collaborate on the best types of capacity to build.

C. Removing Legislative Barriers

The Commission also recommends removing barriers in existing Rhode Island state law that impede the introduction of best practices in labor-management relations, professional standards, school-based flexibility and educator accountability to the Providence Public Schools. These proposed revisions to State education law would be Providence-specific; if they proved to be productive, then the General Assembly may consider at a later time expanding their application statewide. These proposed reforms are:

- Amend R.I.G.L. §16-13-6 (specifically for the Providence Public Schools), which currently mandates that all layoffs due to declining enrollment must be made exclusively on the basis of seniority. One good example can be found in Massachusetts, M.G.L. ch. 71, §42, which provides that these layoffs can be governed by collective bargaining agreement, provided that "[t]he school committee and the collective bargaining representative may negotiate for seniority or length of service only as a tiebreaker in personnel actions under this paragraph among teachers whose qualifications are no different using the qualifications collectively bargained for."
- Streamline (specifically for the Providence Public Schools) the due process requirements under the Rhode Island Teacher Tenure Act (R.I.G.L. §16-13-4) to consist of arbitration under a specified timeline, as provided for example in Massachusetts (M.G.L. ch. 71, §42).
- Amend (specifically for the Providence Public Schools) R.I.G.L. §16-7-29, which mandates a salary schedule "recognizing years of service, experience, and training" to change the mandatory language to permissive, and to add job performance to the list of permitted criteria.
- Create statutory authority for site-based innovation schools, such as the Massachusetts model enacted at M.G.L. ch. 71, §92.

- If collaboration to reach a Springfield-type contract proves impossible, either:
 - Clarify the State’s strong authority under the Crowley Act (as understood by former Commissioner McWalters) through a declaratory judgment action; or
 - Amend the Crowley Act as necessary to align the State’s authority with that of the Massachusetts receiver, as set forth in M.G.L. ch. 69, § 1J (takeover of individual school) and M.G.L. ch. 69, § 1K (takeover of school district).¹²

D. Ongoing Work

This Report contains proposals to address a complex system built upon practices that have developed over decades. While the Commission has attempted to make the best use of the limited time it had, the Senate and/or the General Assembly may conclude that they would benefit from further review and analysis.

V. Conclusion

The current state of education in the Providence Public Schools represents a combination of successful student outcomes (provided by talented teachers) and thousands of students who are left behind every year to the disappointment of both the students and the teachers who wish they could do more. There are a broad range of factors that contribute to this unfortunate result, many of which are beyond the control of the Providence Public Schools. There is, however, a major lever of progress for student achievement and teacher fulfillment that is eminently within the control of labor and management, namely the evolution to professional unionism. The easiest way to make this progress is through a Springfield-style collective bargaining agreement

¹² The Commission did not perform a legal analysis as to the Crowley Act or other provisions in Rhode Island law provide sufficient authority for the Providence Public Schools and the Providence Teachers Union to enter into an “empowerment zone” type agreement as currently exists in Springfield; however, the Commission recommends the passage of enabling legislation should it be necessary.

that will serve both students and teachers, as well facilitate the end to the State takeover. The General Assembly can support this progress through legislation that builds capacity and removes (for Providence only) certain industrial unionism mandates currently in effect.

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