



Angélica Infante-Green  
Commissioner

State of Rhode Island  
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
Shepard Building  
255 Westminister Street  
Providence, Rhode Island 02903-3400

April 5, 2022

**By email**

State Representatives David Morales, Edith Ajello,  
Rebecca Kislak, John Lombardi, Anastasia Williams  
and Grace Diaz, and State Senators Samuel Zurier  
and Samuel Bell

**Re: The March 24, 2022 letter to Commissioner Infante-Green  
concerning the Providence Public School Superintendent**

Dear Representatives and Senators:

The Commissioner asked me to thank you for your March 24 letter and to respond to your concern that: (1) the appointment of a new Superintendent for the Providence Public School District (the “PPSD”) has been unduly delayed; and (2) the selection process lacks transparency and accountability. As I will explain:

- (1) After carefully: (a) considering a variety of factors under what were (and remain) extraordinary circumstances that include a pandemic and an ongoing labor shortage that has depleted the superintendent applicant pool; and (b) discussing the issue with a wide range of stakeholders, experts and the larger community, the Commissioner made the decision to offer Acting Superintendent Javier Montañez a contract to serve as PPSD Superintendent (no longer Acting) through the 2023-24 school year;
- (2) Like any high-level personnel matter, the decision to offer the contract to Dr. Montañez required a certain degree of confidentiality. However, the Commissioner remains committed to making decisions impacting the PPSD as transparent, and involving as many stakeholders and members of the community, as is possible; and
- (3) Like everything else concerning the performance of the PPSD during the Turnaround, the Commissioner is, and will remain, accountable.

## 1. The Need for Some Stability

As you point out, Harrison Peters reached an agreement in May of 2021 to terminate his tenure as PPSD Superintendent. Within a month, the Commissioner appointed Dr. Montañez as Acting Superintendent. This was a little less than a year after the Commissioner announced the PPSD Turnaround Action Plan (the “TAP”), and perhaps more significantly, it was a little over a year after Governor Raimondo had declared a state of emergency and closed the schools due to the dangers to health and life posed by COVID-19. The educational challenges posed to PPSD by the pandemic cannot be overstated. A study published by the official journal of the American Academy of Pediatrics during the early months of the pandemic warned that “pandemic-related trauma and economic instability will disproportionately impact children in poverty, who most heavily rely on school-based services for nutritional, physical, and mental health needs.”<sup>1</sup> The warning was prescient.

In the wake of Mr. Peters’ departure, the Commissioner concluded that without community trust in PPSD leadership, PPSD had little chance of successfully confronting the unprecedented challenges posed by the pandemic and implementing the TAP, which is one of the reasons Dr. Montañez – an alum of Hope High School who, like approximately 65% of PPSD students, is Hispanic, and who overcame homelessness, earned his doctorate and Superintendent’s certification, and then worked more than two decades in the PPSD as a former principal and multilingual teacher – was well suited for the job of Acting Superintendent, and will make an excellent Superintendent for the next two years.

Moreover, despite the labor shortage, the Commissioner and her team have done their best to surround the Acting Superintendent with individuals with the requisite technical expertise to help implement the TAP, and will continue to do so. It should be kept in mind that PPSD’s problems are the result of over three decades of neglect, and thus will not be remedied overnight. At the same time, Dr. Montañez and his team have made significant progress, as summarized by RIDE in *Turning Hope Into Results, Summary of Progress Made During the PPSD TAP*.<sup>2</sup>

It should not be forgotten that the authors of the Johns Hopkins Report cited “constant change” in the PPSD as a major cause of PPSD’s inability to improve,<sup>3</sup> while noting that “[t]here are so many actors who influence Providence, that every change brings about a new mission.”<sup>4</sup>

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<sup>1</sup> See *Pediatrics*, Vol. 146, Issue 3 (Sept., 2020), <https://publications.aap.org/pediatrics/issue/146/3>.

<sup>2</sup> <https://www.providenceschools.org/cms/lib/RI01900003/Centricity/Domain/49/TAP%20Benchmarks%20Overview.pdf>

<sup>3</sup> See Johns Hopkins School of Education, Institute for Education Policy, *Providence Public School District: A Review* (June, 2019) at 68, 69.

<sup>4</sup> *Id.* at 68.

