

**Rhode Island Department of Elementary
and Secondary Education**

In re: Hope High School

Decision and Order of Reconstitution

February 4, 2005

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Introduction

The R.I. Department of Elementary and Secondary Education (RIDE) and the Providence Public Schools (PPS) have been working together for school improvement in the Providence School District since the formation of the "Providence Compact" in June 2000. This collaboration has focused in particular on Hope High School since June 2002, when RIDE and the PPS agreed that under the auspices of Progressive Support and Intervention, as defined in state law, Hope High School would be reorganized into three small, autonomous learning communities.

Since that time, progress has been made at Hope High School. The three small learning communities were in fact established in September 2003. Student outcomes have shown signs of improvement – test scores and the participation rate on state assessments have increased. Last year (2004) Hope High School met 19 of the 21 targets established by the federal No Child Left Behind Act. However, there is also continuing evidence of serious distress at Hope High School. The drop out rate has climbed to 52% in recent years and although many plans have been made for changes at the school the only aspect of the plans that has really been implemented is the reorganization of the school into the three Small Learning Communities.

At the time this hearing was scheduled the situation appeared grave. Although plans had been approved by the faculty in the Spring of 2004 those had not been accepted for implementation at the district level. Forward movement was stalled.

The three Small Learning Communities opened in September without student advisories in place – despite commitments in all planning documents to conduct advisories as the first step toward personalization. A fourth administrator, to work with the three Small Learning Community Directors for essential coordination of three Learning Communities on a single campus, could not be found. No universally approved plan was in place for operation during the 2004-2005 school year and beyond.

The creation of the Union-District Intervention Team and the expansion of central office capacity to support high school reform have created an opportunity for meaningful changes at Hope High School. This Decision, Order and Consolidated Plan, requires the continued operation of the school by the PPS under the terms and conditions drawn from the November 18, 2004 Plan and the several plans developed and approved by the school level administrators and faculty. In this new context it is responsible to order the continued operation of the school by the district, under very specific terms and conditions and with a Special Master in place to facilitate the implementation of the Consolidated Plan.

The findings in this Decision and Order are based on evidence presented at the five sessions of the hearing and on subsequent written submissions to RIDE. It was clear from the hearing that all parties agreed on the major principles that should guide the reconstitution of Hope High School:

- Three small, autonomous learning communities
- Authentic advisory structure and personalization for students
- Sufficient professional development for members of the staff
- Active community and parental involvement in decision-making as true partners, not guests
- Ongoing partnerships with outside institutions such as universities and community groups

The task before us has been to develop and implement a Consolidated Corrective Action Plan that would bring those principles to life at Hope High School.

This Decision contains three discreet elements:

- The Commissioner's **Decision** itself, which reviews the history of the reorganization of Hope High School, presents the Findings of Fact based on testimony and documentary evidence submitted at the Show Cause Hearing, and concludes with Commissioner's Discussion and Conclusions of Law
- The Commissioner's **Order** of Reconstitution and Corrective Action for Hope High School
- The Consolidated Corrective Action **Plan** for Hope High School

The Consolidated Corrective Action Plan itself is presented as an appendix to this Decision and is incorporated by reference in this Decision and Order. The plan has been constructed by the Commissioner based on the thinking in all of the planning documents presented to him since this intervention began and it particularly relies upon and accepts the key elements in the Corrective Action Plan presented to RIDE jointly by the PPS and the PTU subsequent to the announcement of the Show Cause Hearing. It is expected that this plan endorses all of the essential elements of the work conducted at the school and district level and will move to implementation what has been a too extended planning process. It is further expected that this Order and Consolidated Corrective Action Plan will lead to continued school improvement and student achievement at Hope High School while ensuring that higher student achievement applies to all students as the drop out rate is diminished. There is a consensus that the pace of change must be accelerated.

Background/Travel of the Case

Through the Providence Compact for Excellence in Education, executed in June of 2000, the Rhode Island Department of Education (RIDE), the Providence Public Schools, and the City of Providence formalized their commitment to the redesign and restructuring of the City's secondary schools. In June of 2002, the Commissioner of Elementary and Secondary Education intervened in Providence's Hope High School, pursuant to his authority under R.I.G.L. 16-7.1-5 to intervene in schools that fail to improve student results for three years or more. Section 16-7.1-5 provides in full as follows:

