

**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
PROVIDENCE PUBLIC SCHOOLS**

DRAFT

Executive Summary

As charged by the Senate, this Commission's Report provides findings and recommendations to address labor-management issues within the Providence Public Schools, including professional standards, school-based flexibility and accountability for employees of the Providence Public Schools. Those findings and recommendations fit within a labor-management framework of shared accountability.¹

In a shared accountability work environment, teachers become professional partners with voice in the content and delivery of teaching and learning. This would replace the current framework of labor-management relations, negotiations and interactions are largely limited to wages, hours and basic working conditions.² When properly designed and implemented, a shared accountability program can attract and retain high quality educational professionals who are committed to providing all children with a high-quality public education.

The Report describes best practices in other school districts that have adopted elements of shared accountability, including (1) teacher and management leadership teams at the school and district level, (2) site-based management, (3) peer assistance and review and (4) development of a career ladder.

The Report describes how other school districts have made the successful transition to shared accountability, through collaboration developed over time. The Report also describes how other districts have established a set of "rules of the road" to support and encourage the

¹ Shared accountability "develops wide areas of joint operations. It defines education as a collective enterprise." Kerchner and Kaufman, "Lurching toward Professionalism: The Saga of Teacher Unionism", *The Elementary School Journal*, Vol. 96, No. 1 (1995). These concepts are discussed in greater detail at pp. 4-5 below.

² See n.1.

collaboration needed, including examples of transitions occurring through a State takeover of a school district.

The Report contains recommendations for building capacity for shared accountability in Providence, and recommendations for legislation that can remove current barriers to this transition.

While acknowledging that a transition to shared accountability is not sufficient by itself to address all of the challenges facing the Providence Public Schools, the Report makes the case that its findings and recommendations are necessary to meaningful and sustainable progress.

Introduction

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 a successful career. 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 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 decades³ (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 Providence Public Schools in 2019, it clearly articulated this urgent need. 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

³ In 1991, the Public Education Fund and the Greater Providence Chamber of Commerce sponsored the Providence Blueprint for Education, or PROBE Commission. That Commission conducted an 18-month investigation that included stakeholder discussions, public meetings and expert presentations. The 1993 PROBE Commission's report can be viewed at <https://files.eric.ed.gov/fulltext/ED365762.pdf>. The challenges Providence Public Schools documented in the PROBE Report overlap significantly with those documented in this Report. faced 30 years ago, Only a small number of its recommendations were implemented. Others, such as school-based management (p. 64), peer assistance and review (p. 71) and teacher-designed school-based development (p. 74) were not implemented, but remain vital elements of reform contained in this Report.

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 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 shared accountability 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.

These practices alone are not sufficient to bring Providence Public Schools to the promised land of quality public education for all. The majority of students enrolled in the Providence Public Schools lack the privileges and advantages other students can take for granted. In Providence, because many students live in poverty (making it a Title I district), or in single-parent families, or in families where English is not the primary language spoken. Also, there is currently a national shortage of teachers, and Providence Public Schools are not an exception to

this trend.⁴ While acknowledging these limits, shared accountability represents a valuable and likely essential component of the successful future of Providence Public Schools.

A shared accountability 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.

Shared accountability offers the dual promise of improved learning for students and greater professional fulfillment for teachers, who can achieve more completely the ideals that inspired them to devote their career to public education. 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 elements of these best practices; however, the pace of progress will not serve the needs of generations of deserving children.

As a result, Providence Public Schools face the challenge of achieving the transition to shared accountability with necessary and appropriate urgency. The experts presented examples where teachers and administrators achieved a successful transition in a compact amount of time. 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.

⁴ Commissioner Sencer and President Calabro attribute some of Providence's teacher turnover to problematic management practices. As explained below, the Commission's recommendations include requirements of administrative accountability.

Some Commissioners noted that Providence had undertaken promising initiatives before, only to discontinue them due to financial constraints and/or the loss of mutual trust and wish to collaborate. In the Commission's view, the Springfield Empowerment Zone contract (and the record of success that has resulted) provide a useful example of labor-management collaboration for the good of students. While both sides would need to relinquish certain powers to achieve this result, the Commission believes this can be facilitated with expert assistance, and would enhance the teaching profession in the best interest of the children of Providence.

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 Providence Public Schools achieve these best practices in the most urgent manner possible.