Indeed, the authors concluded that “by far the most frequently stated view was that the system lacks clear delineations of authority, responsibility, and accountability.”<sup>5</sup>

Thus, the Commissioner has decided that now – as we are just (hopefully) beginning to put the pandemic behind us – is not the time to rock the boat by initiating a Superintendent search process, especially when we have a qualified individual serving in the position. This conclusion was buttressed by the simple fact that the current candidate pool for Superintendents is extremely thin, as the Commissioner well knows from experience and research. Indeed, a recent national survey found two-thirds of the superintendents who responded considered quitting through the 2020-2021 school year.<sup>6</sup>

## **2. The Commissioner’s Authority under the Crowley Act**

In your March 24 letter you claimed that the “Providence Public School’s Policy CBB is not only a ‘best practice’ for [the Commissioner] to consider, but is in fact a binding requirement.”<sup>7</sup> Although, as noted, the Superintendent selection issue is now moot, it is nonetheless worth explaining why the Commissioner does not agree with your conclusion that PSD policies are binding upon her.

As you all know, the Commissioner assumed responsibility for the budget, program and personnel of the PPSD on November 1, 2019 pursuant to, *inter alia*: (a) her duties as RIDE’s Commissioner under R.I. Gen. Laws §§ 16-5-5 and 16-60-6; (b) the powers delegated to her on July 23, 2019 by the Council on Elementary and Secondary Education (the “Council”), which included the powers of the Council under *The Paul W. Crowley Rhode Island Student Investment Initiative*, R.I. Gen. Laws § 16-7.1- 5 (the “Crowley Act”); (c) the *Order of Control and Reconstitution* dated October 15, 2019; and (d) *Order 20-002 re the Providence School Board* dated April 29, 2020 (the “PSB Order”).

It is respectfully suggested that the claim in your March 24 letter that PSB policies are “binding” upon the Commissioner is refuted by:

- (a) The plain language of the Crowley Act, which refers to control over a district’s “budget, program, and/or personnel,” *see* R.I. Gen Laws § 16-7.1- 5, thus encompassing the full range of decisions concerning the operation of a school district; and

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<sup>5</sup> *Id.* at 7-8.

<sup>6</sup> *See* National Superintendent’s Roundtable, Research Brief, *Superintendents Struggle During the Pandemic: Panic Attacks, Strokes & Threats of Violence Meet Prayer, Exercise, Meditation and Booze* (September, 2021), <https://www.superintendentsforum.org/wp-content/uploads/2021/10/Superintendents-Struggle-During-Pandemic.pdf>.

<sup>7</sup> *See* the March 24 letter at 1-2.

- (b) The PSB Order, which has not been challenged, has made crystal clear that from a legal point of view, the PSB is to function as an advisory body during the term of the turnaround effort.

That being said, the Commissioner's policy has been to enable the PSB to perform its normal duties without interference, unless it takes action which the Commissioner believes is contrary to the goals of the TAP.

### **3. The Commissioner is Committed to Transparency and Community Engagement**

You also expressed some concern about transparency. Yet, the Commissioner has been and remains committed to transparency and community engagement, as illustrated by the fact that:

- (a) Under the Turnaround, PPSD has expanded its community outreach efforts, which includes regularly meeting with the District-wide Advisory Council and the Student Advisory Council, as well as building a rapid response tool to resolve family questions in a timely manner;
- (b) Under the Commissioner's leadership, PPSD has held several public engagement sessions to craft plans for investments with federal relief funds, school facility improvements, and to share updates on the district's COVID-19 response and operations; and
- (c) Just last year, PPSD was able to garner the most SurveyWorks responses from parents and guardians in its history by meeting the community where they are, including in supermarkets, community centers, and other places frequented by Providence families.

### **4. Conclusion**

I want again on behalf of the Commissioner to thank you for the concern expressed in your March 24 letter. I hope what has followed answered some of your questions, and should you have any additional questions, both the Commissioner and I will do our best to answer them.

Members of the General Assembly  
April 5, 2022  
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Sincerely,

A handwritten signature in black ink, appearing to read "A. Cottone". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'A'.

Anthony F. Cottone, Esq.,  
Chief Legal Counsel at RIDE

cc (by email): Commissioner Angélica Infante-Green  
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