Intervention and support for failing schools. – The board of regents shall implement a series of progressive support and intervention strategies consistent with the Comprehensive Education Strategy and the principles of the "School Accountability for Learning and Teaching" (SALT) of the board of regents for those schools and school districts that continue to fall short of performance goals outlines in the district strategic plans. These strategies shall initially focus on: (1) technical assistance in improvement planning, curriculum alignment, school assessment, instruction, and family and community improvement; (2) policy support; (3) resource oversight to assess and recommend that each school has adequate resources necessary to meet performance goal; and (4) creating supportive partnerships with education institutions, business, governmental, or other appropriate nonprofit agencies. **If after a three (3) year period of support there has not been improvement in the education of students as determined by objective criteria to be developed by the board of regents, there**

shall be progressive levels of control by the department of elementary and secondary education over the school and /or district budget, program, and/or personnel. This control by the department of elementary and secondary education may be exercised in collaboration with the school district and the municipality. **If further needed, the school shall be reconstituted. Reconstitution responsibility is delegated to the board of regents and may range from restructuring the school's governance, budget, program, personnel, and/or may include decisions regarding the continued operation of the school.** The board of regents shall assess the district's capacity and may recommend the provision of additional district, municipal, and/or state resources. If a school or school district is under the board of regents control as a result of actions taken by the board pursuant to this section, the local school committee shall be responsible for funding that school or school district at the same level as in the prior academic year increased by the same percentage as the state total of school aid is increased. (Emphasis added).

Underlying the Commissioner's intervention at Hope High School were two findings: (1) student performance was steadily declining as measured by state assessments; and (2) the school was stalled in its efforts to implement an ongoing, multi-year redesign process.

Despite these two major problems, there was one positive aspect of the situation at Hope High School. The Commissioner determined that the articulated goals of the school's own multi-year redesign process were the same as the goals of the intervention: to break down a large, unresponsive, and unsuccessful comprehensive high school into three self-governing, autonomous, and responsive Small Learning Communities fully focused on student learning needs, standards-based instruction, and student results.

The "Rhode Island Department of Education, School Performance Categories, Face-to-Face Meeting Report: Providence Public Schools," dated June 9, 2002, acknowledges "several years" of engagement by Hope High School (HHS) in a comprehensive redesign process. (Exhibit No. 26) However, these years of work had yet to produce an actionable plan for achieving autonomous small learning communities within the larger Hope High School complex. The Commissioner applauded the PPS decision to install Nancy Mullen as the new principal at Hope High School, and further required that "the entire leadership team be immediately reconstituted at Hope High School" and that the new administrators "become the administrative heads of the three to four small learning communities already envisioned in the Hope High School redesign." (Exhibit No. 26)

Based on the elements of the school's own preexisting and ongoing redesign efforts, the Commissioner imposed specific requirements for changes at Hope High School, and ordered that the school district provide him with a plan that met his stated requirements. The "plan for the implementation of small learning communities as site-based managed schools" was required to include, at a minimum, the following elements:

- Provisions that ensure that those teachers who choose to remain at Hope High School for the implementation of the plan in the 2003-2004 school year would do so based on acceptance of the specific elements of the design of the small learning communities;
- A mechanism to enable willing teachers to remain at Hope High School and within their small learning community for the 2003-2004 school year;
- Mechanisms to provide flexibility in scheduling of students and teachers so that there could be genuine grade level "teacher teams" in each of the small learning communities;
- Mechanisms to ensure that teachers participate in the necessary professional development to support best practices in standards-based instruction;
- Three to four small learning communities with each learning community having integrity as a site-based unit; and,
- Student, family, and community participation in the redesign process;

(Exhibit 26)

The June 9, 2002 Report and Order further set forth a series of expectations for HHS faculty, including a "meaningful opportunity to participate in the redesign process," faculty participation in bimonthly meetings held outside the school day, participation in "at least 20 hours of professional development, outside the context of the school day," during ensuing school years. The Report and Order further holds the PPS, the Providence School Board and the Providence Teachers' Union "collectively responsible for creating mechanisms that will ensure" faculty participation in these offerings. Speaking specifically to the requirement of professional development outside the school day, the Report states that the PPS, School Board and Teachers' Union "are expected to work together to create a mechanism that would permit faculty who cannot meaningfully participate in the professional development to seek another teaching assignment." (Exhibit 26)

The June 9, 2002 Report and Order concludes by stating that, "Should the [PPS], Board and Provide Teachers' Union be unable to collectively meet the requirements set forth in this Face-to-Face report, based upon the review of progress by the RIDE during regular meetings held during the 2003-2004 school year, the Commissioner will implement the requirements through the authorities granted him under Title XVI." (Exhibit 26)