To conclude, the Commission recognizes and appreciates the many important contributions that educators have made, and continue to make in our current labor-management 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 shared accountability is essential to address the urgent needs of many students enrolled in Providence Public Schools. The Commission believes this transition can and must take place on an urgent basis, and this Report provides alternative paths to attain this goal.

I. Background

A. The Genesis of This Commission

In October, 2019, the Department of Education issued a Decision Establishing Control Over The Providence Public School District and Reconstituting Providence Public Schools. Acting at the request of Providence officials the Department exercised 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 the Department to exercise “progressive levels of control . . . over the school and/or district budget, program, and/or personnel,” up 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, as well as some related to this Commission’s charge such as:

- Increase percentage of educators of color in the total educator workforce;
- Increase percentage of principals who demonstrate proficiency;
- Increase percentage of funding available for school-based decision making;
- Increase percentage of fully staffed classrooms at the beginning of the year.

The arrival of the pandemic in 2020 disrupted the progress of public education everywhere, and 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, Providence Public Schools have not achieved progress to address the needs identified at the start of the takeover with sufficient urgency. With regard to empowering educators, the Commission received testimony from Patrick Shelton, a teacher who expressed disappointment with the School Department’s micromanagement of his classroom presentations, providing what he described as minute-by-minute prescriptions of how he was required to teach his students.

While the success of public education anywhere depends upon the interaction of factors both within and outside the direct control of a school district, the issues of labor management relations and professional educator standards are within the control of the district’s educators. They 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 investigate these issues and present a report to the Senate with findings and recommendations. The Commission met three times to hear public comment. All Commissioners were asked to suggest experts to advise the Commission, and all of the experts proposed by Commissioners presented at three meetings. The Commission then met nine more times to discuss the issues and comment upon drafts of this Report.

B. Necessary Restraint and Humility

The Commission acknowledges the significant limitations of its project. As noted, the success of 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 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.

Also, as many experts testified, successful labor-management collaboration cannot be imposed by legislative mandate. Collaboration depends upon a relationship of mutual respect and trust, described by Commissioner Sencer as the need for “adaptive change” to support any “technical change.”⁵ As a teacher demonstration at a recent meeting of the Council on Elementary and Secondary Education demonstrated, the current labor-management relationship in Providence Public Schools is far from perfect.⁶ With that said, the Commission believes that targeted legislation can provide a framework establishing basic “rules of the road” to support a framework of collaboration grounded in professional standards and the best interests of children.

The Report that follows describes the elements of labor-management relations, professional standards, school-based flexibility and educator accountability that amount to best

⁵ See Ronald Heifetz and Marty Linsky, “A Survival Guide for Leaders”, from the Harvard Business Review, viewable at https://www.u-cursos.cl/ingenieria/2011/2/IN7A3/1/material_docente/bajar?id_material=376127

⁶ See, e.g., “PPSD Teachers Struggle to be Heard by the RI Board of Education”, *The Providence Eye*, February 7, 2024, viewable at <https://pvdeye.org/ppsd-teachers-struggle-to-be-heard-by-the-ri-board-of-education/>.

practices nationally. The Report then describes a vision for a brighter future in 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 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 shared accountability 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. Shared Accountability

Jo Anderson, Jr. of the Collaborative Leadership Consulting Group, whose prior career included service as the Executive Director of the Illinois branch of the National Education Association and as an advisor to Secretary of Education Arne Duncan, presented his vision of the evolution of teacher unionism. Through an article he shared with the Commission⁷ and his presentation at a Commission hearing, Mr. Anderson described the movement's origin in a

⁷ Anderson, Jo, Leading, Organizing and Engaging Members through a Comprehensive Teachers Union, Schools, vol. 20, No. 2 (Fall 2023), viewable at <https://www.rilegislatore.gov/commissions/PPS/SitePages/hmaterials.aspx>

traditional 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 his colleagues 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”⁸ 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 (in which authority and responsibility is moved from the district level to the school level) as a critical element of this transformation. He offered the Springfield Empowerment Zone in Massachusetts⁹ as an example of labor-management collaboration that assigns district leadership (both labor and management) the

⁸ In his book *Getting to Yes*, Roger Fisher developed the strategy of interest-based bargaining containing four essential features: (1) Separating people and issues, (2) Focus on interests, (3) Generating options and (4) Use objective criteria. See <https://www.beyondintractability.org/bksum/fisher-getting>. The Illinois Federation of Teachers presented a paper to the American Federation of Teachers describing “How to Negotiate and Interest-based Contract,” viewable at https://www.aft.org/sites/default/files/media/2014/if_ifreport.pdf

⁹ Described below at pp. 28-30.

responsibility of capacity building and maintaining a level playing field, while holding all schools accountable for results. In the paper he submitted to the Commission,¹⁰ Mr. Anderson also described how shared accountability practices can support the progress towards a “comprehensive union” that incorporates social justice ideals for the good of the children and their families served by educational professionals.¹¹

As noted above, Patrick Shelton, a Providence elementary school teacher, provided testimony confirming 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 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.¹² 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

¹⁰ See n. 7, pp. 19-20.

¹¹ Mr. Anderson describes the Rockford Education Association as an example of a union “on this journey of becoming a Comprehensive Teachers Union” which combines shared and distributed leadership systems, strategic planning and execution, member relationships, partners and processes to define the work and data and information systems to monitor and track progress and results.

¹² See Professor Rubenstein’s presentation, viewable at <https://www.rilegislature.gov/commissions/PPS/commdocs/Rubinstein%20Testimony%20RI%20Senate%2011-14-23.pdf>

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.

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 development¹³;
- School-based flexibility, site-based team teaching and different class sizes where appropriate;

¹³ The Educators for Excellence survey did not provide a specific definition of the term “high quality professional development. See https://e4e.org/sites/default/files/voices_from_the_classroom_2023.pdf, slide 109. Surveyed teachers identified subject areas of professional development they considered most important to add to their existing program, naming collaboration with other school staff, supporting unique learners and restorative justice as top priorities. See *id.*, slide 75.

- 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 fourteen remaining on the books across the country.)
- Paid planning time at the start of the school year.

The survey data supports the conclusion that teachers want a professional environment with a career ladder that rewards a willingness to accept additional responsibility and professional skill. According to the survey data, teachers of color consistently identify career development as critical for attracting and retaining teachers of color.¹⁴ By creating a “career ladder” that contains these elements, Providence Public Schools can become a more attractive destination for teachers entering the job market, and for teachers in harder-to-fill positions. In these ways, a career ladder may help Providence Public Schools gain additional tools to succeed in the face of a national teacher shortage.

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.

¹⁴ In the 2022 “Voices from the Classroom: Deep Dive, BIPOC Teachers” survey (viewable at https://e4e.org/sites/default/files/voices_deep_dive_bipoc_final.pdf), the top response from educators of color on what would attract them to the profession was “Leadership Pathways.” When asked what would help keep educators in the classroom, 41% of teachers of color responded with “More leadership opportunities while continuing to teach,” compared to 8% of overall responses. In Providence Public Schools, approximately 22% of the district’s teachers identify as persons of color. As a result of overall demographics and recent hiring efforts, 34% of the Providence teachers hired in the last four years identify as persons of color.

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 schedule¹⁵ do not promote teacher retention, and that paying 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 (including a Redesign Coach and a Wellness Coordinator) and the flexibility to provide teachers

¹⁵ 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>.

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.¹⁶ 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 to reconstitute Hope High School.¹⁷ 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

¹⁶ Rhode Island's substantive legal standard for non-renewal of probationary teachers provides districts with significant discretion; however, Commission members described how the State's cumbersome procedural regime has added cost and delay to this process that cannot be attributed to administrative incompetence.

¹⁷ 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

support this effort, but unfortunately the initiative faded away after the supplemental State funding ran out.¹⁸

D. Accountability

In his paper describing professional unionization, Mr. Anderson offers two foundations for shared accountability. 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 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 the teachers’ union invoked due legislative requirements even after their peers had

¹⁸ 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.