In addition to the specific requirements imposed on Hope High School through the intervention authorities of the Commissioner, Hope High School is subject to the statewide requirements of the *Regulations of the Board of Regents for Elementary and Secondary Education regarding Public High Schools (January 2003)*. At the district level, these regulations require the development of performance-based graduation requirements pursuant to a plan submitted at the end of the 2003-2004 school year. At the school level, these "High School Regulations" require personalization (planning based on each student's social/emotional, academic, and career needs); professional development (no fewer than 15 hours of professional development a year focused on priority areas of literacy, graduation by proficiency, and personalization); common planning time (to occur at least weekly, organized around students, especially those with the highest needs); and student advisory (the assignment of each student to a responsible adult who is knowledgeable about that student and tracks his or her progress).

The Hope High School Redesign Plan, submitted to RIDE by the school system on January 31, 2003, set forth a plan for the development, during the 2003-2004 school year, of three specific site-based management proposals for the three Small Learning Communities. On February 13, 2003, the Commissioner forwarded to the PPS his endorsement of the January 31, 2003 plan for Hope High School, with a series of specific caveats required to address deficiencies in the submitted plan:

- Each small learning community, as a site-based-managed unit, must have specific site-based authority to hire and assign teachers and all other staff within that small learning community and across the Hope Complex;
- There must be curricular instructional opportunities, not just enrichment and student support activities, offered beyond the traditional school day in order to meet students' needs;
- The proposed Learning Center must function as a true advisory with students matched to a specific teacher who provide case management as envisioned in the Regents' High School Regulations;
- Teachers must be provided with substantial professional development opportunities and common planning time; and
- Increase participation by parents, students, and community partners on the Hope Complex Improvement Team and the three respective small learning environment school improvement teams.

(Exhibit 50)

During the 2003-2004 school year, the Commissioner and his staff met monthly with the newly established leadership team at Hope High School. Cognizant of the requirements and deadlines imposed by the Commissioner's intervention, the three Directors of the Small Learning Communities, along with other administrators from the school and district, as well as members of the faculty and the teachers' union, worked diligently within the constraints imposed upon them

to develop plans for faculty vote and approval as part of a district site-based management application process. These educators worked long hours – planning and re-planning – devoting many hours during nights and weekends at several critical junctures when decisions had to be made.

Through the extraordinary efforts of many committed individuals, three plans were ultimately developed. However, a variety of bureaucratic, budgetary, and political barriers have prevented the implementation of the Commissioner's directives. As a result no approvable plans have been submitted to the Commissioner for the operation of three Small Learning Communities during the 2004-2005 school year and beyond. The plans that were developed never secured the school district and union approvals necessary for the plans to be submitted to the Commissioner for approval. There are many mandatory elements in the requirements detailed above that the Plans would not have been able to meet even if they had been submitted to the Commissioner. Most important, there is little evidence that instructional practices at the school have changed significantly.

On April 24, 2003 the Commissioner set forth additional specifications for the implementation of the 2003-2004 HHS redesign plan. He emphasized the need for action, requiring that the redesign plan as submitted be implemented forthwith in order to enroll students into three small learning communities by the start of the 2003-2004 school year. The Commissioner further required greater specificity and clarity in regard to the following issues:

- The process for reconstituting the school into three small learning communities, as well as definition of the resultant governance structures;
- How each small learning community would significantly increase the extent and depth of parent and student involvement in these governance and redesign processes;
- How each small learning community would be developing its own thematic content and curricula;
- Assurances that the substance and process for teacher assignment to the small learning communities would reflect student needs and interests; and,
- The manner in which each small learning community would provide for established professional development needs, as well as common planning time with the school schedule.

Finally, the Commissioner required the submission of monthly restructuring reports from each burgeoning new community. (Exhibit No. 53)

Specific site-based management plans for three small learning communities (Leadership, Information Technology, and the Arts) were developed over this period, approved by the HHS faculty, and submitted to the Commissioner on March 31, 2004. (Exhibits Nos. 105, 106, 107) These plans were never fully appraised by the Commissioner, as the Union-District Intervention Team voted

against the adoption of the three site-based management plans, thereby negating them. By early June of 2004, HHS faculty in each of the three Small Learning Communities had voted on and rejected the revised site-based management plans as revised in accordance with the Joint Union-District School Improvement Intervention Team recommendations. (Exhibit 134)