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,¹⁹ especially when that teacher’s peers have concluded that the teacher in question is unable to meet professional standards. Mr. Papay identified robust peer assistance and review combined with expedited due process as a best practice.²⁰

III. A Vision for Providence Public Schools

A. Defining the Goal

From the public testimony and the expert presentations, the Commission learned how shared accountability 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 of Providence. Such a vision for a brighter future would contain the following elements:

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

¹⁹ A recent Superior Court decision, *James Viner v. Council on Elementary and Secondary Education*, PC 2021-02565 (April 5, 2024) offers an example of the extent of due process under current Rhode Island law. The case describes how a high school student complained that her chemistry teacher engaged in a form of sexual harassment at the end of the 2014-15 school year. After an investigation (revealing alleged incidents involving other students), the School Committee voted in August, 2015 to suspend and ultimately terminate the teacher. The teacher did not accept this result, instead invoking the full extent of his due process rights under Rhode Island law. The legal journey continued through a second School Committee hearing, an appeal to a hearing officer, a review by the Commissioner, a second review by the Commissioner, an appeal to the Council on Elementary and Secondary Education and an appeal to the Superior Court, which was decided in April, 2024, more than eight years after the termination proceedings began. The Superior Court upheld the termination of the teacher. For a copy of the Superior Court decision, *see* <https://www.courts.ri.gov/Courts/SuperiorCourt/SuperiorDecisions/21-02565.pdf> It is not clear at this time whether the teacher will take an appeal to the Supreme Court.

²⁰ Successful collaboration requires accountability for all educators, not just teachers. *See* pp. 21-23 below.

- 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.

The Commission believes that both the administration and the faculty in Providence Public Schools share this aspirational vision. Providence faces significant challenges, however, in finding a sustainable path to implement this vision.

B. Implementation

1. Providence Teachers Union's Prior Efforts

During the course of the hearings, President Calabro noted that Providence had begun to implement many of the suggested “best practice” reforms presented at the Commission hearings (with such valuable reforms as robust peer assistance and review and the Hope High School redesign), but had failed to sustain them due to lack of funding. She also described elements in the current Providence contract that she believes represent progress to shared accountability. Those efforts are worthy of recognition for the time they lasted; however, it was not possible to sustain them under the current framework.

As noted above, Commissioner Sencer described the difference between “technical” changes (i.e. revision of structures) versus “adaptive” changes (based on the attitudes and relationships of the people working within a particular structure). He suggested that technical change by itself will not be sufficient to bring about the aspirational vision just described.

This is a valid point. The Commission appreciates the efforts Providence Teachers Union leadership has undertaken in the past to move towards the vision of shared accountability. It is no doubt frustrating to embark on a bold initiative that is later abandoned for whatever reason. It also is clear that the vision of shared accountability will require major concessions from the

School Department administration; for example, teaching professionals cannot be micromanaged with minute-by-minute class scripts in a collaborative setting of shared decision-making and responsibility.

The path to implementation requires a combination of technical changes and adaptive changes, concessions of traditional prerogatives held by both management and labor, and a willingness of both sides to move beyond past disappointments and/or their current “comfort zone” to step forward in the best interests of the children of Providence.

2. Best Practices for Providence

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

a. 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.

The Springfield Empowerment Zone contract contains an example of collaboration structures. Each school has a Teacher Leadership Team “as the vehicle for shared decision-making at the school level.” (*See* Articles 22, 23).²¹ The contract provides that the team will work with the school administration to design and implement a continuous improvement plan that will include components as the development and approval of working conditions, defining priorities and goals and setting strategic actions.

²¹ The current Providence Teachers Union contract has, at ¶26.5.6, a provision for instructional leadership teams that could serve as a starting point for developing this initiative in upcoming negotiations.

b. Accountability for Administrators

School administration (both at the building level and in the central office) can and must demonstrate and support its commitment to collaboration by strengthening elements into the evaluation rubric that require and reward successful collaborative behavior.

1. Rhode Island's Building Administrator Standards

The Rhode Island Department of Education has published a model evaluation program for building administrators.²² The evaluations are based in part on Professional Responsibility PR4, which states:

PR4: Works toward a safe, supportive, collaborative culture by demonstrating respect for everyone, including other educators, students, parents, and other community members in all actions and interactions.

Building administrators who meet this standard at the highest level (4) have these attributes:

Interactions between the building administrator and other adults reflect a commitment to positivity and a high degree of respect. She or he is admired by his or her colleagues and community members interact with him or her in a positive and respectful manner. The building administrator models good leadership behaviors for students and colleagues.

Element 2A of the evaluation rubric (Professionalism), reads as follows:

2A: Develops a strong, collaborative culture focused on student learning and the development of professional competencies which leads to quality instruction.

A building administrator earns the highest grade of "4" when:

The school is a professional learning community where the experiences and expertise of all staff is valued and maximized to support student success. The school culture encourages continual improvement through collaboration, research-based instructional practices that are shared, and high expectations for all. Responsibility for positive student outcomes is a focus for the school shared by all staff members.

²² See Rhode Island Model Evaluation and Support System viewable at https://ride.ri.gov/sites/g/files/xkgbur806/files/Portals/0/Uploads/Documents/BA_Guidebook_Ed_V_2019.pdf?ver=2019-08-29-080952-693

A building administrator's score for Component 2A counts for approximately 5% of the administrators' total evaluation. RIDE does not have a published rubric for central office administrators. The Commission did not obtain a copy of Providence Public Schools evaluation materials for central office administrators.

2. Standards from other school districts

Among possible examples of such elements are these:

(a) Newark Public Schools Leadership Framework,²³ Item 5c:

5c. Communication and Interpersonal Skills. Listens and communicates effectively and strategically based on the situation, and an understanding of all students' and staff members' backgrounds, cultures, and needs. (PSEL 2e, 8c, 9k, 9l, 10c, 10d, 10g, 10i) Builds rapport with stakeholders and staff by listening, tailoring all messages, and ensuring ideas are understood; Manages nearly all conflicts to positive resolution; Works to transform disagreement and dissent into opportunities for mutual gain.

An administrator can earn a rating of "highly effective" in this element by achieving the following:

Builds rapport with stakeholders and staff by listening, tailoring all messages, and ensuring ideas are understood; Manages nearly all conflicts to positive resolution; Works to transform disagreement and dissent into opportunities for mutual gain.

(b) The Connecticut Leader Evaluation and Support Rubric 2017²⁴

Element 4.2 (School Culture and Climate): Establishes a positive climate for student achievement, as well as high expectations for adult and student conduct.

To earn a rating of "Exemplary," an administrator must achieve (in part) the following:

Establishes a positive climate for student achievement, as well as high expectations for adult and student conduct.

The list of potential sources of evidence includes: Faculty or departmental meeting agendas, minutes, observations; observations of faculty and communication with parents and families.

²³ <https://www.nps.k12.nj.us/documents/npsleadership-framework-min/>

²⁴ <https://drive.google.com/file/d/1vM70A4DnLCorBe6qBwX0rkxPFVHt9JF2/view>

(c) Salt Lake City, Utah Educational Administrator Evaluation Handbook

Performance Expectation 1C: Education leaders sustain strong organizational commitment to vision, mission and goals aimed at student improvement.

Element 2: Engages faculty, staff and school community by making decisions informed by vision, mission, data, research, and best practices to identify and eliminate barriers, shape plans, programs, and activities, and regularly review their effects.

A “Highly Effective” administrator is one who “Engages all staff and diverse stakeholder groups in the decision-making process and uses data, research, and best practices to identify and eliminate barriers to accomplishing goals by regularly reviewing and evaluating the outcomes of planning, program development, and activities associated with vision, mission, and goals.”

Providence Public Schools can enhance administrative accountability by including a standard that articulates collaboration more clearly, and by assigning it a greater weight in the rubric score. Providence Public Schools also can adopt similar measures for central office administrators, and adding to that evaluation rubric a priority for supporting site-based management. Also, an effective standard will require accurate forms of assessment and measurement. Some school districts use surveys to assess a school’s culture and climate, and in this context faculty surveys may provide useful evaluative data.

c. 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. Article 26(B) of the Springfield Empowerment Zone contract provides an example, requiring all schools to provide educators with professional development and collaboration activities developed through collaboration between management and each school’s teacher leadership team.

d. Site-based Management

In order to provide a quality education to every child, Providence Public Schools needs to ensure that professionals in each school 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.