On June 28, 2004, the Commissioner responded to the news of the lack of faculty approval and admission of non-compliance by directing that his prior Order dated June 9, 2002 be instituted in full. He specifically instructed that vacant faculty positions were not to be posted at the upcoming Providence job fair, but rather that each SLC be granted the authority to interview and hire new faculty in compliance with his prior Order. (Exhibit No. 125)

On July 12, 2004, the Commissioner entered the Order of Reconstitution and the Order to Show Cause, which form the basis for the instant hearing and decision. The Order for Reconstitution states in full as follows:

1. Hope High School is hereby reconstituted pursuant to R.I.G.L. 16-7.1-5.
2. Pursuant to the reconstitution authorities of R.I.G.L. 16-7.1-5, each Small Learning Community at Hope High School is required to have the authority to interview and hire staff. Therefore, positions vacant at Hope High School shall not be posted at the Providence Job Fair.
3. Pursuant to the reconstitution authorities of R.I.G.L. 16-7.1-5, each Small Learning Community will operate during the 2004-2005 school year on a schedule to be approved by the Commissioner that ensures common planning time and advisory time focused on student needs and standards-based instruction.
4. Pursuant to the reconstitution authorities of R.I.G.L. 16-7.1-5, the district is hereby ordered to submit a Corrective Action Plan to the Commissioner for approval no later than August 10, 2004, setting forth a specific, detailed response and plan to address each deficiency and requirement set forth in this document.
5. Pursuant to the reconstitution authorities of R.I.G.L. 16-7.1-5, the district is hereby ordered to immediately submit to the Commissioner a detailed operating budget for the entire Hope High School complex – showing all proposed school-level expenditures for the 2004-2005 school year. The expenditure of the \$600,000 in state general-revenue intervention funds designated for Hope High School is hereby frozen contingent upon the Commissioner's review and approval of said budget for school-level expenditures.

(Exhibit No. 127)

The July 12, 2004, Order to Show Cause re: Discontinuation of Operation 2005-2006 School Year states in full as follows:

1. Pursuant to the reconstitution authorities of R.I.G.L. 16-7.1-5, the district is hereby ordered to appear before the Commissioner, at a date and time to be designated once the District's Corrective Action Plan has been reviewed and the 2003-2004 assessment and accountability results and rankings are available, to show cause as to why the operation of Hope High School should not be discontinued, effective September 2005.
2. Depending upon the outcome of this show-cause hearing, the Commissioner hereby notifies the district that he may require the discontinuation of operation of the school in its present form effective September 2005.
3. The Commissioner hereby further notifies the district that, depending upon the outcome of the show-cause hearing, he may require that all personnel in the three Small Learning Communities at Hope High School be notified that their jobs have been consolidated prior to March 1, 2005, in order that the 2004-2005 school year can be used to establish and staff three new Small Schools, to be operated and staffed commencing with the 2005-2006 school year at the Hope High School facility, based upon criteria established by the Commissioner.

(Exhibit No. 127)

The PPS submitted a draft Corrective Action Plan for HHS to the Commissioner on August 10, 2004 (Exhibit No. 128) and submitted a second draft Corrective Action Plan on October 27, 2004. (Exhibit No. 131) The PPS submitted a final Corrective Action Plan to the Commissioner on November 18, 2004, the adequacy of which is the subject of the instant hearing and decision. (Exhibit No. 134)

In addition to the statutory grant of authority for implementing progressive support and intervention, including reconstitution of targeted schools and districts as set forth in RIGL § 16-7.1-5, the Commissioner further relies upon the following statutory grants of authority in hearing and deciding the specific interventions to be implemented at Hope High School, given its continued status as a school in need of improvement, corrective action, restructuring, and reconstitution: 20 USC 1116 (b)(14), (c)(10) (authorizing the state education agency to take corrective action to ensure that the responsible LEA "substantially and directly responds to the consistent academic failure that caused the state to take [corrective action] designed to meet the goal of having all students... achieve at the proficient and advanced student achievement levels); RIGL § 16-1-8 (authorizing and directing the Commissioner to inspect schools and direct improvements in the administration of the school system); RIGL §§ 16-1-10, 16-1-11, 16-5-30 (withholding of aid by the Commissioner); RIGL § 16-7.1-16 (authorizing the Commissioner to require a school district to reserve a portion of targeted aid for intervention remedies); RIGL §§ 16-60-4, 16-60-6, 16-60-9 (authorizing investigation of all transactions and matters relating to public

elementary and secondary education including subpoena power); and RIGL § 45-13-1.1 (authorizing the impounding of state aid equal to an amount required to be paid by state law)