While building a community within a school, site-based management also can nurture the engagement of the families and other stakeholders who form the community around each school. The National Education Association has described a model for a community school that “empowers students, staff, families and community to articulate a roadmap for schools and communities to co-create a plan that addresses the unique priorities and vision of the local community.”²⁵

The Springfield Empowerment Zone contract provides an example of how school-based flexibility can be implemented in a collaborative structure. Under that collective bargaining agreement, decisions concerning:

- Proposed school budget and staffing;
- Allocation of discretionary funds;
- School curriculum;

²⁵ https://www.nea.org/student-success/great-public-schools/community-schools?utm_medium=paid-search&utm_source=google&utm_campaign=community-schools&utm_content=&ms=ads-community-schools-se&gad_source=1&gclid=Cj0KCQjw2a6wBhCVARIsABPeH1uPrLDOHT0yuemBOWZlWsG2wmmttOAM_12tuj3YVdky_O8sM1gLKAYwaAr7xEALw_wcB&gclsrc=aw.ds In their March 29, 2020 Report, the Providence Teachers Union endorsed community schools. See [https://www.rilegislature.gov/commissions/PPS/commdocs/PTU%2020231108155508%20\(2\).pdf](https://www.rilegislature.gov/commissions/PPS/commdocs/PTU%2020231108155508%20(2).pdf) , p.3.

- Professional development;
- School calendar;
- Class coverage and substitutes;
- Class size;
- Scheduling of school-wide parent-teacher meetings; and
- Other school-based matters

all are made through discussion and agreement between each school's administration and its teacher leadership team. *See* Article 24. In contrast, the current Providence Teachers Union contract mandates a single set of these working conditions (and many others) for all schools, requiring a series of procedures (involving a 70% faculty approval vote) for any school to request and receive exemption from the district-wide mandates.²⁶

The Springfield Empowerment Zone contract also delegates personnel decisions to each school's administration, including the authority to select the best qualified staff from both internal and external candidates without regard to seniority (*See* Article 28).

e. Removing Seniority-Only Mandates

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. 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

²⁶ *See* Providence Teachers Union Collective Bargaining Agreement, <https://www.rilegisature.gov/commissions/PPS/commdocs/PTU-CBA-September-1-2020-August-31-2023-FINAL.pdf>, Article 8. Under Article 8-29, schools can apply for exemption from the contract's district-wide mandates, provided that the applications are supported by a vote of approval by at least 70% of the teachers.

seniority-based class assignment structure deprives them of the teacher(s) best suited to meet their educational needs.

A decision to remove seniority-only mandates will also advance faculty diversity. 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, as the gains in diversity from recent hires could be wiped out with layoffs based exclusively on seniority. 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 restrictive mandates.

f. Peer Review and Expedited Due Process

Along with teacher voice, shared accountability depends upon teacher accountability based on professional standards. Under the current labor-management in Providence, teacher union leadership has a 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.

In an article posted on the American Federation of Teachers website,²⁷ Richard Kahlenberg describes the system established in Toledo, where a nine-member advisory board (five teachers and four administrators) make decisions on assisting and, if necessary, terminating

²⁷ https://www.aft.org/ac/fall2007/kahlenberg_sb

the employment of new and veteran teachers with six votes required for action. This type of collaborative structure provides a foundation of support for teachers who can benefit from it, while removing the need for an adversary process if the advisory board concludes the teacher cannot meet professional standards. In that event, due process can be expedited beyond the multiple layers of adversary review currently in place under Rhode Island law.²⁸ Massachusetts, which is a national leader in student achievement,²⁹ provides a good example of simple due process, in which teachers receive a prompt arbitration as due process for job decisions.³⁰

These examples of best practices are not exclusive; instead, educators in Providence have the opportunity to develop versions of these elements that are best suited to local conditions and needs.

g. Career Ladder

Professional educators deserve a career ladder in which their acceptance of additional responsibility and attainment are reflected in their position and compensation.

²⁸ At one time, Providence had a robust peer assistance program, which was later scaled back due to budgetary reasons. While this initiative had its benefits, Providence teachers retained full due process rights under Rhode Island, as described at n. 19, above.

²⁹ See, e.g., <https://www.cbsnews.com/boston/news/massachusetts-public-school-rankings-education-wallethub/>

³⁰ M.G.L. ch. 71, §42

IV. Recommendations

The Commission recommends bringing best practices in labor-management relations, professional standards, school-based flexibility and educator accountability to 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 agreement³¹ 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)
- Reduced role for seniority in:
 - Teacher assignments (Article 29)
 - Teacher displacements (Article 30)
 - Reductions in force (Article 36)

³¹ <https://www.rilegislature.gov/commissions/PPS/commdocs/educators%20cba%20-%20sezp%20sea%202021-2025.pdf>

- 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 attempts at implementing some shared accountability principles, but the parties have not been able to date to build them into a sustainable foundation. An accurate and prominent statement of these principles within the collective bargaining agreement is needed. Whatever the cause of past difficulties, both sides must now look to the future and share a commitment to accelerate dramatically the pace of progress towards shared accountability.

The history behind the Springfield Empowerment Zone contract provides important lessons for Providence Public Schools in how to accomplish this worthy, if difficult goal. 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 to shared accountability in the best interest of the students.

The Springfield Empowerment Zone Partnership (SEZP) has produced improved student outcomes and school culture for a district that contains the state's lowest per capita income, and

in which 92% of students are of color. As described in its 2023 Overview³², SEZP's accomplishments include the following:

- +160% school leaders of color over 5 years;
- +54% teachers of color over 5 years;
- 96% of teachers ratified the most recent contract;
- +40% high school graduation rate during 2017-21;
- Two of the six Mass. Schools that exited “underperforming” status in 2018-20;
- The highest improving school in Mass. during 2018-20;
- In 2020-21:
 - Substantial decrease in suspensions at 9 (of 12) schools;
 - Increased attendance at 10 (of 12) schools;
 - Decreased chronic absenteeism at 10 (of 12) schools;
- According to a nationally normed 2021 survey of parents:
 - 74% approve of SEZP's expectations of teachers;
 - 73% approve of school leadership;
 - 69% would not change their student's school if given the opportunity;
- When the district began in 2014, all of its seats were in low-quality schools (school accountability percentiles 1 to 9). In 2023, 46% of SEZP's seats had improved in quality (23% 10th to 19th percentile, 17% 20th to 29th percentile and 6% 60th to 69th percentile).

Springfield's history is not unique. According to Professor Alonso, Baltimore's district and teachers also agreed to shared accountability reforms due to a shared sense of urgency concerning the risk of State takeover; indeed, he stated his regret that Providence had failed to

³² See <https://sezp.org/wp-content/uploads/2023/05/SEZP-Overview-2023.pdf> and other data from SEZP.

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 shared accountability 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.³³ 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 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 in March, 2022.³⁴

As of today, the State takeover's initial term of five years will end in November, 2024, but it can be extended past that time. The Crowley Act assigns to the Council of Elementary and Secondary Education the responsibility of overseeing the takeover. On February 27, 2024, the Council approved regulations concerning the return of local control.³⁵ Under those regulations, the Commissioner will provide a report and recommendation to the Council concerning the status of the takeover that includes an analysis of the following:

³³ 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.

³⁴ See, e.g., <https://www.wpri.com/news/local-news/providence/nothing-but-broken-promises-providence-teachers-demand-end-to-state-takeover-of-district/>

³⁵ https://ride.ri.gov/sites/g/files/xkgbur806/files/2024-02/Encl6a_RegsApproval.pdf

1. If the LEA [or local education authority, in this case Providence Public Schools] has:
 - a. made sufficient progress on 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 and governance best practices; and
3. If the legally responsible municipal entity has the capacity 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.

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.”³⁶ In his presentation, former Commissioner McWalters endorsed this process, observing that Providence should set some conditions that need to be satisfied prior

³⁶ <https://www.wpri.com/news/local-news/providence/citys-internal-working-group-preparing-for-taking-back-providence-schools/>

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 shared accountability that Springfield’s education labor and management felt when they joined hands to prevent a State takeover from occurring. In the Commission’s view, the Springfield empowerment zone contract provides a template for what labor and management can accomplish over the next several months before the current contract expires. A decision to agree to a shared accountability 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. In this way, shared accountability can provide a roadmap for a successful conclusion of the State takeover and a reversion to local control that provides a sustainable foundation for future progress in Providence Public Schools.

B. Building Capacity

In order to bring about the “adaptive change” to support the technical changes just described, Providence Public Schools will need to build its capacity to sustain the effort. 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;
- Visit the Springfield Empowerment Zone and exchange ideas concerning best practices;
- Other areas that develop as the capacity building process continues.

Most of these initiatives require resources. Any decision to commit substantial additional State funds over the long term to build capacity in 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,³⁷ the federal government allocated 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, 2023.³⁸ 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

³⁷

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

³⁸

Providence Public Schools representatives have recently stated that they have obligated the bulk of remaining ESSER III funds. With that said, the Commission believes there may be value in repurposing some of those funds to build capacity for shared accountability.

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 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 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 Providence Public Schools from the current year’s budget. The Fiscal Office estimated that this change would increase state aid by approximately \$3 million. Senate Bill S-2569³⁹ offers a version of this revision to the funding formula.

There also appears an opportunity to redirect resources within the current teacher’s contract. 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 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.

³⁹ <https://webservice.rilegislature.gov/BillText/BillText24/SenateText24/S2569.pdf>. The bill could be subject to further refinements. For example, the “foundation budget” in the current funding formula does not include the additional funds provided for multilanguage learners; instead, these funds are part of a categorical pool. Massachusetts incorporates the multilanguage funds into its foundation budget. Were Rhode Island to do so, it would increase the State share for urban districts with large populations of multilanguage learners.

C. Improving the Education System

Every child deserves the right to receive an equitable, adequate and meaningful education. To provide our children with a meaningful education, we as state, must be willing to implement changes that move us away from the traditional norms.

In 1993, Massachusetts did just that with the implementation of the Massachusetts Education Reform Act (MERA). The act was designed to address the gaps that existed in K-12 public education, specifically those between lower- and upper-income communities. MERA, at the time, was a monumental shift that allowed Massachusetts to transform the public education system by establishing foundation levels of spending for each school district, measuring education progress through the Massachusetts Comprehensive Assessment System (MCAS), establishing higher standards for students, and an accountability system to hold schools and districts responsible for the progress in meeting these new standards. MERA provided local school districts with the resources to improve the teaching environment for their students and educators, while experiencing drastic improvements in their national academic standards. Today, Massachusetts is considered to be one of the best states in the nation for education.

Rhode Island could achieve similar results. We have dedicated teachers, institutions of higher education that are educating the next generation of teachers, and we're making significant investments in modernizing our public schools. The next step is to move us towards a constitutional change to provide every child with a meaningful education. For three consecutive years, the Senate has passed a joint resolution to place a question on the statewide ballot asking voters to amend the state constitution to guarantee "an equitable, adequate and meaningful education to each child." This amendment is similar to Massachusetts constitutional amendment

that helped them transform its public educational system and ensure the systems that are failing children are addressed.

The Commission's first (and foundational) legislative recommendation is to gain the support of the House of Representatives to allow the voters the opportunity to approve a constitutional amendment guaranteeing a judicially enforceable right to education. If we are unable to move forward with a constitutional change on this year's ballot, this commission recommends legislative changes for the Providence School system that advance shared accountability, including:

- Amend R.I.G.L. §16-13-6 (specifically for 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 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 Providence Public Schools) R.I.G.L. §16-7-29, which mandates a salary schedule "recognizing years of service, experience, and training."
A Providence-specific "career ladder" amendment could be enacted to allow teachers

and the administration to negotiate contracts with alternative compensation programs, creating an option of a career ladder that rewards other measures of teaching effectiveness, such as taking on additional responsibilities, becoming a teacher mentor or active participation in a school leadership team.

- 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, consider changing Rhode Island’s law to match that in Massachusetts by either:
 - Clarifying the State’s authority under the Crowley Act (as understood by former Commissioner McWalters) through a declaratory judgment action; or
 - Amending 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).⁴⁰

D. Aligning Administrator Standards with Shared Accountability Principles

The Commission recommends that Providence Public Schools apply shared accountability values to administrative practice by increasing the priority of collaborative skills and behavior in the rubrics for administrators, and emphasizing the importance of supporting site-based management for central office administrators. The Commission recommends the development of a robust mentoring program in which accomplished administrators provide counsel and support to their less experienced colleagues.

⁴⁰ The Commission did not perform a legal analysis as to the Crowley Act or other provisions in Rhode Island law provide sufficient authority for 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.

This Report contains proposals to address a complex system built upon practices that have developed over decades.⁴¹ 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

While many students in Providence Public Schools graduate each year with a quality public education (provided by talented teachers), thousands of their classmates 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 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 shared accountability. The easiest way to make this progress is through a Springfield-style collective bargaining agreement that will serve both students and teachers, as well as 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 restrictive mandates currently in effect.

⁴¹ See n. 3 (PROBE Report).